



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

Approved 02/05/2019

Effective XX/XX/2019

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PURPOSE AND SCOPE

The Orange County Taxi Administration Program (OCTAP) is an association of Orange County Agencies formed to establish a policy for entry into the business of providing Taxicab transportation service in compliance with Agencies' requirements under California Government Code § 53075.5. OCTAP was formed pursuant to interagency-agreements between the Orange County Transportation Authority (OCTA) and participating Agencies. The objective of OCTAP is to establish minimum safety and service standards for the provision of Taxicab services in Orange County, to increase public safety, reduce administrative costs for the public and private sector, and to expand the provision of private transportation service in Orange County.

Although not a participating Agency, OCTA provides administrative functions for the OCTAP program and manages the permitting processes necessary to issue Taxicab company, vehicle, and driver permits on behalf of the Agencies. The OCTAP Regulations are intended to define minimum Taxicab company, Taxicab vehicle, and Taxicab driver permitting requirements, establish minimum safety and service standards for the operation of a Taxicab, and consolidate the permitting of Taxicab transportation service for the Agencies.

Agency Legislative Independence and Authority Retained.

The OCTAP Regulations are developed by the Agencies and enforced through adoption of the OCTAP Regulations into each Agency's municipal code. Each Agency shall be responsible for enforcing the OCTAP Regulations, prosecuting violators, and notifying OCTAP of such occurrences. 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 the OCTAP Regulations, shall remain within the authority and jurisdiction of each Agency.

Each Agency retains all authority, responsibility, and independence for Taxicab regulation and enforcement within its Area of Jurisdiction. Each Agency retains the right and authority to select the Company(ies) authorized to operate within its jurisdiction, including the number of Taxicabs authorized to pick up passengers within its jurisdiction. Each Agency reserves the right to implement and enforce additional requirements or limits beyond the OCTAP Regulations.

DEFINITIONS

1. Agency

“Agency” means each City and the County of Orange that participates in OCTAP.

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.

3. ASE

“ASE” means the National Institute for Automotive Service Excellence.

4. Bandit Taxicab

“Bandit Taxicab” refers to a Taxicab operating within the Area of Jurisdiction of any OCTAP Agency without a valid OCTAP permit, when one is required, or other permit issued by a permitting agency that is accepted by the OCTAP Agencies.

5. BAR

“BAR” means the Bureau of Automotive Repair.

6. Company

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

7. Company Permit

“Company Permit” means a valid permit issued by OCTAP authorizing a Company to operate a Taxicab business within the Area of Jurisdiction of any participating Agency, which allows the Company to serve that Agency.

8. Driver

“Driver” means a person who has a valid OCTAP-issued Driver Permit.

9. Driver Permit

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

10. OCTA

“OCTA” means the Orange County Transportation Authority.

11. OCTAP

“OCTAP” means the Orange County Taxi Administration Program.

12. Permittee

“Permittee” means a Company that holds a valid OCTAP Company Permit.

13. 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 California Public Utilities Commission (CPUC), or any other vehicle operating under the authority of any state agency, including the CPUC.

14. Taxicab Permit

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

15. Transportation Agreements

“Transportation Agreements” means any separate agreement that an Agency has established with an OCTAP Permittee for operation within its jurisdiction.

AGENCY AND OCTA PARTICIPATION

Agency Responsibilities.

Each Agency shall:

- Participate as a member of OCTAP.
- Appoint its City Manager, Executive Officer, or their designee, to participate as a member of the OCTAP Steering Committee.

- Adopt and enforce a Taxicab ordinance or resolution consistent with the OCTAP Regulations.
- Enforce, and if necessary, prosecute all violations of its Taxicab ordinance or resolution and the OCTAP Regulations.
- Notify OCTAP of any public or law enforcement complaint pertaining to permitted Taxicab companies, Taxicabs, and Taxicab drivers within its Area of Jurisdiction.

OCTA Responsibilities.

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

- Provide staff and administrative services necessary to issue permits and implement the OCTAP Regulations.
- Collect fees to cover the costs of administering OCTAP and collect fines associated with violations of OCTAP Regulations.

However, OCTA shall not assume liability for the performance of Taxicab companies, Taxicab drivers, or Taxicabs. OCTA is not responsible for the enforcement of Agency ordinances or resolutions, the enforcement of non-permitted Taxicab operations, or for collecting franchise fees or business license fees imposed by participating Agencies on Taxicab companies or drivers.

STEERING COMMITTEE

The OCTAP Steering Committee shall be appointed by the Agencies. The OCTAP Steering Committee is responsible for creating the OCTAP Regulations and advising OCTA on matters including the OCTAP Regulations, the policies and procedures governing the issuance of permits, and public safety issues in Orange County. The OCTAP Steering Committee will meet as needed to advise OCTA on all matters discussed herein.

1. GENERAL RULES AND REQUIREMENTS

Each OCTAP Permittee, its management, employees, affiliated drivers, leaseholders, and owner-operators are individually and jointly responsible for complying with OCTAP Regulations; all California Vehicle Codes and Statutes; all applicable federal, state and local laws, statutes, and ordinances; all ordinances of a City, Agency, Airport, or County related to the operation of a Taxicab; and all lawful orders, rules, and regulations promulgated thereunder regarding the transportation of customers in a Taxicab.

1.1. Permittee.

- 1.1.1 Permittee shall ensure Taxicabs are driven only by OCTAP permitted Drivers.
- 1.1.2 Permittee shall not operate a Taxicab without a valid Taxicab Permit from OCTAP, unless otherwise permitted by law.
- 1.1.3 Permittee shall notify OCTAP within forty-eight (48) business hours of an affiliated Driver who becomes unqualified or unauthorized to drive a Taxicab or upon termination of employment or affiliation with Permittee.
- 1.1.4 Permittee shall maintain all programs and requirements for receiving a Company Permit and verify the continuous enrollment of affiliated drivers in their OCTAP-approved drug and alcohol testing program and DMV Pull Notice program.
- 1.1.5 Permittee shall 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.
- 1.1.6 Permittee shall cooperate fully with OCTAP Staff.
- 1.1.7 Permittee shall notify OCTAP staff within forty-eight (48) business hours when vehicles are removed from service and will surrender OCTAP vehicle permits in accordance with Section 4.5.
- 1.1.8 Permittee shall maintain reasonable financial responsibility to conduct Taxicab transportation services in accordance with the OCTAP Regulations.
- 1.1.9 Permittee shall maintain a safety education and training program in effect for all Taxicab Drivers, whether employees or contractors.
- 1.1.10 Permittee shall maintain a disabled access education and training program to instruct its Taxicab Drivers on compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal.
- 1.1.11 Permittee shall disclose fares, fees, or rates to the customer, and may satisfy this by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request.

1.1.12 For on-demand (flagged) trips, the Taxicab must possess a fully operational taximeter with current and intact seals, or any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code. The customer shall not be charged a fare that exceeds the authorized fare.

1.2 Permitted Drivers.

- 1.2.1 A Driver must possess and display a valid OCTAP Driver Permit in order to operate a Taxicab, and at all times the taxicab is in operation, on behalf of a Permittee.
- 1.2.2 A driver shall not operate a taxicab without a valid OCTAP Taxicab Permit.
- 1.2.3 Permitted Drivers shall adhere to all regulations related to Taxicab Operation in Section 6.
- 1.2.4 Permitted Drivers may only pick up passengers in the Area of Jurisdiction of those agencies that have approved the Permittee he/she represents, unless otherwise permitted by law.
- 1.2.5 Permitted Drivers shall cooperate with the Permittee, Law and Code Enforcement Officers, and OCTAP Staff, including random testing and all vehicle inspections.
- 1.2.6 The Driver Permit must be displayed in the passenger side area of the dashboard, easily viewable from inside or outside of the vehicle. The Driver Permit must be attached in a way that makes it removable by the Driver to provide to law enforcement, code enforcement officers, or OCTAP staff, when requested. The Driver's California driver license number on the Driver Permit may be covered by a removable label, if desired. No other alterations, covered, or hidden information to the OCTAP Driver Permit is allowed.
- 1.2.7 A driver in possession of an altered or defaced permit will not be considered to be in possession of a valid Driver's Permit.
- 1.2.8 A Driver shall not display another person's OCTAP Driver Permit or allow another person to use their Driver Permit.

- 1.2.9 A Driver shall not carry more passengers in the Taxicab than are authorized by the manufacturer's recommendations. Operational seat belts must be available for all passengers.
- 1.2.10 A Driver shall operate a Taxicab in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort, and convenience of passengers, and of the general public.

2. COMPANY PERMITS

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, unless otherwise authorized by Government Code § 53075.5, or without permission from the Agency to operate in the Area of Jurisdiction of such Agency, if the Agency's legislative body requires such permission.

2.1 Company Permit Requirements.

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

- 2.1.1 Submission of a complete Company Permit application package.
- 2.1.2 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 affiliated permitted Drivers pursuant to Government Code § 53075.5 and meeting the following requirements.
 - 2.1.2.1 A contract with a drug and alcohol program administrator and authorized lab certified by the U.S. Department of Transportation.
 - 2.1.2.2 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.
 - 2.1.2.3 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.
 - 2.1.2.4 Procedures and components for random testing following U.S. Department of Transportation guidelines, annual minimum random testing rates, and additional tests as required following accidents, rehabilitation, return-to-service,

and other circumstances providing reasonable suspicion to test.

- 2.1.2.5 When requested, random testing reports to be made available to OCTAP by the program administrator.
 - 2.1.2.6 The applicant's and program administrator's records shall be made available to OCTAP upon request within forty-eight (48) business hours.
 - 2.1.2.7 The test results must be provided to OCTAP and the Permittee by the testing facility.
 - 2.1.2.8 Drivers must show a valid California driver license at the time and place of testing.
- 2.1.3 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.
- 2.1.3.1 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 their respective elected and appointed officials, officers, directors, employees, agents and volunteers. No self-insured retention shall be allowed.
 - 2.1.3.2 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 their respective 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.

- 2.1.3.3 At least one (1) business day 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.
- 2.1.4 Submission of Department of Motor Vehicles (DMV) Pull Notice Program Requester Code Number issued to applicant, as defined in Vehicle Code § 1808.1 and continuous enrollment in the Pull Notice program. All affiliated Taxicab Drivers must be enrolled within seven (7) calendar days from inception of the program or date of affiliation. Permittees are required to notify OCTAP upon receipt of a DMV Pull Notice for any affiliated Driver that indicates an action that would no longer qualify the Driver for a Driver Permit. Permittee shall require the Driver to immediately cease operation and surrender their Driver Permit to Permittee. Permittee shall return the Driver Permit to OCTAP within forty-eight (48) business hours of DMV Pull Notice receipt. DMV Pull Notice records shall be made available to OCTAP within forty-eight (48) business hours of request.
- 2.1.5 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 5.2.
- 2.1.6 Every owner, partner, or principal officer of applicant has submitted to Live Scan fingerprinting at an approved California Department of Justice fingerprinting agency to initiate a Department of Justice (DOJ) background check (first time applicants only unless otherwise required) and has enrolled in the DOJ subsequent arrest notification program.
- 2.1.7 Every owner, partner, or principal officer of applicant has successfully cleared all background checks.

- 2.1.8 At the time the Company Permit application is submitted, the applicant shall provide to OCTAP a list of OCTAP permitted Drivers authorized to operate the Taxicabs.
- 2.1.9 Payment of all applicable fees.
- 2.1.10 Company shall have a principal place of business from which it conducts its activities as a Taxicab company and related activities. Multiple locations for other activities such as storage, maintenance/repair, etc., are allowed. For the purposes of these Regulations, if the Company has provided OCTAP with a valid address for the receipt of notices and correspondence from OCTAP, a "principal place of business" may be a Taxicab.
- 2.1.11 OCTAP may require additional verification for compliance with the requirements defined herein.
- 2.1.12 OCTAP Company Permit number must be conspicuously posted in all company advertisement and media, as required by California Government Code § 53075.9. Posting must be worded as "OCTAP Company Permit #XXX". Additionally, advertisements must use the OCTAP permitted Company name.

2.2. Company Permit 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:

- 2.2.1 Is less than 18 years of age.
- 2.2.2 Falsifies material information on the application for Company Permit.
- 2.2.3 Is a registered sex offender pursuant to California Penal Code § 290.
- 2.2.4 Is on formal probation or parole for any offense outlined in Sections 2.2.5., 2.2.6., or 2.2.7.
- 2.2.5 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 Permittee.

- 2.2.6 Is convicted (or pleads guilty or nolo contendere) in any state for a felony other than those listed in Section 2.2.5., within eight (8) years of the application.
- 2.2.7 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.
- 2.2.8 Operation of its business without the insurance required in Section 2.1.3.
- 2.2.9 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 ten (10) years from the date that the judgment was originally entered pursuant to California Code of Civil Procedure § 683.020 and § 683.030 or, if the judgment has been renewed, within ten (10) years from the date that the application for renewal of judgment is filed pursuant to California Code of Civil Procedure § 683.120.
- 2.2.10 For good cause, subject to appeal pursuant to Section 8. Good cause is defined to include, but is not limited to, arrests, charges, offenses, or convictions related to the responsibilities and functions of a Taxicab company not specifically outlined in this section, that would be prudent to consider in order to protect the public.

2.3. Company Affiliated Drivers.

At the time the Company Permit application is submitted, the applicant shall provide to OCTAP a list of OCTAP permitted Drivers authorized to operate the Taxicabs. A Permittee may add Drivers to its list of Drivers authorized to operate the Taxicabs identified in the Company Permit, provided that the Driver to be added has been issued a Driver Permit by OCTAP which states the Driver is affiliated with the Permittee.

2.4. Company Permit Issuance.

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

2.5. Term of Company Permit.

The Company Permit is valid until December 31, 2020, unless extended, suspended, or revoked.

2.6. 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 in order to allow sufficient time to review the application for renewal. Failure to submit an application for renewal of the Company Permit at least sixty (60) days prior to the current expiration could result in a lapse in the Company Permit and suspension or revocation of Taxicab Permits. A lapse in the Company Permit may require a Company to submit an application and fees for a new Company Permit, and fees for Taxicab Permit(s).

2.7. Company Permit Suspension/Revocation.

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

- 2.7.1 Providing late, false, or inaccurate information in the Company Permit application.
- 2.7.2 Allowing operation of a Taxicab by a driver not possessing a valid OCTAP Driver Permit when stating that the driver is affiliated with the Permittee.
- 2.7.3 Failure to comply with the OCTAP Regulations.
- 2.7.4 Operation of any Taxicab at a rate higher than the authorized fare or an agency program as described in Section 2.10.
- 2.7.5 Failure to cooperate with an Agency's law enforcement officers, code enforcement officers, OCTAP staff, and/or California Highway Patrol.
- 2.7.6 Operating its business in violation of the insurance requirements in Section 2.1.3.
- 2.7.7 Failure to comply with the drug and alcohol policy and program required in Section 2.1.2.
- 2.7.8 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 ten (10) years from the date that the judgment was originally entered pursuant to California Code of Civil

Procedure § 683.020 and § 683.030 or, if the judgment has been renewed, within ten (10) years from the date that the application for renewal of judgment is filed pursuant to California Code of Civil Procedure § 683.120.

- 2.7.9 Circumstances providing grounds for denial of a Company Permit as outlined in the OCTAP Regulations.
- 2.7.10 Violating Government Code § 53075.9 pertaining to advertising.
- 2.7.11 For good cause, subject to appeal pursuant to Section 8. Good cause is defined to include, but is not limited to arrests, charges, offenses, and or convictions related to the responsibilities and functions of a Taxicab company not specifically outlined in this Section, that would be prudent to consider in order to protect the public.

2.8 Company Permit Penalties/Suspensions.

In lieu of revocation, OCTAP may impose a penalty in the form of a fine, a period of suspension, or both a fine and period of suspension. The OCTAP Administrative Action and Fines Schedule is attached as “Attachment 3.”

2.9 Right to Appeal.

A Company Permit applicant or Permittee may appeal a Company Permit denial, revocation, suspension, or fine as provided for in Section 8.

2.10 Agency or Other Transportation Agreements.

- 2.10.1 An OCTAP Permittee may participate in agency or other transportation programs within the jurisdiction of OCTAP under the following conditions:
 - 2.10.1.1 Transportation program requirements do not conflict with OCTAP Regulations. Agency or other providers may require standards and guidelines that are greater than general OCTAP requirements. The agency or provider is responsible for managing and monitoring its program-specific requirements.
 - 2.10.1.2 Permittee is in good standing with OCTAP, maintains all required OCTAP permits, and continues to comply with all OCTAP requirements.
 - 2.10.1.3 Taxicab Driver must continue to display OCTAP Driver Permit regardless of any other agency or program identification that may be required by the sponsoring agency.

- 2.10.1.4 Permittee may establish a specialized fare structure for agency or program trips through its agreement with the agency.
- 2.10.1.5 For on-demand (flagged) trips, the metering device must be operated any time the Driver is carrying a customer on behalf of Permittee, regardless of an agreement pursuant to Section 6.4.

3. DRIVER PERMITS

A Driver must be affiliated with an OCTAP permitted Company and possess a valid OCTAP Driver Permit in order to operate a Taxicab.

3.1. Driver Permit Requirements

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

- 3.1.1 Complete Driver Permit application, signed by a representative of the Permittee to which the driver intends to be affiliated.
- 3.1.2 Valid California driver license (Class C).
- 3.1.3 California Department of Motor Vehicles H6 report issued within thirty (30) days of submission of a complete application package.
- 3.1.4 A negative drug and alcohol screening test administered by Permittee's program administrator within the previous thirty (30) days in compliance with California Government Code § 53075.5(b)(3).
- 3.1.5 Proof of enrollment in Permittees current and active random drug and alcohol program.
- 3.1.6 Live Scan fingerprints taken at an approved California Department of Justice finger printing agency.
- 3.1.7 Acceptable CDL and DOJ background checks.
- 3.1.8 Payment of all applicable fees.

3.2 Driver Permit Issuance.

A Driver Permit shall be issued within five (5) business days after satisfaction of requirements in Section 3.1.

3.3 Term of Driver Permit.

A Driver Permit is valid until December 30, 2020, unless extended, suspended, revoked, otherwise terminated, or when issued based on a temporary or interim California driver license.

3.4 Renewal of Driver Permit.

Up to sixty (60) working days prior to the expiration of the Driver Permit, the Driver may reapply for a Driver Permit pursuant to Section 3 in order to allow time to review the application for renewal. The renewal of a Driver Permit shall be granted within five (5) business days of satisfaction of all requirements for renewal.

If a Driver Permit expires before approval of renewal, the Driver will not be allowed to operate a Taxicab until the renewal Driver Permit is approved, issued, and in the Driver's possession. Drivers who do not apply to renew prior to the expiration of their permit will be charged late fees in accordance with the OCTAP fee structure.

3.5 Driver Permit Limitation.

An OCTAP Driver Permit is only valid for the Driver to operate a Taxicab for the Permittee indicated on the Driver Permit. A Driver may not operate a Taxicab for another Company unless the Driver completes a transfer application pursuant to Section 3.7. Reproduction of a Driver Permit is strictly prohibited for any reason with the exception of Company management copying the permit for recordkeeping purposes.

3.6 Replacement Driver Permit.

A replacement for a lost or damaged Driver Permit or a subsequent Driver Permit previously issued based on a temporary or interim California driver license may be obtained from OCTAP upon payment of all applicable fees. A Driver shall not operate a Taxicab until a replacement permit is obtained and in possession of the Driver pursuant to this Section. A replacement Driver Permit shall expire on the same date as the original Driver Permit and shall not exceed the Driver's annual permit period.

3.7 Driver Permit Transfer to Another Company.

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

- 3.7.1 A Driver Permit application signed by an authorized representative of the prospective Permittee.
- 3.7.2 The Driver Permit transfer fee.
- 3.7.3 Valid California driver license (Class C).
- 3.7.4 OCTAP Driver Permit to be transferred.
- 3.7.5 Verification of enrollment transfer in Permittee's current and active random drug and alcohol program.
- 3.7.6 Driver shall not operate a Taxicab until the transfer permit is obtained and in possession of the Driver pursuant to this Section.
- 3.7.7 A transferred Driver Permit shall expire on the same date as the original Driver Permit and shall not exceed the Driver's permit period.

3.8 Driver Permit Denial.

A Driver Permit shall be denied if applicant:

- 3.8.1 Is less than 18 years of age.
- 3.8.2 Does not possess a valid California driver license (Class C).
- 3.8.3 Fails to enroll in the required random drug and alcohol program.
- 3.8.4 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 one (1) year from the test date.
- 3.8.5 Falsifies, or fails to disclose, material information on the application for a Driver Permit.
- 3.8.6 Is required to register as a sex offender pursuant to California Penal Code § 290.
- 3.8.7 Is on formal probation or parole for any offense outlined herein.
- 3.8.8 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 § 2800.2 (pertaining to disregard for safety of persons or property), § 2800.3 (pertaining to flight from peace officer causing death or bodily injury), or § 20001 (pertaining to duty to stop at scene of accident); robbery; pandering;

pimping; crimes related to the manufacture, use, sale, possession, or transportation of controlled substances; sale or transportation of marijuana; crimes involving weapons; any crime for which registration would be required under California Penal Code § 290; crimes involving credit card fraud or use of another person's identifying information without authorization (California Penal Code § 530 or equivalent or substitute sections); or any other offense involving moral turpitude or any crime that is substantially related to the qualifications, functions or responsibilities of a Taxicab driver.

- 3.8.9 Is convicted of any felony in any state (or pleads guilty or nolo contendere), other than those felonies listed in Section 3.8.8, within eight (8) years of application.
- 3.8.10 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); use or possession of marijuana; a violation of California Vehicle Code § 2800.1 (pertaining to flight from peace officer); § 20002 (pertaining to duty where property is damaged), § 20003 (pertaining to duty upon injury or death) or any corresponding substitute sections; vehicular manslaughter; and Penal Code §§ 240, 241, 242, and 243 or any corresponding substitute sections pertaining to assault and battery.
- 3.8.11 For good cause, subject to appeal pursuant to Section 8 below. Good cause is defined to include, but is not limited to, arrests, charges, offenses, and/or convictions related to the responsibilities and functions of a Taxicab driver, not specifically outlined in this Section, that would preclude an applicant from possessing an OCTAP Driver Permit.
- 3.8.12 Fails to execute a lease, sublease, or owner-operator agreement with Permittee.

3.9 Driver Permit Suspension/Revocation.

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

- 3.9.1 Failure to comply with the applicable provisions (including timeliness of submissions) of the OCTAP Regulations.
- 3.9.2 Circumstances providing grounds for denial of a Driver Permit as outlined in the OCTAP Regulations.
- 3.9.3 Revocation or suspension of driver's California driver license.

- 3.9.4 Driver's failure to cooperate with an Agency's law enforcement officers, code enforcement officers, OCTAP staff, and/or California Highway Patrol officers.
- 3.9.5 Notification to OCTAP by the Permittee that the Driver is no longer an authorized driver for the Permittee.
- 3.9.6 Testing positive on a drug and alcohol screening, or failure to submit to Permittees random drug and alcohol testing program.
- 3.9.7 Not enrolled and active in the required random drug and alcohol program.
- 3.9.8 For good cause pursuant to Section 8, subject to appeal. Good cause is defined to include, but is not limited to, arrests, charges, offenses, and or convictions related to the responsibilities and functions of a Taxicab driver, not specifically outlined in this Section, that would preclude a driver from possessing an OCTAP Driver Permit.
- 3.9.9 A Driver whose permit is revoked shall be prohibited from applying for a new Driver Permit for one (1) year from the date of revocation.

3.10 Driver Permit Penalty/Suspension.

In lieu of revocation, OCTAP 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. The OCTAP Administrative Action and Fines Schedule is attached as "Attachment 3."

3.11 Driver Permit Appeal.

The denial, suspension, or revocation of a Driver Permit may be appealed as provided in Section 8.

3.12 Driver Permit Surrender.

Upon expiration, suspension, or revocation of a Driver Permit, or upon termination of employment or affiliation with a Permittee, a Driver shall cease work immediately and surrender the Driver Permit to OCTAP within forty-eight (48) business hours.

4. TAXICAB PERMITS

4.1 Taxicab Permit Required.

No person shall operate a Taxicab, or advertise a Taxicab business, on behalf of a Permittee within the Area of Jurisdiction of an Agency without a Taxicab Permit from OCTAP, unless otherwise authorized by Government Code § 53075.5. At all times while providing taxi service, the Taxicab Permit must be displayed in the left-hand corner of the rear window of the Taxicab for which the Taxicab Permit is issued. A Taxicab Permit is nontransferable and is valid until December 31, 2020, unless, extended, suspended or revoked.

4.2 Inspections.

Prior to issuance or renewal of a Taxicab Permit, Company must complete a vehicle inspection at an ASE-certified or BAR-registered facility and submit proof to OCTAP, signed by the inspecting facility, that the Taxicab has met all inspection standards.

4.3 Vehicle Replacement.

OCTAP shall issue a Taxicab Permit for a replacement Taxicab, valid for the time remaining under the Taxicab Permit of the replaced Taxicab, upon satisfaction of the following conditions:

- 4.3.1 Permittee submits the new Taxicab within two weeks of the time that the original permit is surrendered.
- 4.3.2 Surrender of the existing Taxicab Permit to OCTAP.
- 4.3.3 Payment of Vehicle Permit replacement fee.
- 4.3.4 Company provides proof satisfactory to OCTAP that the replacement Taxicab passes a Taxicab inspection by an ASE-certified or BAR-registered facility.

4.4 Taxicab Permit Renewal.

A Taxicab Permit shall be renewed annually upon payment of applicable fees and submission of proof satisfactory to OCTAP that the Taxicab passes an inspection by a facility certified by an ASE-certified or BAR-registered facility.

- 4.4.1 Upon the successful completion of the above requirements, OCTAP shall provide a new expiration year for the Taxicab Permit.
- 4.4.2. A Taxicab presented for renewal after the permit expiration date will be charged late fees, up to and including the date the Taxicab permit is renewed (in accordance with the current OCTAP Fee Structure), and subjects the Permittee to other administrative actions and fines.

4.5 Taxicab Permit Surrender.

A Permittee, when selling or removing a Taxicab from the fleet, must assure that the OCTAP Taxicab Permit, welcome decals, and other OCTAP Taxicab markings are removed and that the vehicle cannot be mistaken by the public as an authorized Taxicab. OCTAP Permits and welcome decals must be surrendered to OCTAP within forty-eight (48) business hours.

4.5.1 A Permittee must surrender the Taxicab Permit to OCTAP if a Taxicab has been removed from the OCTAP-approved insurance policy, if the Taxicab Permit is revoked, or upon its expiration (if the Taxicab Permit will not be renewed).

4.5.2 A Taxicab permit which is voluntarily surrendered by a Permittee can be replaced upon completion of an annual Taxicab inspection and payment of the required fees, or as provided in Section 4.6.

4.6. Replacement Taxicab Permit.

If a Taxicab Permit has been damaged or is missing due to theft or destruction, a replacement permit will be issued to the same Taxicab and Permittee, upon payment of the required replacement fee. The replacement Taxicab Permit shall be valid for the remaining term of the Taxicab Permit that was replaced.

5. TAXICAB REQUIREMENTS

All Taxicabs shall meet the requirements of the California Vehicle Code, including, but not limited to, California Vehicle Code § 24000, et seq. The California Vehicle Code shall take precedence over any OCTAP Taxicab requirement. Taxicabs must be maintained to these standards at all times.

5.1 Proof of Insurance.

Taxicab Drivers shall at all times carry in the vehicle evidence of the form of financial responsibility in effect for the vehicle, pursuant to California Vehicle Code §§ 16020 through 16028.

5.2 California Vehicle Registration.

Evidence of valid and current vehicle registration must be maintained in each Taxicab, pursuant to California Vehicle Code § 4462.

5.2.1 Registered as a commercial vehicle, pursuant to California Vehicle Code § 260.

- 5.2.2 Registered to the Permittee showing the same Permittee name and address or registered to the OCTAP permitted Driver showing the same permitted Driver name and address.

5.3 Taxi Company Designation.

Permittee's Company name and/or logo shall be placed in an area visible from the interior and exterior of the vehicle at all times while in service and when soliciting passengers on behalf of Permittee.

5.4 Vehicle Maintenance and Records.

All Taxicabs shall be maintained in accordance with the service standards recommended by the vehicle manufacturer. Service records and repair or maintenance receipts shall be kept and made available to OCTAP Staff upon request.

5.5 Seating.

All Taxicabs shall be equipped to seat no more than eight (8) passengers, excluding the driver.

6. TAXICAB OPERATION

A Driver must possess and display a valid Driver Permit at all times while providing Taxicab service. Driver shall ensure that the Taxicab meets all requirements of the OCTAP Regulations prior to placing the Taxicab in service. Any driver in possession of an altered, copied, or defaced permit will not be considered in possession of a valid Driver's Permit.

6.1 Solicitation.

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

6.2 Fares Charged.

For pre-arranged trips, a Driver shall not charge fares higher than those disclosed to the customer in accordance with Section 1.1.11. For on-demand (flagged) trips, the Taxicab must possess a fully operational taximeter with current and intact seals, or any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code. The customer shall not be charged a fare that exceeds the authorized fare.

6.3 Receipt.

Driver shall provide a receipt for the amount charged upon request of the person paying the fare, which contains the Driver's name and permit number, telephone number, Permittee name, charge amount, date, and time of transaction.

6.4 Accidents.

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

6.5 Agency or other Transportation Agreements.

Permitted OCTAP Drivers may participate in agency or other transportation programs within the jurisdiction of OCTAP under the following conditions:

- 6.5.1 The Driver must continue to follow all OCTAP Regulations.
- 6.5.2 The Driver must continue to display the OCTAP Driver Permit regardless of any other identification that may be required by the program or agency.
- 6.5.3 Taximeter must continue to be operated at any time that the Driver is carrying a customer, regardless of any other fare agreement.

6.6 Advertising.

Every permitted Driver shall comply with Government Code § 53075.9 and include, in every written or oral advertisement of the Driver's Taxicab services, the name of the Permittee, the Permittee's OCTAP Permit number, and the Driver's OCTAP Permit number. An advertisement includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing or allowing the placement of any sign or marking on or in any building or structure; or an advertisement in any media form, including newspaper, magazine, radio wave, satellite signal, or any electronic transmission, or in any directory soliciting Taxicab transportation services.

7. REPORTING VIOLATIONS OF OCTAP REGULATIONS

OCTAP may investigate for violations of OCTAP Regulations and issue any appropriate administrative actions, including fines. OCTAP will not investigate any reports of alleged illegal Taxicab operation, such as bandit Taxicab activity, but may refer such reports to the local code or law enforcement agency. A person reporting a violation must provide OCTAP with their name and contact information.

Reports alleging illegal Taxicab operation or violation of the OCTAP Regulations shall require all of the following information be provided:

- Date, time and location;
- Description of activity;
- Vehicle's license plate number, color, make and model, and any distinctive characteristics.

Reports alleging a violation of Government Code § 53075.9 pertaining to advertising must provide a copy or sample of the advertising information (such as the sign, business card, advertising display, webpage, electronic recording or phone directory) evidencing non-compliance with the statute.

8. APPEALS AND ADMINISTRATIVE HEARINGS

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

8.1 Notice of Appeal.

No later than ten (10) calendar days following the date on the notice of 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.

8.2 Stay.

Except as provided in Section 8.3., if an appeal is properly filed the adverse action shall be stayed pending the final determination on appeal.

8.3 Stay, Exception.

If OCTAP determines that 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.

8.4 Initial Review of Appeal.

If an appeal is timely filed, OCTAP shall either make the final decision regarding the appeal or shall assign a hearing officer to make the final decision regarding the appeal. OCTAP 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.

8.5 Hearing Officer.

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

- 8.5.1 The hearing officer shall not have participated in the decision which is the subject of the appeal.
- 8.5.2 The hearing officer shall expeditiously schedule the appeal hearing.
- 8.5.3 The appellant and OCTAP 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.
- 8.5.4 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.
- 8.5.5 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.
- 8.5.6 OCTAP 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.
- 8.5.7 The hearing officer shall have the discretion to determine the appropriate action in response to the appeal.
- 8.5.8 The decision of the hearing officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.
- 8.5.9 If the hearing officer decides to suspend or revoke a permit, the appellant shall immediately surrender the permit to OCTAP.

8.6 Administrative Hearings.

Administrative hearings may be held at the discretion of OCTAP when the denial, suspension, or revocation of a Company Permit or Driver Permit, or other administrative actions, are initiated for good cause and in the interest of the health, welfare, and safety of the public.

9. PERMIT FEES AND TAXICAB FARES

9.1 OCTAP Permit Fees.

A schedule for Permit fees will be proposed by OCTAP, reviewed by the 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."

9.2 Metered Rates.

Taxicab metered rates are established by OCTAP for on-demand (flagged) trips.

9.2.1 Each Agency agrees to adopt the metered rates approved by the OCTAP Steering Committee, which is attached hereto as "Attachment 2."

9.2.2 Proposed revisions to the Metered Rates will be provided by OCTAP to the Steering Committee for approval, or the Steering Committee may approve consideration of a revised Metered Rate recommended by a member.

9.3 Refund Policy.

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

10. AMENDMENTS TO REGULATIONS

10.1 Administrative Amendments.

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

10.2 Substantive Amendments.

Notwithstanding Section 10.1, the Steering Committee is not authorized to adopt substantive amendments to the OCTAP Regulations. Any substantive amendment shall be recommended by the Steering Committee and be approved by each Agency. These amendments 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:

10.2.1. Affect the rights, responsibilities, and participation of any Agency (such an amendment must also be approved by the OCTA Board of Directors).

10.2.2. Decrease the number of Companies or the number of Taxicabs operating in the Area of Jurisdiction of any Agency.

10.2.3. Affect the purpose of the OCTAP Regulations.

10.3 OCTAP Permit Fees and Taxicab Metered Rates.

10.3.1. Sections 10.1 and 10.2 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.

10.3.2. An amendment of the Taxicab Metered Rates for On-Demand (Flagged) Trips attached hereto as “Attachment 2” and adopted pursuant to Section 9.2 of these Regulations shall be considered an administrative amendment pursuant to Section 10.1 in order to ensure uniformity of fares within Orange County.

--End of Regulations--

OCTAP Regulations – Attachment 1
ORANGE COUNTY TAXI ADMINISTRATION PROGRAM
OCTAP FEE STRUCTURE

(OCTA IS CURRENTLY ANAYZING FEE STRUCTURE. THIS IS A PLACEHOLDER UNTIL FEES ARE APPROVED BY OCTA'S BOARD OF DIRECTORS)

OCTAP Regulations – Attachment 2

**ORANGE COUNTY APPROVED TAXICAB METERED RATES
FOR ON-DEMAND (FLAGGED) TRIPS**

Effective: _____, 2019

\$3.50 for the flag drop and first 1/5 mile
\$0.55 for each 1/5 mile, after the first 1/5 mile (\$2.75 per mile)
\$32.00 per hour wait time (Approximately \$0.53 per minute)

No Extra Charge for Additional Passengers.

OCTAP Regulations – Attachment 3

OCTAP ADMINISTRATIVE ACTION AND FINES SCHEDULE

Effective: _____, 2019

DESCRIPTION	FINES (per occurrence)	ACTION
Advertising Failure to include, in any form of advertisement; the company permit number and company name associated with the permit.	Up to \$5,000	Escalating fines per advertising occurrence, up to \$5,000 per incident.
Taxicab permit Valid permit must be affixed to taxicab. Not in Service signs required if cab is not available for service.	\$500	Warning or suspension of company permit and revocation of all taxicab permits. Renewal, replacement, or re-inspection and fees apply.
Random drug and alcohol testing Failure to maintain program in accordance to the policy submitted to OCTAP.	\$500	Warning or suspension of company permit and revocation of vehicle permits. Re-inspection and fees apply.
Unauthorized driver Allowing a non-permitted individual or a driver to operate a taxicab without establishing a lease or owner-operator agreement.	\$500	Warning or suspension company permit and revocation of all vehicle permits. Re-inspection and fees apply.
Insurance Failure to submit renewal at least one business day prior to policy expiration, incomplete submission, unqualified insurance provider, or inadequate coverage.	\$250	Suspension of company permit and revocation of vehicle permits on insurance policy expiration date. Re-inspection and fees apply.
Fares Operating or allowing a driver to use a rate higher than authorized fares.	\$250	Warning or suspension of company permit and revocation of vehicle permits. Re-inspection and fees may apply.
Failure to Cooperate or Comply with Regulations Failure to respond or provide documents requested by OCTAP and any failure to comply with regulations not specifically addressed in Administrative Action and Fines.	\$250	Warning or suspension company permit and revocation of all vehicle permits. Re-inspection and fees apply.
Vehicle Registration Expired vehicle registration or operating a vehicle not registered to the OCTAP Permittee or affiliated permitted driver.	\$250	Warning or suspension of company permit and revocation of vehicle permits. Re-inspection and fees apply.
Taximeter or Approved Metering Device Broken or missing seals, outdated seals, non-functioning meter, or a taximeter or metering device that charges a fare other than the authorized metered rate.	\$100	Warning or suspension of company permit and revocation of vehicle permits. Re-inspection and fees apply.
Dispatch Failure to provide reservation and dispatch services or records in accordance to company policy submitted to OCTAP, or failure to provide dispatch records to OCTAP upon request.	\$100	Fine will increase to \$250 after second offense in a 24 month period. May result in suspension of company permit and revocation of all vehicle permits. Re-inspection and fees apply.
DMV Pull Notice Program Failure to maintain an active program, to enroll driver(s), to notify OCTAP of non-qualified driver(s) as required, or to provide pull notice records to OCTAP upon request.	\$100	Warning or suspension of company permit and revocation of vehicle permits. Fine may increase for repeated occurrences

Applies to Taxicab Permittee

Applies to Taxicab Driver	Customer Information Failure to display required interior information; out of service sign.	\$50	Warning. Re-inspection and fees apply.
	Driver Affiliation Notification Failure to notify OCTAP of non-qualified or unauthorized driver(s) within 48 hours.	\$50	Warning or suspension of company permit and revocation of all vehicle permits. Re-inspection and fees apply.
	Advertising Failure to include in any advertisement the OCTAP issued company and driver permit number and affiliated taxicab company name.	Up to \$5,000	Escalating fines per occurrence, up to \$5,000 per incident.
	Operating an Unsafe Vehicle Driver shall ensure daily that the taxicab meets all safety and inspection standards prior to placing the taxicab in service.	\$250	Vehicle may be placed Out of Service. Re-inspection and fees may apply.
	Fares Failure to run taximeter or approved metering device; charging a fare that exceeds authorized metered rate for on demand (flagged) trip; or charging more than the agreed-upon price for prearranged trips booked through the permitted taxicab company.	\$250	Repeated occurrence may result in suspension or revocation of Driver Permit.
	Failure to Comply with Regulations Allowing another person to use your driver permit, a non-permitted person, or driver not affiliated with Permittee to operate your taxicab. Operating a taxicab without a lease or operating agreement with Permittee; and any other failure to comply with regulations not specifically addressed in Administrative Action and Fines.	\$250	Warning, suspension, or revocation of driver permit.
	Acceptance of Payments Failure to accept Visa and/or MasterCard payments.	\$100	Warning, suspension, or revocation of driver permit for repeat offenses.
	Company Affiliation Driving a taxicab for a company not identified on your driver permit.	\$100	Warning, suspension, or revocation of driver permit.
	Failure to Cooperate Fail to respond to requests, or to provide documents requested by OCTAP staff.	\$100	Warning, suspension, or revocation of driver permit.
	Altered Permit Possession or use of an altered OCTAP permit.	\$100	Warning, suspension, or revocation of driver permit.
	Taximeter Broken or missing seals, outdated seals, non-functioning meter.	\$50	Taxicab will be placed Out of Service. Re-inspection and fees will apply
	Receipt Failure to provide a receipt or to provide a receipt that meets requirements set forth in regulations.	\$25	Re-inspection and fees may apply.
	Driver Permit Failure to display as required.	\$25	Fine increases to \$50 after second offense in a 24 month period.
Insurance and Registration Failure to produce evidence of current insurance and/or registration	\$25 per item	Fines increasing to \$50 per item after second offense in a 24 month period.	