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AB-302 San Diego Metropolitan Transit Development Board: regulation of for-hire vehicle and passenger jitney services. (2021-2022)

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Assembly Bill No. 302

CHAPTER 89

An act to amend Sections 120266, 120267, and 120269 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 302, Ward. San Diego Metropolitan Transit Development Board: regulation of for-hire vehicle and passenger jitney services.

Existing law establishes the San Diego Metropolitan Transit Development Board. Under existing law, the board's jurisdiction includes specified cities in, and the unincorporated area of, the County of San Diego, except for the portion of the county under the jurisdiction of the North San Diego County Transit Development Board, as specified. Existing law authorizes the board to enter into contracts with any city in its area of jurisdiction and with the county to license or regulate transportation services, and to regulate vehicle safety and driver qualifications for passenger jitney service, as defined, operating between cities and between a city and unincorporated portions of the county within the area of its jurisdiction. Existing law requires the board to levy fees necessary to recover the full cost of regulating those services.

This bill would replace the term "transportation services" with the term "for-hire vehicle services" and would define that term to mean vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation, as specified. The bill would expand to any city within the County of San Diego the authority of the board to enter into contracts to license or regulate for-hire vehicle services and to regulate vehicle safety and driver qualifications for passenger jitney service.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 120266 of the Public Utilities Code is amended to read:

120266. (a) The board may enter into contracts with any city in the County of San Diego and with the County of San Diego to license or regulate by ordinance any for-hire vehicle services rendered wholly within the city's corporate limits or within the unincorporated area of the county.

(b) The board shall levy the fees necessary to recover the full cost of licensing and regulating these services.

(c) For purposes of this section, "for-hire vehicle services" means vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation, which includes taxicabs, passenger jitney service, low-speed vehicles, nonemergency medical vehicles to the extent that the commission does not have regulatory authority, charters, and sightseeing

vehicles. The term "for-hire vehicle services" does not include any public transportation services operated by the North County Transit District established pursuant to Division 11.5 (commencing with Section 125000).

SEC. 2. Section 120267 of the Public Utilities Code is amended to read:

120267. (a) The board may, by ordinance, regulate vehicle safety and driver qualifications for passenger jitney service operating between cities in the County of San Diego and between a city in the County of San Diego and unincorporated portions of the County of San Diego.

(b) The board shall levy the fees necessary to recover the full cost of regulating these services.

(c) For purposes of this section, the term "passenger jitney service" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of a passenger transportation service by motor vehicles of not more than 15-passenger capacity, excluding the driver, that operates between fixed termini and over a regular route and generally on short nonscheduled headways.

SEC. 3. Section 120269 of the Public Utilities Code is amended to read:

120269. (a) If the board licenses or regulates any for-hire vehicle services, pursuant to Section 120266, or any passenger jitney service, pursuant to Section 120267, and the licensed or regulated service employs, or contracts with, any driver who (1) is not required to be tested for controlled substances and alcohol pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code, Section 1032.1 of this code, or Section 34520 of the Vehicle Code, and (2) is not exempted under Section 34520 of the Vehicle Code, the board shall adopt, by ordinance or resolution, a mandatory controlled substance and alcohol testing certification program for those drivers.

(b) The program adopted pursuant to subdivision (a) shall meet substantially the requirements set forth in paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code.

(c) Evidence derived from a positive test result collected pursuant to the program adopted under subdivision (a) shall not be admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances.