

FILE NO. 040343

ORDINANCE NO.

1 [Full-time driving requirement for taxi and ramped taxi permit holders; requirements for taxi
2 and ramped taxi permit applicants; administrative penalties and procedures for violations of
3 taxi rules.]

4 **Ordinance amending the San Francisco Police Code by: amending Sections 1076 and**
5 **1081, to state a test, measured as 800 cumulative hours per year, for satisfying the**
6 **driving requirement imposed on taxi and ramped taxi permit holders; amending**
7 **Sections 1121 and 1148.1, to set requirements, including prior driving experience, for**
8 **taxi and ramped taxi permit applicants; and, adding Sections 1186, 1187, and 1188, to**
9 **establish administrative penalties and procedures for violations of the full-time driving**
10 **requirement and for violations of the Taxi Commission’s rules and regulations.**

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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
18 Sections 1076 and 1081, 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-

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25 / / /

1 carrying vehicle for hire over which the City and County of San Francisco may exercise
2 jurisdiction.

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

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

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

19 (e) **“Taxicab Color Scheme” Defined.** A “taxicab color scheme” is hereby defined to
20 be any color scheme, design or dress for taxicabs that is distinguishable from the color
21 scheme, design or dress customarily used for private automobiles.

22 (f) **“Jitney” Defined.** A “jitney” or “jitney bus” is defined to be a motor vehicle for hire
23 less than 20 feet in length traversing the public streets between certain definite points or
24 termini and conveying no more than 15 passengers for a fixed charge, between such points or
25 any intermediate points, and so held out, advertised or announced; provided, however, that

1 the size and passenger limitations established herein shall not apply to any vehicle operated
2 as of July 1, 1983. A jitney bus is hereby declared to be a common carrier and is subject to
3 the regulations prescribed in the Municipal Code and in this Article.

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

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

18 (i) **“Funeral Limousine” Defined.** A “funeral limousine” is hereby defined to be any
19 limousine used exclusively in the business of any undertaker or funeral director.

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

1 (k) **“Interurban Bus” Defined.** An “interurban bus” is hereby defined to be a motor
2 vehicle for hire, other than a jitney bus used for transporting passengers for hire over and
3 along the public streets between certain definite points or termini, one within and the other
4 without the limits of the City and County of San Francisco. An “interurban bus” is hereby
5 declared to be a common carrier and subject to the regulations prescribed in the Municipal
6 Code and this Article.

7 (l) **“Permittee” Defined.** “Permittee” is hereby defined to mean any person, business,
8 firm, partnership, association or corporation which holds any permit or license issued by or
9 under the authority of the City and County of San Francisco to operate or drive any motor
10 vehicle for hire. “Permit holder” means “permittee.”

11 (m) **“Operator” Defined.** “Operator” is hereby defined to mean any person, business,
12 firm, partnership, association or corporation licensed by the City and County of San Francisco
13 pursuant to the provisions of this Article and any agent of such permittee including, but not
14 limited to, any manager or lessee of said permittee.

15 (n) **“Driver” Defined.** “Driver” is hereby defined to mean any person engaged in the
16 mechanical operation and having physical charge or custody of a motor vehicle for hire while
17 said motor vehicle for hire is available for hire or is actually hired.

18 (o) **“Full-Time Driver” Defined.** “Full-time driver” is hereby defined to mean any
19 driver actually engaged in the mechanical operation and having physical charge or custody of
20 a motor vehicle for hire which is available for hire or actually hired *(i)* for at least four hours
21 during any 24-hour period on at least 75 percent of the business days during the calendar
22 year *or (ii) for at least 800 hours during the calendar year.*

23 (p) **“Stand” Defined.** “Stand” is hereby defined to be a place designated by the
24 Department of Public Works for the use, while awaiting employment, of the particular motor-
25 propelled passenger-carrying vehicles authorized to utilize the same.

1 (q) **“Police Commission” Defined.** “Police Commission” as used herein means the
2 Police Commission of the City and County of San Francisco.

3 (r) **“Police Department” Defined.** “Police Department” as used herein means the
4 Police Department of the City and County of San Francisco.

5 (s) **“Chief of Police” Defined.** “Chief of Police” as used herein means the Chief of
6 Police of the Police Department of the City and County of San Francisco and his designated
7 agents within the Police Department.

8 (t) **“Tax Collector” Defined.** “Tax Collector” as used herein means the Tax Collector
9 of the City and County of San Francisco.

10 (u) **“Controller” Defined.** “Controller” as used herein means the Controller of the City
11 and County of San Francisco.

12 (v) **“Department of Public Works” Defined.** “Department of Public Works” as used
13 herein means the Department of Public Works of the City and County of San Francisco.

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

19 (x) **“Employer's Bus Stand” Defined.** “Employer's bus stand” as used herein means
20 that portion of the street which the Department of Public Works designates as reserved for the
21 exclusive use of one or more employer's buses in order to load and unload passengers at a
22 business location of the employer.

23 (y) **“Ramped Taxi” Defined.** A “ramped taxi” as used herein is a motor vehicle for
24 hire of a distinctive color or colors operated at rates per mile or upon a waiting-time basis, or
25 both, which is a minivan or similar vehicle specially adapted via ramp access for wheelchair

1 users, which is also equipped with a taximeter, and which prioritizes requests for service from
2 wheelchair users for purposes of transportation over and along the public streets. not over a
3 defined route but, as to the route and destination, in accordance with and under the direction
4 of the passenger or person hiring such vehicle.

5
6 **SEC. 1081. FACTORS CONSIDERED IN ISSUING PERMITS; DRIVING REQUIREMENTS.**

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

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

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

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

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

1 ~~least the amount of time set forth herein unless permission not to do so has been granted pursuant to~~
2 ~~the provisions of Section 1096(e) of this Article.~~

3 (c) **Driving Experience Required.** No permit to operate a taxicab or ramped taxi shall be
4 issued unless the applicant has the driving experience required by Section 1121 for a taxicab permit or
5 Section 1148.1 for a ramped taxi permit.

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

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

15 (f) **Full-Time Driving Required.** Every permittee subject to the provisions of this Section shall
16 be a full-time driver as defined in Section 1076(o), subject to the qualifications stated in subparts (i)-
17 (iii) below.

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

23 (ii) A permittee may be granted approval not to drive a certain number of days under
24 certain circumstances pursuant to Section 1096(c). In such a case, for the permittee to qualify
25 as a full-time driver as defined in Section 1076(o)(i), the number of business days for the

1 calendar year shall be reduced in the same proportion as the ratio of the permittee's excused
2 driving days to calendar days in the calendar year.

3 (iii) A permittee who, because of disability as defined under State law, is unable
4 to qualify as a full-time driver as defined in Section 1076(o)(ii), may be granted
5 approval to drive the full number of hours during the calendar year that his or her
6 disability will allow, provided that that number of hours is set as part of a reasonable
7 modification of the eligibility requirement under Title II, § 202 of the Americans with
8 Disabilities Act (42 U.S.C. § 12132). The permittee shall be deemed a full-time driver if
9 he or she drives the full number of approved hours.

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

15
16 Section 2. The San Francisco Police Code is hereby amended by amending
17 Sections 1121 and 1148.1, to read as follows:

18 **SEC. 1121. PERMIT APPLICATIONS; PREFERENCES DRIVING EXPERIENCE**
19 **REQUIRED.**

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

25 (b) *New Applications; New Waiting List.* Applications for taxicab permits *received after the*

1 ~~effective date of this Article~~ shall be accepted by the *Police Taxi* Commission and shall be
2 recorded by the date and time at which each application is received. The *Police* Commission
3 shall maintain a list in the order of receipt ("~~new~~ taxicab waiting list") of all taxicab permit
4 applications that have not been acted upon, in excess of the number of such permits authorized
5 pursuant to Section 1079. ~~of this Article. In the absence of any preference provided for in this~~
6 ~~Article, applicants for taxicab permits shall be processed and considered by the Police Commission in~~
7 ~~the order of receipt according to the existing and new waiting lists. All applications on the existing~~
8 ~~waiting list shall be processed and considered prior to applications on the new waiting list.~~ When a
9 taxicab permit becomes available for issue and an applicant on the taxicab waiting list is
10 eligible for a hearing before the *Police* Commission, the *Chief of Police Commission* shall so
11 notify the applicant.

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

13 (1) Be a resident of the United States, of good moral character;

14 (2) Be 21 years or older;

15 (3) Be free of any disease, condition, infirmity, or addiction to the use of alcohol or any
16 controlled substance, which might render the applicant unfit for the safe operation of a
17 taxicab or any other motor vehicle for hire;

18 (4) Be able to read and write the English language;

19 (5) Be clean in dress and person;

20 (6) Hold a valid California driver's license of a class sufficient for the lawful operation of the
21 motor vehicle driven; and

22 (7) Have held a driver's permit pursuant to Section 1089 of this Article for two years
23 immediately preceding the date of application for a taxicab permit.

24 (c) ~~Preference for Full-Time Drivers. Among the applicants whose names appear on the new~~
25 ~~waiting list, the Police Commission shall give preference to any applicant who has been a full-time~~

1 ~~driver as defined in Section 1076(o) of this Article during the 12 months immediately preceding the~~
2 ~~Police Commission's hearing on that applicant's application, granting permits to all otherwise eligible~~
3 ~~full-time drivers on the new waiting list before granting permits to others on the new waiting list. Any~~
4 ~~applicant seeking a preference pursuant to this Subsection shall, at least 21 days prior to the hearing at~~
5 ~~which the applicant seeks to be considered, so notify the Chief of Police in writing and submit evidence~~
6 ~~to prove that the applicant was a full-time driver in the preceding 12 months.~~

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

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

18 (i) For an application heard by the Commission during calendar year 2004: The
19 applicant must have been a full-time driver during the 12 months immediately preceding the
20 Commission's hearing on the application. For purposes of this subpart (i), "full-time driver"
21 shall be defined in accordance with Section 1076(o), except that the time frame applicable to
22 the definition is the 12 months immediately preceding the hearing on the application rather than
23 12 months constituting a calendar year.

1 (ii) For an application heard by the Commission during calendar year 2005: The
2 applicant must have been a full-time driver, as defined in Section 1076(o), during calendar year
3 2004 or the 12 months immediately preceding the hearing on the application.

4 (iii) For an application heard by the Commission during calendar year 2006: The
5 applicant must have been a full-time driver, as defined in Section 1076(o), during any two
6 calendar years from 2004 to 2006, inclusive.

7 (iv) For an application heard by the Commission during calendar year 2007: The
8 applicant must have been a full-time driver, as defined in Section 1076(o), during any three
9 calendar years from 2004 to 2007, inclusive.

10 (v) For an application heard by the Commission during calendar year 2008: The
11 applicant must have been a full-time driver, as defined in Section 1076(o), during any four
12 calendar years from 2004 to 2008, inclusive.

13 (vi) For an application heard by the Commission in 2009 and subsequent calendar
14 years: The applicant must have been a full-time driver, as defined in Section 1076(o), for five
15 years, as specified in Alternative 1 or Alternative 2 below.

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

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

22 (vii) The Commission may substitute an equivalent amount of prior full-time driving
23 experience for the experience required under subsections (b)(i)-(vi) above, where the
24 Commission determines after a public hearing that the applicant has been unjustly and
25 systematically denied employment in the taxi industry in retaliation for engaging in legitimate

1 political, expressive, or labor activity. The applicant shall have the burden of establishing such
2 a claim, and any such determination shall require a two-thirds' vote of the Commission.

3 (c) **Modification of Required Driving Experience.** If no applicant has the driving experience
4 required pursuant to subsections (b)(ii)-(vi), but public convenience and necessity as determined
5 pursuant to Section 1079 warrants issuance of a taxicab permit, the Taxi Commission may issue the
6 permit to an otherwise qualified applicant who has been a full-time driver during the 12 months
7 immediately preceding the Commission's hearing on the application. For purposes of this first
8 paragraph of subsection (c), "full-time driver" shall be defined in accordance with Section 1076(o),
9 except that the time frame applicable to the definition is the 12 months immediately preceding the
10 hearing on the application rather than 12 months constituting a calendar year.

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

16 (d) **Educational Requirements.** In addition to meeting the driving requirements in subsections
17 (b) and (c), applicants must also meet any educational or training requirements imposed by the Taxi
18 Commission.

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

23 (f) **Recordkeeping By Color Scheme Permitholders.** Holders of color scheme permits shall
24 maintain and retain records that will document driving performed by drivers of taxicabs and ramped
25 taxis affiliated with the color scheme. Within 60 days of the effective date of this subsection (e), the

1 Taxi Commission shall adopt a regulation requiring holders of color scheme permits to maintain and
2 retain such records for a period of time sufficient to aid the Commission in determining whether
3 applicants have met the specific driving requirements mandated by subsection (b). Failure of the
4 Commission to adopt such a regulation, or failure of the color scheme permit holder to comply with the
5 regulation, shall not excuse the permit applicant from the driving requirement or relieve the applicant
6 from the burden of proving that he or she has satisfied the requirement.

7 (g) **Notice of Required Driving.** Notice of the driving experience required of taxicab permit
8 applicants pursuant to subsections (b) and (c) and of the applicant's burden of proving the requisite
9 driving experience and maintaining adequate records pursuant to subsection (d), shall be given by the
10 City and color scheme permit holders pursuant to subparts (i)-(iii) below. In accord with Section
11 1148.1(e), the notice shall also include information pertaining to ramped taxi permit applicants.
12 Failure to give the notice required by subparts (i), (ii), or (iii) shall not excuse the taxicab permit
13 applicant from the driving requirement or relieve the applicant from the burden of proving that he or
14 she has satisfied the requirement. The Taxi Commission may provide additional notice beyond that
15 required by subparts (i)-(iii).

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

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

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

6
7 **SEC. 1148.1. PERMIT APPLICATIONS; ~~PREFERENCES.~~**

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

20 As of the effective date of Ordinance No. 562-88, ~~this ordinance~~ all persons whose
21 application is already on "the taxicab waiting list" as provided for in Section 1121 of this Article
22 will be placed on the ramped taxi list. Their place on the ramped taxi list shall be determined
23 as of the date and time on which his or her application for the taxicab waiting list was received
24 by the Commission. Those individuals so placed will remain on the taxicab waiting list until
25 they are removed in accordance with Section 1080(c)(1) of this Article.

1 **(b) Limitation on Acceptance of Other Permits.** All persons accepting a ramped
2 taxi permit shall be precluded from accepting any other motor vehicle for hire permit regulated
3 by this Article for a minimum of five years after receipt of a ramped taxi permit or, in the
4 alternative, for a minimum of three years after receipt of the ramped taxi permit so long as six
5 months have elapsed since the permittee gave notice of his or her intent to leave the ramped
6 taxi program in accordance with the provisions of Subsection (c). If the permittee becomes
7 eligible for a permit from another motor vehicle for hire waiting list at a time when the
8 permittee is precluded from accepting the permit, the permittee's application will be kept
9 active until a permit becomes available when the permittee is no longer precluded from
10 accepting one.

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

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

24 (i) If, at the completion of the six-month period, the permittee is not yet eligible
25 for a permit from another motor vehicle for hire list, or no such permit is available, the

1 permittee, at his or her option, may remain in the ramped taxi program for any period of
2 time until the permittee becomes eligible for a permit from another motor vehicle for
3 hire list and such permit becomes available.

4 (ii) The permittee's decision to leave the ramped taxi program shall become
5 inoperative if, within the first three months of the required six-month notice period, the
6 permittee informs the Commission in writing of his or her decision to rescind the notice
7 of intent to leave the program. The permittee shall be required to file a subsequent
8 notice of intent to leave the program if he or she subsequently decides to leave the
9 program. The same requirements governing the permittee's initial notice of intent to
10 leave the program, including the full six-month notice period, shall govern any
11 subsequent notice of intent to leave the program.

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

22 (e) **Driving Experience Required.** In order to qualify for a ramped taxi permit, an applicant
23 must meet the same driving requirement stated in Section 1121(b) that an applicant for a taxicab
24 permit must meet. In accordance with Section 1121(c), if no ramped taxi permit applicant has the
25 requisite driving experience, but public convenience and necessity as determined by the Taxi

1 Commission pursuant to Section 1079 warrants issuance of a ramped taxi permit, the Commission may
2 issue the permit to an otherwise qualified applicant who has been a full-time driver during the 12
3 months immediately preceding the Commission's hearing on the application. In accordance with
4 Section 1121(d), a ramped taxi permit applicant has the burden of showing that he or she has the
5 driving experience required to qualify for the permit, and shall keep records sufficient to document his
6 or her driving for the calendar year or years necessary to satisfy the driving requirement. Failure of
7 the Taxi Commission to adopt the regulation specified in Section 1121(e) requiring recordkeeping by
8 color scheme permit holders, or failure of a color scheme permit holder to follow the regulation, shall
9 not excuse a ramped taxi permit applicant from the driving requirement or relieve the applicant of the
10 burden of proving that he or she has satisfied the requirement.

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

19 (f) (e) **Preference for Full-Time Drivers of Ramped Taxis.** Among the applicants
20 whose names appear on the ramped taxi list, the Taxi Commission shall give preference to
21 any applicant who has been a full-time driver of a ramped taxi during the 6 months
22 immediately preceding the Commission's hearing on that applicant's application, granting
23 permits to all otherwise eligible full-time drivers of ramped taxis on the list before granting
24 permits to others on the ramped taxi list. Any applicant seeking a preference pursuant to this
25 Subsection shall, at least 21 days prior to the hearing at which the applicant seeks to be

1 considered, so notify the Commission in writing and submit evidence to prove that the
2 applicant was a full-time driver of a ramped taxi in the preceding 6 months. For purposes of
3 this section, "full-time driver of a ramped taxi" shall mean a permitted driver who is actually
4 engaged in the mechanical operation and having physical charge or custody of a ramped taxi
5 as defined in this Article which is available for hire or actually hired (i) for at least four hours
6 during any 24-hour period on at least 75 percent of the business days during the ~~calendar year~~
7 6 months immediately preceding the Commission's hearing on that applicant's application, or (ii) for
8 at least 400 hours during the 6 months immediately preceding the Commission's hearing on the
9 application.

10
11 Section 3. The San Francisco Police Code is hereby amended by adding
12 Sections 1186, 1187, and 1188, to read as follows:

13 **SEC. 1186. FULL-TIME DRIVING REQUIREMENT; VIOLATIONS; ADMINISTRATIVE**
14 **PENALTIES.**

15 (a) Full-Time Driving Requirement. The holder of a taxicab permit shall be a full-time driver
16 as provided in Section 1081.

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

20 (c) Amount of Penalty. The administrative penalties assessed against the permit holder by the
21 Commission shall not exceed the amount of any lease fees collected by the permit holder during the
22 period that the permit holder was in violation of the full-time driving requirement. Where the permit
23 holder does not collect lease fees, the Commission may impose administrative penalties not to exceed
24 \$140 for each day or \$30 for each hour the permit holder fails to drive short of the applicable standard
25 for compliance.

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

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

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

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

9
10 **SEC. 1187. COMMISSION RULES AND REGULATIONS; VIOLATIONS; ADMINISTRATIVE**
11 **PENALTIES.**

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

15 (b) Amount of Penalty. For regulations classified as Minor under the Commission's Rules,
16 there shall be a penalty not to exceed \$25 for the first violation, \$50 for a second violation of the
17 regulation within one year of the first violation, and \$150 for a third or additional violation of the
18 regulation within one year of the first violation.

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

23 For regulations classified as Major under the Commission's Rules, there shall be a penalty not
24 to exceed \$250 for the first violation, \$400 for a second violation of the regulation within one year of
25

1 the first violation, and \$500 for a third or additional violation of the regulation within one year of the
2 first violation.

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

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

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

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

11
12 **SEC. 1188. PROCEDURES FOR ADMINISTRATIVE PENALTIES.**

13 (a) Director's Notice. Upon a determination that a permit holder has violated the full-time
14 driving requirement or the Commission's rules and regulations, the Executive Director of the Taxi
15 Commission (the Director) shall send a written notice, by first class mail or hand-delivery, to the
16 permit holder, at the address listed in the Taxi Commission's records, identifying and describing the
17 alleged violations and stating the amount of the administrative penalty to be imposed. The notice shall
18 also inform the permit holder that he or she has the right to request a fact-finding hearing on the
19 alleged violations and the proposed penalty by filing such a request within 15 business days of the date
20 of the notice. The Director and the permit holder may modify the Director's proposed decision by
21 mutual consent. If the permit holder does not request a fact-finding hearing within the 15 days, the
22 decision of the Director shall be final.

23 (b) Scheduling of Fact-finding Hearing. Whenever a fact-finding hearing is requested under
24 subsection (a) above, the Director within 10 business days of receiving the request shall notify the
25 permit holder of the date, time, and place of the hearing by first-class mail or hand delivery. Such

1 hearing shall be held no sooner than 20 business days and no later than 40 business days after the
2 Director receives the request for a hearing, unless the time is extended by mutual agreement of the
3 permit holder and the Director. Notice of hearings shall be posted on the Commission's web site at
4 least 72 hours in advance of the hearing.

5 (b) **Hearing Officers.** The Director shall appoint a hearing officer for the fact-finding hearing
6 from a list approved by the Commission. The hearing officer shall not be an employee of the Taxi
7 Commission or the Police Department.

8 (c) **Submittals for the Hearing.** At least 5 business days prior to the hearing, the parties to the
9 hearing shall submit written information to the hearing officer including, but not limited to, the
10 following: a statement of the issues to be determined by the hearing officer, a statement of the evidence
11 to be offered at the hearing and the identity of any witnesses to appear at the hearing. The written
12 information shall not exceed 10 double-spaced pages, excluding exhibits.

13 (d) **Conduct of the Hearing.** The hearing shall be open to the public and tape recorded. Any
14 party to the hearing may, at his or her own expense, cause the hearing to be recorded by a certified
15 court reporter. During the hearing, evidence and testimony may be presented to the hearing officer.
16 Parties may be represented by counsel and have the right to cross-examine witnesses. All testimony
17 shall be given under oath.

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

21 (e) **Proposed Decision.** The hearing officer shall, within ten business days after the conclusion
22 of the hearing, present a proposed decision including written findings and recommendations regarding
23 penalties to the Commission. The hearing officer shall at that time transmit his or her decision to the
24 permit holder by certified mail directed to the most recent address on file with the Commission for the
25

1 permit holder. The Commission shall post at its office a notice that a copy of the proposed decision is
2 available for public inspection during normal business hours.

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

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

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1 (h) Other Penalties. The penalties and methods of enforcement set forth in this Section and in
2 Sections 1186 and 1187 are in addition to those set forth in Sections 1090 and 1185 of this Code and in
3 addition to any other penalties or methods of enforcement authorized by law.

4
5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____
9 THOMAS J. OWEN
10 Deputy City Attorney