

File No. 120967

Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date April 13, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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Completed by: Andrea Ausberry Date April 9, 2015

Completed by: _____ Date _____

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

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

13
14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.
16 **Deletions to Codes** are in *strikethrough-italics Times New Roman font*.
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.
19 **Asterisks (* * * *)** indicate the omission of unchanged Code
20 subsections or parts of tables.

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

22 Section 1. The Transportation Code, Division II, Article 1, is hereby amended by
23 adding Section 1.4, and renumbering existing Section 1.4 to become Section 1.5, as follows:

24 **SEC. 1.4. TRANSFER OF REGULATORY AUTHORITY OVER MOTOR VEHICLES FOR**
25 **HIRE TO MUNICIPAL TRANSPORTATION AGENCY.**

1 Pursuant to Ordinance 303-08, the City has abolished the Taxi Commission and transferred the
2 functions, powers, and duties of the Taxi Commission to the San Francisco Municipal Transportation
3 Agency, pursuant to authority granted in Charter Section 8A.101.

4 **SEC. 1.51.4. SEVERABILITY.**

5 If any section, subsection, sentence, clause or phrase of this Division I is for any
6 reason held to be unconstitutional, such decision shall not affect the validity of the remaining
7 portions of this Code. The Board of Supervisors declares that it would have passed this Code
8 and each article, section, subsection, sentence, clause and phrase of this Code, irrespective
9 of the fact that any one or more articles, sections, subsections, sentences, clause or phrase
10 may be declared unconstitutional.

11 Section 2. The Transportation Code, Division II, Article 3, is hereby amended by
12 revising Section 3.1, as follows:

13 **SEC. 3.1. POLICE COMMISSION REGULATION OF TRAFFIC; CIVILIAN**
14 **EMPLOYEES AUTHORIZED TO ENFORCE PARKING REGULATIONS.**

15 (a) The Chief of Police is hereby authorized to direct, control, divert and regulate all
16 traffic by means of Police Officers or persons designated as special police officers limited to
17 the control and direction of traffic by the Chief of Police pursuant to Section 4.127 of the
18 Charter for the exclusive or main purpose of enforcing the provisions of Division 11 of the
19 Vehicle Code, the issuance of citations for the violation of this Code, Article 12 of the Police
20 Code, or the Vehicle Code, and the emergency use of temporary signs and devices.

21 (b) Any Police Officer, Parking Control Officer, or other SFMTA employee
22 authorized to enforce parking laws may issue citations to or authorize the removal of any
23 vehicle that is Parked in the street, on Public Property or in a Municipal Parking Facility, in
24 accordance with the provisions of this Code, the Police Code or the Vehicle Code. SFMTA
25

1 employees whose authority to enforce parking laws is limited to specified violations may order
2 removal of a vehicle only if it is parked in violation of one of the specified laws.

3 (c) Where curb painting or parking regulations are necessary for public safety, such
4 determination shall be reviewed by the Chief of Police and Fire Chief as appropriate.

5 (d) Any Parking Control Officer employed by the Municipal Transportation Agency
6 and assigned to the "Robert Greenstrand Disabled Placard Detail" shall have the power and
7 authority to issue misdemeanor citations for violations of Vehicle Code §§ 4461 and 4463.

8 (e) The Director of Transportation shall be empowered to identify staff with authority
9 to enforce *other* parking laws and regulations in compliance with the requirements of the
10 Vehicle Code.

11 ~~(f) Any employee of the Municipal Transportation Agency who is authorized by the Agency
12 to enforce the provisions of Article 1100 of this Code may enforce Sections 7.2.27, regulating Parking
13 in white zones, 7.2.38, prohibiting unauthorized vehicles from Parking in Stands, 7.2.39, prohibiting
14 vehicles from Parking in Transit Only Areas designated in Section 601, 7.2.70, prohibiting obstruction
15 of traffic, 7.2.80, regulating Parking of vehicles for hire in residential zones, and 7.2.86, regulating
16 idling of commercial vehicles.~~

17 Section 3. The Transportation Code, Division II, Article 3, is hereby amended by
18 adding Section 3.5, as follows:

19 **SEC. 3.5. AUTHORITY TO ISSUE SUBPOENAS.**

20 (a) When the Director of Transportation, acting under the authority of Charter Section
21 8A.101(b), deems testimony or other evidence necessary to a pending investigation of the potential
22 violation of an ordinance or regulation governing Motor Vehicles for Hire, or the qualifications of an
23 applicant for a permit, he or she shall have the power to subpoena witnesses, compel their attendance
24 and testimony, administer oaths and affirmations, take evidence, and require by subpoena the
25

1 production of any books, papers, records or other items relevant to the regulation of motor vehicles for
2 hire.

3 (b) In connection with a hearing conducted under Article 1100 of this Code into the alleged
4 violation of an ordinance or regulation governing motor vehicles for hire, and upon the application of
5 a party to the proceeding, the hearing officer is empowered to issue a subpoena requiring the
6 attendance and testimony of witnesses or the production of books, papers, records or other items upon
7 the hearing officer's determination that the testimony or other evidence is likely to provide evidence
8 relevant to the alleged violation.

9 (c) All applications for subpoenas made and all subpoenas issued under this Section 3.5
10 shall be made in the format and in accordance with the rules prescribed by the SFMTA. In case of the
11 refusal of any person to attend, testify, or produce documents as required by a subpoena issued under
12 the authority of this Section 3.5, the SFMTA may proceed to petition for a court order pursuant to
13 Section 1991 of the California Code of Civil Procedure.

14 Section 4. The Transportation Code, Division II, Article 7, is hereby amended by
15 revising Section 7.2.86, as follows:

16 **SEC. 7.2.86. IDLING ENGINE WHILE PARKED.**

17 To cause or permit the engine of a commercial vehicle, Private Bus, or motor vehicle
18 for hire ~~as defined in Police Code Section 1076(a)~~ to idle while Parked upon any public right of
19 way within the City and County of San Francisco for more than five minutes; provided,
20 however, that if such vehicle is temporarily stopped for the sole purpose of loading or
21 unloading passengers, it may idle no longer than is reasonably necessary to load or unload
22 passengers. (60.5)

23 Section 5. The Transportation Code, Division I, Article 7, is hereby amended by
24 revising Section 7.3 and the sections immediately following, including by renumbering existing
25 Sections 7.3.1 through 7.3.11 and adding new sections, as follows: Section 7.3.10 (former

1 7.3.1); 7.3.20 (former 7.3.4); 7.3.21 (former 7.3.11); 7.3.30 (former 7.3.3); 7.3.40 (former
2 7.3.2); 7.3.50 (former 7.3.5); 7.3.51 (former 7.3.6); 7.3.52 (former 7.3.7); 7.3.53 (former 7.3.8);
3 7.3.54 (former 7.3.9); 7.3.55 (former 7.3.10); 7.3.56 (new); and 7.3.57 (new).

4 Section 6. The Transportation Code, Division II, Article 7, is hereby amended by
5 revising Section 7.3, as follows:

6 **SEC. 7.3. MISDEMEANORS.**

7 *(a) For the purposes of this Section 7.3, and Section 7.2, and unless otherwise stated herein,*
8 *the terms "Color Scheme," "Dispatch Service," "Dispatch Service Permit," "Driver," "Driver Permit,"*
9 *"Medallion," "Medallion Holder," "Motor Vehicle for Hire," "Permit Holder," "Ramp Taxi," and*
10 *"Taxi," when capitalized, shall have the meanings ascribed to these terms in Section 1102 of this Code.*
11 *The term "motor vehicle for hire," when not capitalized, shall include any taxicab, limousine, or other*
12 *privately-owned, motor-propelled, passenger-carrying motor vehicle for hire, regardless of whether the*
13 *City and County has issued or could issue a permit for that vehicle.*

14 *(b) Except as may be authorized in Division II of this Code, the following actions are*
15 *prohibited, and each and every violation of the prohibitions listed in the sections following this*
16 *~~Subsection~~ Section 7.3 shall be a misdemeanor; provided however, that, the charge may be*
17 *reduced to an infraction in the discretion of the Court, or the citation issued may be issued for*
18 *the violation as an infraction in the discretion of the issuing officer.*

19 **TRANSIT VIOLATIONS**

20 **SEC. 7.3.10. OTHER FARE EVASION AND PASSENGER CONDUCT**
21 **REGULATIONS.**

22 For any passenger or other person in or about any public transit station (including an
23 outdoor high-level boarding platform or station operated by the Bay Area Rapid Transit
24 District), or public transit vehicle to commit any of the acts described below:
25

1 (a) Knowingly providing false identification to a peace officer, fare inspector or other
2 representative of the transit system when engaged in the enforcement of City or state laws
3 regarding fare collection, fare evasion, passenger conduct or proof of payment of fare;

4 (b) Interfering with the turnstile or fare register;

5 (c) Meddling with the trolley pole or rope attached thereto;

6 (d) Meddling with tracks, switches, turnouts, or any other transit system structures
7 or facilities;

8 (e) Entering upon the roadbed, tracks, structures or other portions of transit system
9 property or facilities not open to passengers or the public;

10 (f) Obstructing any person or persons in charge of any transit station or facility or
11 public transit vehicle in the performance of that person's duties, or otherwise interfering with
12 the operation of the public transit vehicle;

13 (g) Sounding any bell, alarm or other warning device, without authorization;

14 (h) Printing, duplicating or otherwise reproducing any token, card, transfer or other
15 item used for entry onto any transit vehicle or into a transit station without the express
16 permission of the Municipal Transportation Agency. (128.2)

17 **PARKING PERMIT VIOLATIONS**

18 **SEC. 7.3.204. FAILURE TO SURRENDER A REVOKED PARKING PERMIT.**

19 Failure, when requested, to surrender a Parking Permit revoked by the Municipal
20 Transportation Agency. A Police Officer or Parking Control Officer is authorized to confiscate
21 a Parking Permit from a vehicle if the Parking Permit is determined to have been revoked.

22 (316, 413; 713)

23 **SEC. 7.3.211. FALSE STATEMENTS ON RESIDENTIAL PARKING PERMIT**
24 **APPLICATION.**

1 For any person to knowingly make any false, misleading, or fraudulent statement or
2 representation on any application for, or request for renewal of, any Residential Parking
3 Permit issued by the Municipal Transportation Agency pursuant to Section 905.

4 **TRAFFIC VIOLATIONS**

5 **SEC. 7.3.30. OBSTRUCTING TRAFFIC.**

6 To obstruct traffic four or more times within one year without a Special Traffic Permit, or
7 violate the terms of a Special Traffic Permit or the regulations set forth in Division II, Section
8 903. Each hour during which the obstruction continues shall constitute a separate offense.
9 Any person and/or business entity violating this section may be deemed guilty of a
10 misdemeanor and upon conviction thereof shall be punished by a fine of at least \$1,000, or
11 imprisonment in the county jail not exceeding six months, or both. (194.3)

12 **MISCELLANEOUS VIOLATIONS**

13 **SEC. 7.3.402 FRAUDULENT PAYMENT PROHIBITED.**

14 To cause to be deposited in any Parking Meter any slug, device, or substitute for lawful
15 money of the United States or any authorized payment device, or to otherwise fraudulently
16 attempt to obtain time on a Parking Meter or otherwise avoid making the required lawful
17 payment. (207)

18 **MOTOR VEHICLE FOR HIRE VIOLATIONS**

19 **SEC. 7.3.505. OPERATING WITHOUT A PERMIT.**

20 (a) For any person or entity to drive or operate any taxi on the public street without
21 a permit issued by the SFMTA authorizing such driving or operation. *The penalty for violation of*
22 *this subsection 7.3.50 shall be \$2,500 for the first offense and \$5,000 for a subsequent offense, except*
23 *as otherwise provided by Public Utilities Code Section 5412.2(a).* For purposes of this *Subsection*
24 *Section 7.3.50(a)*, taxi shall mean a *motor vehicle for hire* ~~Motor vehicle for Hire~~ that picks up
25 passengers without prearrangement.

1 (b) For any person or entity to operate any Dispatch Service, ~~Color Scheme~~, or to
2 provide taxi-related services to Drivers or Medallion Holders, including but not limited to
3 procurement of a Taxi ~~or Ramp Taxi~~ vehicle, vehicle insurance or maintenance, or the
4 recruitment, management or scheduling of Drivers, without a permit issued by the SFMTA
5 authorizing such operation in accordance with the provisions of this Code.

6 (c) For any person to drive, or to allow another person to drive, a vehicle that is
7 authorized for use as a Motor Vehicle for Hire without a Driver Permit issued by the SFMTA.

8 ~~Unless otherwise stated, for purposes of Sections 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9 and 7.3.10 of~~
9 ~~Article 7 of this Code, the terms "Color Scheme," "Dispatch Service," "Dispatch Service Permit,"~~
10 ~~"Driver," "Driver Permit," "Motor Vehicle for Hire," "Medallion," "Medallion Holder," "Permit,"~~
11 ~~"Permit Holder," "Ramp Taxi," and "Taxi" shall have the meanings ascribed to these terms in Article~~
12 ~~1100 of this Code.~~

13 **SEC. 7.3.516. SOLICITATION AND PAID PASSENGER REFERRALS PROHIBITED.**

14 (a) For any driver of a motor vehicle for hire, or any person acting in concert with or
15 on behalf of the driver, to solicit passengers for the vehicle where the solicitation is made from
16 any from any public street, sidewalk, or other public property.

17 (b) For any person to solicit or accept payment from the driver of a motor vehicle for
18 hire for referral of a passenger to a motor vehicle for hire, or for any person or business, firm,
19 association or corporation to act in concert with or on behalf of another person or persons to
20 solicit or accept payments from the driver of a motor vehicle for hire for the referral of
21 passengers to a motor vehicle for hire; provided, however, that this Section shall not apply to
22 a Dispatch Service, a passenger referral service by which passengers are able to
23 communicate directly with drivers, or any effort on the part of a Driver to market his or her
24 services to the public.

1 ~~(c) For purposes of this Section, "motor vehicle for hire" shall include any taxicab,~~
2 ~~limousine, or other privately owned motor propelled passenger-carrying vehicle for hire, regardless of~~
3 ~~whether the City and County has issued or could issue a permit for that vehicle.~~

4 **SEC. 7.3.527. GIFTS OR GRATUITIES.**

5 For any person to solicit or accept gifts and/or gratuities or anything of value from any
6 holder of a San Francisco Motor Vehicle for Hire Permit, except as authorized in this Code, in
7 return for any dispatch call, assignment, vehicle, or shift.

8 **SEC. 7.3.538. FALSE STATEMENTS TO ENFORCEMENT**

9 **PERSONNEL PROHIBITED.**

10 For any person or entity knowingly to make any false or misleading representation, to
11 manufacture any record, or knowingly to conceal information from any person authorized by
12 this Code to enforce Motor Vehicle for Hire laws and regulations in connection with the
13 application for, renewal of, possible revocation of, or operation of vehicle pursuant to a permit
14 issued under Article 1100 of this Code.

15 **SEC. 7.3.549. REFUSAL TO PAY FARE.**

16 For any person to refuse to pay the legal fare and any applicable surcharges for a
17 Motor Vehicle for Hire.

18 **SEC. 7.3.5510. EXCESSIVE AND UNAUTHORIZED CHARGES.**

19 (a) For a driver Driver of a motor vehicle for hire to charge a passenger any amount
20 in excess of the legally authorized rate of fare and any applicable surcharges.

21 (b) For any Medallion Holder, Color Scheme or Dispatch Service Permit Holder to
22 levy an administrative fee, service charge, processing fee, or other surcharge on Driver Permit
23 Holders except as expressly authorized in this Code.

24 **SEC. 7.3.56. OPERATING WITHOUT FUNCTIONING TAXIMETER.**

1 For any person or entity to drive or operate any Taxi on the public street that is not equipped
2 with a Taximeter, is equipped with a Taximeter that is inaccurately fixing the fare to be collected, or is
3 otherwise not in good working order, or is equipped with a Taximeter that does not comply with the
4 requirements of Section 1113(f)(4) of Division II of the Transportation Code.

5 **SEC. 7.3.57. REFUSAL TO PRODUCE WAYBILL.**

6 For any person operating a charter-party carrier of passengers within the City and County to
7 refuse, upon request by a Police Officer or a person authorized by the Municipal Transportation
8 Agency to enforce the provisions of Article 1100 of this Code, to produce his or her waybill for
9 inspection.

10 Section 6. The Transportation Code, Division I, Article 7 is hereby amended by
11 repealing Section 7.4, as follows:

12 **SEC. 7.4. REPORT ON IMPROVED TAXI SERVICE.**

13 Beginning April 1, 2011, the SFMTA shall report quarterly to the Board of Supervisors on
14 SFMTA's progress increasing and improving Taxi service in San Francisco. Such reports shall include
15 quantitative data demonstrating the Agency's progress in meeting demand for Taxi service as a way to
16 reduce non-permitted Taxi service.

17 Section 7. The Police Code is hereby amended by repealing Sections 2.26.1 and
18 2.27.1, as follows:

19 **SEC. 2.26.1. SCHEDULE OF PERMITS AND FILING FEES.**

20 Notwithstanding the provisions of Section 1085 of this Code, the following filing fees, payable
21 in advance to the Taxi Commission, are required when submitting applications for Motor Vehicle for
22 Hire permits to the Taxi Commission

<u>TYPE OF PERMIT</u>	<u>FILING FEE</u>
<u>Color scheme, new</u>	
<u>1-5 medallions</u>	<u>\$1,225.00</u>

1	6-15 medallions	1,796.30
2	16-49 medallions	3,595.00
3	50 or more medallions	4,492.00
4	Color scheme change	413.00
5	Interurban bus	268.00
6	Jitney bus driver	53.00
7	Jitney bus owner	268.00
8	Lost medallion	246.00
9	Metallie medallion	48.00
10	Motorized rickshaw	268.00
11	Public convenience and necessity application	343.00
12	Public passenger vehicle driver	78.00
13	Ramped taxicab	520.00
14	Sightseeing bus	268.00
15	Taxicab	1,264.00
16	Taxicab radio dispatch service	3,859.00

SEC. 2.27.1. SCHEDULE OF LICENSE FEES FOR MOTOR VEHICLE FOR HIRE PERMITS.

Notwithstanding the provisions of Section 1085 of this Code, the following license fees are payable to the Tax Collector for permits issued by the Taxi Commission, and, when applicable, for their renewal.

Note: All license fees are at an annual rate unless otherwise indicated.

<i>TYPE OF PERMIT</i>	<i>LICENSE FEE</i>	
18	Color scheme, new	
19	—1-5 medallions	\$ 811.00
20	—6-15 medallions	1,339.00
21	—16-49 medallions	3,319.00
22	—50 or more medallions	4,149.00
23	Interurban Bus	277.00
24	Jitney Bus Driver	58.00
25	Jitney Bus Owner	277.00
	Motorized Rickshaw	277.00
	Public Passenger Vehicle	54.00

<i>TYPE OF PERMIT</i>	<i>LICENSE FEE</i>
<i>Driver</i>	
<i>Ramped Taxicab</i>	<i>166.00</i>
<i>Sightseeing Bus</i>	<i>277.00</i>
<i>Taxicab</i>	<i>957.00</i>
<i>Taxicab Radio Dispatch Service</i>	<i>4,264.00</i>

Section 8. The Police Code is hereby amended by revising Section 2.31, as follows:

SEC. 2.31. ANNUAL ADJUSTMENT OF FEES.

Beginning with fiscal year 2003-2004, fees set in Sections 2.26, ~~2.26.1~~, and 2.27, ~~and 2.27.1~~, may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Police Department, Taxi Commission, and Entertainment Commission shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is more than the costs of providing the services for which each fee is assessed.

Section 9. The Administrative Code is hereby amended by revising 10G.1, as follows:

SEC. 10G.1. SURCHARGE IMPOSED; CATEGORIES OF PERMITS AND FEES.

In order to recover the cost to the City and County for the Board of Appeals permit review functions, at the time a fee for permit application, issuance, or review is collected, and at the time an annual fee for renewal of the permit or license associated with the permit is

1 collected, a surcharge in the amount specified shall be charged and collected for the following
2 categories of permits and fees.

3 (a) For fees imposed by the Department of City Planning pursuant to San Francisco
4 Planning Code Sections 351(h), 352(a) (except for fees imposed for hearings on Conditional
5 Uses under Section 303 or Planned Unit Developments under Section 304), 353(a), 353(b),
6 353(c), or 355 for review of permits that may be appealed to the Board of Appeals pursuant to
7 Charter Section 4.106, a surcharge of \$25.00;

8 (b) For permits issued pursuant to San Francisco Building Code Section 110A: Tables
9 1A-A; 1A-F, Item 3; 1A-H; 1A-K, Item 8; or 1A-Q, Item 5; that may be appealed to the Board of
10 Appeals pursuant to Charter Section 4.106, a surcharge of \$25.00;

11 (c) For permits issued pursuant to the San Francisco Public Works Code that may be
12 appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of 6.00;

13 (d) For permits specified in San Francisco Police Code Section 2.26 that may be
14 appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$26.50
15 for such permits issued by the Police Department, and a surcharge of \$4.00 for such permits
16 issued by the Entertainment Commission;

17 ~~(e) For permits specified in San Francisco Police Code Section 2.26.1 that may be appealed to~~
18 ~~the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$7.00;~~

19 (ef) For annual license fees specified in San Francisco Police Code Section 2.27 for
20 permits that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a
21 surcharge of \$26.50 for such permits issued by the Police Department and a surcharge of
22 \$4.00 for such permits issued by the Entertainment Commission;

23 ~~(g) For annual license fees specified in San Francisco Police Code Section 2.27.1 for permits~~
24 ~~that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$7.00;~~

1 (f#) For permits issued pursuant to San Francisco Health Code Section 1009.53 that
2 may be appealed to the Board of Appeals pursuant to Charter Section 4.106, and annual
3 permit fees pursuant to San Francisco Health Code Section 1009.54 and Business and Tax
4 Regulations Code Section 249.16, a surcharge of \$51.00;

5 Section 10. The Police Code is hereby amended by repealing all existing provisions in
6 Article 16 (Division I, Sections 1075-1110, Division II, Sections 1120-1147.9, Division IIA,
7 Sections 1148-1148.6, Division III, Sections 1150-1154, Division IV, Sections 1155-1159,
8 Division V, Sections 1160-1161, Division VI, Sections 1165-1166, Division VII, Sections 1170-
9 1171, Division VIII, Sections 1175-1178, Division IX, Sections 1183-1183.40, and Division X,
10 Sections 1185-1188), as follows:

11 ~~DIVISION I PROVISIONS GOVERNING ALL VEHICLES~~

12 ~~SECTION 1075. DECLARATION OF POLICY.~~

13 ~~—The Board of Supervisors of the City and County of San Francisco hereby declare it shall be the~~
14 ~~policy of the City and County of San Francisco that:~~

15 ~~(a) —All motor vehicle for hire permits issued by the City and County of San Francisco are~~
16 ~~the property of the people of the City and County of San Francisco and shall not be sold, assigned or~~
17 ~~transferred.~~

18 ~~(b) —A sufficient number of permits for each type, kind, or class of motor vehicle for hire~~
19 ~~shall be issued to assure adequate service to the public, including residents, commuters, tourists and~~
20 ~~other visitors.~~

21 ~~(c) —All taxicabs shall be operated with an effective 24-hour radio dispatch service to assure~~
22 ~~prompt, safe and adequate service for all residents of the City and County of San Francisco, including,~~
23 ~~without limitation, elderly and handicapped persons, in all locations throughout the City and County.~~

24 ~~(d) —Taxicab operators may charge less than the maximum fare set by law, as set forth below.~~

1 ~~(e) — All commercial operation of motor vehicles for hire in the City and County of San~~
2 ~~Francisco shall be subject to regulation under this Article, except to the extent that such regulation is~~
3 ~~preempted or precluded by state or federal law. It is the intent of the Board of Supervisors that this~~
4 ~~Article shall apply to all motor vehicles for hire, including those which may from time to time be~~
5 ~~deregulated by state or federal authority although now or in the future exempted from regulation~~
6 ~~hereunder by virtue of state or federal law.~~

7 ~~(f) — The public will benefit from additional efforts to enforce the provisions of this Article,~~
8 ~~and a portion of the cost of enforcement should be funded through fees collected from holders of~~
9 ~~permits issued under this Article.~~

10 ~~SECTION 1075.1. TRANSFER OF REGULATORY AUTHORITY TO MUNICIPAL~~
11 ~~TRANSPORTATION AGENCY.~~

12 ~~— Pursuant to the authority granted in Charter Section 8A.101, the Board of Supervisors hereby~~
13 ~~abolishes the Taxi Commission and transfers the functions, powers and duties of the Taxi Commission~~
14 ~~to the Municipal Transportation Agency.~~

15 ~~SECTION 1076. DEFINITIONS.~~

16 ~~— For purposes of this Article the following words and phrases are defined and shall be construed~~
17 ~~as set forth below:~~

18 ~~(a) — "Motor Vehicle for Hire Every type, kind and class of privately owned motor propelled~~
19 ~~passenger-carrying vehicle for hire over which the City and County of San Francisco may exercise~~
20 ~~jurisdiction.~~

21 ~~(b) — "Taxicab." A motor vehicle for hire of a distinctive color or colors and which is~~
22 ~~operated at rates per mile or upon a waiting time basis, or both, and which is equipped with a~~
23 ~~taximeter and which is used for the transportation of passengers for hire over and along the public~~
24 ~~streets, not over a defined route but, as to the route and destination, in accordance with and under the~~
25

1 ~~direction of the passenger or person hiring such vehicle. A "taxicab" does not include motor vehicles~~
2 ~~for hire herein defined as "ramped taxis."~~

3 ~~_____ (c) "Taximeter." An instrument or device attached to a motor vehicle for hire by means of~~
4 ~~which instrument or device the charge authorized for hire of such vehicle is mechanically calculated~~
5 ~~either on a basis of distance traveled or for waiting time, or a combination thereof, which charges shall~~
6 ~~be indicated upon such taximeter by means of figures, in dollars and cents.~~

7 ~~_____ d) "Taxicab Dispatch Service." Any person, business, firm, partnership, association or~~
8 ~~corporation which holds itself out to the public as a source of taxicab service by or through which~~
9 ~~taxicabs may be summoned or dispatched by radio.~~

10 ~~_____ (e) "Taxicab Color Scheme." Any color scheme, design or dress for taxicabs that is~~
11 ~~distinguishable from the color scheme, design or dress customarily used for private automobiles.~~

12 ~~_____ (f) "Jitney," "Jitney Bus." A motor vehicle for hire less than 20 feet in length traversing the~~
13 ~~public streets between certain definite points or termini and conveying no more than 15 passengers for~~
14 ~~a fixed charge, between such points or any intermediate points, and so held out, advertised or~~
15 ~~announced; provided, however, that the size and passenger limitations established herein shall not~~
16 ~~apply to any vehicle operated as of July 1, 1983. A jitney bus is hereby declared to be a common~~
17 ~~carrier and is subject to the regulations prescribed in the Municipal Code and in this Article.~~

18 ~~_____ (g) "Motorized Rickshaw." A passenger-carrying motor vehicle for hire having three or~~
19 ~~four wheels, convertible type, designed to carry not more than four passengers. The gross weight of a~~
20 ~~motorized rickshaw shall not exceed 4,700 pounds, unloaded, and shall have a wheelbase not to exceed~~
21 ~~95 inches, and shall have an engine not to exceed four cylinders. A motorized rickshaw shall have a~~
22 ~~cloth hood over the rear seating area that shall resemble the hood of a traditional rikisha or jinrikisha.~~

23 ~~_____ (h) "Limousine." A passenger-carrying motor vehicle for hire, of private appearance~~
24 ~~(except as to license plates), not equipped with a taximeter, designed to accommodate seven or eight~~
25 ~~persons, inclusive of a driver, and used for the transportation of persons for hire over and along the~~

1 ~~public streets, not over a fixed and defined route but, as to route and destination, in accordance with~~
2 ~~and under the direction of the passenger or person hiring such limousine, the charges for use of which~~
3 ~~are based upon rates per mile, per trip, per hour, per day, per week or per month.~~

4 ~~—— (i) —— "Funeral Limousine." Any limousine used exclusively in the business of any undertaker~~
5 ~~or funeral director.~~

6 ~~—— (j) —— "Sightseeing Bus." A motor vehicle for hire used in the conveyance, for hire, of tourists~~
7 ~~and sightseers, over the public streets, for the purpose of a sightseeing trip or tour in the visiting and~~
8 ~~viewing of places of interest. A "sightseeing bus" is hereby defined to be a common carrier and subject~~
9 ~~to the regulations prescribed in the Municipal Code and this Article.~~

10 ~~—— (k) —— "Interurban Bus." A motor vehicle for hire, other than a jitney bus used for transporting~~
11 ~~passengers for hire over and along the public streets between certain definite points or termini, one~~
12 ~~within and the other without the limits of the City and County of San Francisco. An "interurban bus" is~~
13 ~~hereby declared to be a common carrier and subject to the regulations prescribed in the Municipal~~
14 ~~Code and this Article.~~

15 ~~—— (l) —— "Permittee" or "Permit Holder." Any person, business, firm, partnership, association or~~
16 ~~corporation which holds any permit or license issued by or under the authority of the City and County~~
17 ~~of San Francisco to operate or drive any motor vehicle for hire. "Operator." Any person, business,~~
18 ~~firm, partnership, association or corporation holding a permit issued by the City and County of San~~
19 ~~Francisco pursuant to the provisions of this Article, and any agent of such permittee including, but not~~
20 ~~limited to, any manager or lessee of said permittee.~~

21 ~~—— (m) —— "Driver." Any person engaged in the mechanical operation and having physical charge~~
22 ~~or custody of a motor vehicle for hire while said motor vehicle for hire is available for hire or is~~
23 ~~actually hired.~~

24 ~~—— (n) —— "Full Time Driver." Any driver actually engaged in the mechanical operation and~~
25 ~~having physical charge or custody of a motor vehicle for hire which is available for hire or actually~~

1 ~~hired (i) for at least four hours during any 24-hour period on at least 75 percent of the business days~~
2 ~~during the calendar year or (ii) for at least 800 hours during the calendar year.~~

3 ~~—— (o) "Stand." A place designated by the Municipal Transportation Agency for the use, while~~
4 ~~awaiting employment, of the particular motor-propelled passenger-carrying vehicles authorized to~~
5 ~~utilize such Stand.~~

6 ~~—— (p) "Police Commission." Defined For the purposes of Police Code Sections 1075-1165,~~
7 ~~"Police Commission" shall refer to the Taxi Commission, unless the context requires that the term be~~
8 ~~interpreted to refer to Police Commission of the City and County of San Francisco.~~

9 ~~—— (q) "Chief of Police," "Police Department." For the purposes of Police Code Sections~~
10 ~~1075-1165, "Police Department" and "Chief of Police" shall refer to the Executive Director of the Taxi~~
11 ~~Commission or his or her designee(s), unless the context requires that the term be interpreted to refer~~
12 ~~to the Chief of Police or the Police Department of the City and County of San Francisco.~~

13 ~~—— (r) "Tax Collector." The Tax Collector of the City and County of San Francisco.~~

14 ~~—— (s) "Controller." The Controller of the City and County of San Francisco.~~

15 ~~—— (t) "Municipal Transportation Agency." The Municipal Transportation Agency of the City~~
16 ~~and County of San Francisco.~~

17 ~~—— (u) "Ramped Taxi." A motor vehicle for hire of a distinctive color or colors operated at~~
18 ~~rates per mile or upon a waiting-time basis, or both, which is a minivan or similar vehicle specially~~
19 ~~adapted with ramp access for wheelchair users, which is also equipped with a taximeter, and which~~
20 ~~prioritizes requests for service from wheelchair users for purposes of transportation over and along the~~
21 ~~public streets, not over a defined route but, as to the route and destination, in accordance with and~~
22 ~~under the direction of the passenger or person hiring such vehicle.~~

23 ~~—— (v) "Taxi Commission." The Taxi Commission of the City and County of San Francisco.~~

24 ~~—— (w) "Executive Director." The Executive Director of the Taxi Commission, or his or her~~
25 ~~designee(s).~~

1 ~~SECTION 1077. ADMINISTRATION OF THIS ARTICLE; AUTHORITY TO ISSUE~~
2 ~~REGULATIONS.~~

3 ~~(a) Rules and Regulations. The Taxi Commission from time to time shall, after a noticed~~
4 ~~public hearing, adopt such rules and regulations to effect the purposes of this Article as are not in~~
5 ~~conflict therewith.~~

6 ~~(b) Administration of Regulations. As set forth elsewhere in this Article, the Taxi~~
7 ~~Commission shall be charged with administering and enforcing the provisions of this Article, and any~~
8 ~~rules or regulations promulgated hereunder.~~

9 ~~(c) Enforcement. In addition to the administrative penalties set forth in Section 1090 of this~~
10 ~~Article, violations of the Commission's Rules may be punished as infractions as set forth in Section~~
11 ~~1185(d).~~

12 ~~SECTION 1078. RESERVED.~~

13 ~~SECTION 1079. ISSUANCE OF PERMITS; APPLICATIONS; HEARINGS.~~

14 ~~(a) Scope of Section. To the extent the provisions of this Section and Sections 1080 through~~
15 ~~1088 of this Article are inconsistent with the provisions of Sections 2.1 through 2.30 of Article I of the~~
16 ~~San Francisco Police Code, the provisions of this Article shall be applicable to all permits for the~~
17 ~~operation of motor vehicles for hire granted pursuant to this Article; provided, however, that certain~~
18 ~~alternative and additional provisions with respect to permits for the operation of taxicabs are set forth~~
19 ~~below in Sections 1120 et seq. Provisions of this Section shall not apply to taxicab dispatch service,~~
20 ~~taxicab color scheme permits, or permits for the operation of a rental vehicle business under Division 8~~
21 ~~of this Article.~~

22 ~~(b) Taxi Commission to Issue Permits. The Taxi Commission shall issue permits for the~~
23 ~~operation of motor vehicles for hire that are provided for in this Article as the public convenience and~~
24 ~~necessity shall require. The Taxi Commission shall not issue a permit for any motor vehicle for hire~~
25 ~~service not defined in Section 1076 hereof, except as provided for in Section 1078(b) of this Article.~~

1 ~~—— (e) Declaration of Public Convenience and Necessity. No permit shall be issued for the~~
2 ~~operation of any motor vehicle for hire unless and until the Taxi Commission shall by resolution~~
3 ~~declare that public convenience and necessity require the proposed service for which application for a~~
4 ~~permit is made and the applicant is found to be eligible under all the requirements of this Article.~~

5 ~~—— (d) Hearings to Determine Public Convenience and Necessity. The Taxi Commission shall~~
6 ~~hold hearings to determine public convenience and necessity pursuant to all applications for the~~
7 ~~issuance of permits to operate motor vehicles for hire. Protests against the issuing of a permit may be~~
8 ~~filed with the Taxi Commission. The Taxi Commission shall consider all protests and in conducting its~~
9 ~~hearing shall have the right to call such additional witnesses as it desires. In all such hearings, the~~
10 ~~burden of proof shall be upon the individual applicant to establish by clear and convincing evidence~~
11 ~~that public convenience and necessity require the operation of the vehicle or vehicles for which permit~~
12 ~~application has been made, and that such application in all other respects should be granted. Subject~~
13 ~~to the provisions of Subsection (e) of this Section, hearings on applications for declaration of public~~
14 ~~convenience and necessity shall be held at least once each calendar year for each type, kind or class of~~
15 ~~permit for which one or more applications are pending.~~

16 ~~—— (e) Consolidation of Hearings Permitted. The Taxi Commission may consolidate for~~
17 ~~hearing and determination of public convenience and necessity all applications for a given type, kind~~
18 ~~or class of permit. Any declaration of public convenience and necessity made by the Taxi Commission~~
19 ~~pursuant to such a consolidated hearing shall be valid and binding as to the total number of permits~~
20 ~~authorized for a particular type, kind or class of permit and as to each application included for hearing~~
21 ~~in said consolidated hearing and shall have continuing force and effect until the next subsequent Taxi~~
22 ~~Commission hearing on public convenience and necessity as to that particular type, kind or class of~~
23 ~~permit. Any applicant whose application is called for hearing at a consolidated hearing may rely upon~~
24 ~~the testimony and evidence adduced before the Taxi Commission by other pending convenience and~~
25

1 ~~necessity, in the sole discretion and judgment of the individual applicant; provided, however, that the~~
2 ~~burden of proof in establishing public convenience and necessity shall remain on each applicant.~~

3 ~~—— (f) —— Role of Controller. Prior to increasing the total number of authorized permits, the Taxi~~
4 ~~Commission shall notify the Controller of the proposed increase and receive from the Controller,~~
5 ~~within 30 days of the Controller's receipt of the Taxi Commission notice, a report including the~~
6 ~~Controller's recommendation for an adjustment in the mean gate fee cap and/or in rates of fare for~~
7 ~~taxicabs, and/or the institution of temporary permit lease fee controls, necessary to maintain income of~~
8 ~~drivers and color scheme permit holders.~~

9 ~~—— (g) —— Notice of Commission's Determination. Written notice of a declaration of public~~
10 ~~convenience and necessity by the Taxi Commission shall be given to all subject applicants and all~~
11 ~~protestors whose names and addresses are known to said Commission. Such notice shall be given~~
12 ~~forthwith upon the adoption of such declaration. A declaration of public convenience and necessity~~
13 ~~made at or as a result of a consolidated hearing under Subsection (e) of this Section may be appealed~~
14 ~~to the Board of Appeals as set forth in Section 4.106 of the Charter of the City and County of San~~
15 ~~Francisco. Prior to increasing the total number of authorized permits beyond the currently authorized~~
16 ~~number if the Taxi Commission has not authorized an increase, or beyond any increase authorized by~~
17 ~~the Taxi Commission, the Board of Appeals shall notify the Controller of the Board of Appeals'~~
18 ~~proposed increase and receive from the Controller within 30 days of the Controller's receipt of the~~
19 ~~Board of Appeals notice, a report including the Controller's recommendation for an adjustment in the~~
20 ~~mean gate fee cap and/or in rates of fare for taxicabs, and/or the institution of permit lease fee~~
21 ~~controls, necessary to maintain income of drivers and color scheme permit holders.~~

22 ~~—— (h) —— If the Taxi Commission or the Board of Appeals authorizes the issuance of any~~
23 ~~additional number of taxicab permits above the 1381 permits authorized to be issued as of November~~
24 ~~12, 2002, the Controller shall transmit to the Board of Supervisors a report including the Controller's~~
25 ~~recommendation for an adjustment in the mean gate fee cap and/or in rates of fare for taxicabs and/or~~

1 ~~the institution of temporary permit lease fee controls, necessary to maintain income of drivers and~~
2 ~~color scheme permit holders, and proposed legislation instituting such recommendations.~~

3 ~~—— (i) Separate Hearings for Individual Applicants. Notwithstanding any consolidated hearing~~
4 ~~on public convenience and necessity as provided for in Subsection (e) of this Section, every applicant~~
5 ~~for a permit to operate a motor vehicle for hire shall have a separate hearing to review and determine~~
6 ~~the applicant's individual eligibility and compliance with all applicable laws, rules and regulations~~
7 ~~before a permit is issued, notice of which shall be given in the same manner as set forth in Section~~
8 ~~1080(a) of this Article. Each application shall be investigated and the results of the investigation shall~~
9 ~~be transmitted to the Taxi Commission at the time of the hearing on the applicant's individual~~
10 ~~qualifications. If public convenience and necessity is declared for the issuance of a permit and an~~
11 ~~applicant is found to be eligible therefor after consideration by the Taxi Commission of the factors set~~
12 ~~forth in Section 1081 of this Article, the Taxi Commission shall so notify the applicant. Within 60 days~~
13 ~~thereafter the applicant shall furnish to the Taxi Commission any and all additional information which~~
14 ~~may be required. If the Taxi Commission then finds that the applicant, in addition to complying with all~~
15 ~~other requirements, is the owner of the vehicle or vehicles for which a permit is sought, and that each~~
16 ~~such vehicle meets with all applicable statutes, ordinances, rules and regulations, it shall thereupon~~
17 ~~issue the permit. A finding made at or as a result of a hearing under this Section may be appealed to~~
18 ~~the Board of Appeals as set forth in Section 4.106 of the Charter of the City and County of San~~
19 ~~Francisco.~~

20 ~~—— (j) Conditions on Permits. The Taxi Commission may attach such conditions as it deems to~~
21 ~~be consistent with public convenience and necessity upon any new permit issued under this Article.~~
22 ~~From time to time, existing permits or those issued without conditions may be made subject to such~~
23 ~~conditions as the Taxi Commission may determine to be consistent with public convenience and~~
24 ~~necessity after a hearing of which notice is given to all affected permittees and the public in the manner~~
25 ~~prescribed for giving notice in Section 1080(a) of this Article.~~

1 SECTION 1080. PERMIT APPLICATIONS.

2 ~~(a) Forms and Applications; Notice of Hearing. Application for a permit required by this~~
3 ~~Article shall be made to the Police Commission on a form to be furnished by the Police Commission.~~
4 ~~The form shall specify, and the application shall state, such information as the Police Commission~~
5 ~~reasonably shall require. Within 14 days of the filing of such an application with the Police~~
6 ~~Commission, it shall cause a notice to be published in a newspaper approved for the giving of official~~
7 ~~notices of the City and County of San Francisco, which notice shall state that an application has been~~
8 ~~filed for a permit pursuant to this Article (specifying the type, kind or class), the name of the applicant,~~
9 ~~the kind of equipment to be used, and such other information as may be necessary to identify the~~
10 ~~applicant and to specify the type, kind or class of permit or service. If the hearing on an individual~~
11 ~~application is held more than 45 days after the last such notice was published, that notice shall be~~
12 ~~republished, commencing at least 14 days prior to the hearing. The notices required by this Section~~
13 ~~shall be published for three successive days and shall state the date, time, and place set for the hearing~~
14 ~~thereon.~~

15 ~~(b) Fee for Application. Applicants for permits authorized by this Article shall pay to the~~
16 ~~City and County of San Francisco a sum set by ordinance to cover the costs of advertising,~~
17 ~~investigating, and processing the application for each permit. No application for a permit under this~~
18 ~~Article shall be deemed to be complete until and unless such sum is fully paid.~~

19 ~~(c) Applications Deemed Active. Every application for a motor vehicle for hire permit shall~~
20 ~~be deemed to remain active and shall be considered until the earliest of the following events:~~

- 21 ~~(1) The applicant withdraws the application in writing;~~
22 ~~(2) The applicant is deemed to be ineligible by a vote of the Police Commission; or~~
23 ~~(3) The applicant receives a permit;~~

24 ~~(d) Notwithstanding the provisions of Subsection (c), the Chief of Police may adopt~~
25 ~~regulations requiring applicants periodically to reaffirm that their applications are active.~~

1 ~~SECTION 1081. FACTORS CONSIDERED IN ISSUING PERMITS; DRIVING~~
2 ~~REQUIREMENTS.~~

3 ~~(a) General Factors. The Taxi Commission, in determining whether an individual applicant~~
4 ~~is eligible for the issuance of a motor vehicle for hire permit pursuant to Section 1079(i) may consider~~
5 ~~such facts as it deems pertinent, but must consider the following:~~

6 ~~(1) Whether the applicant is financially responsible and will comply with all~~
7 ~~insurance requirements and will maintain proper financial records.~~

8 ~~(2) Whether the applicant has complied with all applicable statutes, ordinances,~~
9 ~~rules and regulations.~~

10 ~~(3) Whether the applicant holds or has ever held any other permits issued to operate~~
11 ~~a motor vehicle for hire either in the City and County of San Francisco or elsewhere and the record of~~
12 ~~such applicant with regard to any such other or former permits.~~

13 ~~(b) Full Time Driving Pledge. No permit to operate a motor vehicle for hire shall be issued~~
14 ~~unless the person applying for the permit shall declare under penalty of perjury his or her intention~~
15 ~~actively and personally to engage as permittee driver under any permit issued to him or her for at least~~
16 ~~four hours during any 24-hour period or at least 75 percent of the business days during the calendar~~
17 ~~year.~~

18 ~~(c) Driving Experience Required. No permit to operate a taxicab or ramped taxi shall be~~
19 ~~issued unless the applicant has the driving experience required by Section 1121 for a taxicab permit or~~
20 ~~Section 1148.1 for a ramped taxi permit.~~

21 ~~(d) Order of Consideration. Except as otherwise state in this Article, all applications for~~
22 ~~motor vehicle for hire permits shall be processed and considered in the order of their receipt by the~~
23 ~~Taxi Commission. The Commission retains discretion at any time, following a hearing, to deny an~~
24 ~~application for a motor vehicle for hire permit on the basis that the applicant has engaged in fraud,~~
25 ~~deceit, misrepresentation, or other misconduct in connection with the application process.~~

1 ~~_____ (e) _____ Applicability of Section. Notwithstanding any contrary provision in this Article, the~~
2 ~~requirements set forth in this Section shall not apply to any person holding a permit issued on or before~~
3 ~~July 1, 1978.~~

4 ~~_____ (f) _____ Full Time Driving Required. Every permittee subject to the provisions of this Section~~
5 ~~shall be a full-time driver as defined in Section 1076(o), subject to the qualifications state in subparts~~
6 ~~(i) — (iii) below.~~

7 ~~_____ (i) _____ During the calendar year in which the permittee receives the permit, and during~~
8 ~~the first full calendar year following receipt of the permit, the permittee must qualify as a full-time~~
9 ~~driver by satisfying the definition of that term in Section 1076(o)(i). For the calendar year in which the~~
10 ~~permittee receives the permit, the number of business days shall be measured from the date of receipt of~~
11 ~~the permit.~~

12 ~~_____ (ii) _____ A permittee may be granted approval not to drive a certain number of days~~
13 ~~under certain circumstances pursuant to Section 1096(e). In such a case, for the permittee to qualify as~~
14 ~~a full-time driver as defined in Section 1076(o)(i), the number of business days for the calendar year~~
15 ~~shall be reduced in the same proportion as the ratio of the permittee's excused driving days to calendar~~
16 ~~days in the calendar year.~~

17 ~~_____ (g) _____ Promotion of the General Welfare. By adopting a program for the issuance of permits~~
18 ~~for motor vehicles for hire, the City and County of San Francisco is assuming an undertaking only to~~
19 ~~promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an~~
20 ~~obligation for breach of which it is liable in money damages to any person who claims that such breach~~
21 ~~proximately caused injury.~~

22 ~~_____ SECTION 1081.5. DRIVING REQUIREMENTS FOR DESIGNATED TAXI COMPANY KEY~~
23 ~~PERSONNEL.~~

24 ~~_____ (a) _____ Driving Requirement. Beginning January 1, 2007 and notwithstanding any other~~
25 ~~provision of this Code, include subdivision (f) of Section 1081, taxi permit holders who are designated~~

1 as "key personnel" pursuant to this Section may satisfy their annual driving requirement under Section
2 1081(f) by driving 120 hours per year and performing 1,500 hours of work per year as key personnel
3 for the company.

4 ~~(b) Definitions. For purposes of this Section:~~

5 ~~(i) "Taxi company" shall mean a person or entity holding a valid color scheme~~
6 ~~permit under Section 1125.~~

7 ~~(ii) "Key personnel" shall mean a permit holder who works in an administrative~~
8 ~~capacity or performs functions integral to the company. A permit holder designated as key personnel~~
9 ~~must be a payroll employee of the taxi company and work on-site at the company's principal place of~~
10 ~~business.~~

11 ~~(c) Designation. Each taxi company seeking to designate one or more of its employees for a~~
12 ~~calendar year pursuant to this Section must file the designation, on a form to be provided by the Taxi~~
13 ~~Commission, by December 1st of the preceding year. The company may not change designations~~
14 ~~during the year. A permit holder may only be designated by one company at a time, and may not be~~
15 ~~designated by more than one company during a calendar year.~~

16 ~~The Taxi Commission will only recognize as designated personnel those permit holders named in the~~
17 ~~designation form signed and filed by the color scheme permit holder or its authorized representative as~~
18 ~~of December 1st.~~

19 ~~(d) Number of Designated Personnel At a Company.~~

20 ~~A taxi company with 1 to 10 permits may not designate anyone under this Section.~~

21 ~~A taxi company with 11 to 20 permits may designate one person.~~

22 ~~A taxi company with 21 to 40 permits may designate two people.~~

23 ~~A taxi company with 41 to 60 permits may designate three people.~~

24 ~~A taxi company with 61 to 80 permits may designate four people.~~

25 ~~A taxi company with 81 to 100 permits may designate five people.~~

1 ~~A taxi company with 101 to 150 permits may designate six people.~~

2 ~~A taxi company with 151 to 200 permits may designate seven people.~~

3 ~~A taxi company with 201 to 300 permits may designate eight people.~~

4 ~~A taxi company with 301 to 400 permits may designate nine people.~~

5 ~~A taxi company with over 400 permits may designate nine people, plus one additional person for every~~
6 ~~100 permits over 400.~~

7 ~~———— The number of permits affiliated with a particular taxi company for the year shall be determined~~
8 ~~as of December 1st of the previous year, based on the records of the Taxi Commission. The number of~~
9 ~~designated personnel at a taxi company shall not be increased or decreased during the subsequent~~
10 ~~calendar year even if the number of permits at that company changes during the year.~~

11 ~~———— (e) ——— Statement of Work Done. No later than February 1st of each year, each company that~~
12 ~~has designated one or more permit holders pursuant to this Section must submit a written statement,~~
13 ~~under oath, of the number of hours each of its designated personnel worked in that capacity for the~~
14 ~~company during the previous year. The taxi company shall be responsible for the accuracy of the~~
15 ~~statement.~~

16 ~~———— (f) ——— Partial Completion of Requirements. If a permit holder performs at least 750 hours of~~
17 ~~work as designated personnel for the company during the year but less than 1,500 hours, the permit~~
18 ~~holder shall be entitled to partial credit against the driving requirement on a pro rata basis. The credit~~
19 ~~shall correspond to the percentage of 1,500 hours that the designated permit holder worked for the~~
20 ~~company in such capacity. If a permit holder does not perform at least 750 hours of work as~~
21 ~~designated personnel for the company during the year, the permit holder shall not be entitled to any~~
22 ~~credit against the driving requirement.~~

23 ~~———— SECTION 1082. ONLY NATURAL PERSONS LICENSED; ONE PERMIT PER PERSON;~~
24 ~~INDIVIDUAL PERMITTEES ONLY; EXCEPTIONS.~~

1 ~~(a) Individual Permit Holders. No permit to operate a motor vehicle for hire shall be issued~~
2 ~~except to a natural person and in no case to any business, firm, partnership, association or~~
3 ~~corporation, except as provided for in Subsection (c) of this Section. No more than one taxicab permit~~
4 ~~shall be issued to any one person, except as provided in Subsection (c) of this Section.~~

5 ~~(b) Permits Issued Only to Single Permittees. Except for permits issued in the name of more~~
6 ~~than one person prior to the effective date of this Article, no permit to operate a motor vehicle for hire~~
7 ~~shall be issued to, or in the name of, more than one person.~~

8 ~~(c) Exceptions for Existing Permits. The provisions of Subsection (a) of this Section shall~~
9 ~~not apply to any permit issued on or before July 1, 1978 that has been renewed and maintained in effect~~
10 ~~continuously since that date. Such permits shall continue in effect.~~

11 ~~SECTION 1083. SALE OR TRANSFER OF CORPORATE PERMITTEE; CORPORATE~~
12 ~~RECORDS.~~

13 ~~(a) Permits Void in Event of Transfer or Sale of Permittee. Any permit to operate a motor~~
14 ~~vehicle for hire held by a permittee that is not a natural person and which permit would otherwise~~
15 ~~remain in effect pursuant to Section 1082(c) shall be deemed null and void and revoked in any of the~~
16 ~~following circumstances:~~

17 ~~(i) If the permittee is or was sold or transferred at any time after June 6, 1978; with~~
18 ~~a cumulative sale or transfer of (A) 10 percent or more of the stock or other ownership of the permittee,~~
19 ~~or (B) 10 percent of the permittee's assets since June 6, 1978 constituting a sale or transfer for~~
20 ~~purposes of this Section unless such sale or transfer has been approved by the Police Commission in~~
21 ~~conformance with the requirements of this Article and San Francisco Charter, Appendix F.~~

22 ~~(ii) If after the effective date of this Article the management or control of the~~
23 ~~permittee is transferred for consideration;~~

24 ~~(iii) If after the effective date of this Article the permittee's rights to receive income~~
25 ~~derived from the lease of a permit is assigned, transferred or sold.~~

1 ~~_____ (b) _____ Corporate Records. Any corporation holding a permit hereunder shall maintain a stock~~
2 ~~register at the principal office of the corporation in San Francisco and the stock register shall be~~
3 ~~available to the Police Department for inspection. Such corporation shall report to the Department in~~
4 ~~writing any of the following:~~

5 ~~_____ (i) _____ Issuance or transfer of any shares of stock.~~

6 ~~_____ (ii) _____ Change in any of the corporate officers which is required by Section 821 of the~~
7 ~~California Corporations Code.~~

8 ~~_____ (iii) _____ Change of any member of its board of directors.~~

9 ~~_____ (e) _____ Any report required pursuant to this Section shall be filed with the Police Department~~
10 ~~within 10 days of the change, sale or transfer to be reported.~~

11 ~~_____ SECTION 1084. PERMITS A PRIVILEGE; NONTRANSFERABILITY OF PERMITS; NOTICE~~
12 ~~RE DEATH OF PERMITTEE; LEASE OF PERMIT PROHIBITED AFTER PERMITTEE'S DEATH.~~

13 ~~_____ (a) _____ Permits granted pursuant to this Article constitute a privilege and do not constitute~~
14 ~~property of the permittee. Except as provided in Sections 1131(b) (taxicab color scheme permits) and~~
15 ~~1133(b) (taxicab dispatch service permits) of this Article, no permit issued under this Article shall be~~
16 ~~transferable or assignable, either expressly or by operation of law.~~

17 ~~_____ (b) _____ Within 14 days of the death of any living person holding a permit issued under this~~
18 ~~Article, the taxicab dispatch service with which that permit is affiliated, if it has knowledge of the~~
19 ~~permittee's death, and each lessee of the permittee's permit who has knowledge of the permittee's death,~~
20 ~~shall notify the Chief of Police in writing of the permittee's death.~~

21 ~~_____ (c) _____ It shall be unlawful to attempt to lease or lease, as lessor or lessee, any permit issued~~
22 ~~pursuant to this Article with knowledge that the person in whose name that permit is issued is deceased.~~

23 ~~_____ SECTION 1085. PERMIT FEES.~~

24 ~~_____ (a) _____ Payment of Fees Required. It shall be unlawful for any person required to obtain a~~
25 ~~permit pursuant to the provisions of this Article to operate a motor vehicle for hire, a taxicab dispatch~~

1 ~~service or a taxicab color scheme, without first obtaining the required permit and paying the applicable~~
2 ~~fee therefor.~~

3 ~~———— (b) ——— Permit Fee. The fees charged for permits issued pursuant to this Article shall be set~~
4 ~~annually by the Board of Supervisors in an amount adequate to cover the estimated actual costs of the~~
5 ~~enforcement of this Article, including personnel, pursuant to Section 2.2 of Article I of the San~~
6 ~~Francisco Police Code; provided, however, that after January 1, 1990 said fees shall not be increased~~
7 ~~by an amount greater than 10 percent of the fee set for the preceding year. A prorated fee shall be~~
8 ~~charged for any license issued pursuant to Subsection (a) hereof for a period of less than one full year.~~

9 ~~———— (c) ——— Notification of Number of Permits. The Chief of Police shall notify the Controller and~~
10 ~~the Tax Collector of the number of motor vehicle for hire permits in effect, and the seating capacity of~~
11 ~~the vehicles for which the permits were granted; and, whenever additional permits are granted, or~~
12 ~~existing permits are modified or revoked during the year, the Controller and the Tax Collector shall be~~
13 ~~notified of same immediately. These notifications shall be in writing and signed by the Chief of Police,~~
14 ~~and shall be made on the following dates:~~

15 ~~———— (i) ——— Taxicabs and limousines — on the 30th day of June of each year;~~

16 ~~———— (ii) ——— All other motor vehicles for hire — on the 31st day of December of each year.~~

17 ~~———— SECTION 1086. DURATION OF LICENSES, ETC.; EXISTING PERMITS.~~

18 ~~———— (a) ——— Expiration Dates for Permits, Etc. All licenses and medallions issued under the~~
19 ~~provisions of this Section for the operation of taxicabs and limousines shall expire on the first day of~~
20 ~~July next following their issuance. All other permits issued pursuant to this Article shall expire the first~~
21 ~~day of January next following their issuance.~~

22 ~~———— (b) ——— Permits for the operation of motor vehicles for hire in effect on the effective date of this~~
23 ~~Article shall remain in full force and effect subject to the other provisions of this Article.~~

24 ~~———— SECTION 1087. ENFORCEMENT FUND.~~

1 ~~All permit fees collected pursuant to this Article shall be held in trust by the Treasurer of the City and~~
2 ~~County of San Francisco and shall be distributed according to the fiscal and budgetary provisions of~~
3 ~~the San Francisco Charter subject only to the following conditions and limitations: the proceeds from~~
4 ~~permit fees collected pursuant to this Article, including earnings from investments thereof, may be used~~
5 ~~only to compensate and defray the capital and operating costs incurred by the City and County of San~~
6 ~~Francisco in enforcing the provisions of this Article, including, without limitation, the costs incurred by~~
7 ~~the Police Department and the Controller to comply with their obligations as set forth in this Article.~~
8 ~~The foregoing permit fee fund is necessary for the purpose of regulation and to provide for the~~
9 ~~necessary investigation, inspections and administration under, and enforcement of, the provisions of~~
10 ~~this Article.~~

11 ~~SECTION 1088. MEDALLIONS.~~

12 ~~(a) Issuance and Display. The Police Department shall issue a metallic medallion of a~~
13 ~~design approved by the Police Commission for each motor vehicle for hire license issued pursuant to~~
14 ~~the provisions of Sections 1079 through 1081 hereof. During all hours of operation of a motor vehicle~~
15 ~~for hire, the medallion shall be placed in the lower right corner of the windshield in such a manner that~~
16 ~~the serial number shall be clearly visible from the exterior of the vehicle; provided, however, that the~~
17 ~~Chief of Police shall designate the manner of displaying the medallion on motorized rickshaws and~~
18 ~~limousines.~~

19 ~~(b) Medallion Fees. Every motor vehicle for hire permit holder shall pay to the Police~~
20 ~~Department for each metallic motor vehicle for hire medallion a sum set by ordinance to cover the~~
21 ~~costs of producing and processing each such metallic motor vehicle for hire medallion as may be~~
22 ~~issued to him or her pursuant to the provisions of this Section. Said fees shall be paid once each~~
23 ~~calendar year.~~

24 ~~SECTION 1089. RESERVED.~~

25 ~~SECTION 1090. REVOCATION OF PERMITS.~~

1 ~~(a) Revocation for Cause. Any permit issued under this Article may be suspended or~~
2 ~~revoked by the Police Commission for good cause after a noticed hearing. "Good cause" hereunder~~
3 ~~shall include, but shall not be limited to, the following:~~

4 ~~(i) The permittee ceased to be a full-time driver.~~

5 ~~(ii) The permittee failed to pay a permit fee after notice of nonpayment.~~

6 ~~(iii) The permittee or the lessee of the permittee's permit operated without the~~
7 ~~insurance required by this Article.~~

8 ~~(iv) The permittee or an agent of the permittee knowingly made false statements to or~~
9 ~~concealed information from the Police Commission, the Chief of Police or the Police Department.~~

10 ~~(v) The permittee has been convicted of any crime involving moral turpitude.~~

11 ~~(vi) The permittee has failed to satisfy any judgment for damages arising from~~
12 ~~unlawful or negligent operation under any permit issued under this Article.~~

13 ~~(vii) The permittee has been convicted of a misdemeanor under Section 1185 of this~~
14 ~~Article.~~

15 ~~(viii) The permittee violated the Traffic Code of the City and County of San Francisco~~
16 ~~or the Vehicle Code or related laws of the State of California.~~

17 ~~(ix) The permittee violated any applicable statute, ordinance, rule or regulation~~
18 ~~pertaining to the operation or licensing of the vehicles and services regulated by this Article, including~~
19 ~~any rules and regulations enacted by the Chief of Police pursuant to this Article.~~

20 ~~Upon a showing of good cause, the Police Commission shall have discretion to suspend or revoke a~~
21 ~~permit as set forth above, except that a suspension and/or revocation shall be mandatory in the~~
22 ~~circumstances described in Subparts (i) through (vi) above.~~

23 ~~(b) Revocation of More Than One Permit. Where a person violating this Article holds more~~
24 ~~than one permit to operate a motor vehicle for hire in the City and County of San Francisco, the Police~~
25 ~~Commission may revoke or suspend all such permits.~~

1 ~~(e) Suspension by Chief of Police. The Chief of Police may suspend summarily any permit~~
2 ~~issued under this Article pending a disciplinary hearing before the Police Commission when in the~~
3 ~~opinion of said Chief of Police the public health or safety requires such summary suspension. Any~~
4 ~~affected permittee shall be given notice of such summary suspension in writing delivered to said~~
5 ~~permittee in person or by registered letter.~~

6 ~~SEC. 1091. INSURANCE REQUIRED.~~

7 ~~Unless otherwise provided by ordinance, no person, firm or corporation, shall operate any motor~~
8 ~~vehicle for hire unless and until such person, firm or corporation shall comply with the provisions of~~
9 ~~either Section 1092 or 1094 of this Article.~~

10 ~~SECTION 1092. FILING INSURANCE POLICIES OR BOND WITH POLICE COMMISSION.~~

11 ~~(a) Each person, firm or corporation holding a permit to operate a motor vehicle for hire~~
12 ~~pursuant to this Article shall file with the Police Commission and thereafter keep in full force and effect~~
13 ~~a policy of insurance in such form as the Police Commission may deem proper and executed by an~~
14 ~~insurer approved by the said Commission insuring the public against any loss or damage that may~~
15 ~~result to any person or property from the operation of such vehicle or vehicles. Except as provided in~~
16 ~~Subsections (b) through (d) of this Section, the minimum amount of recovery in such policy of insurance~~
17 ~~shall be not less than the following sums:~~

18 ~~(i) Personal injury to or death of any one person, \$100,000 and subject to the limit~~
19 ~~of \$100,000 for each person injured or killed, \$450,000 for such injury to, or the death of two or more~~
20 ~~persons in any one accident;~~

21 ~~(ii) Damage to property, \$25,000 for any one occurrence;~~

22 ~~(iii) In lieu of the requirements in (i) and (ii) above, combined single limit coverage~~
23 ~~of \$500,000.~~

24 ~~(b) For vehicles having a seating capacity of more than 10 persons the limit of liability for~~
25 ~~personal injury to, or death of any one person shall be \$50,000 and subject to the limit of \$50,000 for~~

1 ~~each person injured or killed, \$100,000 for such injury to, or death of two or more persons in any one~~
2 ~~accident; damages to property, \$25,000 for any one occurrence.~~

3 ~~(c) A person, firm or corporation holding a permit to operate a motor vehicle for hire~~
4 ~~pursuant to this Article, may, in lieu of the aforesaid policy of liability insurance, file with said~~
5 ~~Commission a bond in such form as the Commission may deem proper executed by a surety company~~
6 ~~duly authorized to do business within the State of California. The bond shall be conditioned for the~~
7 ~~payment of the amounts set forth hereinabove and shall provide for the entry of judgment on motion of~~
8 ~~the State in favor of any holder of a final judgment on account of damages to property or injury to any~~
9 ~~person caused by the operation of such person's, firm's or corporation's motor vehicle.~~

10 ~~If such person, firm or corporation owns or offers for hire one or more such motor vehicles, bonds~~
11 ~~shall be in the sum as follows:~~

12 ~~(i) If only one, \$100,000 any one occurrence.~~

13 ~~(ii) If more than one but less than six, \$200,000 for any one occurrence.~~

14 ~~(iii) If more than five but less than 21, \$450,000 for any one occurrence.~~

15 ~~(iv) If more than 20 but less than 61, \$600,000 for any one occurrence.~~

16 ~~(v) If more than 60 but less than 101, \$1,000,000 for any one occurrence.~~

17 ~~(vi) If more than 100, \$3,000,000 any one occurrence.~~

18 ~~Subject to the limits shown for any one occurrence, the bond shall be conditioned to pay \$100,000 for~~
19 ~~injury to any one person and \$25,000 for damage of property of any one person.~~

20 ~~(d) For vehicles having a seating capacity of more than 10 persons, said bond shall be in an~~
21 ~~amount for any one occurrence which shall be twice the corresponding amounts as set forth in~~
22 ~~Subsections (c)(i) through (c)(vi) of this Section.~~

23 ~~SECTION 1093. NEW POLICY TO BE FURNISHED.~~

24 ~~If, at any time, the policy or certificate of insurance referred to in Sections 1091 and 1092 is cancelled~~
25 ~~by the issuing company, the insured permittee shall report that fact to the Chief of Police within three~~

1 ~~days after the insured permittee received notice of cancellation. The permittee shall replace said~~
2 ~~policy or certificate with another policy or certificate prior to the termination of the existing policy or~~
3 ~~certificate prior to the termination of the existing policy or certificate and provide immediate~~
4 ~~verification of that replacement policy or certificate to the Chief of Police. The Chief of Police shall~~
5 ~~thereafter review the replacement policy or certificate to verify that the insurer issuing the replacement~~
6 ~~policy or certificate satisfies the provisions of Section 1092.~~

7 ~~SECTION 1094. PROVISIONS FOR SELF INSURERS.~~

8 ~~Any person, firm, corporation, association or organization of owners of vehicles for hire who have a~~
9 ~~certificate of self insurance from the State of California pursuant to Sections 16500 and 16056 of the~~
10 ~~Vehicle Code may file said certificate together with a policy of insurance providing excess insurance~~
11 ~~over self insurance retention for single limit of not less than \$1,000,000 applying to bodily injuries or~~
12 ~~property damage or a combination thereof, with the Police Commission, and shall thereupon be~~
13 ~~deemed in compliance with the provisions of Section 1092 of this Article.~~

14 ~~SECTION 1095. INFORMATION TO BE FILED WITH CHIEF OF POLICE.~~

15 ~~(a) Information Re Other Permits. No person, firm or corporation shall operate or cause to~~
16 ~~be operated any motor vehicle for hire, unless and until such person, firm or corporation shall file with~~
17 ~~the Police Commission a sworn statement setting forth the permits and/or certificates held, or proposed~~
18 ~~to be acquired, by applicant from other governmental bodies relating to the proposed operation, and~~
19 ~~annually thereafter, and not later than the first week in May of each year, and as often as said~~
20 ~~Commission shall direct, file a sworn statement setting forth the permits and/or certificates then held by~~
21 ~~applicant from other governmental bodies relating to said operation, together with a sworn statement~~
22 ~~showing full compliance with all provisions of the Municipal Code and/or State or federal laws~~
23 ~~applicable to said operations. Failure to file such statement or statements shall constitute a violation~~
24 ~~of this Article and shall be deemed a cause for cancellation of any and all permits to so operate.~~

1 ~~Excepting, however, every person, firm or corporation having heretofore filed such statement with the~~
2 ~~Board of Supervisors, shall file such annual statement as provided herein.~~

3 ~~(b) Financial Information. The Controller of the City and County of San Francisco shall~~
4 ~~establish rules and regulations for the keeping and filing of financial statements, and accounting books~~
5 ~~and records, by permittees under this Article. The purpose of such rules and regulations shall be to~~
6 ~~provide information to the Board of Supervisors with respect to maximum rates to be authorized for~~
7 ~~motor vehicles for hire and to the Police Commission for the performance of its duties under the law.~~

8 ~~SECTION 1096. CONTINUOUS OPERATION REQUIRED.~~

9 ~~(a) Requirement. All permittees under this Article shall regularly and daily operate or~~
10 ~~arrange for the operation of their motor vehicle for hire during each day of the year to the extent~~
11 ~~reasonably necessary to meet the public demand for such motor vehicle for hire service.~~

12 ~~(b) Revocation Upon Abandonment. Upon abandonment of such business for a period of 10~~
13 ~~consecutive days by a permittee or operator, the Police Commission shall, after five days' written~~
14 ~~notice to the permittee or operator, revoke the permit or permits of such permittee or operator; except~~
15 ~~as provided in Subsection (c) of this Section.~~

16 ~~(c) Suspension of Operations. The Police Commission may, on written application and~~
17 ~~following an investigation, grant to the holder of any permit hereunder permission to suspend~~
18 ~~operation pursuant to such permit for a period not to exceed 90 calendar days in any one 12-month~~
19 ~~period in case of sickness, death, or other similar hardship. Nothing in this Subsection shall be in~~
20 ~~conflict with or limit the provisions of Section 1153 of this Article pertaining to a suspension of~~
21 ~~operation by a jitney bus permittee.~~

22 ~~(d) Motorized Rickshaws. Notwithstanding any contrary provisions of this Section, the~~
23 ~~Police Commission is authorized to allow any motorized rickshaw permittee to suspend operation~~
24 ~~during those times when in the judgment of the Police Commission, public convenience and necessity~~
25 ~~would not suffer as a result of the suspension of such operation. In making such determination, the~~

1 ~~Police Commission may consider the average weather conditions during such period of suspended~~
2 ~~operations and the availability of tourists wishing to use the services offered by a motorized rickshaw.~~

3 ~~SECTION 1097. SAFE, CLEAN OPERATION REQUIRED.~~

4 ~~No vehicle licensed as a motor vehicle for hire shall operate unless it is in a safe operating condition~~
5 ~~and has body and seating facilities which are clean and in good repair.~~

6 ~~SECTION 1098. RESERVED.~~

7 ~~SECTION 1099. SANITARY CONDITION.~~

8 ~~Every person owning or operating, or causing to be operated, any motor vehicle for hire under this~~
9 ~~Article shall thoroughly wash each such vehicle, when so operated, at least once a week, and shall also~~
10 ~~carefully sweep and clean each vehicle other than a taxicab daily. Whenever required in writing by the~~
11 ~~Board of Health of the City and County of San Francisco, every person owning or operating, or~~
12 ~~causing to be operated, any such vehicle within the limits of said City and County shall fully disinfect~~
13 ~~each vehicle so operated by spraying the vehicle with an efficient disinfectant.~~

14 ~~SECTION 1100. BRAKE INSPECTION.~~

15 ~~Before taking any descending grade of five percent or over, the speed of any motor vehicle for hire~~
16 ~~licensed pursuant to this Article other than a taxicab or motorized rickshaw shall be reduced so as to~~
17 ~~test the working of the brakes thereof. The brakes on all motor vehicles for hire other than taxicabs~~
18 ~~and motorized rickshaws licensed pursuant to this Article shall be inspected and tested daily by~~
19 ~~competent inspectors employed by the person or persons owning or operating, or causing to be~~
20 ~~operated such vehicles.~~

21 ~~SECTION 1101. DRIVING RECKLESSLY OR UNDER INFLUENCE OF INTOXICANTS~~
22 ~~PROHIBITED.~~

23 ~~It shall be unlawful for any person who operates a motor vehicle for hire licensed under this Article to~~
24 ~~do so (a) while under the influence of liquor, or (b) in a reckless and dangerous manner.~~

25 ~~SECTION 1102. LOADING REGULATED.~~

1 *It shall be unlawful for any person operating a motor vehicle for hire licensed pursuant to this Article*
2 *to permit that vehicle to remain standing upon the street for the purpose of loading or unloading*
3 *passengers unless the vehicle is within two feet from the curb.*

4 ~~SECTION 1103. POSTING SCHEDULE OF RATES.~~

5 *Every taxicab, jitney and sightseeing bus shall have permanently affixed to the interior thereof, in a*
6 *place readily to be seen by passengers, a frame covered with glass or plastic, enclosing a card upon*
7 *which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such*
8 *vehicle and such other provisions of this Article as the Chief of Police shall prescribe. The said frame*
9 *and enclosed card must be approved by the Chief of Police.*

10 ~~SECTION 1105. RESERVED.~~

11 ~~SECTION 1107. REPORTS OF LOST PROPERTY.~~

12 *Drivers and operators of motor vehicles for hire shall promptly report to the Bureau of Inspectors of*
13 *the Police Department within 24 hours all property of value found in their vehicles by such drivers or*
14 *operators or delivered to them by any person who has found such property.*

15 ~~SECTION 1108. PUBLIC STANDS.~~

16 *The following are hereby designated as public stands for licensed taxicabs, limousines and sightseeing*
17 *buses:*

18 ~~(a) At or near the entrance to docks and wharves of passenger carrying ships and other~~
19 ~~vessels;~~

20 ~~(b) Railroad depots;~~

21 ~~(c) Around such public squares, except Union Square, as may be designated to the~~
22 ~~Department of Public Works from time to time, but not on the streets, crosswalks or within double~~
23 ~~lines;~~

24 ~~(d) Bus depots;~~

1 ~~(e) At or near the entrance to rapid transit stations; provided, however, that no sightseeing~~
2 ~~bus shall be permitted to occupy said stands;~~

3 ~~(f) All stands heretofore designated by the Department of Public Works pursuant to the~~
4 ~~provisions of former Section 1117 of this Code; provided, however, that the Board of Supervisors may,~~
5 ~~by resolution, designate the type, or types, of vehicles which shall be permitted to use any such stand,~~
6 ~~and may, by resolution, rescind the designation of any such stand;~~

7 ~~(g) The Board of Supervisors, after notice has been duly given to the owner of the property~~
8 ~~fronting the space where such stand is to be located, and after public hearing has been held thereon,~~
9 ~~may, by resolution, designate such additional public stands as it finds necessary for the convenience of~~
10 ~~the public, and in its absolute discretion, may, by resolution, designate the type, or types of vehicles,~~
11 ~~including "jitney buses," which shall be permitted to use any such stand or to rescind the designation of~~
12 ~~any such public stand.~~

13 ~~SECTION 1109. REGULATING STANDING.~~

14 ~~No driver of any taxicab or limousine while awaiting employment by passengers, shall do any of the~~
15 ~~following:~~

16 ~~(a) Stand on any public street or place other than or upon a stand designated or established~~
17 ~~in accordance with the provisions of Section 1108 of this Article; or~~

18 ~~(b) Seek employment by repeatedly and persistently driving his vehicle to and fro for a short~~
19 ~~space in front of any theater, hall, hotel, public resort, railroad or ferry station or other place of public~~
20 ~~gathering; or~~

21 ~~(c) Interfere with the proper and orderly access to or egress from any theater, hall, hotel,~~
22 ~~public resort, railroad or ferry station or other place of public gathering.~~

23 ~~SECTION 1110. RESERVED.~~

24 ~~DIVISION II TAXICABS~~

25 ~~Permits~~

1 ~~SECTION. 1120. TAXICAB PERMITS.~~

2 ~~It shall be unlawful to own or operate a taxicab in the City and County of San Francisco unless a~~
3 ~~taxicab permit has been issued by the Police Commission for the operation of that vehicle. Taxicab~~
4 ~~permits shall be applied for and issued pursuant to Sections 1079 through 1081 and this Division of~~
5 ~~this Article.~~

6 ~~SEC. 1121. PERMIT APPLICATIONS; PREFERENCES; DRIVING EXPERIENCE~~
7 ~~REQUIRED.~~

8 ~~(a) Submission of Applications; Taxicab Waiting List. Applications for taxicab permits shall~~
9 ~~be accepted by the Taxi Commission and shall be recorded by the date and time at which each~~
10 ~~application is received. The Commission shall maintain a list in the order of receipt ("taxicab waiting~~
11 ~~list") of all taxicab permit applications that have not been acted upon, in excess of the number of such~~
12 ~~permits authorized pursuant to Section 1079. When a taxicab permit becomes available for issue and~~
13 ~~an applicant on the taxicab waiting list is eligible for a hearing before the Commission, the~~
14 ~~Commission shall so notify the applicant.~~

15 ~~Each applicant for a taxicab permit must, at the time of filing the application:~~

- 16 ~~(1) Be a resident of the United States, of good moral character;~~
17 ~~(2) Be 21 years or older;~~
18 ~~(3) Be free of any disease, condition, infirmity, or addiction to the use of alcohol or any~~
19 ~~controlled substance, which might render the applicant unfit for the safe operation of~~
20 ~~a taxicab or any other motor vehicle for hire;~~
21 ~~(4) Be able to read and write the English language;~~
22 ~~(5) Be clean in dress and person;~~
23 ~~(6) Hold a valid California driver's license of a class sufficient for the lawful operation~~
24 ~~of the motor vehicle driven; and~~
25 ~~(7) Have held a driver's permit pursuant to Section 1089 of this Article for two years~~
 ~~immediately preceding the date of application for a taxicab permit.~~

1 ~~(b) Driving Experience Required. To qualify for issuance of a taxicab permit, an otherwise~~
2 ~~qualified applicant must have the driving experience specified in subparts (i)-(vi) below, subject to the~~
3 ~~modification stated in subsection (c). The required driving may be satisfied only by driving a taxicab~~
4 ~~and/or ramped taxi for which a permit has been issued by the Taxi Commission. For the purposes of~~
5 ~~this subsection (b), the phrase "application heard by the Commission during calendar year" includes~~
6 ~~an application publicly scheduled to be heard in the calendar year, but continued in that calendar year~~
7 ~~to the next calendar year by the Commission.~~

8 ~~(i) For an application heard by the Commission during calendar year 2004: The~~
9 ~~applicant must have been a full-time driver during the 12 months immediately preceding the~~
10 ~~Commission's hearing on the application. For the purposes of this subpart (i), "full-time driver" shall~~
11 ~~be defined in accordance with Section 1076(o), except that the time frame applicable to the definition is~~
12 ~~the 12 months immediately preceding the hearing on the application rather than 12 months constituting~~
13 ~~a calendar year.~~

14 ~~(ii) For an application heard by the Commission during calendar year 2005: The~~
15 ~~applicant must have been a full-time driver, as defined in Section 1076(o), during calendar year 2005~~
16 ~~or the 12 months immediately preceding the hearing on the application.~~

17 ~~(iii) For an application heard by the Commission during calendar year 2006: The~~
18 ~~applicant must have been a full-time driver, as defined in Section 1076(o), during calendar year 2005~~
19 ~~or 2006.~~

20 ~~(iv) For an application heard by the Commission during calendar year 2007: The~~
21 ~~applicant must have been a full-time driver, as defined in Section 1076(o), during any two calendar~~
22 ~~years from 2005 to 2007, inclusive.~~

23 ~~(v) For an application heard by the Commission during calendar year 2008: The~~
24 ~~applicant must have been a full-time driver, as defined in Section 1076(o), during any three calendar~~
25 ~~years from 2005 to 2008, inclusive.~~

1 ~~(vi) For an application heard by the Commission during calendar year 2009: The~~
2 ~~applicant must have been a full-time driver, as defined in Section 1076(o), during any four calendar~~
3 ~~years from 2005 to 2009, inclusive.~~

4 ~~(vii) For an application heard by the Commission in calendar year 2010 and~~
5 ~~subsequent calendar years: The applicant must have been a full-time driver, as defined in Section~~
6 ~~1076(o), for five years, as specified in Alternative 1 or Alternate 2 below.~~

7 ~~Alternative 1: The applicant was a full-time driver during the calendar year immediately preceding the~~
8 ~~hearing, and during four of the five calendar years immediately preceding that calendar year.~~

9 ~~Alternative 2: The applicant was a full-time driver during the calendar year in which the application is~~
10 ~~heard, and during four of the five calendar years immediately preceding that calendar year. (viii) When~~
11 ~~an applicant seeks credit as a full-time driver under this subsection (b) for the same calendar year in~~
12 ~~which his or her application is heard by the Commission, the Commission shall pro-rate the amount of~~
13 ~~driving required under Section 1076(o) against the portion of the calendar year that has elapsed as of~~
14 ~~the date of the hearing.~~

15 ~~(ix) The Commission may substitute an equivalent amount of prior full-time driving~~
16 ~~experience for the experience required under subsections (b)(i) (vi) above, where the Commission~~
17 ~~determines after a public hearing that the applicant has been unjustly and systematically denied~~
18 ~~employment in the taxi industry in retaliation for engaging in legitimate political, expressive, or labor~~
19 ~~activity. The applicant shall have the burden of establishing such a claim, and any such determination~~
20 ~~shall require a two-thirds' vote of the Commission.~~

21 ~~(c) Modification of Required Driving Experience. If no applicant has the driving experience~~
22 ~~required pursuant to subsections (b)(ii) (vi), but public convenience and necessity as determined~~
23 ~~pursuant to Section 1079 warrants issuance of a taxicab permit, the Taxi Commission may issue the~~
24 ~~permit to an otherwise qualified applicant who has been a full-time driver during the 12 months~~
25 ~~immediately preceding the Commission's hearing on the application. For purposes of this first~~

1 ~~paragraph of subsection (c), "full time driver" shall be defined in accordance with Section 1076(o),~~
2 ~~except that the time frame applicable to the definition is the 12 months immediately preceding the~~
3 ~~hearing on the application rather than 12 months constituting a calendar year.~~

4 ~~The Commission may by regulation establish additional driving experience required for the issuance of~~
5 ~~a taxicab permit under the circumstances described in this subsection (c), provided that the regulation~~
6 ~~shall require neither greater driving experience than is required pursuant to subsections (b)(ii)–(vi)~~
7 ~~nor driving experience for any calendar year greater than the driving experience encompassed in the~~
8 ~~definition of "full time driver" in Section 1076(o).~~

9 ~~—— (d) — Educational Requirements. In addition to meeting the driving requirements in subsection~~
10 ~~(b) and (c), applicants must also meet any educational or training requirements imposed by the Taxi~~
11 ~~Commission.~~

12 ~~—— (e) — Burden of Proof on Applicant; Recordkeeping by Applicant. The taxicab permit~~
13 ~~applicant shall have the burden of showing that he or she has the driving experience required to qualify~~
14 ~~for the taxicab permit. The applicant shall keep records sufficient to document his or her driving for the~~
15 ~~calendar year or years necessary to satisfy the driving requirement.~~

16 ~~—— (f) — Recordkeeping by Color Scheme Permitholders. Holders of color scheme permits shall~~
17 ~~maintain and retain records that will document driving performed by drivers of taxicabs and ramped~~
18 ~~taxis affiliated with the color scheme. Within 60 days of the effective date of this subsection (e), the Taxi~~
19 ~~Commission shall adopt a regulation requiring holders of color scheme permits to maintain and retain~~
20 ~~such records for a period of time sufficient to aid the Commission in determining whether applicants~~
21 ~~have met the specific driving requirements mandated by subsection (b). Failure of the Commission to~~
22 ~~adopt such a regulation, or failure of the color scheme permit holder to comply with the regulation,~~
23 ~~shall not excuse the permit applicant from the driving requirement or relieve the applicant from the~~
24 ~~burden of proving that he or she has satisfied the requirement.~~

1 ~~(g) Notice of Required Driving. Notice of the driving experience required of taxicab permit~~
2 ~~applicants pursuant to subsections (b) and (c) and of the applicant's burden of proving the requisite~~
3 ~~driving experience and maintaining adequate records pursuant to subsection (d), shall be given by the~~
4 ~~City and color scheme permit holders pursuant to subparts (i) (iii) below. In accord with Section~~
5 ~~1148.1(e), the notice shall also include information pertaining to ramped taxi permit applicants.~~
6 ~~Failure to give the notice required by subparts (i), (ii), or (iii) shall not excuse the taxicab permit~~
7 ~~applicant from the driving requirement or relieve the applicant from the burden of proving that he or~~
8 ~~she has satisfied the requirement. The Taxi Commission may provide additional notice beyond that~~
9 ~~required by subparts (i) (iii).~~

10 ~~(i) Within 30 days of the effective date of this subsection (f), the Commission shall~~
11 ~~give written notice of the requirements of subsections (b), (c), and (d) to each applicant on the taxicab~~
12 ~~waiting list. Thereafter, the Commission shall give written notice to each new applicant on the taxicab~~
13 ~~permit waiting list on or before the filing of the application.~~

14 ~~(ii) Beginning no later than 30 days after the effective date of this subsection (f), the~~
15 ~~Office of Treasurer and Tax Collector, in consultation with the Commission, shall give written notice of~~
16 ~~the requirements of subsections (b), (c), and (d) to each person who is obtaining or renewing the driver~~
17 ~~of public passenger vehicle permit. Said notice shall additionally inform the person of the existence of~~
18 ~~the taxicab waiting list and the process for getting on the list.~~

19 ~~(iii) Within 20 days of the effective date of this subsection (f), the Commission shall~~
20 ~~adopt a regulation requiring each holder of a color scheme permit to post written notice of the~~
21 ~~requirements of subsections (b), (c), and (d) at a location at the color scheme's place of business that is~~
22 ~~ordinarily within the view of working taxi drivers affiliated with the color scheme.~~

23 ~~SEC. 1122. ELIGIBILITY FOR TAXICAB PERMITS.~~

1 ~~Before issuing a taxicab permit, the Police Commission shall consider the criteria set forth in Section~~
2 ~~1081 of this Article. In addition, before issuing a taxicab permit, the Police Commission must~~
3 ~~determine that:~~

4 ~~(a) The applicant will be a full-time driver;~~

5 ~~(b) The applicant will operate said permit under or in association with a licensed taxicab~~
6 ~~dispatch service with radio-dispatch capability as defined in Section 1076(d) of this Article;~~
7 ~~and~~

8 ~~(c) The applicant holds a driver's permit pursuant to Section 1089 of this Article.~~

9 ~~SEC. 1123. RADIO DISPATCH CAPABILITY.~~

10 ~~(a) Radio Required. Commencing 60 days after the effective date of this Article, it shall be~~
11 ~~unlawful for any taxicab licensed pursuant to this Article to be operated without a radio permitting~~
12 ~~two-way communication with a taxicab dispatch service licensed pursuant to this Article.~~

13 ~~(b) Affiliation with Taxicab Dispatch Service Required. Prior to the issuance of a taxicab~~
14 ~~permit, every applicant for such a permit shall file with the Police Commission a statement, giving the~~
15 ~~name, address, and phone number of the taxicab dispatch service through which taxicab service is to~~
16 ~~be made available to the public pursuant to the permit for which application has been made. Within 60~~
17 ~~days of the effective date of this Article, such a statement shall be filed for each permit outstanding on~~
18 ~~the effective date of this Article. No permit shall be registered to more than one radio-dispatch service.~~
19 ~~Notice of any change of taxicab dispatch service affiliation must be given to the Police Commission in~~
20 ~~writing by the taxicab permittee within 10 days of the effective date thereof.~~

21 ~~SEC. 1124. LEASE OF TAXICAB PERMIT.~~

22 ~~Provided that a taxicab permit is operated in compliance with all other applicable statutes, laws, rules~~
23 ~~and regulations, a taxicab permittee may operate his or her permit by authorizing another to drive or~~
24 ~~operate pursuant to said permit under any otherwise lawful lease, employment, or other agreement. A~~
25 ~~true and correct copy of such lease, employment, or other agreement shall be filed by the permit holder~~
~~with the Chief of Police within 10 days of the execution of that agreement. Nothing in this Section shall~~

1 ~~be deemed to modify, limit or excuse the obligations of any permittee pursuant to the provisions of~~
2 ~~Section 1123 of this Article.~~

3 ~~SEC. 1124.5. EMPLOYEE STATUS FOR DRIVERS.~~

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

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

12 ~~(c) Any person may submit to the Board of Supervisors a petition signed by more than 50~~
13 ~~percent of all full-time and regular part-time licensed taxicab drivers in the City, other than taxicab~~
14 ~~permit holders, stating that the signer wishes to drive as an employee pursuant to Subdivision (a) of~~
15 ~~this section. The following rules and procedures shall apply to any such petition:~~

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

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

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

1 ~~———— (d) ——— The Board of Supervisors, or a committee designated by the President of the Board,~~
2 ~~shall by motion accept the petition if it determines that the petition has been circulated and signatures~~
3 ~~obtained in a fair and reliable manner and that the petition represents an accurate and reliable~~
4 ~~measure of the wishes of the majority of the taxicab drivers. The provisions of Subsection (a) shall take~~
5 ~~effect 30 days after the Board accepts the petition pursuant to this subsection.~~

6 ~~———— (e) ——— No person shall interfere with, restrain, coerce or retaliate against any other individual~~
7 ~~for engaging in the solicitation of signatures or other related activities pursuant to this Section.~~
8 ~~Violation of any provision of this Section may constitute good cause to suspend or revoke a permit~~
9 ~~pursuant to Section 1090 of this Article.~~

10 ~~———— SEC. 1125. TAXICAB COLOR SCHEMES; ADOPTION; PERMITS; CHANGES.~~

11 ~~———— (a) ——— Color Scheme Required. Upon the issuance of a taxicab permit, every taxicab permittee~~
12 ~~shall adopt a distinguishing taxicab color scheme that has been approved by the Taxi Commission~~
13 ~~pursuant to Subsection (b) of this Section. The taxicab permittee's choice of color scheme shall be~~
14 ~~subject to the approval of the Taxi Commission, which approval shall be given except when it clearly~~
15 ~~would not be in the public interest to do so.~~

16 ~~———— (b) ——— Color Scheme Permits. Any holder of a taxicab permit or a taxicab dispatch service~~
17 ~~permit under this Article may apply to the Taxi Commission for taxicab color scheme permit pursuant~~
18 ~~to Section 1080 of this Article. That permit shall entitle the holder to the exclusive rights to the use of~~
19 ~~that taxicab color scheme for taxicabs licensed pursuant to this Article; provided, however, that the~~
20 ~~permittee under this Subsection may authorize taxicab permit holders to adopt the licensed taxicab~~
21 ~~color scheme, as set forth in Subsection (a). Notwithstanding the provisions of Section 1083 of this~~
22 ~~Article (nontransferability of permits), the permits issued pursuant to this Section are transferable,~~
23 ~~subject to the approval of the Taxi Commission, who shall determine that the proposed transferee meets~~
24 ~~the criteria set forth in Section 1081 of this Article. The permittee shall give notice to the Taxi~~
25 ~~Commission of any intended transfer at least 14 days prior to any such transfer. Applicants for permits~~

1 ~~authorized by this Section, as well as for color scheme changes and renewal of permits, shall pay to the~~
2 ~~City and County of San Francisco a sum set by ordinance to cover the costs of advertising,~~
3 ~~investigating, and processing the application for each permit.~~

4 ~~—— (e) Existing Color Scheme. All persons and entities who, prior to the effective date of~~
5 ~~Ordinance 562-88, have obtained permission from the Chief of Police to use a taxicab color scheme~~
6 ~~are hereby deemed to be permittees under this Section; provided, however, that such persons or entities~~
7 ~~shall hereafter pay to the Chief of Police the taxicab color scheme permit fee as established by the~~
8 ~~Chief of Police.~~

9 ~~—— (d) Change of Color Scheme. It shall be unlawful for any taxicab permittee or operator to~~
10 ~~make or cause to be made any change whatsoever in the distinguishing color scheme of any taxicab~~
11 ~~without the prior written approval of the Taxi Commission, which approval shall be given except when~~
12 ~~it clearly would not be in the public interest to do so. No change in distinguishing taxicab color scheme~~
13 ~~shall be allowed if such change will result in the discontinuance, interruption or reduction of radio-~~
14 ~~dispatched taxicab service, and the Taxi Commission shall consider the impact of a proposed change of~~
15 ~~distinguishing taxicab color scheme upon the quantity and quality of radio-dispatched taxicab service~~
16 ~~or paratransit service available to the public before allowing any such change.~~

17 ~~—— SEC. 1126. NAME ON VEHICLE.~~

18 ~~Every taxicab licensed pursuant to this Article shall have the name under which the owner operates~~
19 ~~painted in letters at least two inches in height on the side doors of each side of the vehicle.~~

20 ~~—— SEC. 1127. TAXICAB DISPATCH SERVICE PERMITS.~~

21 ~~—— (a) Permit Required. It shall be unlawful to own or operate a taxicab dispatch service in the~~
22 ~~City and County of San Francisco unless a permit has been issued by the Police Commission for the~~
23 ~~operation of that service pursuant to the provisions of this Article. Applications for such permits shall~~
24 ~~be made pursuant to the provisions of Section 1080 of this Article.~~

1 ~~———— (b) ——— Permits Transferable. Notwithstanding the provisions of Section 1083 of this Article, the~~
2 ~~permits issued pursuant to this Section are transferable, subject to the approval of the Chief of Police,~~
3 ~~who shall determine that the proposed transferee meets the criteria set forth in Section 1081 of this~~
4 ~~Article. The permittee shall give notice to the Chief of Police of any intended transfer at least 30 days~~
5 ~~prior to any such transfer.~~

6 ~~———— Regulations Governing Operations ———~~

7 ~~———— SEC. 1135. RESERVED. ———~~

8 ~~———— SEC. 1135.1. GATE FEES. ———~~

9 ~~———— (a) ——— Cap on Gate Fees. The mean gate fee charged drivers by a taxicab company may not~~
10 ~~exceed \$96.50 for a shift of 10 hours or longer. The cap shall be prorated at \$9.65 per hour for shifts~~
11 ~~shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged~~
12 ~~by the company for all available shifts during one week and dividing that total by the number of~~
13 ~~available shifts during the week.~~

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

20 ~~———— (c) ——— Regulations; Penalties. The Taxi Commission may, from time to time and after a noticed~~
21 ~~public hearing, adopt regulations to carry out the purposes of this Section. Violation of any provision~~
22 ~~of this Section, or of any regulation adopted pursuant to this Section, may be cause for revocation or~~
23 ~~suspension of any permit granted to the violator by the City and County related to the operation of~~
24 ~~taxicabs or other motor vehicles for hire, or for the imposition of any other penalties authorized under~~
25 ~~this Article.~~

1 ~~(d) Ratifying Gate Fees Actually Charged Up to \$91.50 Between January 1, 2003 and~~
2 ~~October 27, 2006. The average gate fees charged to taxi drivers by taxicab companies from January 1,~~
3 ~~2003 through October 27, 2006 and not exceeding an average of \$91.50 for a shift of ten hours or~~
4 ~~longer are hereby declared to be fair, reasonable, and in compliance with any applicable provision of~~
5 ~~this Section 1135.1 during that period.~~

6 ~~SEC. 1135.2. GATE FEE SURCHARGE FOR LOW EMISSION VEHICLES.~~

7 ~~(a) Gate Fee Surcharge. Notwithstanding any provision of Police Code Section 1135.1,~~
8 ~~including the cap on gate fees imposed pursuant to that section, a taxicab company may collect a~~
9 ~~surcharge of \$7.50 on any gate fee charged for use of a low emission vehicle, subject to the~~
10 ~~requirements of this Section. The surcharge shall be for a shift of ten hours or longer, and shall be~~
11 ~~prorated at \$0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the~~
12 ~~company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap~~
13 ~~authorized by the City, and may be collected for the life of the vehicle.~~

14 ~~(b) Definition of "Low Emission Vehicle." For purposes of this Section, "low emission~~
15 ~~vehicle" means a taxicab vehicle approved by the Taxi Commission that is rated as SULEV (Super~~
16 ~~Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle"~~
17 ~~shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was~~
18 ~~approved by the Taxi Commission and placed into service as a San Francisco taxi prior to January 1,~~
19 ~~2008.~~

20 ~~SEC. 1135.3. REDUCED EMISSIONS BY COMPANY.~~

21 ~~(a) Green Vehicle Guide. Every year by April 1, the Department of the Environment, in~~
22 ~~consultation with the Taxi Commission, shall prepare and publicize a "Green Vehicle Guide." The~~
23 ~~guide shall list vehicles appropriate for use as taxis with emission levels that will allow the City to~~
24 ~~achieve its overall goal of a 20 percent reduction in taxi fleet greenhouse gas emissions from 1990~~

1 ~~levels by the year 2012. The guide shall also identify available funding sources and incentives for such~~
2 ~~vehicles.~~

3 ~~———— (b) ——— Company Emission Reduction Plans: Progress Reports. On June 1, 2008, and every~~
4 ~~year thereafter until June 1, 2010, each holder of a color scheme permit under Section 1125 shall~~
5 ~~submit to the Taxi Commission a written plan on how the color scheme will reduce or maintain its~~
6 ~~average per vehicle greenhouse gas emissions consistent with an overall 20 percent reduction in taxi~~
7 ~~fleet greenhouse gas emissions from 1990 levels by the year 2012. The plan shall provide for spreading~~
8 ~~any reductions out evenly over each of the three years. Ramp taxis operated by the color scheme shall~~
9 ~~not be included in calculation of the color scheme's average per vehicle greenhouse gas emissions.~~
10 ~~On June 1, 2009, and every year thereafter until June 1, 2011, each holder of a color scheme permit~~
11 ~~shall submit to the Taxi Commission a written report on the steps the color scheme has taken in the~~
12 ~~preceding year to carry out its emissions reduction plan and the results of those efforts.~~

13 ~~———— (c) ——— On-Going Emission Reductions. Beginning on June 1, 2011, each holder of a color~~
14 ~~scheme permit shall maintain average per vehicle greenhouse gas emissions at a level set by the~~
15 ~~Department of the Environment, in consultation with the Taxi Commission, that will allow the City to~~
16 ~~achieve its overall goal of a 20 percent reduction in taxi fleet greenhouse gas emissions from 1990~~
17 ~~levels by the year 2012. Ramp taxis operated by the color scheme shall not be included in calculation of~~
18 ~~the color scheme's average per vehicle greenhouse gas emissions.~~

19 ~~———— (d) ——— Implementation and Enforcement. Beginning July 1, 2008, the Taxi Commission shall~~
20 ~~consider the goals and requirements of this Section in deciding whether to approve any vehicle being~~
21 ~~put into service as a San Francisco taxi that is not included on that year's "Green Vehicle Guide" list of~~
22 ~~approved green vehicles under subsection (a).~~

23 ~~The Taxi Commission may adopt rules and regulations to implement this Section. The Taxi Commission~~
24 ~~may reject as incomplete or insufficient any emissions reduction plan submitted under subsection (a) or~~
25 ~~progress report submitted under subsection (b), and the color scheme shall be required to resubmit the~~

1 ~~plan or report within the time period set by the Commission. Failure to comply with this Section may~~
2 ~~subject the holder of the color scheme permit to administrative discipline, including suspension or~~
3 ~~revocation of the permit.~~

4 ~~SEC. 1136. RATES FOR BAGGAGE.~~

5 ~~The driver of any taxicab shall be entitled to charge an additional amount not to exceed \$1 for each~~
6 ~~trunk and for luggage that cannot be conveyed either in the passenger compartment of the vehicle or in~~
7 ~~the vehicle's trunk with the trunk lid closed. Each passenger shall be entitled to have conveyed without~~
8 ~~charge such valise or small package as can be conveniently carried within the vehicle. Other than the~~
9 ~~charges authorized by this Section, no charge shall be made by the driver for loading or unloading~~
10 ~~baggage.~~

11 ~~SEC. 1137. REVIEW OF RATES OF FARE AND CAP ON GATE FEES.~~

12 ~~The rates provided in Sections 1135 and 1136 of this Article and the cap on gate fees provided in~~
13 ~~Section 1135.1 of this Article shall be reviewed by the Controller in even numbered years, beginning~~
14 ~~with 2004. Not later than August 1st of each even numbered year, the Controller shall transmit to the~~
15 ~~Board of Supervisors a determination as to increases or decreases in the rates of fare for taxicabs and~~
16 ~~an increase or decrease in the cap on gate fees based upon changes in the Consumer Price Index since~~
17 ~~the prior determination, and related information submitted to the Controller pursuant to Section~~
18 ~~1095(b) of this Article. The Controller's August 1, 2004 determination as to increases or decreases in~~
19 ~~the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall be based upon~~
20 ~~changes in the Consumer Price Index since January 1, 2003, and related information submitted to the~~
21 ~~Controller pursuant to Section 1095(b) of this Article. In addition, the Controller's August 1, 2004~~
22 ~~determination both as to increases or decreases in the rates of fare for taxicabs and as to an increase~~
23 ~~or decrease in the cap on gate fees shall include appropriate adjustments to ensure, in accordance with~~
24 ~~the procedure provided for in Section 1137.5 of this Article, that appropriate sums are collected to~~
25 ~~offset the increased monthly cost of paratransit scrip incurred by the paratransit program, except if the~~

1 voters of the City and County of San Francisco have reauthorized a new sales tax to fund
2 transportation.

3 ~~———— The Controller's determination as to increases or decreases in the rates of fare for taxicabs and
4 an increase or decrease in the cap on gate fees shall take effect on November 1 of the even-numbered
5 year in which the Controller makes the determination, and shall remain in effect through October 31 of
6 the next even-numbered year, unless the following events occur: (i) By September 1 of the even-
7 numbered year in which the Controller makes the determination the Board of Supervisors by resolution
8 determines that the Board, or a committee thereof, should hold a hearing on the Controller's
9 determination; (ii) by October 1 of that year a hearing is held in accordance with the aforementioned
10 resolution; and (iii) by October 31 of that year the Board adopts a resolution disapproving or
11 modifying the Controller's determination. Any resolution modifying the Controller's determination shall
12 be based upon changes in the Consumer Price Index, costs recently incurred and expected to be
13 incurred by drivers and color scheme permit holders, projected income of drivers and projected
14 revenues of color scheme permit holders, and local economic conditions. If all three events occur, the
15 Controller's determination shall not go into effect on November 1 of that year.~~

16 ~~The Controller's determination as to increases or decreases in the rates of fare for taxicabs and an
17 increase or decrease in the cap on gate fees shall, beginning January 1, 2006, treat the higher mean
18 gate fee cap of \$91.50, provided for in Section 1135.1(b), as if it were \$90.00 when instituted, and treat
19 the higher meter rate of \$2.85 for the first fifth of a mile or "flag," as provided for in Section 1135(a),
20 as if it were \$2.75 when instituted. In addition, the Controller's determination as to increases or
21 decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall,
22 beginning January 1, 2006, make a similar accounting for any adjustments made in the Controller's
23 August 1, 2004 determination designed to offset increased costs to the paratransit program arising
24 from further increases in meter rates.~~

1 ~~In cases where the holder of more than one permit to operate a sedan, limousine or taxicab fails~~
2 ~~to render a financial report within the time prescribed and in such form as the Controller may request,~~
3 ~~for the purpose of reviewing the rates of fare for taxicabs and the cap on gate fees and making a~~
4 ~~determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease~~
5 ~~in the cap on gate fees, such failure shall be a basis for cancellation of such permits by the Taxi~~
6 ~~Commission, provided such cancellation is approved by the Board of Supervisors.~~

7 ~~Notwithstanding the other provisions of this Section, or any other provision of this Article, any change~~
8 ~~in the rates of fare for taxicabs and in the cap on gate fees based on the Controller's report for the~~
9 ~~even numbered year 2008 shall not go into effect. The rates of fare for taxicabs and the cap on gate~~
10 ~~fees in effect on November 25, 2008 shall remain in effect.~~

11 ~~SEC. 1137.5. INCREASED COST OF PARATRANSIT PROGRAM.~~

12 ~~From January 1, 2003 through June 30, 2006, MUNI shall calculate on a monthly basis the increased~~
13 ~~cost of paratransit scrip incurred by the paratransit program as a result of the increase in rates of fare~~
14 ~~for taxicabs provided for in this Ordinance or any increase in rates of fare for taxicabs resulting from~~
15 ~~the Controller's determination or any modification thereof as provided for in Section 1137. The~~
16 ~~increased monthly cost of paratransit scrip shall be divided equally among all taxicab permits in~~
17 ~~operation, to achieve an average increased cost per taxicab permit for each month. From January 1,~~
18 ~~2003 through June 30, 2006, that cost shall be allocated to color scheme permit holders on a monthly~~
19 ~~pro rata basis, dependent on the number of taxicab permits affiliated with each color scheme. By~~
20 ~~January 15, 2003, the Taxi Commission shall adopt procedures for calculating and collecting~~
21 ~~appropriate sums from color scheme permit holders to offset the increased monthly cost of paratransit~~
22 ~~scrip incurred by the paratransit program. If the voters of the City and County of San Francisco~~
23 ~~reauthorize a new sales tax to fund transportation, the Board of Supervisors shall convene a hearing to~~
24 ~~consider whether it is necessary to continue the program designed to offset MUNI's increased~~
25 ~~paratransit costs pursuant to this Section.~~

1 ~~SEC. 1138. WAYBILL.~~

2 ~~Drivers of taxicabs and motorized rickshaws shall keep an accurate and legible waybill, which~~
3 ~~waybill shall set forth the following information:~~

4 ~~(a) Date of waybill;~~

5 ~~(b) Driver's name;~~

6 ~~(c) Vehicle number and vehicle license number;~~

7 ~~(d) Number of medallion issued by the Police Department;~~

8 ~~(e) Time driver began for period covered by waybill;~~

9 ~~(f) Starting mileage of the taxicab for period covered by waybill;~~

10 ~~(g) Starting meter units for the period covered by the waybill;~~

11 ~~(h) Ending time for the period covered by the waybill;~~

12 ~~(i) Ending mileage of the taxicab for the period covered by the waybill;~~

13 ~~(j) Ending meter units for the period covered by the waybill;~~

14 ~~(k) Number of passengers for each trip;~~

15 ~~(l) The origin and destination of each trip;~~

16 ~~(m) The charges authorized and made for each trip;~~

17 ~~(n) The time of hire and discharge for each trip.~~

18 ~~The waybill shall be retained for a period of one year at the business address of the owner of the~~
19 ~~permit. Said waybills shall be available for inspection by any police officer during normal business~~
20 ~~hours.~~

21 ~~SEC. 1139. EMERGENCY RATES FOR TAXICABS.~~

22 ~~During any period of emergency, strike or other impairment or lack of municipal railway~~
23 ~~transportation, declared by the Mayor and affecting the entire City or any part thereof, taxicab~~
24 ~~operators shall accept passengers traveling in the same general direction, though each passenger or~~
25 ~~passengers may have differing points of pickup or discharge. At each stop for the pickup or discharge~~

1 ~~of a passenger or passengers, the taxicab operator shall collect, or tabulate for later collection at the~~
2 ~~passenger's point of discharge, the pro rata share of the amount due as indicated by the meter, and~~
3 ~~said meter shall then be reset. The rates shall be those set forth in Section 1135.~~

4 ~~SEC. 1140. TAXIMETERS.~~

5 ~~(a) Use of Inaccurate Taximeters Prohibited. The use of any inaccurate taximeter or other~~
6 ~~measuring instrument for the purpose of gauging or indicating distance traveled, or waiting time, or for~~
7 ~~the purpose of fixing rates to be collected from the public, is hereby prohibited, and it shall be the duty~~
8 ~~of the owner or lessee in possession of any motor vehicle for hire to which there is attached any~~
9 ~~taximeter or other measuring instrument, to at all times keep said taximeter or other measuring~~
10 ~~instrument accurate.~~

11 ~~(b) Inspection of Taximeters. Every taximeter or other measuring instrument used for the~~
12 ~~purpose of gauging or indicating distance traveled or waiting time or for the purpose of computing~~
13 ~~fares to be collected from the public shall be subject to inspection at all times by the Chief of Police or~~
14 ~~his authorized representative. The Chief of Police may at any time detail police officers to inspect any~~
15 ~~or all taximeters or other measuring instruments so used when in his opinion such instruments are~~
16 ~~inaccurate. Any police officer is directed, upon complaint of any person that the fare charged is more~~
17 ~~than the legal fare, to investigate and report such complaint immediately to the Chief of Police who~~
18 ~~shall cause the taximeter or other measuring instrument upon the motor vehicle complained of to be at~~
19 ~~once inspected. Any person, firm or corporation who, with knowledge of such fact maintains any~~
20 ~~taximeter or other measuring instrument which registers charges in excess of the legal fare and collects~~
21 ~~such fare, is subject to revocation of license.~~

22 ~~(c) Illuminating Devices. Each motor vehicle to which there is attached a taximeter, while~~
23 ~~in use in the City and County of San Francisco, for the transportation of passengers for hire, shall be~~
24 ~~equipped with an efficient illuminating device, either flexible or fixed, so arranged as to enable the~~
25 ~~passenger or passengers to conveniently observe the meter and the amount of fare registered thereon.~~

1 ~~—— (d) Operation Without Approved Taximeters Prohibited. It shall be unlawful for any driver~~
2 ~~or operator of any motor vehicle for hire in soliciting trade from the public to represent his vehicle as a~~
3 ~~taxicab or sedan unless it is equipped with a taximeter in working order, duly inspected and approved~~
4 ~~as in this Section provided, and unless such vehicle conforms in other respects to the definition of~~
5 ~~taxicab and sedan in this Article contained.~~

6 ~~—— SEC. 1141. DISAGREEMENT AS TO FARE; RECEIPT.~~

7 ~~—— (a) Decision of Officer. In any case of disagreement between the driver and passenger of a~~
8 ~~motor vehicle for hire relative to the legal fare to be paid, the driver shall convey the passenger to the~~
9 ~~nearest police station, where the officer in charge shall immediately decide the case, and if the decision~~
10 ~~is in favor of the passenger, the driver shall convey the passenger from the police station to his original~~
11 ~~destination without additional charge; if the passenger is about to leave the City by railroad, steamboat~~
12 ~~or otherwise, the police officer on duty at the depot or wharf shall decide the case.~~

13 ~~—— (b) Receipts for Fare to be Delivered to Passenger. All drivers or operators of motor~~
14 ~~vehicles for hire, upon the demand of any passenger, shall give a receipt for fare paid, such receipt to~~
15 ~~be in a form satisfactory to the Chief of Police.~~

16 ~~—— SEC. 1142. RESERVED.~~

17 ~~—— SEC. 1143. REFUSAL TO CONVEY; REFUSAL TO OBEY SMOKING BAN IN TAXICABS.~~

18 ~~Notwithstanding the provisions of Section 1141 of this Article, a taxicab driver who may refuse to~~
19 ~~convey any person who refuses to obey the ban against smoking in taxicabs in Article 19F of the Health~~
20 ~~Code.~~

21 ~~—— SEC. 1144. TAXIMETER OPERATION.~~

22 ~~—— (a) Operating a Taxi with Taximeter in Recording Position Prohibited. It shall be unlawful~~
23 ~~for any driver or operator of any motor vehicle equipped with a taximeter to set the taximeter in~~
24 ~~operation when such vehicle is not actually employed.~~

1 ~~(b) Driver Required to Set Taximeter in a Nonrecording Position. It shall be unlawful for~~
2 ~~any driver or operator of any motor vehicle equipped with a taximeter to fail to set the taximeter to a~~
3 ~~nonrecording position at the termination of each and every service and to call the attention of the~~
4 ~~passenger to the amount registered.~~

5 ~~(c) Requiring Taximeter to be Actuated. Except as provided in Section 1135(b) of this Code,~~
6 ~~it shall be unlawful for any driver or operator of any motor vehicle equipped with a taximeter, while~~
7 ~~carrying passengers or under employment, to fail to activate the taximeter, or activate the taximeter in~~
8 ~~such position as to denote that he or she is employed at a rate of fare different from that authorized~~
9 ~~under the provisions of this Article.~~

10 ~~SEC. 1145. RESERVED.~~

11 ~~SEC. 1146. DEDUCTION FOR TIME WHILE DISABLED.~~

12 ~~In the event that a taxicab, while conveying for hire any passenger or passengers, becomes disabled, or~~
13 ~~breaks down, the time of stoppage shall be deducted from the time charged for.~~

14 ~~SEC. 1147. PURPOSE.~~

15 ~~It is the purpose of Sections 1147 through 1147.6 of this Article to require all persons, firms or~~
16 ~~corporations holding taxicab permits pursuant to Section 1120 of this Article, and all persons applying~~
17 ~~for driver's permits pursuant to Section 1089 of this Article, to take steps to improve taxicab services to~~
18 ~~the public and to protect the public health and safety when providing such services.~~

19 ~~SEC. 1147.1. DRIVER EDUCATION.~~

20 ~~All new applicants for permits to drive taxicabs pursuant to Section 1089 of this Article shall certify~~
21 ~~that they have successfully completed a driver training course. The course may be offered by the San~~
22 ~~Francisco Police Department, City College of San Francisco, or by any other such educational entity~~
23 ~~that the Chief of Police may approve. The required course length is 16 hours of classes. The course~~
24 ~~shall consist of classes on the following subjects: crime prevention; vehicular safety; the geography of~~
25 ~~the City and County of San Francisco; taxicab rules and regulations; the California Motor Vehicle~~

1 ~~Code; pedestrian safety; and any other subject that the Chief of Police may determine is relevant to the~~
2 ~~public health and safety in the operation of taxicabs. Within 60 days of the effective date of this~~
3 ~~ordinance, the Chief of Police shall adopt regulations setting forth the required course length and~~
4 ~~content. After adoption of such regulations, the Chief of Police shall approve or disapprove, within 30~~
5 ~~days of submission, any entity's proposal to offer the required driver training course. The requirement~~
6 ~~that new applicants certify completion of a driver training course will take effect 60 days after the date~~
7 ~~upon which a course approved by the Chief of Police is first offered. The Chief of Police also may~~
8 ~~require all taxicab permit holders to furnish to all persons authorized by Section 1124 of this Article to~~
9 ~~drive under their permits any information on taxicab crime that the Chief of Police deems advisable for~~
10 ~~the purpose of crime prevention and public safety.~~

11 ~~SEC. 1147.2. SAFETY EQUIPMENT.~~

12 ~~(a) Within 180 days of the effective date of this ordinance, all vehicles newly placed into~~
13 ~~service as a taxicab must be equipped with automatic door locks that can be controlled by the driver.~~
14 ~~Also within 180 days of the effective date of this ordinance, all taxicab radios permitting two-way~~
15 ~~communication with a licensed dispatch service as required by Section 1123 of this Article must also~~
16 ~~allow for direct voice access to the taxicab dispatch service in an emergency. In addition, within 180~~
17 ~~days of the effective date of this ordinance, except for taxicabs that are solely operated by the permit~~
18 ~~holder and those operated as ramped taxis, all taxicab color schemes shall ensure that a minimum of~~
19 ~~50% of their taxicabs are equipped with a retractable safety partition that is controlled by the driver~~
20 ~~and that forms a complete barrier between the front and rear seats. A retractable safety partition shall~~
21 ~~be made available to any driver who requests one in his or her taxicab, and no retaliation or~~
22 ~~discriminatory action shall be taken against any driver who requests a retractable safety partition. No~~
23 ~~taxicab driver operating a taxicab with a safety shield may refuse to transport a disabled person in the~~
24 ~~front seat.~~

1 ~~———— (b) ——— The Chief of Police shall have the authority to promulgate as he or she deems necessary~~
2 ~~standards for safety partitions, standards and procedures for taxicab drivers and dispatchers to follow~~
3 ~~in an emergency, and standards for automatic door locks.~~

4 ~~———— (c) ——— In addition to the specific authority granted to the Chief of Police by this Section, the~~
5 ~~Chief of Police is authorized to issue any other regulations concerning taxicab equipment or operation~~
6 ~~that he or she determines will promote the prevention of taxicab crime and the protection of the public.~~

7 ~~———— SEC. 1147.3. REVIEW.~~

8 ~~———— (a) ——— The Police Commission shall hold an annual hearing to review: (1) the compliance of~~
9 ~~taxicab permit holders with this Article and any regulations adopted pursuant to this Article; (2) the~~
10 ~~effectiveness of safety equipment and safety measures currently in effect; and (3) the need for further~~
11 ~~measures to reduce taxicab crime and to protect the public safety. The Police Commission may appoint~~
12 ~~the Chief of Police or his or her designee as a hearing officer to conduct the hearings and to gather~~
13 ~~relevant evidence. At the conclusion of the hearing conducted by the hearing officer, the hearing officer~~
14 ~~shall make a written report to the Police Commission. The Chief of Police, if he or she deems it~~
15 ~~necessary on the basis of that report, shall adopt further regulations to implement this Article.~~

16 ~~———— (b) ——— The Chief of Police shall direct the appropriate Police Department personnel to compile~~
17 ~~and maintain statistics on taxicab crime, which shall be submitted to the Police Commission and to the~~
18 ~~Chief of Police or his or her designee in conjunction with the annual hearings mandated by this~~
19 ~~Section.~~

20 ~~———— SEC. 1147.4. COMPLIANCE WITH WORKERS' COMPENSATION REQUIREMENTS.~~

21 ~~All persons, firms or corporations holding taxicab color scheme permits pursuant to Section 1125(b) of~~
22 ~~this Article shall comply with all applicable state statutes concerning Workers' Compensation and any~~
23 ~~applicable regulations adopted pursuant to those statutes. Taxicab color scheme permit holders must~~
24 ~~include a sworn statement attesting to compliance with such applicable statutes and regulations as part~~
25 ~~of the annual filing required by Section 1095 of this Article.~~

1 ~~SEC. 1147.5. LIMITATION OF LIABILITY.~~

2 ~~By adopting this ordinance, the City and County of San Francisco is assuming an undertaking only to~~
3 ~~promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an~~
4 ~~obligation for breach of which it is liable in money damages to any person who claims that such breach~~
5 ~~proximately caused injury.~~

6 ~~SEC. 1147.6. PENALTIES.~~

7 ~~Every person, firm or corporation holding a taxicab permit pursuant to Section 1120 of this Article who~~
8 ~~violates or causes to be violated any of the provisions of this ordinance or any regulations adopted~~
9 ~~pursuant to this ordinance shall be subject to disciplinary action pursuant to Section 1090(a)(ix) of this~~
10 ~~Article.~~

11 ~~SEC. 1147.7. BAN ON TOBACCO ADVERTISING.~~

12 ~~(a) Notwithstanding the provisions of Police Code Section 674(d), no taxicab shall bear in~~
13 ~~any manner any advertising or promotion of cigarettes or tobacco products. No taxicab company shall~~
14 ~~place or maintain, or cause or allow to be placed or maintained, any advertising or promotion of~~
15 ~~cigarettes or tobacco products on any of its taxicabs.~~

16 ~~(b) For the purposes of this Section, "tobacco product" shall mean any substance containing~~
17 ~~tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and~~
18 ~~dipping tobacco. For the purposes of this Section, "promote" or "promotion" shall include a display of~~
19 ~~any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a~~
20 ~~particular brand of tobacco product.~~

21 ~~(c) This Section shall become operative September 1, 1999.~~

22 ~~SEC. 1147.8. PARTICIPATION IN PARATRANSIT PROGRAM.~~

23 ~~(a) Beginning January 1, 2000, each holder of a taxicab color scheme permit, as defined in~~
24 ~~Section 1125 of this Article, must participate in the City's paratransit program. The color scheme~~

1 ~~permit holder must be under contract to and approved for participation by the Paratransit Broker who~~
2 ~~operates the Paratransit Program of the Public Transportation Commission.~~

3 ~~(b) Thereafter, each color scheme permit holder shall operate at all times subject to the~~
4 ~~rules and regulations of the City's Paratransit Program, including, but not limited to, the paratransit~~
5 ~~scrip program, the debit card program including hardware and software capabilities, fare discount and~~
6 ~~reimbursement procedures, and training in safe and courteous paratransit operations. Each taxicab~~
7 ~~permit holder who enters into an agreement or contract with a color scheme permit holder to use that~~
8 ~~color scheme, and each taxicab driver who operates under a taxicab permit affiliated with the color~~
9 ~~scheme, shall at all times operate subject to the rules and regulations of the City's Paratransit~~
10 ~~Program.~~

11 ~~(c) The Chief of Police, in consultation with a Paratransit Program, may issue appropriate~~
12 ~~rules and regulations to ensure compliance with this Section.~~

13 ~~SEC. 1147.9. CAB POOLING.~~

14 ~~The Chief of Police is authorized to establish a six-month trial program for voluntary "cab pooling"~~
15 ~~along one or more designated routes. The Chief of Police shall consult with the Departments of~~
16 ~~Parking and Traffic and Public Transportation on the selection of routes.~~

17 ~~Taxicabs may charge a flat fare for passengers riding between points along the designated route, and~~
18 ~~may solicit more than one fare along the route. The Chief of Police may adopt reasonable rules and~~
19 ~~regulations to carry out this trial program. At the end of six months, the Chief shall report back to the~~
20 ~~Board of Supervisors on the feasibility of a permanent program.~~

21 ~~DIVISION IIA RAMPED TAXIS~~

22 ~~SEC. 1148. PERMITS.~~

23 ~~It shall be unlawful to operate a ramped taxi in the City and County of San Francisco unless a permit~~
24 ~~has been issued by the Police Commission for the operation of said vehicle. Except as otherwise~~

1 ~~provided herein, permits for ramped taxis shall be applied for and issued pursuant to Sections 1079~~
2 ~~through 1081 of this Article.~~

3 ~~SEC. 1148.1. PERMIT APPLICATIONS.~~

4 ~~(a) Submission of Applications. Applications for permits for ramped taxis shall be made to~~
5 ~~the Taxi Commission on a form to be furnished by the Commission. An applicant for a ramped taxi~~
6 ~~permit must, at the time of filing the application, meet the same requirements as set forth in Section~~
7 ~~1121(a) for an applicant for a taxi permit. Applications for permits for ramped taxis shall be accepted~~
8 ~~by the Commission and shall be recorded by the date and time at which each application is received.~~
9 ~~Except as otherwise provided herein, the Commission shall maintain a list in the order of receipt~~
10 ~~("ramped taxi list"). In the absence of any preference provided for in this Division, applicants for~~
11 ~~permits for ramped taxis shall be processed and considered by the Commission in accordance with the~~
12 ~~order of application as set forth on the ramped taxi list. When a permit becomes available for issuance~~
13 ~~and an applicant on the waiting list is eligible for a hearing before the Taxi Commission, the~~
14 ~~Commission shall so notify the applicant.~~

15 ~~As of the effective date of Ordinance No. 652-88, all persons whose application is already on "the~~
16 ~~taxicab waiting list" as provided for in Section 1121 of this Article will be placed on the ramped taxi~~
17 ~~list. Their place on the ramped taxi list shall be determined as of the date and time on which his or her~~
18 ~~application for the taxicab waiting list was received by the Commission. Those individuals so placed~~
19 ~~will remain on the taxicab waiting list until they are removed in accordance with Section 1080(e)(1) of~~
20 ~~this Article.~~

21 ~~(b) Limitation on Acceptance of Other Permits. All persons accepting a ramped taxi permit~~
22 ~~shall be precluded from accepting any other motor vehicle for hire permit regulated by this Article for~~
23 ~~a minimum of five years after receipt of a ramped taxi permit or, in the alternative, for a minimum of~~
24 ~~three years after receipt of the ramped taxi permit so long as six months have elapsed since the~~
25 ~~permittee gave notice of his or her intent to leave the ramped taxi program in accordance with the~~

1 ~~provisions of Subsection (c). If the permittee becomes eligible for a permit from another motor vehicle~~
2 ~~for hire waiting list at a time when the permittee is precluded from accepting the permit, the permittee's~~
3 ~~application will be kept active until a permit becomes available when the permittee is no longer~~
4 ~~precluded from accepting one.~~

5 ~~———— (c) ——— Notice of Intent to Leave the Ramped Taxi Program. Upon completion of a minimum of~~
6 ~~30 months as a ramped taxi permittee, the permittee may opt to leave the ramped taxi program by filing~~
7 ~~with the Taxi Commission a written notice of intent to leave the program. The date the Commission~~
8 ~~receives the notice of intent to leave the ramped taxi program shall be deemed the date the permittee~~
9 ~~filed the notice. Upon receipt of the notice, the Commission shall promptly inform a reasonable number~~
10 ~~of persons at the head of the ramped taxi list of the permittee's intent to leave the ramped taxi program.~~
11 ~~In accordance with Subsection (b), the permittee's decision to leave the ramped taxi program shall~~
12 ~~become effective six months after his or her filing of the notice of intent to leave the program. Subject to~~
13 ~~qualifications (i) and (ii) below, upon completion of the six-month notice period, the permittee shall be~~
14 ~~required to leave the ramped taxi program, and shall no longer be precluded from accepting another~~
15 ~~motor vehicle for hire permit regulated by this Article.~~

16 ~~———— (i) ——— If, at the completion of the six-month period, the permittee is not yet eligible for a~~
17 ~~permit from another motor vehicle for hire list, or no such permit is available, the permittee, at his or~~
18 ~~her option, may remain in the ramped taxi program for any period of time until the permittee becomes~~
19 ~~eligible for a permit from another motor vehicle for hire list and such permit becomes available.~~

20 ~~———— (ii) ——— The permittee's decision to leave the ramped taxi program shall become~~
21 ~~inoperative if, within the first three months of the required six-month notice period, the permittee~~
22 ~~informs the Commission in writing of his or her decision to rescind the notice of intent to leave the~~
23 ~~program. The permittee shall be required to file a subsequent notice of intent to leave the program if he~~
24 ~~or she subsequently decides to leave the program. The same requirements governing the permittee's~~

1 ~~initial notice of intent to leave the program, including the full six-month notice period, shall govern any~~
2 ~~subsequent notice of intent to leave the program.~~

3 ~~—— (d) — Notwithstanding any other provision of this Section, the Taxi Commission may require~~
4 ~~that a taxicab permit to be issued to a ramped taxi permittee exiting the ramped taxi program be issued~~
5 ~~(i) three months after the Commission hearing on the application for the taxicab permit or (ii) when a~~
6 ~~new permittee has qualified for the ramped taxi permit and has acquired a suitable vehicle which has~~
7 ~~passed inspection, whichever event occurs first. Before the taxicab permit is issued, the ramped taxi~~
8 ~~permittee who is exiting the ramped taxi program shall retain the ramped taxi permit and continue to~~
9 ~~operate the ramped taxi permit. Under no circumstances may an individual simultaneously hold a~~
10 ~~ramped taxi permit and a taxicab permit. Under no circumstances may two individuals hold the same~~
11 ~~ramped taxi permit or taxicab permit.~~

12 ~~—— (e) — Driving Experience Required. In order to qualify for a ramped taxi permit, an applicant~~
13 ~~must meet the same driving requirement stated in Section 1121(b) that an applicant for a taxicab~~
14 ~~permit must meet. In accordance with Section 1121(e), if no ramped taxi permit applicant has the~~
15 ~~requisite driving experience, but public convenience and necessity as determined by the Taxi~~
16 ~~Commission pursuant to Section 1079 warrants issuance of a ramped taxi permit, the Commission may~~
17 ~~issue the permit to an otherwise qualified applicant who has been a full time driver during the 12~~
18 ~~months immediately preceding the Commission's hearing on the application. In accordance with~~
19 ~~Section 1121(d), a ramped taxi permit applicant has the burden of showing that he or she has the~~
20 ~~driving experience required to qualify for the permit, and shall keep records sufficient to document his~~
21 ~~or her driving for the calendar year or years necessary to satisfy the driving requirement. Failure of~~
22 ~~the Taxi Commission to adopt the regulation specified in Section 1121(e) requiring recordkeeping by~~
23 ~~color scheme permit holders, or failure of a color scheme permit holder to follow the regulation, shall~~
24 ~~not excuse a ramped taxi permit applicant from the driving requirement or relieve the applicant of the~~
25 ~~burden of proving that he or she has satisfied the requirement.~~

1 ~~The notices required by Section 1121(g) shall indicate that the driving experience required by Section~~
2 ~~1121(b) covers applicants for a ramped taxi permit as well as applicants for a taxicab permit. The~~
3 ~~notices required to Sections 1121(g)(i) and 1121(g)(ii) shall be given to applicants on the ramped taxi~~
4 ~~list as well as applicants on the taxicab waiting list, but if an applicant is on both lists, these notices~~
5 ~~need not be given twice to the same person. Failure to give the notices required pursuant to Sections~~
6 ~~1121(g)(i), 1121(g)(ii), or 1121(g)(iii) and this subsection (d) shall not excuse the ramped taxi~~
7 ~~applicant from the driving requirement or relieve the applicant from the burden of proving that he or~~
8 ~~she has satisfied the requirement.~~

9 ~~—— (f) — Preference for Full Time Drivers of Ramped Taxis. Among the applicants whose names~~
10 ~~appear on the ramped taxi list, the Taxi Commission shall give preference to any applicant who has~~
11 ~~been a full time driver of a ramped taxi during the 6 months immediately preceding the Commission's~~
12 ~~hearing on that applicant's application, granting permits to all otherwise eligible full time drivers of~~
13 ~~ramped taxis on the list before granting permits to others on the ramped taxi list. Any applicant seeking~~
14 ~~a preference pursuant to this Subsection shall, at least 21 days prior to the hearing at which the~~
15 ~~applicant seeks to be considered, so notify the Commission in writing and submit evidence to prove that~~
16 ~~the applicant was a full time driver of a ramped taxi in the preceding 6 months. For purposes of this~~
17 ~~section, "full time driver of a ramped taxi" shall mean a permitted driver who is actually engaged in~~
18 ~~the mechanical operation and having physical charge or custody of a ramped taxi as defined in this~~
19 ~~Article which is available for hire (i) or actually hired for at least four hours during any 24 hour~~
20 ~~period on at least 75 percent of the business days during the 6 months immediately preceding the~~
21 ~~Commission's hearing on that applicant's application, or (ii) for at least 400 hours during the 6 months~~
22 ~~immediately preceding the Commission's hearing on the application.~~

23 ~~—— (g) — Wheelchair Pick Up Requirement. To qualify for a ramped taxi permit, an applicant~~
24 ~~must have completed at least 100 wheelchair pick ups as a ramped taxi driver during the six months~~
25 ~~immediately preceding the Commission's hearing on the application. If no ramped taxi applicant has~~

1 ~~completed the necessary wheelchair pick-ups, the Commission shall issue the permit to the applicant~~
2 ~~next on the list who has completed the most wheelchair pick-ups within the six months prior to the~~
3 ~~Commission's hearing, if the Commission determines that the public convenience and necessity~~
4 ~~requires the immediate issuance of the permit. A ramped taxi applicant has the burden of showing that~~
5 ~~he or she has completed the requisite number of wheelchair pick-ups to qualify for the permit, and shall~~
6 ~~keep records sufficient to document his or her performance.~~

7 ~~SEC. 1148.2. ELIGIBILITY FOR PERMIT FOR RAMPED TAXI.~~

8 ~~Before receiving a permit for a ramped taxi, the applicant shall satisfy the criteria set forth in Section~~
9 ~~1081 of this Article. In addition, before issuing a permit for a ramped taxi, the Police Commission must~~
10 ~~determine that:~~

11 ~~(a) The prospective permit holder will be a full-time driver;~~

12 ~~(b) He or she understands the conditions and limitations governing the operation of the ramped~~
~~taxi;~~

13 ~~(c) He or she had completed a course of instruction approved by the Chief of Police for the~~
14 ~~safe, effective and efficient operation of ramped taxis and has been certified by the Chief of~~
15 ~~Police to have satisfactorily demonstrated the aptitude and attitude necessary for a holder~~
~~of a permit for a ramped taxi;~~

16 ~~(d) He or she will operate said permit in association with a holder of a taxicab color scheme~~
17 ~~permit, as defined by Section 1125 of this Article, that is under contract to and approved for~~
~~the operation of ramped taxis by the Paratransit Broker who operates the Paratransit~~
~~Program of the San Francisco Public Transportation Commission;~~

18 ~~(e) He or she holds a valid driver's permit issued in accordance with Section 1089 of this~~
19 ~~Article; and~~

20 ~~(f) He or she agrees to operate said permit at all times subject to the rules and regulations of~~
21 ~~the City's Paratransit Program including, but not limited to, the paratransit scrip program~~
~~and fare discount and reimbursement procedures.~~

22 ~~SEC. 1148.3. ADDITIONAL CONSIDERATIONS FOR ISSUANCE OF PERMITS.~~

23 ~~As part of the determination of public convenience and necessity for the issuance of one or more~~
24 ~~ramped taxi permits, the Police Commission shall, in addition to those considerations mandated by~~

1 ~~Section 1079 of this Article, take into account the availability of sufficient numbers of ramped taxi~~
2 ~~vehicles to meet safety and operating requirements imposed on permittees by this Article.~~

3 ~~SEC. 1148.4. PERMIT OPERATION.~~

4 ~~All persons who enter into an agreement or contract with a ramped taxi permittee to operate his or her~~
5 ~~permit shall at all times satisfy the eligibility criteria set forth in Section 1148.2 of this Article. All~~
6 ~~drivers of ramped taxis, in addition to the provisions of Section 1089 of this Article, shall also meet the~~
7 ~~eligibility criteria set forth in Section 1148.2(c).~~

8 ~~SEC. 1148.5. RAMPED TAXI OPERATIONS.~~

9 ~~Consistent with the practical operation thereof, ramped taxis shall grant priority to requests for service~~
10 ~~from wheelchair users. In the absence of such requests for service, ramped taxis may transport any~~
11 ~~person in accordance with the provisions of this Article governing taxicabs. The Chief of Police, in~~
12 ~~consultation with the Paratransit Program, may issue appropriate rules and regulations to ensure~~
13 ~~compliance with this Section by all ramped taxi permit holders.~~

14 ~~SEC. 1148.6. USE OF RAMPED TAXI PERMIT IN SPARE TAXICAB.~~

15 ~~(a) Authorization To Use Ramped Taxi Permit In Spare Taxicab. Notwithstanding Section~~
16 ~~1120 of this Article or any other provisions of law, the Taxi Commission shall have discretion to adopt~~
17 ~~a policy that allows ramped taxi permits to be used for the purpose of operating a taxicab, as defined in~~
18 ~~Section 1076(b) of this Article, provided that (i) the taxicab is a spare taxicab, as defined by the Taxi~~
19 ~~Commission; (ii) the taxicab meets all applicable legal requirements for its operation; (iii) the ramped~~
20 ~~taxi permit cannot be used in the permitholder's ramped taxi because that vehicle is out of service for~~
21 ~~necessary repairs, or must be replaced due to breakdown of or damage to the vehicle; (iv) the ramped~~
22 ~~taxi permit cannot be used in a spare ramped taxi because none is available at the color scheme with~~
23 ~~which the ramped taxi permitholder is affiliated; (v) the use of the ramped taxi permit in a spare~~
24 ~~taxicab does not exceed the durational and fleet limits described in subsections (b) and (c); and (vi) in~~
25 ~~each instance the Taxi Commission or enforcement staff approves the use of the ramped taxi permit in a~~

1 ~~spare taxicab. The Taxi Commission or enforcement staff may impose additional conditions beyond~~
2 ~~those stated in subsection (a) for the use of a ramped taxi permit in a spare taxicab, to ensure that color~~
3 ~~scheme permit holders or ramped taxi permit holders do not abuse the authority to use a ramped taxi~~
4 ~~permit in a spare taxicab.~~

5 ~~———— (b) ——— Durational Limits. Authorization to use a ramped taxi permit in a spare taxicab is~~
6 ~~limited to no more than 30 consecutive days. The Taxi Commission or enforcement staff may impose a~~
7 ~~shorter durational limit if repair or replacement of the ramped taxi permit in a timely manner would~~
8 ~~take less than 30 days. The Taxi Commission or enforcement staff may, for good cause shown, extend~~
9 ~~the durational limit beyond 30 days, in increments of no greater than 15 consecutive days, provided~~
10 ~~that in no event shall the total durational limit exceed 90 days. If, before a durational limit has been~~
11 ~~reached, repairs on the ramped taxi vehicle have been completed or replacement of the ramped taxi~~
12 ~~vehicle has been accomplished, the authorization to use the ramped taxi permit in a spare taxicab shall~~
13 ~~expire by operation of law.~~

14 ~~———— (c) ——— Fleet Limits. If one to three ramped taxi permits are affiliated with a color scheme, only~~
15 ~~one ramped taxi permit may be used in a spare taxicab at any one time. For each additional three~~
16 ~~ramped taxi permits, or any fraction thereof, affiliated with a color scheme, an additional ramped taxi~~
17 ~~permit may be used in a spare taxicab.~~

18 ~~———— (d) ——— Taxi Commission Enforcement. The Taxi Commission shall strictly enforce this Section~~
19 ~~to ensure that ramped taxi permits are not unlawfully used in spare taxicabs. Without limiting the Taxi~~
20 ~~Commission's enforcement remedies, violation of this Section by a color scheme permit holder or~~
21 ~~ramped taxi permit holder may result in suspension or revocation of the permit and/or in a~~
22 ~~determination that a color scheme may not use any ramped taxi permits affiliated with that color~~
23 ~~scheme in spare taxicabs.~~

24 ~~———— DIVISION III JITNEY BUSES~~

25 ~~———— SEC. 1150. JITNEY PERMITS.~~

1 ~~(a) It shall be unlawful to own or operate a jitney in the City and County of San Francisco~~
2 ~~unless a jitney permit has been issued by the Police Commission for the operation of that vehicle~~
3 ~~pursuant to this Section.~~

4 ~~(b) Jitney permits shall be applied for and issued pursuant to Sections 1079 through 1081 of~~
5 ~~this Article. In addition to the requirements set forth in those Sections, the applicant for a jitney bus~~
6 ~~permit shall state the proposed route over which the applicant proposes to operate the jitney bus.~~

7 ~~SEC. 1151. APPROVAL OF ROUTES REQUIRED.~~

8 ~~It shall be unlawful to drive or operate, or cause to be driven or operated, any jitney bus upon or along~~
9 ~~any street or route unless such street or route is first approved by the Board of Supervisors after public~~
10 ~~hearing.~~

11 ~~SEC. 1152. RATES AND FARES FOR JITNEY BUSES.~~

12 ~~(a) Routes. The following routes are hereby approved for jitney bus operation:~~

13 ~~(1) From Market Street at 4th to Hunters Point;~~

14 ~~(2) From Market Street at 4th Street to 3rd and Army Streets;~~

15 ~~(3) From 3rd and Army Streets to Hunters Point;~~

16 ~~(4) From Hunters Point to Market at 3rd;~~

17 ~~(5) From 3rd and Army Streets to Market at 3rd;~~

18 ~~(6) From Hunters Point to 3rd and Army Streets;~~

19 ~~(7) From the Ferry Building to the County Line on Mission Street;~~

20 ~~(8) From the Ferry Building to Twenty Second and Mission Streets;~~

21 ~~(9) From Twenty Second and Mission Streets to the County Line;~~

22 ~~(10) From Sickness Avenue and Mission Street to the Ferry Building;~~

23 ~~(11) From Sickness Avenue and Mission Street to Twenty Second and Mission Streets;~~

24 ~~(12) From Twenty Second and Mission Streets to the Ferry Building;~~

25 ~~(13) Between Ellis and Taylor Streets and Broadway Street, north or southbound;~~

- 1 ~~(14) Between Fisherman's Wharf and Broadway Street, south or northbound;~~
2 ~~(15) From Ellis and Taylor Streets past Broadway Street to Fisherman's Wharf;~~
3 ~~(16) From Fisherman's Wharf past Broadway Street to Ellis and Taylor Streets;~~
4 ~~(17) Between Pier 39 and Ghirardelli Square or Maritime Museum, east or~~
5 ~~westbound.~~

6 ~~Nothing in this Section shall be construed to diminish in any way the authority of the Board of~~
7 ~~Supervisors, after public hearing, to designate routes.~~

8 ~~(b) Fares; Increases per Muni Fare Increases. The fare for each route approved in~~
9 ~~Subsection (a) shall be 85+. Whenever the Adult Base Cash Fare for the Municipal Railway is~~
10 ~~increased, the fares to be charged by jitney buses shall be increased by a like amount in dollars and~~
11 ~~cents.~~

12 ~~SEC. 1153. SUSPENSION OF OPERATION.~~

13 ~~Notwithstanding the provisions of Section 1096 of this Article, the Chief of Police shall, upon~~
14 ~~written application, grant to the holder of a permit to operate a jitney bus permission to suspend~~
15 ~~operation of the permit for a period not to exceed one year in case of economic hardship arising from~~
16 ~~the operation of other forms of public transportation over substantially the same route the permittee is~~
17 ~~operating a jitney bus, if in the judgment of the Chief of Police investigation discloses that the~~
18 ~~statements contained in said written application warrant such permission. Permission to suspend~~
19 ~~operation of a jitney bus permit pursuant to the provisions of this Section shall be in addition to the~~
20 ~~period of suspension authorized by the provisions of Section 1096(e) of this Article.~~

21 ~~SEC. 1154. EMERGENCY PERMITS.~~

22 ~~During any period of emergency, strike or other impairment of Municipal Railway~~
23 ~~transportation affecting the entire City or any part thereof, the Chief of Police shall have authority to~~
24 ~~issue permits for the operation of vehicles to transport passengers for a charge to be determined by~~
25 ~~Section 1152 of this Article. Such permits shall be granted upon the following conditions:~~

1 ~~(a) Each applicant shall comply with the provisions of Sections 1080 through 1085 of this~~
2 ~~Article.~~

3 ~~(b) The designated route and price to be charged for transportation shall be specified in the~~
4 ~~permit.~~

5 ~~(c) Persons operating under such permits shall not use any other route signs than those~~
6 ~~issued to them by the Chief of Police.~~

7 ~~DIVISION IV SIGHTSEEING AND INTERURBAN BUSES~~

8 ~~SEC. 1155. SIGHTSEEING AND INTERURBAN BUS PERMITS.~~

9 ~~(a) It shall be unlawful to own or operate a sightseeing bus or an interurban bus in the City~~
10 ~~and County of San Francisco unless a sightseeing bus permit or an interurban bus permit has been~~
11 ~~issued by the Police Commission for the operation of that vehicle pursuant to this Section.~~

12 ~~(b) Sightseeing bus permits and interurban bus permits shall be applied for and issued~~
13 ~~pursuant to Sections 1079 through 1081 of this Article. In addition to the requirements set forth in~~
14 ~~those Sections, the applicant for a sightseeing or interurban bus permit shall state the proposed route~~
15 ~~over which the applicant proposed to operate the sightseeing or interurban buses.~~

16 ~~SEC. 1156. NAME ON VEHICLE.~~

17 ~~Every sightseeing bus licensed pursuant to this Article shall have the name under which the owner~~
18 ~~operates plainly painted in letters at least two inches in height on the forward portion of the side panels~~
19 ~~of the sightseeing bus.~~

20 ~~SEC. 1157. TEMPORARY SIGHTSEEING BUS PERMITS.~~

21 ~~(a) Notwithstanding the provisions of Sections 1075 and 1079 through 1081 of this Article,~~
22 ~~the Police Commission, after investigation, may find that the existing permit holders for sightseeing~~
23 ~~buses are not, or cannot provide adequate service for the public. In the event of such a finding, the~~
24 ~~Police Commission may issue temporary sightseeing bus permits, subject to such regulations as may be~~

1 ~~required by public convenience and necessity, to persons, firms or corporations who satisfy the~~
2 ~~requirements of Subsection (b) of this Section.~~

3 ~~———— (b) ——— To be eligible for a temporary sightseeing bus permit, an applicant must satisfy all of the~~
4 ~~following requirements:~~

5 ~~———— (i) ——— Be reasonably fit and have financial responsibility to initiate promptly and to~~
6 ~~provide competently and safely sightseeing services by bus within the City of San Francisco.~~

7 ~~———— (ii) ——— Provide sightseeing service only in vehicles furnished by a holder of a certificate~~
8 ~~or permit issued by the Public Utilities Commission of the State of California pursuant to the provision~~
9 ~~of Division II, Chapter VIII (commencing with Section 5351) of the Public Utilities Code of the State of~~
10 ~~California.~~

11 ~~———— (iii) ——— Be reasonably experienced in arranging sightseeing tours and services in San~~
12 ~~Francisco for incoming visitors.~~

13 ~~———— (c) ——— Temporary permits issued pursuant to this Section authorize the permittee to provide~~
14 ~~sightseeing services and tours by sightseeing bus within the City of San Francisco and to sell tickets for~~
15 ~~sightseeing tours on a per capita or any other reasonable basis.~~

16 ~~———— (d) ——— Temporary permits issued pursuant to this Section shall be valid for a period not to~~
17 ~~exceed 180 days; provided, that the Police Commission after public hearing may review temporary~~
18 ~~sightseeing permits if required by public convenience and necessity.~~

19 ~~———— (e) ——— Sections 1155 and 1158 of this Article shall be applicable to applications for temporary~~
20 ~~sightseeing bus permits.~~

21 ~~———— SEC. 1158. FILING ROUTES AND FARES FOR SIGHTSEEING BUSES.~~

22 ~~———— (a) ——— Permittees issued sightseeing bus permits pursuant to the provisions of this Article shall~~
23 ~~file with the Board of Supervisors the routes and fares per passenger charged for each sightseeing bus~~
24 ~~trip.~~

1 ~~(b) The Board of Supervisors may adopt, modify or reject the routes or fare schedules~~
2 ~~submitted.~~

3 ~~(c) Should the Board of Supervisors, by resolution, adopt or modify the route or fare~~
4 ~~schedule submitted, such shall be the route traveled and fare charged.~~

5 ~~(d) Should the Board of Supervisors, by resolution, reject the route or fare schedule~~
6 ~~proposed, the permittee submitting said route or fare schedule shall not operate a sightseeing bus on~~
7 ~~said route or charge the rejected fare unless and until the permittee submits, and the Board of~~
8 ~~Supervisors adopts, a new and different route and fare schedule submitted.~~

9 ~~SEC. 1159. RESERVED.~~

10 ~~DIVISION V MOTORIZED RICKSHAWS~~

11 ~~SEC. 1160. MOTORIZED RICKSHAW PERMITS.~~

12 ~~It shall be unlawful to own or operate a motorized rickshaw in the City and County of San Francisco~~
13 ~~unless a motorized rickshaw permit has been issued by the Police Commission for the operation of that~~
14 ~~vehicle pursuant to this Section. Motorized rickshaw permits shall be applied for and issued pursuant~~
15 ~~to Sections 1079 through 1081; provided, however, that upon application any person who held~~
16 ~~motorized rickshaw permits on September 15, 1984 or on the effective date of this Article shall be~~
17 ~~entitled to hold an equal number of such permits under this Article.~~

18 ~~SEC. 1161. RATES FOR MOTORIZED RICKSHAWS.~~

19 ~~The rates of fare for motorized rickshaw shall be as follows:~~

20 ~~(a) On a time basis, not more than \$12.50 for the first half hour or fraction thereof, and~~
21 ~~\$12.50 for each succeeding half hour or fraction thereof. For each additional passenger above two, not~~
22 ~~more than \$6.25 per passenger for the first half hour and each succeeding half hour;~~

23 ~~(b) On a mileage basis, not more than \$1 for the first mile or fraction thereof, and 50 for~~
24 ~~each additional half mile or fraction thereof.~~

1 ~~(c) Said rates as to time and mileage shall be computed from the time and place said~~
2 ~~rickshaw was dispatched to the passenger until it is returned to the point of origin.~~

3 ~~(d) Drivers of motorized rickshaws shall complete an accurate waybill as described in~~
4 ~~Section 1127 of this Article.~~

5 ~~DIVISION VI LIMOUSINES~~

6 ~~SEC. 1165. INSPECTION OF LIMOUSINE WAYBILLS.~~

7 ~~(a) Any Police Officer or the Taxi Commission Executive Director, or his or her designee,~~
8 ~~may, upon request, inspect the waybill of any charter party carrier of passengers operating within the~~
9 ~~City and County for the purpose of verifying valid prearranged travel. As required by Part 3.01 of~~
10 ~~General Order 157-C of the California Public Utilities Commission, the waybill must include the~~
11 ~~following:~~

12 ~~(1) Name of carrier and TCP number;~~

13 ~~(2) Vehicle license plate number;~~

14 ~~(3) Driver's name;~~

15 ~~(4) Name and address of person requesting or arranging the charter;~~

16 ~~(5) Time and date when charter was arranged;~~

17 ~~(6) Whether the transportation was arranged by telephone or written contract;~~

18 ~~(7) Number of persons in the charter group;~~

19 ~~(8) Name of at least one passenger in the traveling party, or identifying information~~
20 ~~of the traveling party's affiliation; and,~~

21 ~~(9) Points of origination and designation.~~

22 ~~The party arranging the transportation must have exclusive use of the vehicle.~~

23 ~~(b) Any person operating a charter party carrier of passengers within the City and County~~
24 ~~who, upon request by a Police Officer, or the Taxi Commission Executive Director, or his or her~~

1 ~~designee, fails or refuses to produce his or her waybill for inspection is guilty of an infraction~~
2 ~~punishable under Section 1185.~~

3 ~~SEC. 1166. RESERVED.~~

4 ~~DIVISION VII EMPLOYER'S BUS STANDS~~

5 ~~SEC. 1170. RESERVED.~~

6 ~~SEC. 1171. RESERVED.~~

7 ~~DIVISION VIII RENTAL VEHICLES~~

8 ~~SECS. 1175 - 1180. RESERVED.~~

9 ~~DIVISION IX RESTRICTED AREAS~~

10 ~~SECS. 1183 - 1183.40. RESERVED.~~

11 ~~DIVISION X PENALTIES~~

12 ~~SEC. 1185. PENALTIES.~~

13 ~~(a) Violations Chargeable as Misdemeanors or Infractions; Assisting or Inducing Violation.~~
14 ~~Unless otherwise specified in this Article, any person violating any Section of this Article shall be~~
15 ~~deemed guilty of a misdemeanor or an infraction. It shall be a violation of this Article to knowingly~~
16 ~~assist or knowingly induce another to violate a provision of this Article.~~

17 ~~(b) Misdemeanor Penalties. Upon conviction of a violation charged as a misdemeanor, the~~
18 ~~person so convicted shall be subject to a fine of not more than \$500 or imprisonment in the County Jail~~
19 ~~for period of not more than six months, or by both such fine and imprisonment; provided, however, that~~
20 ~~any person or entity violating Sections 1078 (requiring permits), 1084(b) or (c) (notification of death of~~
21 ~~permittee; lease of permit of deceased permittee), 1089 (requiring drivers permits), 1091 through 1093~~
22 ~~(requiring insurance), or 1110 (false statements) of this Article shall, upon conviction thereof, be~~
23 ~~subject to a fine of not more than \$1,000 or imprisonment in the County Jail for period of not more~~
24 ~~than six months, or by both such fine and imprisonment.~~

1 ~~———— (c) ——— Infraction Penalties. Upon conviction of a violation charged as an infraction, the person~~
2 ~~so convicted shall be punished for the first offense by a fine of not less than \$10 nor more than \$50, and~~
3 ~~for a second and any additional violation of the same provision within one year by a fine of not less~~
4 ~~than \$20 and not more than \$100; provided, however, that for violations of Section 1078 (requiring~~
5 ~~permits) and Section 1165 (inspection of limousine waybills) charged as an infraction, the person so~~
6 ~~convicted shall be punished for the first offense by a fine not to exceed one hundred dollars (\$100), for~~
7 ~~a second violation of the same provision within one year by a fine not to exceed two hundred dollars~~
8 ~~(\$200), and for a third and any additional violation of the same provision within one year by a fine not~~
9 ~~to exceed five hundred dollars (\$500).~~

10 ~~———— (d) ——— Violations of Taxi Commission's Rules. Upon conviction of a violation of the Taxi~~
11 ~~Commission's Rules, the person so convicted may be punished by a fine as follows:~~

12 ~~———— (1) ——— For regulations classified as Minor under the Commission's Rules, a fine of \$25~~
13 ~~for the first violation, \$50 for a second violation of the regulation within one year of the first violation,~~
14 ~~and \$150 for a third or additional violation of the regulation within one year of the first violation.~~

15 ~~———— (2) ——— For regulations classified as Moderate under the Commission's Rules, a fine of~~
16 ~~\$75 for the first violation, \$150 for a second violation of the regulation within one year of the first~~
17 ~~violation, and \$450 for a third or additional violation of the regulation within one year of the first~~
18 ~~violation.~~

19 ~~———— (3) ——— For regulations classified as Major under the Commission's Rules, a fine of \$250~~
20 ~~for the first violation, \$400 for a second violation of the regulation within one year of the first violation,~~
21 ~~and \$500 for a third or additional violation of the regulation within one year of the first violation.~~

22 ~~———— SEC. 1186. FULL TIME DRIVING REQUIREMENT; VIOLATIONS; ADMINISTRATIVE~~
23 ~~PENALTIES.~~

24 ~~———— (a) ——— Full Time Driving Requirement. The holder of a taxicab permit shall be a full time~~
25 ~~driver as provided in Section 1081.~~

1 ~~(b) Administrative Penalties. The Taxi Commission (the Commission) may impose~~
2 ~~administrative penalties for violations of the full-time driving requirement, in accordance with the~~
3 ~~procedures established in Section 1188.~~

4 ~~(c) Amount of Penalty. The administrative penalties assessed against the permit holder by~~
5 ~~the Commission shall not exceed the amount of any lease fees collected by the permit holder during the~~
6 ~~period that the permit holder was in violation of the full-time driving requirement. Where the permit~~
7 ~~holder does not collect lease fees, the Commission may impose administrative penalties not to exceed~~
8 ~~\$140 for each day or \$30 for each hour the permit holder fails to drive short of the applicable standard~~
9 ~~for compliance.~~

10 ~~In determining the amount of the penalty in an individual case, the Commission shall take into~~
11 ~~account:~~

12 ~~(i) Whether the permit holder has in the past violated the full-time driving~~
13 ~~requirement, other provisions of Article 16, the Taxi Commission's rules and regulations, or state law~~
14 ~~relevant to the operation of a taxicab permit;~~

15 ~~(ii) Whether the permit holder concealed or attempted to conceal his or her non-~~
16 ~~compliance with the full-time driving requirement; and~~

17 ~~(iii) Such additional factors as the Commission may determine are appropriate.~~

18 ~~SEC. 1187. COMMISSION RULES AND REGULATIONS; VIOLATIONS; ADMINISTRATIVE~~
19 ~~PENALTIES.~~

20 ~~(a) Administrative Penalties. The Taxi Commission (the Commission) may impose~~
21 ~~administrative penalties for violations of the Commission's rules and regulations, in accordance with~~
22 ~~the procedures established in Section 1188.~~

23 ~~(b) Amount of Penalty. For regulations classified as Minor under the Commission's Rules,~~
24 ~~there shall be a penalty not to exceed \$25 for the first violation, \$50 for a second violation of the~~

1 ~~regulation within one year of the first violation, and \$150 for a third or additional violation of the~~
2 ~~regulation within one year of the first violation.~~

3 ~~For regulations classified as Moderate under the Commission's Rules, there shall be a penalty not to~~
4 ~~exceed \$75 for the first violation, \$150 for a second violation of the regulation within one year of the~~
5 ~~first violation, and \$450 for a third or additional violation of the regulation within one year of the first~~
6 ~~violation.~~

7 ~~For regulations classified as Major under the Commission's Rules, there shall be a penalty not to~~
8 ~~exceed \$250 for the first violation, \$400 for a second violation of the regulation within one year of the~~
9 ~~first violation, and \$500 for a third or additional violation of the regulation within one year of the first~~
10 ~~violation.~~

11 ~~In determining the amount of the penalty in an individual case, the Commission shall take into account:~~

12 ~~_____ (i) _____ Whether the permit holder has in the past violated the full time driving~~
13 ~~requirement, other provisions of Article 16, the Taxi Commission's rules and regulations, or state law~~
14 ~~relevant to the operation of a taxicab permit;~~

15 ~~_____ (ii) _____ Whether the permit holder concealed or attempted to conceal his or her non-~~
16 ~~compliance with the Commission's rules and regulations; and,~~

17 ~~_____ (iii) _____ Such additional factors as the Commission may determine are appropriate.~~

18 ~~SEC. 1187.1. OPERATING WITHOUT A PERMIT; VIOLATIONS; ADMINISTRATIVE~~
19 ~~PENALTIES.~~

20 ~~_____ (a) _____ Permit Required. Any person operating a motor vehicle as a taxicab or other motor~~
21 ~~vehicle for hire licensed under this Article must have a permit as required in Section 1078.~~

22 ~~_____ (b) _____ Administrative Penalties. The Taxi Commission (the Commission) may impose~~
23 ~~administrative penalties for violations of the permit requirement, in accordance with the procedures~~
24 ~~established in Section 1188. The penalties may be assessed against the driver or against the vehicle's~~

1 owner if it is proven that the driver operated the vehicle as a taxicab with the owner's knowledge. These
2 penalties are in addition to any other penalties or methods of enforcement authorized by law.

3 For purposes of Section 1188, the violator shall be referred to as "the permit holder." If any penalties
4 are not paid to the Taxi Commission within 30 days of the notice, the Commission shall refer the
5 unpaid penalties to the Bureau of Delinquent Revenue.

6 ~~_____ (e) _____~~ Amount of Penalty. The administrative penalties assessed against the violator by the
7 Commission shall not exceed two thousand five hundred dollars (\$2,500) for a first violation or five
8 thousand dollars (\$5,000) for a subsequent violation.

9 In determining the amount of the penalty in an individual case, the Commission shall take into account:

10 ~~_____ (i) _____~~ Whether the violator has in the past violated the permit requirement, other
11 provisions of Article 16, the Taxi Commission's rules and regulations, or state law relevant to the
12 operation of a taxicab permit;

13 ~~_____ (ii) _____~~ Whether the violator concealed or attempted to conceal his or her non-
14 compliance with the permit requirement; and

15 ~~_____ (iii) _____~~ Such additional factors as the Commission may determine are appropriate.

16 ~~_____~~ SEC. 1188. PROCEDURES FOR ADMINISTRATIVE PENALTIES.

17 ~~_____ (a) _____~~ Director's Notice. Upon a determination that a permit holder has violated the full-time
18 driving requirement or the Commission's rules and regulations, the Executive Director of the Taxi
19 Commission (the Director) shall send a written notice, by first class mail or hand delivery, to the
20 permit holder, at the address listed in the Taxi Commission's records, identifying and describing the
21 alleged violations and stating the amount of the administrative penalty to be imposed. The notice shall
22 also inform the permit holder that he or she has the right to request a fact finding hearing on the
23 alleged violations and the proposed penalty by filing such a request within 15 business days of the date
24 of the notice. The Director and the permit holder may modify the Director's proposed decision by
25

1 ~~mutual consent. If the permit holder does not request a fact finding hearing within the 15 days, the~~
2 ~~decision of the Director shall be final.~~

3 ~~———— (b) ——— Scheduling of Fact finding Hearing. Whenever a fact finding hearing is requested under~~
4 ~~subsection (a) above, the Director within 10 business days of receiving the request shall notify the~~
5 ~~permit holder of the date, time, and place of the hearing by first class mail or hand delivery. Such~~
6 ~~hearing shall be held no sooner than 20 business days and no later than 40 business days after the~~
7 ~~Director receives the request for a hearing, unless the time is extended by mutual agreement of the~~
8 ~~permit holder and the Director. Notice of hearings shall be posted on the Commission's web site at~~
9 ~~least 72 hours in advance of the hearings.~~

10 ~~———— (c) ——— Hearing Officers. The Director shall appoint a hearing officer for the fact finding~~
11 ~~hearing from a list approved by the Commission. The hearing officer shall not be an employee of the~~
12 ~~Taxi Commission or the Police Department.~~

13 ~~———— (d) ——— Submittals for the Hearing. At least 5 business days prior to the hearing, the parties to~~
14 ~~the hearing shall submit written information to the hearing officer including, but not limited to, the~~
15 ~~following: a statement of the issues to be determined by the hearing officer, a statement of the evidence~~
16 ~~to be offered at the hearing and the identity of any witnesses to appear at the hearing. The written~~
17 ~~information shall not exceed 10 double spaced pages, excluding exhibits.~~

18 ~~———— (e) ——— Conduct of the Hearing. The hearing shall be open to the public and tape recorded. Any~~
19 ~~party to the hearing may, at his or her own expense, cause the hearing to be recorded by a certified~~
20 ~~court reporter. During the hearing, evidence and testimony may be presented to the hearing officer.~~
21 ~~Parties may be represented by counsel and have the right to cross-examine witnesses. All testimony~~
22 ~~shall be given under oath.~~

23 ~~———— The hearing need not be conducted according to formal rules of procedure and evidence, but no~~
24 ~~decision shall be based solely on hearsay evidence. The hearing officer may make reasonable rulings to~~
25 ~~ensure a fair and efficient hearing.~~

1 ~~(f) Proposed Decision. The hearing officer shall, within ten business days after the~~
2 ~~conclusion of the hearing, present a proposed decision including written findings and recommendations~~
3 ~~regarding penalties to the Commission. The hearing officer shall at that time transmit his or her~~
4 ~~decision to the permit holder by certified mail directed to the most recent address on file with the~~
5 ~~Commission for the permit holder. The Commission shall post at its office a notice that a copy of the~~
6 ~~proposed decision is available for public inspection during normal business hours.~~

7 ~~(g) Commission Action. The Executive Director shall place the hearing officer's proposed~~
8 ~~decision on the Commission's consent calendar for the next scheduled meeting occurring not less than~~
9 ~~ten calendar days after entry of the Director's decision. The Director shall also submit the recording of~~
10 ~~the hearing and any written materials submitted in connection with the hearing. The proposed decision~~
11 ~~shall be a recommendation to the Commission, and the Commission may adopt, modify, or deny such~~
12 ~~recommendation, or may remand the matter to the hearing officer for further proceedings. The~~
13 ~~Commission may act on the hearing officer's proposed decision and the record presented; it may not~~
14 ~~rehear the case. The Commission shall serve its final decision upon the parties to the hearing and post~~
15 ~~the decision in the same manner as provided for herein with respect to the hearing officer's proposed~~
16 ~~decision.~~

17 ~~(h) Collection. If the Commission finds against the permit holder and imposes~~
18 ~~administrative penalties, the Commission's decision shall state the amount of the penalties and declare~~
19 ~~that they are due and payable to the City and County of San Francisco within 30 days of the date of the~~
20 ~~decision, provided that the Executive Director may agree to a reasonable payment schedule not to~~
21 ~~exceed the permit holder's income on a monthly basis. If the penalties are not paid to the Taxi~~
22 ~~Commission within 30 days of the notice, the Commission may move to suspend or revoke the permit.~~

23 ~~(i) Other Penalties. The penalties and methods of enforcement set forth in this Section and~~
24 ~~in Sections 1186 and 1187 are in addition to those set forth in Sections 1090 and 1185 of this Code and~~
25 ~~in addition to any other penalties or methods of enforcement authorized by law.~~

1 Section 11. The Business and Tax Regulations Code is hereby amended by repealing
2 Section 76.5, as follows:

3 ~~SEC. 76.5. DRIVER OF MOTOR VEHICLE FOR HIRE; RENEWAL OF ANNUAL LICENSE.~~

4 ~~(a) Notwithstanding the provisions of Section 76 of this Code or Sections 2.16 and 1089 of~~
5 ~~the Police Code:~~

6 ~~(1) A permit holder who renews his or her motor vehicle for hire driver's permit on~~
7 ~~or after February 1 but prior to March 1 must pay an additional 10 percent of the amount of the stated~~
8 ~~license fee to the Tax Collector as a penalty for nonpayment.~~

9 ~~(2) A permit holder who renews his or her motor vehicle for hire driver's permit on~~
10 ~~or after March 1 but prior to April 1 must pay an additional 15 percent of the amount of the stated~~
11 ~~license fee to the Tax Collector as a penalty for nonpayment.~~

12 ~~(3) A permit holder who renews his or her motor vehicle for hire driver's permit on~~
13 ~~or after April 1 but prior to May 1 must:~~

14 ~~(A) Complete an application for a motor vehicle for hire driver's permit~~
15 ~~under Police Code Section 1089 and pay the applicable permit filing fee under Police Code Section~~
16 ~~2.26.1, and~~

17 ~~(B) Pay the applicable license fee under Police Code Section 2.27.1, and an~~
18 ~~additional 25 percent of the amount of the stated license fee to the Tax Collector as a penalty for~~
19 ~~nonpayment.~~


20 ~~(b) If a permit holder fails to renew his or her motor vehicle for hire driver's permit by May~~
21 ~~1, the permit shall expire by operation of law on that date and the permit holder must obtain a new~~
22 ~~permit pursuant to Police Code Section 1089 and pay all applicable fees, including the permit filing fee~~
23 ~~under Police Code Section 2.26.1, in order to operate a motor vehicle for hire; provided, however, that~~
24 ~~in order to invoke these provisions, the Taxi Commission must have sent notice to the permit holder~~

1 ~~prior to May 1 explaining that the permit is about to expire and the effect of that expiration on~~
2 ~~obtaining a new permit.~~

3 Section 12. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
4 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
5 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
6 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
7 additions, and Board amendment deletions in accordance with the "Note" that appears under
8 the official title of the ordinance.

9 Section 13. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: 
17 MARIAM M. MORLEY
18 Deputy City Attorney

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LEGISLATIVE DIGEST

[Transportation, Police, Administrative, 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.

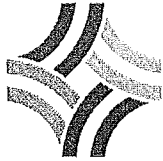
This legislation would add Section 1.4 to Division I of the Transportation Code confirming this Board's 2008 transfer of jurisdiction over taxis to the SFMTA. It would also renumber as Section 1.5 of the Transportation Code the current Section 7.4 of that Code, which requires the SFMTA to report quarterly 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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SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, *Mayor*
Tom Nolan, *Chairman*
Malcolm Heinicke, *Director*
Joél Ramos, *Director*
Edward D. Reiskin, *Director of Transportation*
Cheryl Brinkman, *Vice-Chairman*
Jerry Lee, *Director*
Cristina Rubke, *Director*

June 17, 2014

**The Honorable Members of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton Goodlett Place, Room 244
San Francisco, CA 94102**

***SUBJECT: Ordinance Amending the Transportation, Police, Administrative, and
Business and Tax Regulations Codes***

Honorable Members of the Board of Supervisors:

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors adopt the attached ordinance, which adds several taxi-related sections to the Transportation Code and repeals superseded sections of the Police Code, the Business and Tax Regulations Code, and the Administrative Code relevant to taxis. Adoption of this ordinance will facilitate the SFMTA's efforts to improve taxi service in San Francisco.

Background and Purpose of the Legislation

Police Code Repeal

The SFMTA currently has exclusive authority to regulate taxis in San Francisco. Prior to the SFMTA obtaining jurisdiction over taxis, the Police Department, and later the Taxi Commission, regulated motor vehicles for hire including taxis, through Article 16 of the Police Code. Beginning in 2009, many of the provisions of Article 16 were superseded by amendments to Division I of the Transportation Code adopted by the BOS, and by the comprehensive regulatory scheme for taxis enacted by the SFMTA in Division II, Article 1100 of the Transportation Code. Therefore, the provisions of Article 16 of the Police Code, and the other ordinances that the attached ordinance would repeal, are now either duplicative of or inconsistent with the taxi regulations contained in the Transportation Code. This creates confusion among both members of the taxi industry and members of the public.

At its meeting of November 16, 2010, the SFMTA Board recommended legislation to the Board of Supervisors moving several existing taxi-related misdemeanors from the Police Code to the Transportation Code, and adding new taxi-related misdemeanors to the Transportation Code. That legislation was ultimately adopted by the Board of Supervisors, with minor amendments, in March 2011. (Ordinance No. 45-11, File No. 101422). The attached ordinance will complete the process of consolidating the Municipal Code's taxi regulations into the Transportation Code by deleting remaining taxi-related provisions from the Police, Administrative and Business and Tax Regulations Codes. It will also amend the Transportation Code in the manner outlined in more detail below.

Subpoena Power

The SFMTA does not currently have the authority to compel the production of testimony or other evidence in the context of its role as the agency that enforces taxi regulations. Currently, when a permit holder or applicant challenges the SFMTA's decision regarding a permit, including revocation or denial

of a permit, the SFMTA may only use as evidence at the hearing any records that are in its own files. For example, if there are allegations that a medallion applicant was traveling out of the country at the time that he or she claimed to be driving, the SFMTA has no ability to require the applicant to show his or her passport as evidence at the hearing. In addition, neither the SFMTA nor the permit holder may subpoena witness testimony or other evidence to a hearing challenging an SFMTA decision to deny, suspend or revoke a taxi permit. Adoption of this ordinance would make it simpler and more efficient for SFMTA Taxi Services to investigate permit applications and for permit holders and the SFMTA to present all relevant evidence at a taxi permit hearing.

Increased Penalties

The administrative penalty for operating a motor vehicle for hire without a permit in San Francisco is \$5,000.00 under Division II, Section 1105(a) of the Transportation Code. However, the criminal penalty for the same conduct is a fine of no more than \$1,000.00. This creates a substantial disparity between the consequences to the operator of an illegal motor vehicle for hire, depending on whether he or she is apprehended by SFMTA Taxi Investigators or by the San Francisco Police Department. These amendments increase the criminal penalty to the amount allowed by state law to make it more consistent with the current administrative penalty.

New Misdemeanors

These amendments will make it a misdemeanor for a taxi to operate without a functioning taximeter, as this often leads to fraudulent conduct and for an operator of a charter party carrier to refuse to produce a waybill upon request by a Police Officer, or a person authorized to enforce the provisions of Article 1100 of the Transportation Code.

Other Approvals

The SFMTA Board of Directors passed a resolution on June 5, 2012 (Resolution No. 12-081) recommending that the BOS adopt the attached ordinance.

Recommendation

The SFMTA requests that the San Francisco Board of Supervisors adopt this ordinance.

Thank you for your consideration of these proposed amendments and for your continued support of the SFMTA. Should you have any questions or require more information, please do not hesitate to contact me at any time.

Sincerely,



Edward D. Reiskin
Director of Transportation

Ausberry, Andrea

From: Martinsen, Janet [Janet.Martinsen@sfmta.com]
Sent: Tuesday, July 08, 2014 4:32 PM
To: BOS Legislation (BOS); Carroll, John (BOS); Ausberry, Andrea
Cc: Toran, Kate
Subject: FW: The Police Code Legislation that Supervisor Wiener is Sponsoring (Taxi
Attachments: BoS briefing letter -Police Code Repeal 6 11 14.pdf

Andrea

Please add the attached briefing letter to the record for File #120967.

Thanks

Janet L. Martinsen
Local Government Affairs Liaison



janet.martinsen@sfmta.com
415-701-4693w; 415-701-4737f
www.sfmta.com

Find us on:   

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 12-081

WHEREAS, The proposed ordinance is the second part of legislation that the Board of Directors recommended to the Board of Supervisors in at its meeting of November 16, 2010, for the purpose of moving motor vehicle for hire (MVFH) related ordinances into the Transportation Code. The Board of Supervisors approved the ordinance with amendments in March, 2011. (Ordinance No. 45-11, File No. 101422). That ordinance moved existing motor vehicle for hire related misdemeanors from the Police Code to the Transportation Code, and added additional motor vehicle for hire related misdemeanors.

WHEREAS, The prior ordinance also granted authority to Taxi Services' field enforcement staff to enforce only specified parking regulations that are particularly relevant to taxis and limousines. However, that provision proved unnecessary and is deleted in favor of the Director of Transportation's general authority to delegate such authority with flexibility to any SFMTA employee as needed; and,

WHEREAS, The proposed ordinance would authorize the SFMTA to subpoena witnesses, documents and records as needed in administrative proceedings for enforcement of MVFH regulations. Currently parties adverse to the SFMTA in administrative hearings are able to get all public documents to advance their case, but the SFMTA is not able to require the production of any evidence outside of its own files that would support its position; and,

WHEREAS, The proposed ordinance would additionally authorize the imposition of maximum allowable fines for a charter party carrier that exceeds its charter by picking up street-hails (\$2,500 for the first offense and \$5,000 for subsequent offenses);

WHEREAS, The proposed ordinance would have the effect of removing the jurisdiction of the Board of Appeals from taxi permit hearings, which had been granted by ordinance in the Police Code and is not reproduced in the Transportation Code; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the Board of Supervisors amend Transportation Code, Division I to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3) increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 5, 2012.

R. Pomeroy

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director, Small Business
Ed Reiskin, Executive Director, Municipal Transportation Agency
Greg Suhr, Chief, Police Department

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: June 18, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on June 10, 2014:

File No. 120967

Ordinance amending the Transportation Code to clarify the Director of Transportation's authority to designate staff to enforce parking laws; grant the 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.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Christian Murdock, Acting Commission Secretary
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Roberta Boomer, Municipal Transportation Agency
Christine Fountain, Police Department
Insp. John Monroe, Police Commission

BOARD of SUPERVISORS



City Hall
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TDD/TTY No. 554-5227

MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency
Chief Greg Suhr, Police Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: October 10, 2012

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on September 25, 2012. This matter is being referred to your department informational purposes only and no additional action is required.

File No. 120967

Ordinance: 1) amending the San Francisco Transportation Code, Division I, by: a) adding Section 1.4 confirming the transfer of jurisdiction over taxicabs to the San Francisco Municipal Transportation Agency (SFMTA) as originally memorialized in former Police Code Section 1075; b) adding Section 1.5, which is former Section 7.4 of the Transportation Code, requiring SFMTA to report quarterly to the Board of Supervisors on its progress increasing and improving taxi service; c) adding Section 1.6 consisting of former Section 1135.1(d) of the Police Code; d) amending Section 3.1(e) to clarify the authority of the Director of Transportation to designate staff who may enforce parking laws, and deleting Section 3.1(f), which makes such designations; e) adding Section 3.5 granting the SFMTA authority to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations; f) amending Article 7 by renumbering existing Sections 7.3.1 - 7.3.11; g) amending Section 7.3.50 to increase the penalty for driving or operating a taxi without a permit; h) adding Section 7.3.56 making it a misdemeanor to operate a taxi without a functioning taximeter; i) adding Section 7.3.57 making it a misdemeanor for an operator of a charter party carrier to refuse to produce a waybill; and j) deleting Section 7.4; 2) amending the San Francisco Police Code by repealing Article 16 in its entirety; and 3) amending the San Francisco Business and Tax Regulations Code by repealing Section 76.5.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Christine Fountain, Police Department

BOARD of SUPERVISORS



City Hall
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Tel. No. 554-5184
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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Chris Schulman, Commission Secretary
Small Business Commission, City Hall, Room 448

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: October 10, 2012

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following substitute legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 120967

Ordinance: 1) amending the San Francisco Transportation Code, Division I, by: a) adding Section 1.4 confirming the transfer of jurisdiction over taxicabs to the San Francisco Municipal Transportation Agency (SFMTA) as originally memorialized in former Police Code Section 1075; b) adding Section 1.5, which is former Section 7.4 of the Transportation Code, requiring SFMTA to report quarterly to the Board of Supervisors on its progress increasing and improving taxi service; c) adding Section 1.6 consisting of former Section 1135.1(d) of the Police Code; d) amending Section 3.1(e) to clarify the authority of the Director of Transportation to designate staff who may enforce parking laws, and deleting Section 3.1(f), which makes such designations; e) adding Section 3.5 granting the SFMTA authority to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations; f) amending Article 7 by renumbering existing Sections 7.3.1 - 7.3.11; g) amending Section 7.3.50 to increase the penalty for driving or operating a taxi without a permit; h) adding Section 7.3.56 making it a misdemeanor to operate a taxi without a functioning taximeter; i) adding Section 7.3.57 making it a misdemeanor for an operator of a charter party carrier to refuse to produce a waybill; and j) deleting Section 7.4; 2) amending the San Francisco Police Code by repealing Article 16 in its entirety; and 3) amending the San Francisco Business and Tax Regulations Code by repealing Section 76.5.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [120967]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Wiener

Subject:

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

The text is listed below or attached:

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; and amending the Police Code to repeal all sections governing motor vehicles for hire and the Business and Tax Regulations and Administrative Codes to repeal sections governing fees related to motor vehicle for hire permits.

Signature of Sponsoring Supervisor:

Scott Wiener

For Clerk's Use Only: