

Ordinance No. \_\_\_\_\_

AN ORDINANCE ADDING CHAPTER 9 TO TITLE 2, DIVISION 1; AMENDING TITLE 2, DIVISION 1, CHAPTER 1 AND AMENDING TITLE 2, DIVISION 1, CHAPTER 3 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO LICENSE REQUIRED FROM THE SHERIFF, FOR-HIRE VEHICLE DRIVERS, AND TAXICABS AND TAXICAB OPERATORS

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that the purpose of this ordinance is to amend parts of the San Diego Code of Regulatory Ordinances related to for-hire vehicle drivers and taxicab regulations. This ordinance will formalize the transfer of responsibility and provide the Sheriff's Office with the authority to deny, suspend, revoke, and process appeals for all for-hire vehicle drivers. This ensures that for-hire vehicle drivers are complying with eligibility requirements designed to protect the safety of both passengers and the public.

**Section 2.** Section 21.102 of the San Diego County Code of Regulatory Ordinances is hereby amended as follows:

**SEC. 21.102. LICENSE REQUIRED FROM THE SHERIFF**

The following activities require a license for which the Sheriff is the Issuing Officer:

- (a) Amusement Establishment and Devices
- (b) Amusement Ride Centers/Go-Cart Centers
- (c) Bathhouses
- (d) Carnivals and Circuses
- (e) Casino Parties
- (f) Entertainment Establishments
- (g) Entertainment Managers
- (h) Firearms Dealers
- (i) Fortune Telling
- (j) Holistic Health Practitioners
- (k) Junk Yards and Motor Vehicle Wrecking Yards
- (l) Massage Establishments
- (m) Massage Technicians
- (n) Massage Technician Trainees

- (o) [Reserved] For-Hire Vehicle Drivers
- (p) Merchandise Coupons
- (q) Off-Premises Massage
- (r) Outdoor Assemblies
- (s) Outdoor Assembly Managers
- (t) Pawnbrokers and Second Hand Dealers
- (u) Public Dances
- (v) Solicitors
  - (1) License
  - (2) Identification Card
- (w) Swap Meets
- (x) Taxicab Operators and Taxicab Drivers
  - (1) Operator's License
  - (2) Driver's Identification Card
- (y) Teen-age Dances

**Section 3.** Chapter 9 (For-Hire Vehicle Drivers), of Title 2, Division 1 of the San Diego County Code of Regulatory Ordinances is hereby added as follows:

**SEC. 21.901. DEFINITIONS**

**The following definitions shall apply to this chapter:**

- (a) “Approved Driver Safety Course” shall mean training course concerning driver safety rules and regulations, map reading, crime prevention, courtesy and professionalism, and compliance with the ADA approved by MTS or the San Diego County Sheriff.
- (b) “Charter vehicle” shall mean every vehicle which:
  - (1) Transports passengers or parcels or both over the public streets of the County;
  - (2) Is routed at the direction of the hiring passenger;
  - (3) Is prearranged in writing for hire;
  - (4) Is not made available through "cruising"; and
  - (5) Is hired by and at the service of a person for the benefit of themselves or a specified group.
- (c) “Compensation” shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any

vehicle in exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

- (d) “County” shall mean the unincorporated area of the County of San Diego
- (e) “Cruising” shall mean the movement over the public streets of a taxicab or low-speed vehicle (LSV) in search of prospective passengers; except the term does not include either the travel of a taxicab or LSV proceeding to answer a call for service received by telephone or radio from an intended passenger or the travel of such a vehicle, having discharged a passenger or passengers, returning to the owner's place of business or to its established point of departure.
- (f) “Days” shall mean working days, exclusive of weekends and holidays for which San Diego County Sheriff's Administrative Center, License Division office is closed.
- (g) “Driver” shall mean every person operating any for-hire vehicle.
- (h) “Driver's identification card” shall mean license, issued by the Sheriff, which permits a person to drive a for-hire vehicle within the County.
- (i) “Employ” shall include any form of agreement or contract under which the driver may operate the permit holder's for-hire vehicle.
- (j) “For-hire vehicle” shall mean every vehicle, other than public transit vehicles or vehicles involved in an organized carpool not available to the general public, which is operated for any fare for compensation and used for the transportation of passengers over public streets. Such for-hire vehicles shall include vehicles for charter, jitneys, nonemergency medical vehicles, sightseeing vehicles, and low-speed vehicles.
- (k) “Issuing Officer” shall mean the Sheriff.
- (l) “Jitney” shall mean every vehicle which:
  - (1) Transports passengers or parcels or both;
  - (2) Follows a fixed route of travel between specified locations along its route on a variable schedule or operates a flexible route within a geographic boundary and specific timeframes as approved by the Issuing Officer, with the fare based on a per capita charge established in its permit.
- (m) A “low-speed vehicle” or “LSV” is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. It shall only operate within a geographic boundary as approved by the Issuing Officer. For the purposes of this section, a “low-speed vehicle” or “LSV” is not a golf cart, except when operated pursuant to California Vehicle Code section 21115 or 21115.1.

- (n) "MTS" shall mean the San Diego Metropolitan Transit System, a public agency created pursuant to Public Utilities Code section 120050 et seq.
- (o) "Inspector" shall mean those individuals, regardless of job title, who are authorized by the San Diego County Sheriff to enforce the provisions of a license issued pursuant to Title 2, Division 1, Chapter 9 of this code.
- (p) "Nonemergency medical vehicle" shall mean every vehicle which: transports persons, regardless of whether specialized transportation equipment or assistance is needed, for primarily medical purposes. Medical purposes is defined as providing transportation services to or from the following places: hospitals, convalescent homes, retirement homes, homes receiving funding for the board and care of residents living in those homes, medical or rehabilitation clinics, senior citizen centers, and any other like social service category. It shall be the responsibility of the transportation provider to determine if the service is primarily for medical purposes.
- (q) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare for compensation or providing passenger transportation for compensation, regardless of such compensation is obtained from the passenger or a third party. It shall also include, as the context may require, the act of driving, managing, or directing the utilization of one or more for-hire vehicles.
- (r) "Owner" shall mean the person, partnership, association, firm or corporation that is the registered owner of any for-hire vehicle and that holds the right to use the vehicle for its advantage.
- (s) "Passenger" shall mean every occupant other than the driver of the for-hire vehicle.
- (t) "Permit" shall mean the authority under which a person, firm, partnership, association, or corporation may operate a for-hire vehicle as a business.
- (u) "Permit holder" shall mean any person or approved entity operating a business under a for-hire vehicle permit.
- (v) "Sightseeing vehicle" shall mean every vehicle which:
  - (1) Transports passengers for sightseeing purposes of showing points of interest over the public streets of the County; and
  - (2) Charges a fee or compensation therefor; regardless of whether any fee or compensation is paid to the driver of such sightseeing vehicle, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such sightseeing vehicle with a driver to transport or convey any passenger; and irrespective of whether or not such driver receives any fee or compensation for their services as driver.

SEC. 21.902. EQUIPMENT AND OPERATING REGULATIONS APPLICABLE TO PERMIT HOLDERS AND VEHICLES

This chapter does not pertain to the business of operating any for-hire vehicle or the business of providing any vehicle for the operation of vehicle for-hire services. An operating permit must be obtained from Emergency Medical Services.

SEC. 21.903. DRIVER'S IDENTIFICATION CARD TERMS

- (a) The for-hire driver license is governed by sections 21.101 to 21.117 and any additional conditions in this chapter. In addition to the grounds for denying a new or renewal license provided in sections 21.108 and 21.109 respectively, the Issuing Officer may deny a new or renewal for-hire license as provided in section 21.905. The Sheriff shall be the Issuing Officer for for-hire driver identification cards required by this section.
- (b) To be eligible for a for-hire vehicle driver's identification card a person must have a valid California vehicle operator's license and have successfully completed a controlled substance and alcohol screen tests that meet the requirements set forth in Government Code section 53075.5(b)(3)(A).
- (c) In addition to the requirements of this chapter, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training that is in accordance with the guidelines or the curriculum of the American Heart Association BLS or the American Red Cross. Training shall include an in-person, hands-on component.
- (d) A for-hire driver's identification card shall be valid for one calendar year from the date it is issued. If the Issuing Officer suspends the card, it shall not extend the one-year term.
- (e) The identification card may be renewed within the 30 days prior to its expiration date by submitting a renewal application with the Issuing Officer.
- (f) The identification card shall contain the for-hire driver's full name, date of birth, physical description, thumbprint, names of the companies the driver works for, expiration date and be laminated.
- (g) A new laminated for-hire driver's identification card shall be issued each time a valid identification card must be replaced because it is lost, damaged or the driver changes employers between the date of issue and the date of expiration. The driver must pay the modification fee as provided by section 21.1901 to cover the cost of the new card.
- (h) No person shall drive or operate any for-hire vehicle under the authority of a license granted under this chapter unless such person displays a valid driver's identification card obtained annually through the Issuing Officer.
  - (i) A driver may drive for more than one permit holder. The driver must, however, have on file with and accepted by Issuing Officer, a separate application on forms provided by the Issuing Officer, for each permit holder with whom he has a current driving agreement. A

driver may have on file with the Issuing Officer a maximum of four (4) such applications at any one time. It shall be unlawful for a driver to accept or solicit passengers for whom the driver does not have such an application on file with the Issuing Officer.

(j) No person shall drive or operate any for-hire vehicle, under the authority of a license granted under this chapter unless such person has successfully completed an approved driver safety training course concerning driver safety rules and regulations, map reading, crime prevention, courtesy and professionalism, and compliance with the ADA.

(k) No person who has received a notice of prohibition pursuant to section 21.906, or whose privilege to operate a for-hire vehicle has expired, or has been suspended, revoked or denied by the Issuing Officer, California Highway Patrol, or the MTS Chief Executive Officer shall drive or operate a for-hire vehicle.

(l) The Issuing Officer is authorized to issue temporary for-hire vehicle driver identification cards pending the approval or denial of an application for a regular for-hire vehicle driver identification card. No temporary for-hire vehicle driver identification card shall be issued without the satisfactory completion of a local law enforcement agency record check of the applicant. Any temporary identification card so issued shall be valid for a period not to exceed ninety (90) days or until the date of approval or denial of the application for a regular for-hire vehicle driver identification card, whichever shall occur first. The issuance of a temporary identification card hereunder shall not authorize the operation of a for-hire vehicle following the denial of the application while pending the resolution of any appeal otherwise provided for in section 21.110.

(m) When a driver permanently no longer drives for an MTS For-Hire Vehicle Administration permit holder, the permit holder shall report this to the Issuing Officer within ten (10) calendar days.

#### SEC. 21.904. REGULATIONS APPLICABLE TO DRIVERS

(a) Each for-hire vehicle licensed to operate in accordance with this chapter shall have located on the passenger side dashboard area a driver identification card provided by the Issuing Officer. The driver identification card shall have no alterations or information covered. The driver identification card shall be visible to passengers, peace officers and Inspectors so they can easily view the driver identification card from either inside or outside the vehicle. The driver identification card issued by the Issuing Officer shall bear the following information:

- (1) The number of the license of the driver;
- (2) The name of the driver;
- (3) The names of the business(es) the driver is driving for;
- (4) A small photograph of the driver.

(b) Each for-hire vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

(c) It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.

(d) The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or MTS inspector.

(e) No driver of any for-hire vehicle shall transport any greater number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(f) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific for-hire vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or commission for recommending or directing any passenger to an establishment operated by a specific owner.

(g) The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, a driver identification card issued by the Issuing Officer.

(h) While operating a nonemergency medical vehicle, the driver shall wear a uniform that identifies the employer or sponsoring agency and have visible identification of name.

(i) While driving or operating a for-hire vehicle, drivers shall be hygienically clean, well-groomed, and neat and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "neat and suitably dressed" shall be interpreted to mean that: driver is wearing appropriate clothing to operate a for-hire vehicle; drivers shall wear shoes; driver cannot wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, sweatpants, jogging or bathing shorts or trunks, or sandals; and trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(j) For-hire vehicles shall comply with the California Vehicle Code, e.g., not impede traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers shall not load or unload passengers in traffic lanes.

(k) A driver shall not smoke or vape at any time while operating a for-hire vehicle.

(l) A driver shall not prejudice, disadvantage, or require a different rate or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex or any characteristic listed or defined in Government Code section 11135.

(m) A driver shall not use rude or abusive language toward a passenger(s), airport personnel, Inspector(s) or conduct any physical action that a reasonable person would construe as threatening or intimidating.

(n) A driver may refuse a fare if it is readily apparent that the prospective or actual fare is a hazard to the driver or operator. A driver is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the dispatch service organization, if a taxicab, which shall record the incident and keep the record for the minimum of 6 months.

(o) No driver shall stop, park, or otherwise leave standing any vehicle permitted under this Chapter within fifteen (15) feet of any fire plug except as modified any applicable regulation.

(p) No driver shall stop, park or otherwise leave standing any vehicle permitted under this Chapter in a disabled parking zone except as authorized per California Vehicle Code section 22507.8.

SEC. 21.905. ADDITIONAL GROUNDS FOR DENIAL OF DRIVER IDENTIFICATION CARDS

(a) No for-hire vehicle driver's identification card shall be issued or renewed by the Issuing Officer to any of the following persons:

(1) Any person under the age of eighteen (18) years.

(2) Any person currently on probation or parole.

(3) Any person who has been convicted of any felony, unless five (5) years have elapsed since their discharge from a penal institution or satisfactory completion of probation or parole for such conviction during which period of time their record is good.

(4) Any person who has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or any felony involving force and violence, or any crime reasonably and rationally related to the for-hire industry or any similar business operation which bears upon the integrity or ability of the driver to operate a for-hire vehicle business and transport passengers, unless five (5) years have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation or parole for such conviction.

(5) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of or held by any final administrative determination to

have been in violation of any statute, ordinance, or regulation reasonably and rationally related to the for-hire vehicle industry or any similar business operation which would have authorized the suspension or revocation of the driver's identification card in accordance with section 21.906.

(6) Any person who is required to register as a sex offender pursuant to the California Penal Code.

(7) Any person who has provided false information of a material fact in their application within the past year.

(8) Any person who within a year of the date of application has been suspended or revoked for rude and abusive language or conduct, as described in section 21.904(l) of this chapter.

(9) No person shall obtain or renew a driver's identification card unless such person has successfully completed an approved driver safety training course.

SEC. 21.906. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION OF DRIVER'S IDENTIFICATION CARDS

(a) In addition to the reasons in section 21.112 for revoking or suspending a license, driver's identification cards issued by the Sheriff may be suspended or revoked at any time in case:

(1) The Issuing Officer finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this chapter; or

(2) The driver fails to comply with section 21.904 of this chapter or any other section of this chapter which regulates the conduct of for-hire vehicle drivers; or

(4) Their California Driver's License is revoked or suspended; or

(5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or

(6) The driver has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any crime involving force and violence, or reasonably and rationally is related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or

(7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

(b) For purposes of subsections (a) (1) through (a) (6) of this section, a plea of nolo

contendere, or a forfeiture of bail shall be considered a conviction if it occurred within the five (5) years immediately preceding the date of application for a permit or identification card.

(d) Notwithstanding a driver's possession of a valid for-hire driver identification card, the Issuing Officer may deny, suspend, revoke, or refuse to renew the driver's privilege to operate a for-hire vehicle if the driver falls within the provisions of this section. The Issuing Officer shall send a notice of prohibition the date postmarked to operate a for-hire vehicle to any holder of a driver identification card issued by the Sheriff who is ineligible under Subsection (a) to operate a for-hire vehicle.

**Section 4.** Sec. 21.307 of the San Diego County Code of Regulatory Ordinances is hereby amended as follows:

- (a) It shall be unlawful for any taxicab driver to pick up or discharge passengers in the unincorporated areas of the County of San Diego without first obtaining a taxicab driver's identification card from the Issuing Officer. The Issuing Officer may issue an applicant a temporary identification card for up to 90 days, while an investigation is pending.
- (b) To be eligible for a taxicab driver's identification card a person must be at least 18 years of age, have a valid California vehicle operator's license, have successfully completed a controlled substance and alcohol ~~drug~~ screening test pursuant to Government Code section 53075.5(b)(3)(A) and have obtained employment with at least one licensed taxicab operator. A taxicab driver may be employed by up to four licensed taxicab operators at one time, including being self-employed.
- (c) In addition to the reasons for denying a new license under section 21.108 or a renewal license in section 21.109, the Issuing Officer may deny an applicant a taxicab driver's identification card if the Issuing Officer determines that:
  - (1) The applicant has been convicted of an offense requiring the applicant to register as a sex offender under Penal Code section 290 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of passengers.
  - (2) The applicant has been convicted of an offense requiring registration for violation of the Uniform Controlled Substances Act pursuant to Health and Safety Code section 11590 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of passengers.
  - (3) The applicant has within five years of the date of the application been convicted of any of the following motor vehicle offenses: operating a motor vehicle under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, reckless driving, fleeing from a police officer or failing to fulfill the duty required after being involved in a motor vehicle accident involving property damage, injury or death.
  - (4) The applicant has within five years of the date of the application been convicted of assault ~~or~~, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or any felony involving force and violence, or any crime reasonable and rationally related to the for-hire industry or any similar business operation which bears upon the integrity or ability of the driver to operate a for-hire vehicle business and transport passengers, unless five years have

elapsed from the date of discharge from a penal institution or the satisfactory completion of probation or parole for such conviction.

(5) The applicant addicted to any substance prohibited by the Uniform Controlled Substances Act (Health and Safety Code Section 11000 et seq.) unless the applicant is enrolled and successfully participating in a drug treatment program approved by the Court.

(6) The applicant within 12 months of the date of the application, has been convicted of, or held by any final administrative determination to have committed an act listed in section 21.315 below that would be grounds for suspending or revoking a taxicab driver's identification card.

(7) The applicant has been revoked for rude and abusive language or conduct, as described in section 21.315(r) of this chapter, within 12 months of the date of the application.

(d) The Issuing Officer may also require an applicant to demonstrate that the applicant is knowledgeable about the provisions of this chapter, State and local traffic regulations and geography of the County, in order to qualify for the identification card.

**Section 5.** Sec. 21.315 of the San Diego County Code of Regulatory Ordinances is hereby amended as follows:

(a) A taxicab driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(b) A taxicab driver shall provide a receipt to any passenger who requests one after the passenger pays the fare. The receipt shall indicate the beginning and ending points of the trip, the fare charged, the date, the operator's name, and the vehicle number, and shall be signed by the driver.

(c) No person shall solicit passengers for taxicabs other than the taxicab driver. The taxicab driver, however, may not leave the taxicab to solicit passengers. The Issuing Officer may authorize a dispatcher to solicit passengers as a system of loading of passengers at such times and places as in the Issuing Officer's discretion public service and traffic conditions require.

(d) No taxicab driver shall transport more persons, including the driver, than the manufacturer's rated seated capacity for the vehicle. A taxicab driver shall also not transport luggage or other items exceeding the vehicle's storage volume or load- carrying capacity.

(e) It shall be unlawful for any taxicab driver to allow a taxicab to remain standing in an established taxicab stand unless the driver remains within twelve feet of any portion of the established taxicab zone, or unless the taxicab driver is assisting passengers to load or unload.

(f) No taxicab driver shall knowingly pick up a person who has summoned a taxicab of a competitive taxicab company without informing the person that he does not represent the taxicab company the person summoned.

(g) No taxicab driver, who has been hired by a passenger, shall pick up any additional passenger without the consent of the original passenger.

(h) A taxicab driver shall not operate a taxicab unless he has affixed his driver's identification card in a prominent location inside the taxicab, visible to passengers in the passenger compartment. A taxicab driver while working shall display the name and photo identification badge issued to him by the Issuing Officer. The driver shall prominently display the badge on the outside front of the driver's clothing, between the waist and shoulders.

(i) It shall be unlawful for a taxicab driver to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis of race, creed, color, age, sex, national origin or disability. A taxicab driver may, however, refuse a prospective or actual fare if it is readily apparent to the driver that a person presents a hazard to the driver. A taxicab driver is also not obligated to transport any person who is verbally or in any other way abusive to the driver.

(j) It shall be unlawful for a taxicab driver to refuse or discourage a prospective fare based upon the length of the trip if the trip is within the area normally serviced by the taxicab operator who employs the driver.

(k) A taxicab driver shall assist a passenger with loading or unloading a reasonable size, number, and type of passenger luggage or other items, when requested by a passenger. A driver, however, is not required to lift any single item that exceeds 25 pounds. The requirement to assist with loading or unloading shall be limited to retrieving or depositing items onto the nearest curbside adjacent to a legally parked taxicab. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE." A driver with a lawful disability that prevents him from handling items may submit proof of disability to the Issuing Officer requesting relief from the requirement to assist passengers with luggage. If approved by the Issuing Officer, the driver may affix a small sign either in the passenger section of the vehicle to be visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(l) A taxicab driver may seek passengers by driving on a public street, but may not travel at a speed or in a manner that interferes with or impedes traffic.

(m) A taxicab driver shall display an "out of service" sign when the taxicab is not available for hire. The sign must be located inside the vehicle to be visible and readable from outside the vehicle at a distance of at least 10 feet away.

(n) A taxicab driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer. The trip log shall show the driver's name, taxicab number, date, time, origin and destination of each trip, and fare charged. The logs shall have ruled lines and columns sufficient to include all required information and the entries shall be in black or dark blue ink. The driver shall submit his trip logs to the taxicab operator at least once a week.

(o) It shall be unlawful for any taxicab driver while transporting passengers to display the flag or device attached to the taximeter in a position indicating the vehicle is available for hire. It shall also be unlawful for the taxicab driver to prevent the taximeter from operating while the driver is transporting passengers. It shall also be unlawful for a taxicab driver to cause the

taximeter to record when the taxicab is not employed or to allow the taximeter to continue to record after reaching the passenger's final destination.

(p) While driving or operating a taxicab, drivers shall be hygienically clean, well-groomed and neat and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

- (1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.
- (2) The term "neat and suitably dressed" shall be interpreted to mean that: driver is wearing appropriate clothing to operate a for-hire vehicle; drivers shall wear shoes; driver cannot wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, sweatpants, jogging or bathing shorts or trunks, or sandals; and trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(q) Taxicab drivers shall make every attempt to return lost property left in the taxicab to its owner. If a driver is unable to locate or return the property to its owner, the driver shall contact the Sheriff's Department within 24 hours. Lost property shall be accounted for on a driver's trip sheet next to fare information.

(r) A taxicab driver shall not use rude or abusive language toward a passenger(s), airport personnel, Inspector(s) or conduct any physical action that a reasonable person would construe as threatening or intimidating.

(s) A taxicab driver shall not smoke or vape at any time while operating a taxicab.

**Section 6.** This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY  
DAMON M. BROWN, County Counsel  
BY: Monica Hall, Senior Deputy County Counsel