

FILE NO. 98-1381

ORDINANCE NO. 366-98

1 [Taxicab Drivers]
 2 AMENDING PART II, CHAPTER VIII, ARTICLE 16, OF THE SAN FRANCISCO MUNICIPAL
 3 CODE (POLICE CODE) BY ADDING SECTION 1124.5, ESTABLISHING PROCEDURES
 4 FOR TAXICAB DRIVERS TO PETITION FOR EMPLOYEE STATUS AND PROHIBITING
 5 INDEPENDENT CONTRACTORS AS DRIVERS UPON ACCEPTANCE OF SUCH
 6 PETITION.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 16 of the San Francisco Police Code is hereby amended by adding Section 1124.5, to read as follows:

SEC. 1124.5. EMPLOYEE STATUS FOR DRIVERS.

(a) Notwithstanding the provisions of Section 1124, no person shall drive a taxicab who is not either the permit-holder for that taxicab, an employee of the permit-holder, or an employee of the color scheme permit-holder for that taxicab. No taxicab permit-holder or color scheme permit-holder shall cause or permit any person to drive a taxicab pursuant to that taxicab permit who is not either the permit-holder for that taxicab, an employee of the permit-holder, or an employee of the color scheme permit-holder for that taxicab. For purposes of this section, "taxicab" shall include a ramped taxicab.

(b) The provisions of subsection (a) shall not take effect unless and until the Board of Supervisors accepts the petition provided for in subsection (c).

(c) Any person may submit to the Board of Supervisors a petition signed by more than 50 percent of all full-time and regular part-time licensed taxicab drivers in the City, other than

1 taxicab permit-holders, stating that the signer wishes to drive as an employee pursuant to
2 subdivision (a) of this section. The following rules and procedures shall apply to any such
3 petition:

4 (1) The total number of full-time and regular part-time drivers shall be computed
5 on the basis of 2.5 eligible drivers for each full time taxicab permit issued. A "regular
6 part-time driver" shall be defined as a driver who drives less than five full shifts but at
7 least two full shifts per week.

8 (2) No signature on any such petition shall be valid if signed more than six
9 months prior to submission of the petition to the Board of Supervisors. All signatures
10 collected shall be submitted to the Taxi Commission for verification at the same time.

11 (3) Each signature shall include the driver's badge number. Upon submission
12 of the petition, the Police Department shall provide the Board of Supervisors with the
13 names and badge numbers of qualified drivers for the six-month period during which
14 the signatures were collected.

15 (d) The Board of Supervisors, or a committee designated by the President of the
16 Board, shall by motion accept the petition if it determines that the petition has been circulated
17 and signatures obtained in a fair and reliable manner and that the petition represents an
18 accurate and reliable measure of the wishes of the majority of the taxicab drivers. The
19 provisions of subsection (a) shall take effect 30 days after the Board accepts the petition
20 pursuant to this subsection.

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1 (e) No person shall interfere with, restrain, coerce or retaliate against any other
2 individual for engaging in the solicitation of signatures or other related activities pursuant to
3 this section. Violation of any provision of this section may constitute good cause to suspend
4 or revoke a permit pursuant to Section 1090 of this Article.

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8 APPROVED AS TO FORM:
9 LOUISE H. RENNE, City Attorney

10
11
12 By: 
13 THOMAS J. OWEN
14 Deputy City Attorney



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails Ordinance

File Number: 981381

Date Passed:

Ordinance amending Police Code by adding Section 1124.5, establishing procedures for taxicab drivers to petition for employee status and prohibiting independent contractors as drivers upon acceptance of such petition.

November 23, 1998 Board of Supervisors — PASSED ON FIRST READING

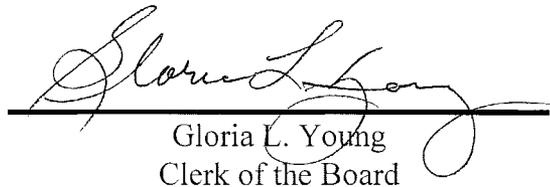
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

December 7, 1998 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee
Absent: 2 - Medina, Newsom

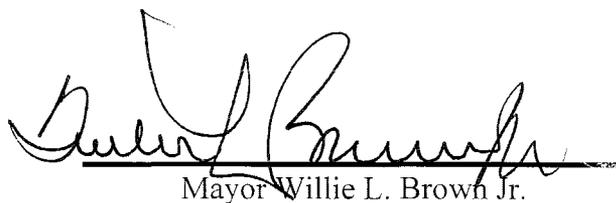
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I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 7, 1998
by the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

DEC 18 1998

Date Approved


Mayor Willie L. Brown Jr.