

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE IMPLEMENTING STATE LAW WITH REGARD TO PERMITTING TAXICAB BUSINESSES SUBSTANTIALLY LOCATED WITHIN THE CITY OF SAN JOSE

WHEREAS, commencing on January 1, 2019, under State law, Sections 53075.5, 53075.51, and 53075.52 of the Government Code, as added by Section 3 of Chapter 753 of the Statutes of 2017 and amended by Chapter 472 of the Statutes of 2018, the City must adopt an ordinance or resolution implementing among other things the permitting of taxicab businesses substantially located in its jurisdiction; and

WHEREAS, there is insufficient time to review and amend Chapter 6.64 of Title 6 of the San Jose Municipal Code (“Code”) and have it effective in a timely manner and the failure to do so will mean that taxicab businesses substantially located in San Jose may be penalized by unnecessarily having to pay for and be subject to the contradictory regulations of other cities in the County; and

WHEREAS, the intent of this Resolution is to immediately recognize any taxicab business as substantially located within the City, as defined in Section 53075.5 of the Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1: The Police Chief shall, upon request, make a determination if the requesting taxicab business is duly permitted under Chapter 6.64 of Title 6 of the Code and whether its primary business address is in the City of San Jose and if so issue a letter stating that the business is substantially located in San Jose for purposes of Sections 53075.5, 53075.51, and 53075.52 of the Government Code.

SECTION 2: The Police Chief shall determine the procedure necessary to determine if the total number of prearranged and nonprearranged trips that originated within the City account for the largest share of the taxicab business's total number of trips within the County of Santa Clara over the previous calendar year, for any taxicab business with a primary business address outside of the City requesting recognition as substantially located within San Jose.

SECTION 3: Staff shall review and, if necessary, amend Chapter 6.64 of Title 6 of the Code (Taxicab and Limousine Service Regulations) consistent with best practices and State law.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk