

# CITY OF SAN JOSE

Exhibit A – Current Taxicab Ordinance

## Chapter 6.64

### TAXICAB AND LIMOUSINE SERVICE REGULATIONS <sup>1,2</sup>

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#### **Part 1 TAXICABS-GENERAL PROVISIONS**

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**6.64.010 Purpose and authority.**

This chapter is to further the public convenience and necessity of transportation services by taxicabs and limousines, and is enacted pursuant to the Constitution of the state of California and the Charter of the city of San Jose.

(Ords. 19311, 22459.)

**6.64.020 Act of employer.**

The act or omission of any owner's officer, agent, employee or independent contractor, or of any driver whose services are engaged by any of the above, is for all purposes the act or omission of the owner operating the for-hire transportation services regulated by this chapter.

(Ord. 22459.)

**6.64.030 Notices.**

Any notice required under this chapter to be given to the applicant, owner or driver, may be given by first class mail with postage prepaid, at the address designated for such purpose on the application.

(Ord. 22459.)

**Part 2  
DEFINITIONS**

**Sections:**

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**6.64.040 General.**

For purposes of this chapter, certain words and phrases are defined and shall be construed as set forth herein unless it is apparent from the context that a different meaning is intended.

(Ords. 19311, 22459.)

**6.64.050 Commission.**

“Commission” means the code enforcement appeals commission as established pursuant to Section 2.08.700 of this code.

(Ords. 19311, 22459.)

**6.64.060 For hire.**

A vehicle is “for-hire” if any fare, fee, charge, or other consideration is payable for the transportation service of the vehicle, whether paid or not.

(Ords. 19311, 22459.)

**6.64.070 Limousine.**

A “limousine” is a passenger vehicle for hire, used to transport passengers on public streets. The charge for the use of a limousine is not determined by a taximeter. “Limousine” includes vehicles exhibiting one or more of the following characteristics:

1. It does not operate over any fixed or defined route or routes;

2. It operates between such points and covers such routes as may be directed by the passenger hiring such vehicle; or
3. The charge for the use of such vehicle is agreed to in advance between the passenger hiring the vehicle and the owner or driver of the vehicle. Such charges may be on a mileage, trip, or time basis, or any combination thereof.

(Ords. 19311, 22459.)

**6.64.080 Owner.**

An "owner" is any natural person, partnership, corporation, firm, or association engaged in the business of operating vehicles for hire. It also includes receivers or trustees appointed by any court.

(Ords. 19311, 22459.)

\* **6.64.090 Taxicab.**

A "taxicab" is a passenger vehicle for hire, used to transport passengers on public streets. The charge for the use of a taxicab is determined by a taximeter.

(Ords. 19311, 22459.)

\* **6.64.100 Taximeter.**

A "taximeter" is any instrument or device approved for use under the applicable laws of the state of California, which mechanically or electronically calculates the charge for the use of a taxicab. The taximeter registers such charge by means of figures, including dollars and cents, calculated by an initial charge and thereafter a charge for distance traveled, and/or waiting time.

(Ords. 19311, 22459.)

**Part 3  
TAXICAB STANDS AND CALL BOXES**

**Sections:**

**6.64.110 Taxicab stands.**

**6.64.120 Call boxes.**

\* **6.64.110 Taxicab stands.**

- A. Except in the event of an emergency, no person shall park, stand or stop any vehicle other than a taxicab, in a space designated as a taxicab stand.

- B. Except for taxicab stands located on the San Jose International Airport, taxicab stands shall be maintained only at such locations as designated by the city's traffic engineer in accordance with Section 11.52.180 of this code.
- C. The city's director of aviation shall have the authority to designate the locations of taxicab stands on the San Jose International Airport.
- D. A fee shall be paid for each taxicab stand utilized by a taxicab in accordance with the fee schedules established by resolution of the city council. Said fee shall be paid monthly, in advance, to the office of the director of finance.

(Prior code § 6461, 6.64.400; Ords. 19311, 20643, 20924, 21285, 22459.)

**6.64.120 Call boxes.**

- A. Upon written application by any holder of a taxicab license issued under this chapter, the city's director of public works may grant the holder permission to install telephone call boxes on certain posts or poles in the city to facilitate its dispatching services.
- B. The director of public works may impose reasonable conditions on such permission as the director deems necessary.

(Prior code § 6472, 6.64.370; Ords. 19311, 22459.)

## **Part 4 TAXICAB LICENSE**

**Sections:**

- 6.64.130 License requirement.**
- 6.64.140 Minimum number of taxicabs.**
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- 6.64.160 Application.**
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**6.64.130 License requirement.**

No owner of a taxicab business shall operate or permit the operation of a taxicab as a vehicle for hire on the streets of the city of San Jose without having obtained from the chief of police a taxicab license or restricted taxicab license pursuant to the provisions of this chapter. An owner of a taxicab business whose principal place of business is located outside the city of San Jose may obtain either a taxicab license or a restricted taxicab license.

(Prior code § 6409; Ords. 19311, 22459.)

**\* 6.64.140 Minimum number of taxicabs.**

- A. At least five (5) vehicles are required to be operated as taxicabs pursuant to any taxicab license issued under this chapter.
- B. The applicant must be the registered owner of at least five taxicabs at the time of filing the application pursuant to Section 6.64.160 of this chapter.

(Ord. 22459.)

**\* 6.64.150 Restricted taxicab license.**

- A. The chief of police may, under the same terms and conditions as are applicable to the issuance of a taxicab license, grant a restricted taxicab license to an owner of a taxicab business whose principal place of business is located outside the city of San Jose, but who in the ordinary course of business is required to deliver passengers from a point outside the city to a point within the city. A restricted taxicab license shall allow the owner to provide taxicab services within the city for the following limited purposes:

- 1. To discharge in the city passengers who have been transported from outside the city; or

2. To transport passengers in the city and discharge them outside the city, either in response to a bona fide call for such service, or when the driver is leaving the city after having discharged passengers in the city.
- B. The provisions of this chapter applicable to a taxicab license shall apply to a restricted taxicab license in equal force and effect, except for Section 6.64.350 of this chapter.

(Prior code § 6413; Ords. 19311, 22459.) **6.64.160 Application.**

Every applicant for a taxicab license shall execute and file with the chief of police a verified application containing the following information:

- A. The applicant's name, home address and business address;
- B. The applicant's trade name and distinguishing vehicle markings, color or colors;
- C. The location of the proposed business;
- D. Satisfactory proof that the location of the proposed business is properly zoned and is in compliance with any required land use permit, for the conduct of the proposed business;
- E. The applicant's past experience with regard to taxicab service;
- F. Whether any license, permit or certificate issued to the applicant has been denied, revoked or suspended by any public organization. The circumstances of said denial, revocation, or suspension shall be fully explained;
- G. Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;
- H. The number of vehicles proposed to be used as taxicabs;
- I. A description of the vehicles, including the make, model, serial number and license number of each vehicle;
- J. A sworn statement that each vehicle is in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the state of California, or by a mechanic licensed by the state of California and employed by the applicant, who has inspected and examined such vehicles;

- K. A completed taxicab inspection form showing that each vehicle has successfully passed the lamp, brake, smog, and meter inspections, and the inspection by the police department;
- L. A sworn statement by the applicant that the applicant shall not operate any vehicle until the statement in Subsection I and the form in Subsection J above concerning the vehicle have been filed with the chief of police;
- M. Evidence that applicant is the registered owner of each vehicle. The applicant shall declare that the applicant will not operate any vehicle until the applicant has become the registered owner of such vehicle and evidence thereof is filed with the chief of police;
- N. A duplicate copy of the insurance policies required by Section 6.64.450 of this chapter; or where not yet issued, the written statement from an insurer that such insurance policies will be issued if the application is granted;
- O. A complete description of the proposed operations, including two-way radio dispatching services. Such services shall include the operation of at least one telephone answering line for each eight taxicabs and operators in charge of answering telephone calls and dispatching cabs by radio. Such answering lines shall be maintained on the owner's premises, or by another business under contract with the owner;
- P. Evidence that applicant has paid all applicable city taxes including the business license tax;
- Q. The applicant's sworn financial statement; and R. Such additional information as the chief of police may require.

(Prior code §§ 6416-6430, 6.64.050; Ords. 19311, 22459.)

**6.64.170 License fee.**

The applicant for a taxicab license shall submit with the application a fee as set forth in the schedule of fees established by resolution of the city council.

(Ords. 19311, 21285, 22459.)

**6.64.180 Grounds for denial.**

The chief of police, or the commission on appeal, may deny an application for a taxicab license on any of the following grounds:

- A. Public convenience and necessity do not require the proposed service;
- B. The application fails to contain any of the required information as set forth in Section 6.64.160 above;

- C. Any of the information contained in the application is false;
- D. The name under which the applicant will conduct business, or applicant's proposed color scheme or other marking, design or insignia, will tend to confuse the identification of taxicabs which applicant proposes to operate with those operated under existing taxicab licenses; or
- E. The chief of police, or the commission on appeal, determines that the applicant lacks the financial ability to provide the proposed service;
- F. Any vehicle proposed for operation is not safe, and the applicant has failed to remove such vehicle from service or to substitute a safe vehicle in its place within a reasonable time;
- G. The applicant has failed to comply with any term, condition, or requirement in a taxicab license previously issued;
- H. An act or omission of the applicant constitutes a ground for revocation or suspension of the taxicab license as provided in Section 6.64.600 of this chapter;
- I. The applicant, within five years prior to the date of application, has been convicted of a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- J. The applicant is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- K. The applicant, within five years prior to the date of application, has done an act involving violence, dishonesty, or fraud with the intent to substantially injure another, or substantially benefit the applicant or another; or
- L. The applicant has had a taxicab license issued under the provisions of this chapter revoked within three years prior to the date of application;
- M. The applicant has failed to pay when due any applicable taxes imposed by the city of San Jose. (Ords. 19311, 22459.)

**6.64.190 Action by chief of police.**

- A. Within a reasonable time after receipt of the application, the chief of police may either deny the application, or issue a taxicab license to the applicant to conduct all or any part of the proposed service.

- B. The chief of police may impose such terms, conditions or restrictions on the taxicab license as the chief deems necessary to provide adequate and dependable service to the public and to protect the use of public streets and facilities.  
(Ords. 19311, 22459.)

**6.64.200 Appeal.**

- A. The decision of the chief of police to deny the application for a taxicab license may be appealed to the commission.
- B. The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.

(Ord. 22459.)

**6.64.210 License not transferable.**

The taxicab license issued pursuant to this chapter, and all interests, rights and obligations pertaining thereto, are personal to the holder of such license, and are not transferable or assignable, by operation of law or otherwise.

(Ord. 22459.)

**6.64.220 Acceptance.**

The applicant to whom a taxicab license has been issued by the chief of police shall, prior to commencement of any taxicab operation, file with the chief of police acknowledged written acceptance thereof and its agreement to comply with all the terms and conditions required under such license and this chapter.

(Ords. 19311, 22459.)

**6.64.230 Additional vehicles.**

- A. Permission to operate vehicles in addition to those approved under the initial taxicab license may be obtained by filing an application amendment with the chief of police in the same manner as prescribed by this chapter for obtaining the initial taxicab license.
- B. In granting or denying such applications for additional vehicles, the chief of police shall have the same authority as vested in the chief by this chapter in the matter of the initial applications.

(Prior code § 6440; Ords. 19311, 22459.)

**6.64.240 Substitution of vehicles.**

The holder of a taxicab license may substitute a different vehicle for a taxicab operated under a taxicab license issued pursuant to this chapter, by filing an application amendment with the chief of police, setting forth the following:

- A. Description of the vehicle, including the make, model, serial number and license number of the vehicle;
- B. Reason(s) for the proposed substitution;
- C. A sworn statement that the vehicle is in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the state of California, or by a mechanic licensed by the state of California and employed by the applicant, who has inspected and examined said vehicle;
- D. A completed taxicab inspection form, showing that the vehicle has successfully passed the lamp, brake, smog and meter inspections, and the inspection by the police department;
- E. Evidence that the applicant is the registered owner of the vehicle; and
- F. Evidence that the vehicle is covered under the insurance policies required by Section 6.64.450 of this chapter.

(Ords. 19311, 22459.)

**\* 6.64.250 Fares.**

- A. No owner or driver shall charge or receive any rates or fares for the use of a taxicab other than those established by resolution of the city council. Such charges shall be applicable to all portions of the passenger's travel, within or without the city of San Jose. Bona fide tips are not prohibited by this section.
- B. Rates and fares for the use of taxicabs licensed under this chapter shall be determined and fixed by the city council by resolution after a public hearing.
- C. The city council may, upon its own motion, or upon application of a holder of the taxicab license, adjust such rates and fares to reflect the prevailing rates and fares charged by taxicab businesses in the neighboring cities.

(Prior code § 6407; Ords. 19311, 22459.)

**\* 6.64.260 Display of schedule of fares.**

No driver shall operate a taxicab unless the schedule of rates and fares for the use of the taxicab is posted in a conspicuous place and in a permanent and secure manner in the passenger compartment.

(Prior code § 6410; Ords. 19311, 22459.)

**6.64.270 Property carriage.**

- B. The provisions of this section shall not apply to a passenger who, for physical reasons, can ride with greater comfort in the front seat.

(Prior code, § 6465; Ords. 19311, 22459.)

**✱ 6.64.320 Overcharge prohibited.**

- A. No person shall charge a greater fare than that authorized by this chapter for the hire of a taxicab.
- B. It shall constitute a ground for revocation or suspension of a taxicab license or a taxicab driver's permit for any owner or driver to charge a greater fare than that authorized by this chapter for the hire of a taxicab.
- C. The owner or driver who overcharges a taxicab fare shall be liable to the person who hires the taxicab for the difference between the amount of fare actually charged and the amount of fare authorized by this chapter.
- D. The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.

(Prior code, §§ 6469, 6470; Ords. 19311, 22459.)

**✱ 6.64.330 Refusal to pay fares prohibited.**

- A. No person shall refuse to pay the fare imposed on the person for having received any taxicab service.
- B. No person shall hire any taxicab with the intent to defraud the owner or driver of the value of the taxicab service.
- C. The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.

(Prior code, § 6466; Ords. 19311, 22459.)

**✱ 6.64.340 Receipt for fare.**

The driver of any taxicab shall give any passenger who so requests a receipt for the fare charged and paid. The receipt shall contain:

- A. The name of the taxicab business;
- B. The name of the driver;
- C. Taxicab license number;
- D. Date of transaction;

5. Safety or shatterproof glass in windshield, windows and doors;
  6. An "Out of Service" sign within the vehicle, with dimensions of twelve inches by fourteen inches, to be displayed in the right rear window during those times when the taxicab is on public streets and not available for hire by the general public; and
  7. A two-way radio in an "on and operating" position, as described in Section 6.64.1600, for the entire time the taxicab is in service and available to the public.
- B. Each taxicab operated under a taxicab license issued pursuant to this chapter shall be maintained in such condition so that:
1. All doors, windows, hood and trunk will open and close securely;
  2. The inside of the taxicab and the luggage compartment is free of litter and trash, and does not soil, rip or otherwise damage the passenger's clothing or effects; and
  3. The exterior of the taxicab is clean and in good repair, and does not have any peeling, dents, rust or missing components which are discernable from five feet of the taxicab.

(Prior code, § 6435; Ords. 19311, 22459.)

**6.64.370 Identification of taxicabs.**

- A. The following identification shall be placed on both sides and the rear of each taxicab operated under this chapter, to be applied by non-water-soluble paint or similar material:
1. A serial body number, issued by the chief of police for each taxicab:
    - a. Shall be placed on both the front quarter panels and the left side of the rear trunk lid of each vehicle.
    - b. Shall be at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab.
  2. The owner's trade name:
    - a. Shall include the word "taxicab," "taxi," or "cab."

- E. The meter reading; and
- F. The amount of fares charged and paid.

(Prior code, § 6467; Ords. 19311, 22459.)

**6.64.350 Minimum operation.**

- A. Each holder of a taxicab license shall maintain, in good condition and immediately available for taxicab service, a minimum percentage of licensed taxicabs during each of the following periods of time:
  - 1. Mondays through Fridays, excluding holidays:
    - Seven a.m. to nine a.m.: Forty percent.
    - Nine a.m. to six p.m.: Fifty percent.
    - Six p.m. to three a.m.: Forty percent.
    - Three a.m. to seven a.m.: Fifteen percent.
  - 2. Holidays and weekends:
    - Seven a.m. to six p.m.: Thirty percent.
    - Six p.m. to three a.m.: Forty percent.
    - Three a.m. to seven a.m.: Fifteen percent.
- B. The chief of police may issue a written order requiring a higher percentage of taxicabs available during all or any of the time periods in Subsection A above, if the chief has made a written finding of an emergency situation and the necessity of requiring a higher percentage of taxicabs in response to such emergency situation. Such order shall be valid for a period not exceeding thirty days from the date of the order.

(Prior code, § 6410.24; Ords. 19311, 22459.)



**6.64.360 Equipment and conditions required.**

- A. Each taxicab operated under a taxicab license issued pursuant to this chapter shall at all times have:
  - 1. One operable safety belt for each passenger carried;
  - 2. A spare tire, capable of being used on any of the wheels of the vehicle;
  - 3. A set of tools for changing tires;
  - 4. Two independently acting and entirely unconnected braking systems in proper operating order;

- b. Shall be in letters at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab.
- B. The owner and the driver shall maintain the paint, color scheme, decals and lettering on the exterior of a taxicab in good condition and in the same condition as originally approved by the chief of police.
- C. All identification required to be placed on a taxicab shall be removed within forty-eight hours after such taxicab is removed from the owner's taxicab service.

\* (Prior code, § 6435; Ords. 19311, 22459.) **6.64.380 Safety inspection.**

- A. All taxicabs shall be safety inspected annually in the manner provided for by Section 6.64.160.J. and K. The inspection shall be completed prior to the renewal of the taxicab license.
- B. The driver of a taxicab shall inspect the taxicab and its equipment at least once each day.
- C. The registered owner of a taxicab, who is aware of or should have been aware of any unsafe condition of the taxicab, shall not allow the taxicab to be used until necessary repairs are made.

(Ord. 22459.)

**6.64.390 Evidence of mechanical condition.**

- A. Upon receipt of a citizen's complaint or police officer's observation regarding the mechanical condition of a taxicab, or following the taxicab's involvement in an accident, the chief of police may require any or all of the following:
  - 1. A visual inspection of the taxicab by a member of the police department; and/or
  - 2. An interview by a member of the police department with the owner or driver of the taxicab regarding the mechanical condition of the taxicab; and/or
  - 3. A sworn statement that the taxicab is in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the state of California, or by a mechanic licensed by the state of California and employed by the holder of the taxicab license, who has inspected and examined said taxicab.

- B. If the owner or driver of the taxicab refuses to submit to an inspection as required by subsection A. above, the chief of police may issue an order prohibiting such vehicle from use in taxicab service.
- C. Upon determination that any vehicle operated under a taxicab license is not in safe operating condition, the chief of police may issue an order requiring that such vehicle not be used in taxicab service until it has been repaired to the satisfaction of the chief of police.
- D. The chief of police shall have the authority to impound vehicles which continue to be used for taxicab service in violation of the order.

(Prior code, § 6433; Ords. 19311, 20717, 22459.)

**6.64.400 Appeal.**

- A. The order of the chief of police issued under Section 6.64.390 of this chapter may be appealed to the commission.
- B. The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.
- C. The vehicle(s) in question shall not be used for taxicab service pending the appeal.

(Ord. 22459.)



**6.64.410 Report of accidents.**

Each holder of a taxicab license and the driver of a taxicab involved in an accident resulting in property damage exceeding one hundred dollars or personal injury of any kind, shall report the accident to the chief of police within ten days after the accident.

(Ords. 19311, 22459.)

**6.64.420 Owner's records.**

- A. The owner shall maintain at all times complete and accurate records of:
  - 1. The names, addresses, and dates of commencement and termination of employment or contract of all drivers employed or engaged under contract by the owner;
  - 2. The description of the taxicab driven by each driver, including the make, model, serial number and license number;


Except as otherwise regulated by the state of California public utilities commission, an owner or driver may, in addition to such rates and fares, receive a reasonable charge for the driver's personal service in assisting any person to transport to and/or from the taxicab items of personal property other than customary baggage or luggage.

(Ords. 19311, 22459.)

 **6.64.280 Full use of taxicabs.**

- A. Any person who hires a taxicab shall have the exclusive right to use the entire taxicab. There shall not be additional charges for any of the person's companions or personal belongings.
- B. No owner or driver shall carry or solicit, or permit to be carried or solicited, any additional passenger unless the person first hiring the taxicab consents to the acceptance of such additional passenger.

(Prior code § 6462; Ords. 19311, 19968, 22459.)

 **6.64.290 Duty to provide services.**

- A. No owner or driver of any taxicab shall refuse to provide taxicab service to a person who requests to be taken to a destination within the City of San Jose, except as provided in Section 6.64.290B of this chapter.
- B. The owner or driver may refuse to provide taxicab service when:
  - 1. The person requesting such service does not appear to be in a sober or orderly manner;
  - 2. The service is requested for an unlawful purpose; or
  - 3. The taxicab has already been hired.

(Prior code § 6468; Ords. 19311, 22459.)

 **6.64.300 Direct route.**

Unless otherwise directed by the passenger hiring the taxicab, the driver of such taxicab shall take the most direct, expeditious and safe route from the starting point to the destination point.

(Prior code § 6460; Ords. 19311, 22459.)

 **6.64.310 Passenger prohibited in front seat.**

- A. No owner or driver shall permit any passenger to ride in the front seat when the taxicab is in motion.

3. The hours during which each driver is on duty, and the number of trips taken by each driver; and
  4. All dispatch calls received and made by the owner, including the starting and destination points and times.
- B. The owner shall maintain such records for a minimum period of five years, and shall make them available for inspection upon request by the chief of police.

(Prior code, § 6410.83; Ords. 19311, 22459.)

**6.64.430 Issuance prior to amendment.**

All taxicab licenses issued prior to the effective date of this amendment to this chapter shall be deemed issued pursuant to this chapter as amended, and shall in all respects be subject to the provisions of this chapter as amended.

(Ord. 22459.)

**6.64.440 Permit requirements on the airport.**

- A. No owner shall engage in the transportation of any passenger or property to and from the San Jose International Airport without having first obtained a permit to do so, except ground transportation providers of taxicab services for on-demand (non-prearranged) passenger pickups, as defined in Chapter 15.04, may operate at the San Jose International Airport pursuant to and in compliance with an agreement with the city issued pursuant to Chapter 15.04 which authorizes such operations.
- B. The city's director of aviation shall have the authority to issue such permits in accordance with Chapter 15.04 of this code.

(Ords. 22459, 24645.1.)

**Part 5**  
**INSURANCE REQUIREMENTS**

**Sections:**

**6.64.450 Insurance requirements.**

**6.64.450 Insurance requirements.**

- A. The holder of a taxicab license, at its sole cost and expense, shall obtain and maintain throughout the term of its taxicab license, or any renewal thereof, all of the insurance requirements as may be presently or in the future required by any financial responsibility laws of the state of California.
- B. The insurance requirements shall be referred to in and made a part of the application for a taxicab license. The city's risk manager shall notify in writing all applicants or holders of taxicab licenses of any modifications of the insurance requirements.
- C. All policies and coverages required by this section are subject to approval by the risk manager as to content and form. No license newly issued or renewed shall be valid until such approval is issued in writing to the chief of police by the risk manager.
- D. A true, certified and correct copy of the entire policy, including copies of all endorsement made a part thereof, shall be mailed to the Risk Manager, City of San Jose, 801 North First Street, San Jose, California 95110, directly from the authorized agent, broker or insuring company for each policy required under this chapter. All policies shall be on file and effective at the time the taxicab license is issued or renewed.
- E. If at any time the entire insurance policy or any portion thereof expires without immediate proof of renewal, the taxicab license shall be immediately suspended. The chief of police is hereby authorized to enforce such suspension upon receiving written notice from the risk manager that no proof of renewal or reinstatement has been submitted by the holder of a taxicab license.
- F. If at any time in the judgment of the risk manager, said policies or coverages are not sufficient for any cause or reason, the risk manager may require the holder of a taxicab license to replace said policies or coverages within ten days with other policies or coverages acceptable in accordance with this section. If the holder of a taxicab license fails to do so, the taxicab license shall be automatically suspended at the expiration of the ten-day period until such time as said policies or coverages are properly replaced.

- G. The taxicab license issued under this chapter shall be automatically revoked upon the cancellation of the insurance policies or coverages required under this section. The reinstatement of insurance policies or coverages after a third cancellation within a twelvemonth period shall not obligate the city to renew the taxicab license upon request to do so.
- H. Prior to the issuance of a taxicab license, and at the annual renewal thereof, the applicant or holder of a taxicab license shall submit to the risk manager a signed agreement to indemnify, hold harmless and defend the city of San Jose, its officers, employees and agents, in a form approved by the city attorney.

(Prior code, §§ 6441-6443; Ords. 19311, 20622, 22459.)



**Part 6  
TAXICAB DRIVER'S PERMIT**

**Sections:**

- 6.64.460 Application.**
- 6.64.470 Photographs.**
- 6.64.480 Permit requirements and fingerprints.**
- 6.64.490 Permit fee.**
- 6.64.500 Grounds for denial.**
- 6.64.510 Action by chief of police.**
- 6.64.520 Temporary permit.**
- 6.64.530 Appeal.**
- 6.64.540 Information on permit.**
- 6.64.550 Termination of employment or contract.**
- 6.64.560 Reissuance of permit.**
- 6.64.570 Issuance prior to amendment.**
- 6.64.580 Driver's appearance.**
- 6.64.590 Daily report to owner.**

*Study this entire section, pages 19-28*

**6.64.460 Application.**

- A. No person shall operate any taxicab in the city of San Jose unless the person has a valid driver's permit to do so as hereinafter provided.
- B. Application for a taxicab driver's permit shall be made in writing to the chief of police setting forth the following information:
  - 1. The applicant's name, age, address and past experience with regard to taxicab service;
  - 2. The names and addresses of the applicant's employers during the preceding three years;

3. Whether an operator's or a chauffeur's license issued to the applicant by any state or governmental agency has ever been revoked, and the reasons therefore;
4. Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;
5. The name and address of the owner by whom the applicant is to be employed or engaged under contract as a taxicab driver;
6. The endorsement by the owner, by whom the applicant is to be employed or engaged under contract as a taxicab driver, on the application stating that the applicant has acquired proficient knowledge of the traffic laws of the state of California and the city of San Jose, and of the streets of the city, as well as the ability to read and understand English, and to safely operate a public transportation vehicle in the city; and
7. Whether the applicant has paid all applicable taxes imposed by the city of San Jose, including the business license tax if applicant is to be engaged under contract as an independent contractor.
8. Such additional information as the chief of police may require.

(Ord. 22459.)

**6.64.470 Photographs.**

The applicant for a taxicab driver's permit shall have two photographs taken by the chief of police, one to be filed with the application, and the other to be permanently attached to the taxicab driver's permit. The taxicab driver's permit shall be posted in a place conspicuous from the passenger's compartment of the taxicab.

(Ord. 22459.)

**6.64.480 Permit requirements and fingerprints.**

- A. Prior to the issuance of a taxicab driver's permit, the applicant must demonstrate to the chief of police:
  1. Proficient knowledge of traffic laws of the city of San Jose and of the state of California;
  2. Proficient knowledge of the streets of the city of San Jose; and
  3. Ability to properly and safely operate a taxicab.

- B. Upon satisfying the requirements set forth in Subsection A above, the applicant shall be fingerprinted by the police department permits unit.

(Ord. 22459.)

**6.64.490 Permit fee.**

The applicant for a taxicab driver's permit shall submit with the application a fee as set forth in the schedule of fees established by resolution of the city council.

(Ord. 22459.)

**6.64.500 Grounds for denial.**

The chief of police, or the commission on appeal, may deny an application for a taxicab driver's permit filed by any person:

- A. Who is under the age of eighteen years;
- B. Who does not hold a valid driver's license issued by the department of motor vehicles of the state of California for the type of vehicle the applicant proposes to use as a taxicab in the city.
- C. Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a public transportation vehicle;
- D. Who is addicted to the use of narcotic drugs or a habitual user of any other drug which renders a person incapable of safely operating a public transportation vehicle;
- E. Who is epileptic;
- F. Who has a disorder characterized by lapses of consciousness;
- G. Who does not demonstrate either proficient knowledge of the traffic laws of the state of California and the city of San Jose, or of the streets of the city, or the ability to read and understand English, or to safely operate a public transportation vehicle in the city;
- H. Who has failed to furnish the information required for the application for the permit;
- I. Who has knowingly made a false statement, or concealed a material fact, or otherwise committed any fraud in the application;
- J. Who, within five years prior to the date of application, has been convicted of any offense involving the use, possession, sale or

transportation of narcotics, and the commission of such offense involved the use of a motor vehicle;

- K. Who, within five years prior to the date of application, has been convicted of reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death;
- L. Who, within five years prior to the date of application, has been convicted of a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- M. Who is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- N. Who, within five years prior to the date of application, has done any act involving violence, dishonesty or fraud with the intent to substantially injure another, or substantially benefit the applicant or another;
- O. Who has had a taxicab driver's permit issued pursuant to this chapter revoked within three years prior to the date of application; or
- P. Who, the chief of police determines, is a negligent or incompetent operator of a motor vehicle.
- Q. Who has failed to pay when all applicable taxes imposed by the city of San Jose. (Ord. 22459.)

**6.64.510 Action by chief of police.**

- A. Within a reasonable time after receipt of the application, the chief of police shall issue a taxicab driver's permit to the applicant, if the chief determines that there is no ground for denial of the permit. The chief of police may impose such terms, conditions or restrictions on the permit as the chief deems necessary.
- B. The duration of the permit issued pursuant to this chapter shall be for twenty-four months from the date of the application.

(Ord. 22459.)

**6.64.520 Temporary permit.**

- A. The chief of police may issue a temporary taxicab driver's permit to the applicant who has applied for a taxicab driver's permit pursuant to this chapter, if the chief has not completed all necessary investigation of the applicant and the application, but has no reason to believe that any ground exists for denial of the permit.

- B. The temporary taxicab driver's permit shall be for a period of six months or less, and shall be automatically revoked upon the actual issuance or denial of the taxicab driver's permit.

(Ord. 22459.)

**6.64.530 Appeal.**

- A. The decision of the chief of police to deny an application for a taxicab driver's permit may be appealed to the commission.
- B. The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.

(Ord. 22459.)

**6.64.540 Information on permit.**

Each taxicab driver's permit shall be numbered and signed by the chief of police, and shall contain the following information:

- A. The date of expiration of permit;
- B. The driver's name, address and driver's license number;
- C. A description of the driver, including date of birth, sex, height, weight, color of eyes, and color of hair;
- D. The name of the owner by whom the driver is employed or engaged under contract; and
- E. Other information as may be deemed necessary by the chief of police.

(Ord. 22459.)

**6.64.550 Termination of employment or contract.**

- A. The taxicab driver's permit shall be automatically revoked upon the termination of the driver's employment or contract with the owner who endorsed the permit application as required by Section 6.64.460B.
- B. Within twenty-four hours after any termination of employment or contract, the owner and driver shall jointly notify the chief of police in writing of such termination and surrender any taxicab driver's permit in their respective possessions. If said permit is unavailable, the owner and driver shall state on the notification the unavailability of the permit and the reasons therefore.

(Ord. 22459.)

**6.64.560 Reissuance of permit.**

- A. The chief of police may approve reissuance of a taxicab driver's permit to an applicant without requiring the applicant's photographs and fingerprints, and the permit fee, if an application endorsed by another owner is filed within six months after the applicant's prior employment or contract with a taxicab business as a driver was terminated.
- B. This section does not apply to an applicant whose employment or contract with a taxicab business as a driver was terminated for reasons which constituted any of the grounds for denial, suspension or revocation of a taxicab driver's permit.

(Ord. 22459.)

**6.64.570 Issuance prior to amendment.**

All taxicab driver's permits issued prior to the effective date of this amendment to this chapter shall be deemed issued pursuant to this chapter as amended, and shall in all respects be subject to the provisions of this chapter as amended.

(Ord. 22459.)

**6.64.580 Driver's appearance.**

The taxicab drivers shall be clean and neat in appearance, and shall wear shoes at all times while on duty. Nothing in this chapter shall preclude an owner from establishing a dress code or similar rules to regulate the appearance of all drivers.

(Ord. 22459.)

**6.64.590 Daily report to owner.**

For purposes of Section 6.64.420 of this chapter regarding the owner's duty to maintain records, each driver shall submit a daily report to the owner setting forth the hours during which the driver is on duty, the starting and destination points of each trip, and the fares collected for each trip.

(Ord. 22459.)

**Part 7  
SUSPENSION AND REVOCATION**

**Sections:**

**6.64.600 Suspension or revocation of taxicab license.**

**6.64.610 Suspension or revocation of taxicab driver's permit.**

**6.64.620 Notice and hearing.**

**6.64.630 Emergency suspension.**

**6.64.640 Appeal.**

**6.64.600 Suspension or revocation of taxicab license.**

The chief of police, or the commission on appeal, shall have the power to suspend or revoke a taxicab license issued under this chapter, on any of the grounds stated in Section 6.02.160 of this code, or on any of the following grounds:

- A. The violation by the owner of any of the terms, conditions or requirements of the taxicab license, or of this chapter.
- B. Any act or omission of the owner of any fact or condition which, if it existed at the time the application for a taxicab license was filed, would have warranted the denial of the application.
- C. Cancellation or suspension of any insurance policy or coverage required of the owner by Section 6.64.450 of this chapter.
- D. Failure of the owner to pay any judgment against the owner for personal injury or death, or property damage arising out of the conduct of business under the taxicab license issued pursuant to this chapter, within thirty days after the judgment has become final.
- E. Voluntary written request by the owner to suspend the taxicab license for a definite period of time.
- F. Overcharge of, or the attempt to overcharge, taxicab fares by the owner, as prohibited by Section 6.64.320 of this chapter.
- G. Failure of the owner to pay when due any applicable taxes imposed by the City of San Jose.

(Ords. 19311, 22459.)

**6.64.610 Suspension or revocation of taxicab driver's permit.**

The chief of police, or the commission on appeal, shall have the power to suspend or revoke a taxicab driver's permit issued under this chapter, on any of the grounds stated in Section 6.02.160 of this code, or on any of the following grounds:

- A. Suspension, revocation, or expiration of the driver's privilege granted by the department of motor vehicles of the state of California to operate a motor vehicle on the public highways of the state of California.
- B. The violation of the driver of any of the terms, conditions or requirements of the taxicab driver's permit, or of this chapter.
- C. Any act or omission of the driver or any fact or condition which, if it existed at the time the application for a taxicab driver's permit was filed, would have warranted the denial of the application.

- D. Failure of the driver to pay any judgment against the driver for personal injury or death, or property damage arising out of the driver's operation of a public transportation vehicle, within thirty days after the judgment has become final.
- E. The driver consumed drugs or alcohol or is under the influence of drugs or alcohol while on duty, or is convicted of a crime relating to drugs or alcohol.
- F. Overcharge of, or the attempt to overcharge, taxicab fares by the driver, as prohibited by Section 6.64.320 of this chapter.
- G. Failure of the driver to pay when due any applicable taxes imposed by the City of San Jose.

(Ord. 22459.)

**6.64.620 Notice and hearing.**

- A. Except as provided in Section 6.64.630 of this chapter, a taxicab license or a taxicab driver's permit issued pursuant to this chapter shall be revoked or suspended only after the owner or driver has been given reasonable notice and opportunity to be heard.
- B. The chief of police shall hold a hearing to determine whether there is a ground for suspension or revocation. The owner or driver shall be given the opportunity to present witnesses or evidence in the hearing.
- C. Notice of the hearing, setting forth the time, date and place of the hearing, shall be given to the owner or driver no later than ten days prior to the date of the hearing.
- D. Within a reasonable time after the close of the hearing, the chief of police shall render a decision setting forth the findings and reasons therefore.
- E. The decision of the chief of police shall be mailed to the owner or driver, at the address shown on the application, in the manner provided for in Section 6.64.030 of this chapter.

(Ord. 22459.)

**6.64.630 Emergency suspension.**

- A. The chief of police may issue an order suspending a taxicab license or a taxicab driver's permit for a period not exceeding ten days without having conducted a hearing therefore, if the chief determines that the continued use of the license or permit will cause immediate hazard to the public safety, health or welfare.

- B. Within ten days of the effective date of the order, the chief of police shall hold hearing for the owner or driver to show cause why the license or permit should not be suspended or revoked.
- C. The order issued by the chief of police under Subsection A above shall also contain a notice of the hearing setting forth the date, time and place of the hearing.

(Ord. 22459.)

**6.64.640 Appeal.**

- A. The decision of the chief of police to suspend or revoke a taxicab license or taxicab driver's permit may be appealed to the commission.
- B. The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.
- C. The suspension or revocation of a taxicab license or taxicab driver's permit shall remain in effect pending the appeal.

(Ord. 22459.)

**Part 8  
APPEAL TO THE COMMISSION**

**Sections:**

**6.64.650 Notice, hearing and decision.**

**6.64.650 Notice, hearing and decision.**

- A. Any action taken by the chief of police under this chapter may be appealed to the commission by filing, with the chief of police, a written notice of appeal within ten days after a copy of the decision of the chief of police has been placed in the mail to the applicant, owner or driver.\
- B. When such notice of appeal has been accepted by the chief of police:
  - 1. The chief shall, subject to the rules of the commission, set a date for a hearing which shall be held by the commission. Said date of hearing shall be not less than ten days nor more than sixty days after the date such notice of appeal was received by the chief.
  - 2. The chief shall provide a report and recommendation to the commission. In addition thereto, the chief shall file with the commission at its hearing all relevant papers, documents and exhibits which are part of the file.

3. The commission shall hear the matter de novo. Within a reasonable time after the commission has concluded its hearing, it shall, by resolution, set forth its findings and decision on the matter. The decision of the commission shall be final.
- C. The decision of the commission shall be mailed to the applicant, owner or driver, at the address shown on the application or the notice of appeal in the manner provided for in Section 6.64.030 of this chapter.

(Ord. 22459.)