

1 [Extension from November 1, 2003 to January 1, 2004 for sunseting of higher cap on taxicab
 2 gate fees if City fails to enact long-term lease fee cap; Board authority by resolution to provide
 3 extensions of sunset provisions as to higher gate fee cap]

4 **Ordinance amending Section 1135.1 of the Police Code to provide for extending from**
 5 **November 1, 2003 to January 1, 2004 the time for sunseting the higher cap on taxicab**
 6 **gate fees if the City fails to enact an ordinance prescribing a long-term lease fee cap**
 7 **covering long-term lease drivers; and to authorize the Board of Supervisors by**
 8 **resolution to extend the times provided for in Section 1135.1 for sunseting the higher**
 9 **gate fee cap.**

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

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

15 Section 1. The San Francisco Police Code is hereby amended by amending Section
 16 1135.1, to read as follows:

17 Sec. 1135.1. GATE FEES.

18 (a) Cap on Gate Fees. The mean gate fee charged drivers by a taxicab company
 19 may not exceed \$85.00 for a shift of 10 hours or longer. The cap shall be prorated at \$8.50
 20 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding
 21 together the gate fees charged by the company for all available shifts during one week and
 22 dividing that total by the number of available shifts during the week. The aforementioned cap
 23 on gate fees and the higher cap on gate fees provided for in subsection (b) shall become
 24 operative on January 1, 2003 or, if the effective date of the Ordinance creating the higher cap
 25 on gate fees occurs thereafter, on the effective date of that Ordinance.

(b) Higher Cap on Gate Fees. Notwithstanding the provisions of subsection (a), the

1 mean gate fee charged drivers by a taxicab company may not exceed \$91.50 for a shift of 10
2 hours or longer and the cap shall be prorated at \$9.15 per hour for shifts shorter than 10
3 hours, provided that the following conditions are met once they take effect:

4 (i) The taxicab company is in compliance with the rules and regulations established
5 by the Controller of the City and County of San Francisco pursuant to Section 1095(b) of this
6 Article. This condition shall take effect on January 1, 2003 or, if the effective date of the
7 Ordinance creating the higher cap on gate fees occurs thereafter, on the effective date of that
8 Ordinance. "Compliance" shall mean that by no later than January 1, 2003 or, if the effective
9 date of the Ordinance creating the higher cup on gate fees occurs thereafter, by no later than
10 the effective date of that Ordinance, the taxicab company has submitted the information
11 required by the Controller's rules and regulations for the most recent year the information is
12 required, and by no later than April 1, 2003 the taxicab company has submitted the
13 information required by the Controller's rules and regulations for the three most recent years
14 the information is required. The condition that the taxicab company be in compliance with the
15 Controller's rules and regulations is ongoing; hence, the right to charge the higher mean gate
16 fee authorized by this subsection is dependent on continued fulfillment of this condition.

17 (ii) All taxicabs operating under the taxicab company's color scheme are covered by
18 workers' compensation insurance. This condition shall take effect on May 1, 2003. The
19 taxicab company shall not be deemed to fulfill this condition until the taxicab company has
20 submitted to the Taxi Commission proof that the condition is fulfilled. This condition is an
21 ongoing condition, and the aforementioned requirement for proving that the condition is
22 fulfilled is an ongoing requirement; hence, the right to charge the higher mean gate fee
23 authorized by this subsection is dependent on continued fulfillment of the condition and
24 continued compliance with the proof requirement.

25 (c) "Gate Fee" Defined. For the purposes of this Section, "gate fee" shall mean any

1 monetary fee or other charge or consideration, or any combination thereof, required of a driver
2 other than a permitholder for the privilege of driving a taxicab during a particular shift, or for
3 any period of time, including receipt of all services provided in connection with such privilege,
4 whether said fee is set by contract, lease or other agreement, orally or in writing, and whether
5 said fee is paid by the driver as a flat rate, as a commission on receipts from fares, or as a
6 specified fee for any other purpose.

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

13 (e) Evaluation By Taxi Commission. The Taxi Commission shall evaluate the
14 impact of this ordinance and any lease fee cap and report back to the Board of Supervisors
15 within nine months of the final adoption of this ordinance.

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

18 (g) Sunset Provisions Pertaining to Higher Cap on Gate Fees. Subsection (b) shall
19 expire by operation of law under either of the circumstances described below:

20 (i) By no later than May 1, 2003, the Controller shall submit a recommendation to
21 the Board of Supervisors for a specific long-term lease fee cap covering all long-term lease
22 drivers. If within 90 days of the Controller's submission of a recommendation, or, if the
23 Controller fails to meet the deadline for submitting a recommendation, by no later than
24 ~~November 1, 2003~~ January 1, 2004, the City fails to enact into law an ordinance prescribing a
25 specific long-term lease fee cap covering all long-term lease drivers, subsection (b) shall

1 expire.

2 (ii) By no later than October 1, 2003, the Controller shall submit a recommendation
3 to the Board of Supervisors for enactment of a program that would make a substantial and
4 reasonable degree of health insurance or health benefits available to all taxi drivers. The
5 Controller's recommendation shall be based on his study of the health insurance/health
6 benefits issue, which shall include consultation with City departments having expertise in one
7 or more dimensions of the issue. If, within 90 days of the Controller's submission of a
8 recommendation, or, if the Controller fails to meet the deadline for submitting a
9 recommendation, by no later than January 1, 2004, the City fails to enact into law an
10 ordinance that establishes a program that makes a substantial and reasonable degree of
11 health insurance or health benefits available to all taxi drivers, subsection (b) shall expire,
12 unless the Controller certifies that it is not feasible for the City to establish such a program.

13 (iii) The Board of Supervisors may by resolution extend the date by which the City must
14 enact the ordinances described in subparts (i) and (ii) to prevent the expiration of subsection (b),
15 provided that the Board finds that further time is needed to resolve issues relating to the ordinances
16 and that progress is being made on developing the ordinances for the Board's consideration.

17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 PAUL ZAREFSKY
21 Deputy City Attorney

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