

**LEGISLATIVE DIGEST**

[Transportation, Police, Administrative, and Business and Tax Regulations Codes - Motor Vehicles for Hire]

**Ordinance amending the Transportation Code to clarify the Director of Transportation's authority to designate staff to enforce parking laws; grant the San Francisco Municipal Transportation Agency authority to subpoena evidence and testimony relevant to enforcement of motor vehicle for hire regulations; increase the penalty for driving or operating a taxi without a permit; making it a misdemeanor to operate a taxi without a functioning taximeter; and making it a misdemeanor for an operator of a charter party carrier to refuse to produce a waybill; amending the Police Code to repeal all sections governing motor vehicles for hire; and amending the Business and Tax Regulations and Administrative Codes to repeal sections governing fees related to motor vehicle for hire permits.**

**Existing Law**

The SFMTA has exclusive authority to regulate taxis in San Francisco, and has enacted a regulatory scheme governing taxis in Article 1100 of Division II of the Transportation Code. Article 16 of the Police Code governed taxis when they were regulated by the Police Commission, and later, by the Taxi Commission. For the most part, the provisions of Article 16 have been superseded by amendments to Division I and Division II of the Transportation Code adopted after this Board placed taxis under the jurisdiction of the SFMTA. The provisions of Article 16 are now duplicative of, in direct conflict with, or inconsistent with taxi regulations contained in Divisions I and II of the Transportation Code.

The SFMTA does not have subpoena power in the context of its role as the agency that enforces taxi regulations. The administrative penalty for driving or operating a motor vehicle for hire in San Francisco is a fine of \$5000, but the criminal penalty for the same conduct is a fine of no more than \$1000. Article 7 of Division I of the Transportation Code designates certain violations of motor vehicle for hire regulations (found in Article 1100 of Division II of the Transportation Code) as misdemeanors. Operation of a taxi without a functioning taximeter, and refusal by the driver of a charter party carrier (limousine) to produce a waybill upon request have not yet been designated as criminal violations.

**Amendments to Current Law**

This legislation would repeal Article 16 of the Police Code in its entirety, and would repeal sections of the Police Code governing application fees, issuance fees, and renewal fees for taxi permits. It would also repeal Section 76.5 of the Business and Tax Regulations Code, which has been superseded by Sections 1105 and 1108 of Division II of the Transportation Code governing renewal of taxi driver permits.

This legislation would grant the SFMTA subpoena power to facilitate its investigations of potential violations of SFMTA's taxi regulations. It would also allow a hearing officer to subpoena documents or testimony, at the request of the SFMTA or the respondent, in the context of an administrative proceeding challenging an SFMTA determination that respondent has violated SFMTA's taxi regulations. This legislation would amend Section 3.1(e) of the Transportation Code to clarify the authority of the Director of Transportation to designate SFMTA staff members who may enforce parking laws, and would delete Section 3.1(f), which currently makes such designations. It would amend Article 7 of the Transportation Code to increase the criminal fine for driving or operating a taxi without a permit. And it would amend Article 7 to make it a misdemeanor to operate a taxi without a functioning taximeter, or to refuse to produce a limousine waybill upon request.

This legislation would add Section 1.4 to Division I of the Transportation Code confirming this Board's 2008 transfer of jurisdiction over taxis to the SFMTA. It would also renumber as Section 1.5 of the Transportation Code the current Section 7.4 of that Code, which requires the SFMTA to report quarterly to the Board of Supervisors on its efforts to improve taxi service in San Francisco. This legislation would amend Article 7 of the Transportation Code by renumbering existing Sections 7.3.1 – 7.3.11.

#### Background Information

In December of 2008, this Board exercised its authority under Charter Section 8A.101(b) to abolish the Taxi Commission and transfer its functions to the SFMTA. Under Section 8A.101(b), the SFMTA has exclusive authority over taxis, and its regulations supersede all previously-adopted ordinances governing taxis or other motor vehicles for hire that conflict with or duplicate such regulations. In February of 2009, the SFMTA Board adopted Article 1100 of Division II of the Transportation Code governing motor vehicles for hire, and the SFMTA Board has continued, periodically, to amend Article 1100 and Article 300 (Fines and Fees) of Division II such that they provide a comprehensive scheme of taxi regulation. In addition, in March of 2011 this Board adopted, as amended, legislation recommended by the SFMTA Board that moved the provisions criminalizing certain taxi violations from Article 16 of the Police Code to Article 7 of the Transportation Code, and classified other violations of the SFMTA's taxi regulations as misdemeanors under Article 7. This legislation, also recommended by the SFMTA Board, would complete the process by moving to the Transportation Code a few sections of the Police Code related to motor vehicles for hire, and repealing the rest.

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