

1 [Driving requirement for taxicab and ramped taxi permitholders and permit applicants]

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3 **Ordinance amending Sections 1076, 1081, 1121, and 1148.1 of the Police Code to state**  
4 **a test, measured in cumulative hours per year, for satisfying the driving requirement**  
5 **imposed on taxicab and ramped taxi permitholders; to authorize modification of that**  
6 **cumulative hours test to accommodate disabled permitholders; to increase the number**  
7 **of years of driving required of permit applicants to qualify for a taxicab or ramped taxi**  
8 **permit; to require that the City provide notice to permit applicants and taxi drivers of**  
9 **the driving required to qualify for a taxicab or ramped taxi permit; and to require color**  
10 **scheme permitholders to post a similar notice and maintain records of the driving**  
11 **performed by drivers affiliated with the color scheme.**

12 Note: Additions are *single-underline italics Times New Roman*;  
13 deletions are ~~*strikethrough italics Times New Roman*~~.  
14 Board amendment additions are double underlined.  
15 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. The San Francisco Police Code is hereby amended by amending Section  
18 1076, to read as follows:

19 Sec. 1076. DEFINITIONS.

20 For purposes of this Article the following words and phrases are defined and shall be  
21 construed as hereinafter set forth:

22 (a) "Motor Vehicle for Hire" Defined. A "motor vehicle for hire" is hereby defined to  
23 mean and include every type, kind and class of privately owned motor-propelled passenger-  
24 carrying vehicle for hire over which the City and County of San Francisco may exercise  
25 jurisdiction.

(b) "Taxicab" Defined. A "taxicab" is hereby defined to be a motor vehicle for hire of

1 a distinctive color or colors and which is operated at rates per mile or upon a waiting-time  
2 basis, or both, and which is equipped with a taximeter and which is used for the transportation  
3 of passengers for hire over and along the public streets, not over a defined route but, as to the  
4 route and destination, in accordance with and under the direction of the passenger or person  
5 hiring such vehicle. A "taxicab" does not include motor vehicles for hire herein defined as  
6 "ramped taxis."

7 (c) "Taximeter" Defined. A "taximeter" is hereby defined to be an instrument or  
8 device attached to a motor vehicle for hire by means of which instrument or device the charge  
9 authorized for hire of such vehicle is mechanically calculated either on a basis of distance  
10 traveled or for waiting time, or a combination thereof, which charges shall be indicated upon  
11 such taximeter by means of figures, in dollars and cents.

12 (d) "Taxicab Dispatch Service" Defined. A "taxicab dispatch service" is hereby  
13 defined to be any person, business, firm, partnership, association or corporation which holds  
14 itself out to the public in general as a source of taxicab service by or through which taxicabs  
15 may be summoned or dispatched by radio.

16 (e) "Taxicab Color Scheme" Defined. A "taxicab color scheme" is hereby defined to  
17 be any color scheme, design or dress for taxicabs that is distinguishable from the color  
18 scheme, design or dress customarily used for private automobiles.

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

1 (g) "Motorized Rickshaw" Defined. A "motorized rickshaw" is hereby defined to be a  
2 passenger- carrying motor vehicle for hire having three or four wheels, convertible type,  
3 designed to carry not more than four passengers. The gross weight of a motorized rickshaw  
4 shall not exceed 4,700 pounds, unloaded, and shall have a wheelbase not to exceed 95  
5 inches, and shall have an engine not to exceed four cylinders. A motorized rickshaw shall  
6 have a cloth hood over the rear seating area that shall resemble the hood of a traditional  
7 oriental rikisha or jinrikisha.

8 (h) "Limousine" Defined. A "limousine" is hereby defined to be a passenger-  
9 carrying motor vehicle for hire, of private appearance (except as to license plates), not  
10 equipped with a taximeter, designed to accommodate seven or eight persons, inclusive of a  
11 driver, and used for the transportation of persons for hire over and along the public streets,  
12 not over a fixed and defined route but, as to route and destination, in accordance with and  
13 under the direction of the passenger or person hiring such limousine, the charges for use of  
14 which are based upon rates per mile, per trip, per hour, per day, per week or per month.

15 (i) "Funeral Limousine" Defined. A "funeral limousine" is hereby defined to be any  
16 limousine used exclusively in the business of any undertaker or funeral director.

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

22 (k) "Interurban Bus" Defined. An "interurban bus" is hereby defined to be a motor  
23 vehicle for hire, other than a jitney bus used for transporting passengers for hire over and  
24 along the public streets between certain definite points or termini, one within and the other  
25 without the limits of the City and County of San Francisco. An "interurban bus" is hereby

1 declared to be a common carrier and subject to the regulations prescribed in the Municipal  
2 Code and this Article.

3 (l) "Permittee" Defined. "Permittee" is hereby defined to mean any person,  
4 business, firm, partnership, association or corporation which holds any permit or license  
5 issued by or under the authority of the City and County of San Francisco to operate or drive  
6 any motor vehicle for hire. "Permit holder" means "permittee."

7 (m) "Operator" Defined. "Operator" is hereby defined to mean any person, business,  
8 firm, partnership, association or corporation licensed by the City and County of San Francisco  
9 pursuant to the provisions of this Article and any agent of such permittee including, but not  
10 limited to, any manager or lessee of said permittee.

11 (n) "Driver" Defined. "Driver" is hereby defined to mean any person engaged in the  
12 mechanical operation and having physical charge or custody of a motor vehicle for hire while  
13 said motor vehicle for hire is available for hire or is actually hired.

14 (o) "Full-Time Driver" Defined. "Full-time driver" is hereby defined to mean any  
15 driver actually engaged in the mechanical operation and having physical charge or custody of  
16 a motor vehicle for hire which is available for hire or actually hired *(i)* for at least four hours  
17 during any 24-hour period on at least 75 percent of the business days during the calendar  
18 year *or (ii) for at least 1040 hours during the calendar year.*

19 (p) "Stand" Defined. "Stand" is hereby defined to be a place designated by the  
20 Department of Public Works for the use, while awaiting employment, of the particular motor-  
21 propelled passenger-carrying vehicles authorized to utilize the same.

22 (q) "Police Commission" Defined. "Police Commission" as used herein means the  
23 Police Commission of the City and County of San Francisco.

24 (r) "Police Department" Defined. "Police Department" as used herein means the  
25 Police Department of the City and County of San Francisco.

1 (s) "Chief of Police" Defined. "Chief of Police" as used herein means the Chief of  
2 Police of the Police Department of the City and County of San Francisco and his designated  
3 agents within the Police Department.

4 (t) "Tax Collector" Defined. "Tax Collector" as used herein means the Tax Collector  
5 of the City and County of San Francisco.

6 (u) "Controller" Defined. "Controller" as used herein means the Controller of the  
7 City and County of San Francisco.

8 (v) "Department of Public Works" Defined. "Department of Public Works" as used  
9 herein means the Department of Public Works of the City and County of San Francisco.

10 (w) "Employer's Bus" Defined. "Employer's bus" as used herein means a bus or  
11 other vehicle capable of transporting 12 or more persons, including the driver, which is  
12 regularly operated and maintained in order to transport employees to and from various  
13 business locations by a person or corporation which employs 100 or more persons at one  
14 location within the City and County of San Francisco.

15 (x) "Employer's Bus Stand" Defined. "Employer's bus stand" as used herein means  
16 that portion of the street which the Department of Public Works designates as reserved for the  
17 exclusive use of one or more employer's buses in order to load and unload passengers at a  
18 business location of the employer.

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

1 Section 2. The San Francisco Police Code is hereby amended by amending Section  
2 1081, to read as follows:

3 SEC. 1081. FACTORS CONSIDERED IN ISSUING PERMITS; DRIVING  
4 REQUIREMENTS.

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

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

11 (2) Whether the applicant has complied with all applicable statutes, ordinances,  
12 rules and regulations.

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

16 (b) Full-Time Driving Pledge. No permit to operate a motor vehicle for hire shall be  
17 issued unless the person applying for the permit shall declare under penalty of perjury his or  
18 her intention actively and personally to engage as permittee-driver under any permit issued to  
19 him or her for at least four hours during any 24-hour period on at least 75 percent of the  
20 business days during the calendar year. ~~Notwithstanding any contrary provision in this Article,~~  
21 ~~the requirements set forth above shall not apply to any person holding a permit issued on or before July~~  
22 ~~1, 1978. Every permittee subject to the provisions of this Section shall drive his or her taxicab for at~~  
23 ~~least the amount of time set forth herein unless permission not to do so has been granted pursuant to~~  
24 ~~the provisions of Section 1096(e) of this Article.~~

25 (c) Driving Experience Required. No permit to operate a taxicab or ramped taxi shall be

1 issued unless the applicant has the driving experience required by Section 1121 for a taxicab permit or  
2 Section 1148.1 for a ramped taxi permit.

3 ~~(e)(d)~~ Order of Consideration. Subject to any preference created by Except as otherwise  
4 stated in this Article, all applications for motor vehicle for hire permits shall be processed and  
5 considered in the order of their receipt by the Police Taxi Commission. The Commission retains  
6 discretion at any time, following a hearing, to deny an application for a motor vehicle for hire permit  
7 on the basis that the applicant has engaged in fraud, deceit, misrepresentation, or other misconduct in  
8 connection with the application process.

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

12 (f) Every permittee subject to the provisions of this Section shall be a full-time driver as  
13 defined in Section 1076(o), subject to the qualifications stated in subparts (i)-(iii) below.

14 (i) During the calendar year in which the permittee receives the permit, and during the first  
15 full calendar year following receipt of the permit, the permittee must qualify as a full-time driver by  
16 satisfying the definition of that term in Section 1076(o)(i). For the calendar year in which the permittee  
17 receives the permit, the number of business days shall be measured from the date of receipt of the  
18 permit.

19 (ii) A permittee may be granted approval not to drive a certain number of days under  
20 certain circumstances pursuant to Section 1096(c). In such a case, for the permittee to qualify as a  
21 full-time driver as defined in Section 1076(o)(i), the number of business days for the calendar year  
22 shall be reduced in the same proportion as the ratio of the permittee's excused driving days to calendar  
23 days in the calendar year.

24 (iii) A permittee who, because of disability as defined under State law, is unable to qualify as  
25 a full-time driver as defined in Section 1076(o)(ii), may be granted approval to drive the full number of

1 hours during the calendar year that his or her disability will allow, provided that that number of hours  
2 is no fewer than 624. The permittee shall be deemed a full-time driver if he or she drives the full  
3 number of approved hours.

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

8 Section 3. The San Francisco Police Code is hereby amended by amending Section  
9 1121, to read as follows:

10 SEC. 1121. PERMIT APPLICATIONS; PREFERENCES DRIVING EXPERIENCE  
11 REQUIRED.

12 (a) Submission of Applications; ~~Existing Taxicab~~ Waiting List. ~~Applications for taxicab~~  
13 ~~permits on file with the Police Commission on the effective date of this Article (“existing waiting list”)~~  
14 ~~shall have priority over all other applications for taxicab permits. Applications for taxicab permits on~~  
15 ~~file prior to the effective date of this Article shall be processed and considered in the order of their~~  
16 ~~receipt by the Police Commission.~~

17 (b) — ~~New Applications; New Waiting List.~~ Applications for taxicab permits ~~received after~~  
18 ~~the effective date of this Article~~ shall be accepted by the ~~Police Taxi~~ Commission and shall be  
19 recorded by the date and time at which each application is received. The ~~Police~~ Commission  
20 shall maintain a list in the order of receipt (“~~new taxicab~~ waiting list”) of all taxicab permit  
21 applications that have not been acted upon, in excess of the number of such permits authorized  
22 pursuant to Section 1079. ~~of this Article. In the absence of any preference provided for in this~~  
23 ~~Article, applicants for taxicab permits shall be processed and considered by the Police Commission in~~  
24 ~~the order of receipt according to the existing and new waiting lists. All applications on the existing~~  
25 ~~waiting list shall be processed and considered prior to applications on the new waiting list.~~ When a

1 taxicab permit becomes available for issue and an applicant on the taxicab waiting list is  
2 eligible for a hearing before the Police Commission, the Chief of Police Commission shall so  
3 notify the applicant.

4 ~~(c) — Preference for Full-Time Drivers. Among the applicants whose names appear on the  
5 new waiting list, the Police Commission shall give preference to any applicant who has been a full-time  
6 driver as defined in Section 1076(o) of this Article during the 12 months immediately preceding the  
7 Police Commission's hearing on that applicant's application, granting permits to all otherwise eligible  
8 full-time drivers on the new waiting list before granting permits to others on the new waiting list. Any  
9 applicant seeking a preference pursuant to this Subsection shall, at least 21 days prior to the hearing at  
10 which the applicant seeks to be considered, so notify the Chief of Police in writing and submit evidence  
11 to prove that the applicant was a full-time driver in the preceding 12 months.~~

12 ~~(d) — Determination of Full-Time Driver Status. Each applicant seeking a preference as a  
13 full-time driver shall have the burden of proof of showing, by a preponderance of the evidence, that he  
14 or she was a full-time driver in the 12 months immediately preceding the Police Commission hearing  
15 on his or her application.~~

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

23 (i) For an application heard by the Commission during calendar year 2003: The applicant  
24 was a full-time driver during the 12 months immediately preceding the Commission's hearing on the  
25 application. For purposes of this subpart (i), "full-time driver" shall be defined in accordance with

1 Section 1076(o), except that the time frame applicable to the definition is the 12 months immediately  
2 preceding the hearing on the application rather than 12 months constituting a calendar year.

3 (ii) For an application heard by the Commission during calendar year 2004: The applicant  
4 was a full-time driver, as defined in Section 1076(o), during calendar year 2003 or calendar year 2004.

5 (iii) For an application heard by the Commission during calendar year 2005: The applicant  
6 was a full-time driver, as defined in Section 1076(o), during each of the calendar years 2003-2004 or  
7 each of the calendar years 2004-2005.

8 (iv) For an application heard by the Commission during calendar year 2006: The applicant  
9 was a full-time driver, as defined in Section 1076(o), during each of the calendar years 2003-2005 or  
10 each of the calendar years 2004-2006.

11 (v) For an application heard by the Commission during calendar year 2007: The applicant  
12 was a full-time driver, as defined in Section 1076(o), during each of the calendar years 2003-2006 or  
13 each of the calendar years 2004-2007.

14 (vi) For an application heard by the Commission in 2008 and subsequent calendar years:  
15 The applicant was a full-time driver, as defined in Section 1076(o), for five years, as specified in  
16 Alternative 1 or Alternative 2 below.

17 Alternative 1: During the calendar year immediately preceding the hearing, and during four of  
18 the five calendar years immediately preceding that calendar year, the applicant was a full-time driver.

19 Alternative 2: During the calendar year in which the application is heard, and during four of  
20 the five calendar years immediately preceding that calendar year, the applicant was a full-time driver.

21 (c) Modification of Required Driving Experience. If no applicant has the driving  
22 experience required pursuant to subsections (b)(ii)-(vi), but public convenience and necessity as  
23 determined pursuant to Section 1079 warrants issuance of a taxicab permit, the Taxi Commission may  
24 issue the permit to an otherwise qualified applicant who has been a full-time driver during the 12  
25 months 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  
5 issuance of a taxicab permit under the circumstances described in this subsection (c), provided that the  
6 regulation shall require neither greater driving experience than is required pursuant to subsections  
7 (b)(ii)-(vi) nor driving experience for any calendar year greater than the driving experience  
8 encompassed in the definition of “full-time driver” in Section 1076(o).

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

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

22 (f) Notice of Required Driving. Notice of the driving experience required of taxicab permit  
23 applicants pursuant to subsections (b) and (c) and of the applicant’s burden of proving the requisite  
24 driving experience and maintaining adequate records pursuant to subsection (d), shall be given by the  
25 City and color scheme permitholders pursuant to subparts (i)-(iii) below. In accord with Section

1 1148.1(e), the notice shall also include information pertaining to ramped taxi permit applicants.  
2 Failure to give the notice required by subparts (i), (ii), or (iii) shall not excuse the taxicab permit  
3 applicant from the driving requirement or relieve the applicant from the burden of proving that he or  
4 she has satisfied the requirement. The Taxi Commission may provide additional notice beyond that  
5 required by subparts (i)-(iii).

6 (i) Within 30 days of the effective date of this subsection (f), the Commission shall give  
7 written notice of the requirements of subsections (b), (c), and (d) to each applicant on the taxicab  
8 waiting list. Thereafter, the Commission shall give written notice to each new applicant on the taxicab  
9 waiting list on or before the filing of the application.

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

15 (iii) Within 60 days of the effective date of this subsection (f), the Commission shall adopt a  
16 regulation requiring each holder of a color scheme permit to post written notice of the requirements of  
17 subsections (b), (c), and (d) at a location at the color scheme's place of business that is ordinarily  
18 within the view of working taxi drivers affiliated with the color scheme.

19 (g) Deferral of Consideration Prior To Hearing. Prior to the commencement of the Taxi  
20 Commission's hearing on the taxicab permit application, at the request of the applicant the  
21 Commission shall defer consideration of the application on the basis that the applicant does not have  
22 the driving experience required by subsection (b), or for good cause. The rules stated in subparts (i)-  
23 (iii) below shall govern requests for deferral of consideration pursuant to this subsection (g).

24 Notwithstanding those rules or any other provisions of subsections (g) and (h), the Commission retains  
25 discretion to refuse a request to defer consideration of the application if the Commission finds that the

1 applicant has engaged in fraud, deceit, misrepresentation, or other misconduct in connection with the  
2 application process.

3 (i) The applicant may make no more than three requests to defer consideration of the  
4 application.

5 (ii) The applicant may request to defer consideration of the application no more than once  
6 in any calendar year.

7 (iii) Each request to defer consideration of the application may, at the applicant's option, be  
8 for a period of up to two years.

9 For the purpose of subpart (i), a deferral request made by a holder of a ramped taxi permit who  
10 is not precluded by Section 1148.1 from accepting a taxicab permit shall not be counted.

11 For purposes of subparts (i) and (ii), deferral requests made and granted before the effective  
12 date of this subsection (g), including deferrals in effect as of its effective date, shall not be counted. If a  
13 deferral in effect as of the effective date of this subsection (g) is for an unspecified period of time, the  
14 deferral shall be considered to last for one year from the date on which it was granted, or until the  
15 effective date of subsection (g), whichever is later.

16 The Commission may delegate to its staff the decision whether to defer consideration of the  
17 application pursuant to this subsection (g). A staff decision not to defer consideration of the  
18 application is appealable to the Commission.

19 (h) Deferral of Consideration in Lieu of Denial of Application. If, after commencement of a  
20 hearing on the application, the Taxi Commission finds that it would grant the application but for the  
21 applicant's failure to meet the driving requirement, the applicant shall have an opportunity to request  
22 and a right to be granted deferral of consideration of the application in lieu of the Commission's  
23 denying the application. A request to defer consideration pursuant to this subsection (h) may be made  
24 only once and only if the applicant has not previously made three requests to defer consideration of the  
25 application pursuant to subsection (g)(i).

1 Section 4. The San Francisco Police Code is hereby amended by amending Section  
2 1148.1, to read as follows:

3 SEC. 1148.1. PERMIT APPLICATIONS; ~~PREFERENCES.~~

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

14 As of the effective date of ~~this ordinance~~ Ordinance 562-88, all persons whose application  
15 is already on "the taxicab waiting list" as provided for in Section 1121 of this Article will be  
16 placed on the ramped taxi list. Their place on the ramped taxi list shall be determined as of  
17 the date and time on which his or her application for the taxicab waiting list was received by  
18 the Commission. Those individuals so placed will remain on the taxicab waiting list until they  
19 are removed in accordance with Section 1080(c)(1) of this Article.

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

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

5 (c) Notice of Intent to Leave the Ramped Taxi Program. Upon completion of a  
6 minimum of 30 months as a ramped taxi permittee, the permittee may opt to leave the ramped  
7 taxi program by filing with the Taxi Commission a written notice of intent to leave the program.  
8 The date the Commission receives the notice of intent to leave the ramped taxi program shall  
9 be deemed the date the permittee filed the notice. Upon receipt of the notice, the  
10 Commission shall promptly inform a reasonable number of persons at the head of the ramped  
11 taxi list of the permittee's intent to leave the ramped taxi program.

12 In accordance with Subsection (b), the permittee's decision to leave the ramped taxi  
13 program shall become effective six months after his or her filing of the notice of intent to leave  
14 the program. Subject to qualifications (i) and (ii) below, upon completion of the six-month  
15 notice period, the permittee shall be required to leave the ramped taxi program, and shall no  
16 longer be precluded from accepting another motor vehicle for hire permit regulated by this  
17 Article.

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

23 (ii) The permittee's decision to leave the ramped taxi program shall become  
24 inoperative if, within the first three months of the required six-month notice period, the  
25 permittee informs the Commission in writing of his or her decision to rescind the notice of

1 intent to leave the program. The permittee shall be required to file a subsequent notice of  
2 intent to leave the program if he or she subsequently decides to leave the program. The  
3 same requirements governing the permittee's initial notice of intent to leave the program,  
4 including the full six-month notice period, shall govern any subsequent notice of intent to leave  
5 the program.

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

16 (e) Driving Experience Required. To qualify for a ramped taxi permit, an applicant must  
17 meet the same driving requirement as stated in Section 1121(b) that an applicant for a taxicab permit  
18 must meet. In accord with Section 1121(c), if no ramped taxi permit applicant has the requisite driving  
19 experience, but public convenience and necessity as determined pursuant to Section 1079 warrants  
20 issuance of a ramped taxi permit, the Taxi Commission may issue the permit to an otherwise qualified  
21 applicant who has been a full-time driver during the 12 months immediately preceding the  
22 Commission's hearing on the application. In accord with Section 1121(d), a ramped taxi permit  
23 applicant has the burden of showing that he or she has the driving experience required to qualify for  
24 the permit, and shall keep records sufficient to document his or her driving for the calendar year or  
25 years necessary to satisfy the driving requirement. Failure of the Taxi Commission to adopt the

1 regulation specified in Section 1121(e) requiring recordkeeping by color scheme permit holders, or  
2 failure of a color scheme permit holder to follow the regulation, shall not excuse a ramped taxi permit  
3 applicant from the driving requirement or relieve the applicant from the burden of proving that he or  
4 she has satisfied the requirement.

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

13 The rules governing deferral of consideration of a taxicab permit application pursuant to  
14 Sections 1121(g) and 1121(h) shall separately apply to requests for deferral of consideration of a  
15 ramped taxi permit application.

16 ~~(e)~~(f) Preference for Full-Time Drivers of Ramped Taxis. Among the applicants  
17 whose names appear on the ramped taxi list, the Taxi Commission shall give preference to  
18 any applicant who has been a full-time driver of a ramped taxi during the 6 months  
19 immediately preceding the Commission's hearing on that applicant's application, granting  
20 permits to all otherwise eligible full-time drivers of ramped taxis on the list before granting  
21 permits to others on the ramped taxi list. Any applicant seeking a preference pursuant to this  
22 Subsection shall, at least 21 days prior to the hearing at which the applicant seeks to be  
23 considered, so notify the Commission in writing and submit evidence to prove that the  
24 applicant was a full-time driver of a ramped taxi in the preceding 6 months. For purposes of  
25 this section, "full-time driver of a ramped taxi" shall mean a permitted driver who is actually

1 engaged in the mechanical operation and having physical charge or custody of a ramped taxi  
2 as defined in this Article which is available for hire or actually hired (i) for at least four hours  
3 during any 24-hour period on at least 75 percent of the business days during the ~~calendar year~~  
4 6 months immediately preceding the Commission's hearing on that applicant's application or (ii) for at  
5 least 520 hours during the 6 months immediately preceding the Commission's hearing on the  
6 application.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11 PAUL ZAREFSKY  
12 Deputy City Attorney