

ORDINANCE NO. -N.S.

AMENDING SECTIONS 9.52.020, 9.52.030, 9.52.040, 9.52.050, 9.52.150, 9.52.160 AND 9.52.170, AND ADDING SECTION 9.52.180 OF BERKELEY MUNICIPAL CODE TITLE 9 (TAXICABS AND AUTOMOBILES FOR HIRE)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 9.52.020.C is hereby amended to read as follows:

9.52.020 Annual permits required for business owners, drivers, and vehicles--Fees, expiration and limitation on number of permits.

C. Annual Application, Renewal and Expiration. Applications for all permits shall be submitted on or before November 1st of each year for the following calendar year and all permits shall expire on December 31st of each year. Permits may be renewed annually by application to the City. Current permit holders have priority for annual renewal. Applications to renew permits shall be treated in the same manner as applications for new permits.

Section 2. That Berkeley Municipal Code Section 9.52.030.B.1.c is hereby amended to read as follows:

9.52.030 Business owner's permits.

B. Disposition of Taxicab Business Owner's Application--Conditions.

1. Such taxicab business owner's permit shall be granted unless:

- a. The applicant fails to submit a complete application; or
- b. The applicant makes any omission, untrue statement or provides fraudulent documentation with the application; or
- c. The applicant has violated this chapter three or more times within the last three years or is otherwise subject to suspension or revocation under Sections 9.52.150 or 9.52.160; or
- d. There is an absence of satisfactory proof that the business owner will comply with the provisions of this chapter.

Section 3. That Berkeley Municipal Code Section 9.52.040 B.1.c. is hereby amended to read as follows:

9.52.040 Vehicle permits.

A. Permit Application. Each vehicle for hire operated in the City must be subject to a vehicle permit from the City as set forth herein. The application shall be in writing, signed by the owner, and shall set forth all the information required in the permit application form and accompanying documentation, including, but not limited to the following:

1. A copy of the state vehicle registration under owner's name, license plate number and corresponding vehicle identification number of each vehicle to be operated in the City;
 2. Make, model or type, year of manufacture and passenger-seating capacity of each motor vehicle for which such application is made;
 3. Taximeter with current weights and measures seal intact to be installed in each taxicab for which application is made;
 4. Valid inspection certificate issued by the County of Alameda, Division of Weight and Measures which certificate shall state the name and model number of the taximeter and the vehicle number for which it is assigned;
 5. Valid vehicle inspection certificate from a City-approved vehicle inspection station for each vehicle to be operated in the City;
 6. Certificates of insurance from the insurance carrier verifying the coverage required by this chapter for each vehicle to be operated in the City;
 7. Final inspection of each vehicle by the City to ensure that the vehicle has met all the requirements of this chapter;
 8. Satisfactory proof that the business will be operated in compliance with all provisions of this chapter.
- B. Disposition of Vehicle Permit--Conditions.
1. Such vehicle permit shall be granted unless:
 - a. The applicant fails to submit a complete application; or
 - b. The applicant makes any omission, untrue statement or provides fraudulent documentation with the application; or
 - c. The applicant has violated this chapter three or more times within the last three years;

Section 4. That Berkeley Municipal Code Section 9.52.050.B.1.d is hereby amended to read as follows:

9.52.050 Driver's permits.

- A. Permit Application. Any person seeking to operate a vehicle for hire as a driver shall apply for a permit in the manner set forth herein. No person under the age of twenty-one years shall be issued a driver's permit. The application shall be in writing, signed by the driver, and shall set forth all the information required in the permit application form including, but not limited to, the following:
1. Name, age and address of the applicant;
 2. His/her past experience in operating a motor vehicle;
 3. Applicant's current California driver's license number and a photocopy of that license;
 4. Name and address of employers during the preceding three years;
 5. Suspension or revocation of any driving license, including a chauffeur license, issued by the state of California or any state or governmental agency, during the preceding two years;
 6. Name and address of the business owner by whom he or she is employed as a driver, or for whom he or she intends to operate a taxicab;

7. Current certificate of negative test for drugs and alcohol from a City approved lab as required by Government Code Section 53075.5 as amended;

8. Two photographs of the driver (size one and one-half inch by one and one-half inch) taken by the City, one to be filed with the application and one to be permanently attached to the driver's permit when issued;

9. State Department of Motor Vehicles driving record report;

10. A list of all jurisdictions in which the applicant is permitted to operate a vehicle for hire;

11. Satisfactory proof that the insurance required by this chapter covers the driver when operating the vehicle for hire.

12. a. A certificate that within the previous 12 months the driver has successfully completed a sensitivity training course approved by the Director of Finance for drivers who work with persons with disabilities.

b. A certificate that within the previous 12 months the driver has successfully completed a sensitivity training course approved by the Director of Finance for drivers who work with seniors.

c. In the event the Director of Finance has not approved any sensitivity training course responsive to subparagraph a. or b. by January 1 of any year, that subparagraph shall not apply.

B. Disposition of Driver's Permit--Conditions.

1. Such driver's permit shall be granted unless:

a. The applicant fails to submit a complete application; or

b. The applicant makes any omission, untrue statement or provides fraudulent documentation with the application; or

c. State Department of Motor Vehicle records indicate that the department has taken administrative action which resulted in actual suspension or revocation of the applicant's driver's license within the last two years, unless such suspension or revocation was based on a non-driving related matter; or

d. The applicant has violated this chapter three or more times within the last three years or is otherwise subject to suspension or revocation under sections 9.52.150 or 9.52.160; or

Section 5. That Berkeley Municipal Code Section 9.52.150 is hereby amended to read as follows:

9.52.150 Suspension of permits.

A. The City may immediately suspend any owner's, driver's or vehicle permit if the vehicle for hire is operating without required insurance or registration, or is being operated by an unlicensed or unpermitted driver. The City may also suspend any permit issued under this chapter if there is damage to, or mechanical malfunction of, a vehicle for hire such that it cannot be operated safely. Such permit suspension shall be lifted upon a showing that the violations have been corrected. If no such showing has been made within a reasonable time, depending on the type of violation, the City may issue a notice of revocation and proceed as set forth in this chapter. During the time that the permit is suspended, it shall be unlawful for the permittee to exercise any of the rights granted under this chapter.

B. In addition, the City may suspend any permit pending revocation proceedings under Section 9.52.160.

Section 6. That Berkeley Municipal Code Section 9.52.160.A.2 is hereby amended to read as follows:

9.52.160 Revocation of permits.

2. Any violation of laws relating to the operation of a motor vehicle including but not limited to reckless driving, driving under the influence of alcohol or controlled substances, or other violations indicating that a driver is not competent to operate a vehicle for hire in a consistently safe manner;

Section 7. That Berkeley Municipal Code Section 9.52.170 is hereby amended to read as follows:

9.52.170 Enforcement — Violation — Public Nuisance — Penalty.

A. The City Manager and authorized employees are empowered to investigate and conduct inspections to determine whether permittees and other persons are complying with this chapter.

B. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, but may be charged as infractions in the discretion of the citing officer.

C. Violation of this chapter is hereby declared to be a public nuisance.

D. The remedies set forth in this chapter are cumulative.

Section 8. That Berkeley Municipal Code Section 9.52.180 is hereby added to read as follows:

9.52.180 Finality of administrative citations for purposes of enforcement.

A. In any proceeding to review a decision not to renew a permit, or to suspend or revoke a permit, a permittee shall be conclusively presumed to have committed any violation that was the subject of any administrative citation that became final during the calendar year in which the renewal was denied or the proceeding was initiated.

B. For purposes of this chapter, an administrative citation becomes final upon the expiration of the deadline for the cited person to request an administrative hearing under chapter 1.28, or, if an administrative hearing is requested and held, the expiration of the deadline for seeking judicial relief as set forth in Chapter 1.28.

C. If a person cited seeks judicial relief, the administrative citation is final when the resulting judgment becomes final.

Section 9 Copies of this Bill shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.