

BOARD REPORT
CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

Date: March 10, 2011

To: Board of Transportation Commissioners

SUBJECT: REPEAL OF BOARD ORDER 530 and 547 – GUIDELINES FOR APPLICANTS OF DRIVER AND ATTENDANT PERMITS AND FINAL ADOPTION OF BOARD ORDER 600 – ESTABLISHING CONSISTENT DRIVING HISTORY AND CRIMINAL HISTORY REQUIREMENTS FOR DRIVERS, ATTENDANTS AND OPERATORS OF ALL NON-TAXI FRANCHISED COMPANIES

SUMMARY

At its meeting of February 10, 2011, the Board approved Tentative Resolution Board Order 600 establishing consistent driving history and criminal history requirements for drivers, attendants and operators of all non-taxi franchised companies. Tentative Board Order was published on February 16, 2011. The Department received no public comments

The City Charter specifies the procedure to be followed for the Board to adopt or modify a rule or regulation. Briefly, the procedure is for the Board to tentatively adopt a new Board Order; the tentative Resolution is published; written comments are received during a five-day public review period and the Board considers any comments at a second public hearing and may approve the final order. The final Order is again published and becomes effective thirty (30) days after publication, unless specified otherwise.

RECOMMENDATION

- a. That your Board **APPROVE** attached Final Resolution, Board Order No. 600, revising the driving record standards for all City-Permitted Drivers and criminal record standards for all City-Permitted Drivers, Attendants, except taxicab drivers, operators and management of all non-taxi franchised companies as presented in final resolution form.
- b. That your Board **DIRECT** the Board's Executive Assistant to publish the Final Resolution (Board Order No. 0600) to become effective thirty (30) days after publication.

INITIATED BY

Recently there has been a large increase in the number of companies applying for authorization

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to operate non-taxi transportation service businesses within the City. Due to this increase staff reviewed Board Orders 530 and 547 and found that they needed modification to better address the needs of business practices.

DISCUSSION

The current Board Order, 530, establishing criteria as a guideline for applicants for a Driver's Permit within the City of Los Angeles was enacted on March 28, 1999. The current Board order, 547, became effective May 13, 1999, establishing criteria as a guideline for driver and attendant permit criminal record standards. Since the effective dates of the aforementioned Board Orders there have been numerous changes to how companies conduct business in the City.

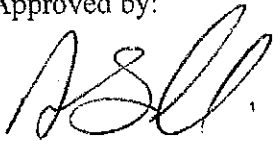
Staff has found that the existing regulations, per Board Orders 530 and 547, are no longer adequate to address modern business operations and therefore recommends that Board Orders 530 and 547 be rescinded and Board Order 600 be adopted.

Board Order 600 addresses the changes that have occurred since Board Orders 530 and 547 were enacted.

RECOMMENDATION

To better insure more modern and applicable regulations, and to safeguard the health and safety of the passengers, and the interests of the City of Los Angeles, it is staff's recommendation that the Board repeal Board Orders 530 and 547, and adopt Board Order 600.

Approved by:



AMIR SEDADI
Interim General Manager

DATE SIGNED: 3/3/11

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<p>Approved: <u>March 10, 2011</u></p> <p>Board of Transportation Commissioners</p> <p><u>Charithy Tate</u></p> <p>Commission Executive Assistant</p>

BOARD ORDER 600
FINAL RESOLUTION OF THE
BOARD OF TRANSPORTATION COMMISSIONERS
CITY OF LOS ANGELES

WHEREAS, the Board adopted Board Order No. 530 effective March 28, 1996, to establish criteria as a guideline for applicants for a Drivers Permit; and

WHEREAS, the Board adopted Board Order No. 547 effective May 13, 1999, to establish criteria as a guideline for driver and attendant permit criminal record standards; and

WHEREAS, the Board has found that further modification to the criteria of Board Order No. 530 and 547 to establish consistent driving record requirements for all types of City-permitted drivers and to establish consistent criminal record requirements for all City-permitted drivers and attendants will greatly benefit the public, the driver, the attendants, the regulated transportation companies, and the Department's regulatory process;

NOW, THEREFORE, BE IT RESOLVED, that Board Order No. 530 and Board Order No. 547 are hereby rescinded and the following rules and regulations shall govern all drivers and attendant except taxicab drivers:

A. New driver and attendant applicants shall have the ability to communicate and comprehend English, written and spoken. Applicants shall demonstrate to the satisfaction of the Department their English comprehension proficiency. Questions and answers derived from the Driver/Attendant application shall be used to establish the standard for such testing.

B. NEW DRIVER PERMITS

1. Applicant shall be denied a Driver's Permit if he/she has ever been convicted of any of the following Vehicle Code Sections or equivalent out-of-state violations:

Violation	Description of Violation
20001	Hit and Run resulting in injury or death
20003	Hit and Run - failure to identify yourself to police or victim - injury or death involved
20004	Hit and Run death - failure to report to police or CHP
23104	Reckless driving - causing injury
23153	Driving while under the influence of alcohol or drugs - causing injury to others

2. Applicant shall be denied a Driver's Permit if his/her last three (3) years

Department of Motor Vehicles (DMV) printout indicates any of the following.

- a) A conviction within the last three years of any of the following Vehicle Code Sections or equivalent out-of-state violations:

Violation	Description of Violation
20002	Hit and Run – property damage, including vehicles
23103	Reckless driving – no injury
23152	Driving while under the influence of alcohol or drugs – no injury
23220	Driver drinking while operating a motor vehicle on highway

- b) More than three (3) moving violations within the last three (3) years with a maximum of two (2) violations within the last year.
- c) More than two (2) chargeable vehicle accidents within the last three (3) years with a maximum of one (1) within the last year.

C. RENEWAL AND REPLACEMENT DRIVER PERMITS

1. Applicant shall be denied a RENEWAL OR REPLACEMENT Driver's Permit if he/she has ever been convicted of any of the following Vehicle Code Sections or equivalent out-of-state violations:

Violation	Description of Violation
20001	Hit and Run resulting in injury of death
20003	Hit and Run – failure to identify yourself to police or victim – injury or death involved
20004	Hit and Run death – failure to report to police or CHP
23104	Reckless driving – causing injury
23153	Driving while under the influence of alcohol or drugs – causing injury to others

2. Applicant shall be denied a RENEWAL OR REPLACEMENT Driver's Permit if his /her last three (3) years Department of Motor Vehicles (DMV) printout indicates any of the following:

- a) A conviction within the last three years of any of the following Vehicle Code Sections or equivalent out-of-state violations:

Violation	Description of Violation
20002	Hit and Run – property damage, including vehicles
23103	Reckless driving – no injury
23152	Driving while under the influence of alcohol or drugs – no injury
23220	Driver drinking while operating a motor vehicle on highway

- b) More than five (5) moving violations within the last three (3) years with a maximum of two (2) within the last year.
- c) More than three (3) chargeable accidents within the last three (3) years with a maximum of one (1) within the last year.

D. CRIMINAL HISTORY

Applicant shall be denied a NEW, RENEWAL OR REPLACEMENT Driver or Attendant's Permit if he/she:

1. Is required to register as a sex offender under Section 290 of the Penal Code or if he/she has been convicted of a felony involving violence against persons. Equivalent out-of-state violations SHALL be considered.
2. Has been convicted, during the preceding seven years, of any offense relating to the use, sale, possession or transportation of narcotics or addictive or dangerous drugs, or of any act involving force, violence, threat or intimidation against persons, or of any sexual offense, or of any act involving moral turpitude, including fraud or intentional dishonesty for personal gain, contributing to the delinquency of minors, or of any offense which results in a felony conviction, or of any offense involving the possession of a firearm or dangerous weapon, or of any offense involving the solicitation or agreement to engage in or engagement in any act of prostitution, or of any act of resisting, delaying or obstructing a peace officer, public officer or emergency technician, or of theft in either degree. (NOTE: For the purposes of this rule, a subsequent change of plea or vacation of verdict and dismissal of charges pursuant to California Penal Code Section 1203.4 does not release the applicant from the penalties and disabilities resulting from the offense of which he or she has been convicted of); OR
3. Has a record of habitual or excessive use or addiction to intoxicating beverages, narcotics or dangerous drugs; OR

4. Has a record in violation of any state or federal statute that would mandate denial of required licensure or prohibit performance of the duties allowed by the Driver or Attendant's Permit. Equivalent out-of-state violations SHALL be considered.
5. Has a habitual or extensive record of violence against persons in either degree.

E. GROUND(S) FOR REVOCATION OF DRIVER PERMIT

At any time a Driver Permittee's record fails to meet the requirements of Sections B or C herein, his/her Driver's Permit shall be revoked by the Department, subject to appeal to the Board.

F. GROUND(S) FOR REVOCATION OF ATTENDANT PERMIT

At any time an Attendant Permittee's record fails to meet the requirements Section C herein, his/her Attendant Permit shall be revoked by the Department, subject to appeal to the Board.

G. COMPANY OWNER(S) AND MANAGEMENT – CRIMINAL HISTORY REQUIREMENT

Every transportation company owner, corporate shareholder, corporate officer, officer, operator and/or manager, and/or supervisor, including CEO's and CFO's or anyone involved in the daily operations of the company shall not be placed in charge of a permitted company if he/she:

1. Is required to register as a sex offender under Section 290 of the Penal Code or if he/she has been convicted of a felony involving violence against persons. Equivalent out-of-state violations SHALL be considered.
2. Has been convicted, during the preceding seven years, of any offense relating to the use, sale, possession or transportation of narcotics or addictive or dangerous drugs, or of any act involving force, violence, threat or intimidation against persons, or of any sexual offense, or of any act involving malfeasance or trafficking of any contraband substance, moral turpitude, including fraud or intentional dishonesty for personal gain, contributing to the delinquency of minors, bribery of any official, solicitation for murder, counterfeiting, or of any offense which results in a felony conviction, or of any offense involving the possession of a firearm or dangerous weapon, or of any offense involving the solicitation or agreement to engage in or engagement in any act of prostitution, or of any act of resisting, delaying or obstructing a peace officer, public officer or emergency technician, or of theft in either degree, or the harboring of any fugitive or illegal aliens for the purpose of assisting such fugitive in evading the law.

(NOTE: For the purposes of this rule, a subsequent change of plea or vacation of verdict and dismissal of charges pursuant to California Penal Code Section 1203.4 does not release the applicant from the penalties and disabilities resulting from the offense of which he or she has been convicted of); OR

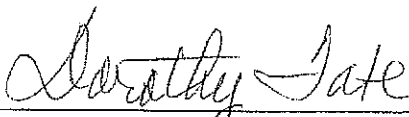
3. Has a record of habitual or excessive use or addiction to intoxicating beverages, narcotics or dangerous drugs; OR
 4. Has a record in violation of any state or federal statute that would mandate denial of required licensure or prohibit performance of the duties allowed by the Driver or Attendant's Permit. Equivalent out-of-state violations SHALL be considered.
 5. Has a habitual or extensive record of violence against persons in either degree.
- H. Any applicant who is denied a Driver or Attendant's Permit or any Permittee whose Driver or Attendant Permit is revoked, or any owner/operator or manager who's application has been denied or revoked based on the provisions herein shall be afforded an opportunity to appeal such action to the Board of Transportation Commissioners provided the applicant or permittee submits a written request for a Board hearing within ten (10) days of the denial or revocation, respectively.

BE IT FURTHER RESOLVED that the above guidelines supplement Los Angeles Municipal Code Sections 71.03, 71.04, 71.04.1, 71.06, 71.07 71.08, 71.09 and 71.09.1.

I HEREBY CERTIFY THAT the foregoing Final Resolution, Board Order No. 600, was adopted by the Board of Transportation Commissioners at its meeting held on the 10th day of March, 2011.

BY ORDER OF THE BOARD

ATTEST



Dorothy Tate, Commission Executive Assistant II
Board of Transportation Commissioners
City of Los Angeles

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