

1 [Interim reduction of \$25 in maximum gate fee per shift charged taxi drivers]

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3 **Ordinance amending Police Code Section 1135.1 to lower by \$25 per shift the cap on**  
4 **gate fees charged taxi drivers, and providing that this reduction in the cap on gate fees**  
5 **shall expire after two consecutive full quarters of economic growth in the Bay Area.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The San Francisco Police Code is hereby amended by amending Section  
11 1135.1, to read as follows:

12 Sec. 1135.1. GATE FEES.

13 (a) Cap on Gate Fees. The mean gate fee charged drivers by a taxicab company  
14 may not exceed \$83.50 for a shift of 10 hours or longer. The cap shall be prorated at \$8.35  
15 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding  
16 together the gate fees charged by the company for all available shifts during one week and  
17 dividing that total by the number of available shifts during the week.

18 (b) Interim Cap on Gate Fees. Notwithstanding the first two sentences of subsection (a), the  
19 mean gate fee may not exceed \$58.50 for a shift of 10 hours or longer, and the cap shall be prorated at  
20 \$5.85 per hour for shifts shorter than 10 hours. This subsection shall expire, and the cap on gate fees  
21 specified in the first two sentences of subsection (a) shall be reinstated, upon (i) the Controller's written  
22 notice to the Board of Supervisors that the San Francisco Bay Area has, after the effective date of this  
23 subsection, sustained consecutively two full quarters of economic growth, as measured by an economic  
24 index or indices that most closely track economic activity that will affect the taxi industry in San  
25 Francisco, and (ii) a hearing conducted by the Board of Supervisors within 15 days of receipt of the

1 Controller's written notice. Upon expiration of this subsection, the City Attorney's Office shall prepare  
2 legislation excising this subsection from this Section.

3 ~~(b)~~(c) "Gate Fee" Defined. For the purposes of this Section, "gate fee" shall mean any  
4 monetary fee or other charge or consideration, or any combination thereof, required of a driver  
5 other than a permit-holder for the privilege of driving a taxicab during a particular shift, or for  
6 any period of time, including receipt of all services provided in connection with such privilege,  
7 whether said fee is set by contract, lease or other agreement, orally or in writing, and whether  
8 said fee is paid by the driver as a flat rate, as a commission on receipts from fares, or as a  
9 specified fee for any other purpose.

10 ~~(e)~~(d) ~~Chief's~~ Regulations; Penalties. The ~~Chief of Police~~Taxi Commission may, from time  
11 to time and after a noticed public hearing, adopt regulations to carry out the purposes of this  
12 Section. Violation of any provision of this Section, or of any regulation adopted pursuant to  
13 this Section, may be cause for revocation or suspension of any permit granted to the violator  
14 by the City and County related to the operation of taxicabs or other motor vehicles for hire, or  
15 for the imposition of any other penalties authorized under this Article.

16 ~~(d)~~(e) Evaluation By Taxi Commission. The Taxi Commission shall evaluate the  
17 impact of this ordinance and any lease fee cap and report back to the Board of Supervisors  
18 within nine months of the final adoption of this ordinance.

19 ~~(e)~~(f) Operative Date. This Section shall only become operative on the date that the  
20 fare increases authorized in Ordinance No. 188-98 become operative.

21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 PAUL ZAREFSKY  
25 Deputy City Attorney