

RESOLUTION NO. 8402-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING AMENDED ORANGE COUNTY TAXI ADMINISTRATION
REGULATIONS AND RESCINDING RESOLUTION NOS. 8036-97 AND 8165-99

WHEREAS, the City Council of Garden Grove adopted regulations of the Orange County
Taxi Administration (the "OCTAP") by Resolutions Nos. 8036-97 and 8165-99; and

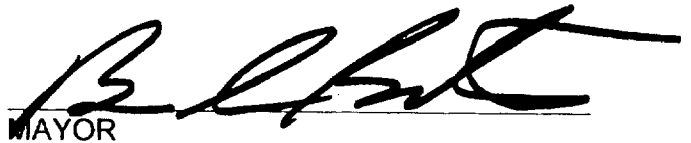
WHEREAS, OCTAP has modified its taxicab regulations, attached as Exhibit A; and

WHEREAS, the City Council desires to adopt OCTAP's modified and updated Taxicab
regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council does rescind Resolution
Nos. 8036-97 and 8165-99.

BE IT FURTHER RESOLVED that the City Council of the City of Garden Grove does
hereby adopt the attached Taxicab regulations.

Adopted this 27th day of November 2001.


MAYOR

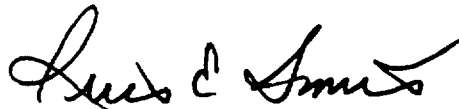
ATTEST:


CITY CLERK

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

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the
foregoing Resolution was duly adopted by the Council of the City of Garden Grove, California, at
a regular meeting held on the 27th day of November 2001 by the following vote:

AYES: COUNCILMEMBERS: (5) DALTON, LEYES, ROSEN, TRAN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE


CITY CLERK



REGULATIONS

OF THE

ORANGE COUNTY

TAXI ADMINISTRATION

PROGRAM

[Revised 7/26/00, approved by the Steering Committee on 7/26/00]

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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.

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- 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 of the County, 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.

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“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.

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- 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 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 license and permit fees to offset 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.

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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, and shall include two representatives of the permitted taxicab companies chosen by all permitted taxicab companies, and one representative of the tourist industry in Orange County.

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 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.

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;
- 5.2.2. Submission of a copy of applicant's drug and alcohol policy meeting OCTAP requirements;
- 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. In addition, the applicant shall direct the insurance company to provide to OCTAP certified copies of Endorsements to the insurance policy 1) naming the Agencies participating in the Orange County Taxi Administration Program and the Orange County Transportation Authority, their Officers, Directors, Employees and Agents as additional insureds; and 2) indicating that coverage shall not be reduced, terminated or cancelled without thirty (30) days' prior written notice to OCTAP. 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. No self-insured retention shall be allowed. Deductibles shall not exceed \$2500 per occurrence.
- 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 that would affect the Driver's OCTAP Driver Permit. In the event the Driver's DMV record indicates he/she no longer

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qualifies for a Driver Permit, Permittee shall require the Driver to turn over his/her 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 to the applicant;
- 5.2.7. Every owner, partner or principal officer of applicant has submitted to fingerprinting by the Orange County Sheriff's Department;
- 5.2.8. Every owner, partner or principal officer of applicant has successfully cleared a local background check; and
- 5.2.9. Submitted payment of all applicable fees, including, but not limited to, background check fee, Company Permit application fee, and Taxicab Permit application fee.

5.3. Bases for denial.

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

- 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; 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;

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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.

5.4. 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 72 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 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.

5.7. Compliance with separate Agency requirements.

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After OCTAP issues a Company Permit, the Permittee must then 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 thirty (30) days prior to expiration of the Company Permit, the Permittee should submit an application for renewal of its Company Permit pursuant to this Section in order to permit sufficient time to review the application for renewal.

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 false or inaccurate information in the Company Permit application; or
- 5.10.2. Allowing operation of a Taxicab by a Driver not in possession of a valid 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.
- 5.10.7. Operating its business without the insurance required in Section 5.2.3.

5.11. Company Permit fines/suspensions.

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

5.12. Right to appeal.

A Company Permit applicant 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 either a temporary or a permanent Driver Permit from OCTAP.

6.2. Temporary Driver Permit.

A temporary 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; 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. Fingerprints taken at the Orange County Sheriff's Department; and
- 6.2.6. A cleared local background check; and
- 6.2.7. Payment of all applicable fees, including the background check fee and Driver Permit application fee.

6.3. Term of temporary Driver Permit.

The temporary Driver Permit shall be valid for a period of no more than ninety (90) days unless extended by OCTAP for a specified period.

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6.4. Permanent Driver Permit.

A permanent Driver Permit shall be issued to replace a temporary Driver Permit once the applicant has successfully cleared a State Department of Justice background check.

6.5. Term of Permanent Driver Permit.

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

6.6. 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.

6.7. Renewal of Driver Permit.

No less than ten (10) working days prior to expiration of the Driver Permit, the Driver should re-apply for a Driver Permit pursuant to this Section in order to permit time to review the application for renewal.

6.8. Driver Permit limitation.

Each Driver Permit issued by OCTAP, including a temporary Driver Permit, shall be valid only for the Driver to operate a Taxicab for the Permittee indicated on the Driver Permit. No Driver may operate a Taxicab for a Company other than the Company listed on the Driver's Driver Permit.

6.9. Possession of Driver Permit required.

A Driver must have a valid Driver Permit in his/her immediate possession at all times while operating a Taxicab.

6.10. 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.

6.11. Replacement Driver Permit.

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

- 6.11.1. A replacement Driver Permit application along with the Driver Permit replacement fee; and
- 6.11.2. Two current 2" x 2" professional quality color photos (passport photos).

6.12. Expiration of replacement Driver Permit.

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

6.13. Driver Permit transferability to another Company.

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

- 6.13.1. A Driver Permit application that is signed by an authorized representative of the prospective Permittee;
- 6.13.2. A negative drug and alcohol screening test taken within the previous 30 days;
- 6.13.3. The Driver Permit transfer fee; and
- 6.13.4. Two current 2" x 2" professional quality color photos (passport photos) of the applicant.

6.14. Driver Permit Denial.

A Driver Permit shall be denied if applicant:

- 6.14.1. Is under the age of 18 years;
- 6.14.2. Does not possess a valid California Driver License (Class C);
- 6.14.3. Fails the drug and/or alcohol test required hereunder. 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
- 6.14.4. Falsifies, or fails to disclose, material information on the application for Driver Permit within the past one (1) year;

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- 6.14.5. Is required to register as a sex offender pursuant to California Penal Code Section 290;
- 6.14.6. Is on formal probation or parole for any offense outlined herein;
- 6.14.7. 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; 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;
- 6.14.8. Is convicted of any felony in any state (or pleads guilty or nolo contendere), other than those felonies listed in Section 6.14.7, within eight (8) years of application; or
- 6.14.9. 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.
- 6.14.10. For good cause after an administrative hearing by OCTAP, subject to appeal pursuant to Section 12 below.

6.15. Driver Permit suspension/revocation.

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

- 6.15.1. Failure to comply with the applicable provisions of the OCTAP Regulations;

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- 6.15.2. Circumstances providing grounds for denial of a Driver Permit as outlined in the OCTAP Regulations;
- 6.15.3. Revocation or suspension of Driver's California Driver's License;
- 6.15.4. Driver's failure to cooperate with an Agency's law enforcement officers, code enforcement officers, OCTAP staff, and/or California Highway Patrol officers; or
- 6.15.5. Notification to OCTAP by the Permittee that the Driver is no longer an authorized Driver for the Permittee.

6.16. Driver Permit fine/suspension.

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

6.17. Right to appeal.

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

6.18. Driver Permit Surrender.

- 6.18.1. A Driver Permit applicant must surrender his/her Temporary Driver Permit to OCTAP upon issuance of a Permanent Driver Permit or upon its expiration, whichever shall come first.
- 6.18.2. A Driver Permit applicant must surrender his/her Permanent 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 the OCTAP facility for a Taxicab inspection. OCTAP may, at its discretion, conduct Taxicab inspections at the Permittee's facility.

7.2. Term of Taxicab Permit.

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

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. The OCTAP inspector shall complete an inspection report at the time of inspection which shall indicate what repairs, if any, need to be made to the Taxicab. One copy of the report shall be given to the Driver. OCTAP shall mail a copy of the report to the Permittee to whom the vehicle is registered.
- 7.3.2. If the inspection report indicates the need for repairs to a Taxicab, the Permittee is required to present the Taxicab to OCTAP for re-inspection within the time frame provided in the report to verify that the required repairs have been made. A re-inspection fee shall be required at time of re-inspection.
- 7.3.3. If a Taxicab fails any inspection, the inspector may order such Taxicab out-of-service pending repairs and re-inspection. The inspector may suspend the Taxicab Permit by removing the Taxicab Permit sticker.
- 7.3.4. In the event that repairs have not been made to a Taxicab within the time frame provided for in the report, the Taxicab Permit shall be suspended or revoked until all corrections have been made to the satisfaction of OCTAP.
- 7.3.5. Upon correction and passing re-inspection, OCTAP shall re-instate the Taxicab Permit by issuing a replacement Taxicab Permit using the original expiration date.

7.4. Re-inspection.

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

7.5. Taxicab substitution.

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

- 7.5.1. Surrender of the Taxicab to be replaced to OCTAP for removal of the Taxicab Permit sticker;
- 7.5.2. passing a Taxicab inspection by the replacement Taxicab; and
- 7.5.3. payment of Taxicab Permit transfer fee.

7.6. Substituted Taxicab sticker.

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

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 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.

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.

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 be defined as an unrepaired dent, distortion, depression, bulge, tear, hole, or disfigurement.
- 8.2.2. The exterior of the Taxicab shall be maintained in a reasonably clean condition and shall be free of excessive dirt, tar, oil, and rust.
- 8.2.3. The Taxicab paint shall not be faded, blistered, cracked, chipped, peeled, or scratched.
- 8.2.4. Each OCTAP Permittee shall paint vehicles in one primary color scheme. OCTAP may approve one secondary color scheme for special vehicles.
- 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 August 1, 1999.

8.3. Brake System.

Pursuant to California Vehicle Code § 26453.

8.4. Climate Control.

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

8.5. Exhaust System.

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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.

Hubcaps or wheel covers shall be of like style and shall be on all wheels for which hubcaps 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, and phone number of the regulating agency (OCTAP) and the authorized fare schedule.

8.10.3. The valid Driver Permit issued to the Driver shall be in plain view of all passengers at all times that the Taxicab is in operation.

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- 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.

8.11. 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 operational.
- 8.12.9. Light lenses must be 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).

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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. Taximeter shall have an intact meter seal.

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

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 out of service if the taximeter is not working, the seal is broken or missing, 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.

8.24.3. Windows shall be operational as originally designed.

8.24. Windshield Wipers.

Pursuant to California Vehicle Code § 26707.

8.25. Footpedal 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.

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- 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.

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.

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.

9.5. 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.

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10.1. OCTAP 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.

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 year the OCTAP Administrator will conduct a study of comparable Taxicab fares and recommend a fare schedule to the OCTAP Steering Committee. Each Agency agrees to accept the taxicab fare levels approved by the OCTAP Steering Committee.

11. REFUND POLICY

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

12. APPEAL

12.1. Notice of adverse action.

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

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.

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- 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.
- 12.7.6. 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 fees and Taxicab passenger fares.

Sections 13.1 and 13.2 above shall not apply to an amendment to the OCTAP fee schedule, which must be approved by the OCTA Board of Directors. An amendment of the Taxicab passenger fares shall be considered an administrative

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amendment pursuant to Section 13.1 in order to ensure uniformity of fares within Orange County.