

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

2 **Ordinance amending the San Francisco Transportation Code, Division I, by: adding**
3 **Section 1.4, confirming the transfer of jurisdiction over taxicabs to the Municipal**
4 **Transportation Agency (MTA) as originally memorialized in former Police Code, Section**
5 **1075; adding Section 1.5, which is former Transportation Code, Section 7.4, requiring**
6 **MTA to report quarterly to the Board of Supervisors on its progress increasing and**
7 **improving taxi service; adding Section 1.6, consisting of former Police Code, Section**
8 **1135.1(d); amending Section 3.1(e), to clarify the authority of the Director of**
9 **Transportation to designate staff who may enforce parking laws; deleting Section**
10 **3.1(f), which makes such designations; adding Section 3.5, granting the MTA authority**
11 **to subpoena evidence and testimony relevant to its enforcement of motor vehicle for**
12 **hire regulations; amending Article 7, by renumbering existing Sections 7.3.1 - 7.3.11;**
13 **amending Section 7.3.50, to increase the penalty for driving or operating a taxi without**
14 **a permit; adding Section 7.3.56, making it a misdemeanor to operate a taxi without a**
15 **functioning taximeter; adding Section 7.3.57, making it a misdemeanor for an operator**
16 **of a charter party carrier to refuse to produce a waybill; and deleting Section 7.4;**
17 **amending the Police Code, by repealing Article 16, in its entirety; and amending the**
18 **Business and Tax Regulations Code, by repealing Section 76.5.**

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20 NOTE: Additions are *single-underline italics Times New Roman*;
21 deletions are *strike-through italics Times New Roman*.
22 Board amendment additions are double-underlined;
23 Board amendment deletions are ~~strike-through normal~~.

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

1 Section 1. The San Francisco Transportation Code, Division I, Article I is hereby
2 amended by adding Sections 1.4, 1.5 and 1.6, and renumbering former Section 1.4, as
3 follows:

4 SEC. 1.4. TRANSFER OF REGULATORY AUTHORITY TO MUNICIPAL TRANSPORTATION
5 AGENCY.

6 The Board of Supervisors hereby restates Ordinance 303-08 (approved on December 16, 2008)
7 abolishing the Taxi Commission and transferring the functions, powers and duties of the Taxi
8 Commission to the San Francisco Municipal Transportation Agency, pursuant to authority granted in
9 Charter Section 8A.101.

10 SEC. 1.5. REPORT ON IMPROVED TAXI SERVICE.

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

15 SEC. 1.6. RATIFYING GATE FEES ACTUALLY CHARGED UP TO \$91.50 BETWEEN
16 JANUARY 1, 2003 AND OCTOBER 27, 2006.

17 The average Gate Fees charged to taxi drivers by taxicab companies from January 1, 2003
18 through October 27, 2006 and not exceeding an average of \$91.50 for a shift of ten hours or longer are
19 hereby declared to be fair, reasonable, and in compliance with any applicable provision of former
20 Police Code Section 1035.1 during that period.

21 SEC. 1.74. SEVERABILITY.

22 If any section, subsection, sentence, clause or phrase of this Division I is for any
23 reason held to be unconstitutional, such decision shall not affect the validity of the remaining
24 portions of this Code. The Board of Supervisors declares that it would have passed this Code
25 and each article, section, subsection, sentence, clause and phrase of this Code, irrespective

1 of the fact that any one or more articles, sections, subsections, sentences, clause or phrase
2 may be declared unconstitutional.

3 Section 2. The San Francisco Transportation Code, Division I, Article 3 is hereby
4 amended by amending Section 3.1 and adding Section 3.5, as follows:

5 SEC. 3.1. POLICE COMMISSION REGULATION OF TRAFFIC; CIVILIAN
6 EMPLOYEES AUTHORIZED TO ENFORCE PARKING REGULATIONS.

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

13 (b) Any Police Officer, Parking Control Officer, or other SFMTA employee
14 authorized to enforce parking laws may issue citations to or authorize the removal of any
15 vehicle that is Parked in the street, on Public Property or in a Municipal Parking Facility, in
16 accordance with the provisions of this Code, the Police Code or the Vehicle Code. SFMTA
17 employees whose authority to enforce parking laws is limited to specified violations may order
18 removal of a vehicle only if it is parked in violation of one of the specified laws.

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

21 (d) Any Parking Control Officer employed by the Municipal Transportation Agency
22 and assigned to the "Robert Greenstrand Disabled Placard Detail" shall have the power and
23 authority to issue misdemeanor citations for violations of Vehicle Code §§ 4461 and 4463.
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1 (e) The Director of Transportation shall be empowered to identify staff with authority
2 to enforce ~~other~~ all parking laws and regulations in compliance with the requirements of the
3 Vehicle Code.

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

10 SEC. 3.5. AUTHORITY TO ISSUE SUBPOENAS

11 (a) When the Director of Transportation, acting under the authority of Charter Section
12 8A.101(b,) deems testimony or evidence necessary to a pending investigation of the potential violation
13 of an ordinance regulating motor vehicles for hire, or the qualifications of an applicant for a permit, he
14 or she shall have the power to subpoena witnesses, compel their attendance and testimony, administer
15 oaths and affirmations, take evidence, and require by subpoena the production of any books, papers,
16 records or other items relevant to the regulation of motor vehicles for hire.

17 (b) In connection with a hearing conducted under Article 1100 of this Code into the alleged
18 violation of an ordinance regulating motor vehicles for hire, and upon the application of a party to the
19 proceeding, the hearing officer is empowered to issue a subpoena requiring the attendance and
20 testimony of witnesses or the production of books, papers, records or other items upon the hearing
21 officer's determination that the testimony or items at issue are likely to provide evidence relevant to the
22 alleged violation.

23 (c) All applications for subpoenas made and all subpoenas issued under this Section 3.5
24 shall be made in the format and in accordance with the rules prescribed by the SFMTA. In case of the
25 refusal of any person to attend, testify, or produce documents as required by a subpoena issued under

1 the authority of this Section 3.5, the SFMTA may proceed to petition for a court order pursuant to
2 Section 1991 of the California Code of Civil Procedure.

3 Section 3. The San Francisco Transportation Code, Division I, Article 7 is hereby
4 amended by amending Section 7.3, as follows:

5 SEC. 7.3. MISDEMEANORS.

6 For the purposes of this Section 7.3 and unless otherwise stated herein, the terms "Color
7 Scheme," "Dispatch Service," "Dispatch Service Permit," "Driver," "Driver Permit," "Medallion,"
8 "Medallion Holder," "Motor Vehicle for Hire," "Permit Holder," "Ramp Taxi," and "Taxi" shall have
9 the meanings ascribed to these terms in Section 1102 of this Code. Except as may be authorized in
10 Division II of this Code, the following actions are prohibited, and each and every violation of
11 the prohibitions listed in this ~~Subsection~~ Section 7.3 shall be a misdemeanor; provided however,
12 that, the charge may be reduced to an infraction in discretion of the Court, or the citation
13 issued may be issued for the violation as an infraction in the discretion of the issuing officer.

14 Transit Violations

15 SEC. 7.3.10. OTHER FARE EVASION AND PASSENGER CONDUCT
16 REGULATIONS.

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

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

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

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

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

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

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

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

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

12 Parking Permit Violations

13 SEC. 7.3.204. FAILURE TO SURRENDER A REVOKED PARKING PERMIT.

14 Failure, when requested, to surrender a Parking Permit revoked by the Municipal
15 Transportation Agency. A Police Officer or Parking Control Officer is authorized to confiscate
16 a Parking Permit from a vehicle if the Parking Permit is determined to have been revoked.
17 (316, 413, 713)

18 SEC. 7.3.21H. FALSE STATEMENTS ON RESIDENTIAL PARKING PERMIT
19 APPLICATION.

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

23 Traffic Regulations

24 SEC. 7.3.30. OBSTRUCTING TRAFFIC.

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

7 Miscellaneous

8 SEC. 7.3.402 FRAUDULENT PAYMENT PROHIBITED

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

13 Motor Vehicle for Hire Violations

14 SEC. 7.3.505. OPERATING WITHOUT A PERMIT.

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

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

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

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

8 SEC. 7.3.516. SOLICITATION AND PAID PASSENGER REFERRALS PROHIBITED.

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

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

20 (c) For purposes of this Section 7.3.51, "motor vehicle for hire" shall include any
21 taxicab, limousine, or other privately owned motor-propelled passenger-carrying vehicle for
22 hire, regardless of whether the City and County has issued or could issue a permit for that
23 vehicle.

24 SEC. 7.3.527. GIFTS OR GRATUITIES.

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

4 SEC. 7.3.~~538~~. FALSE STATEMENTS TO ENFORCEMENT PERSONNEL PROHIBITED.

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

10 SEC. 7.3.~~549~~. REFUSAL TO PAY FARE.

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

13 SEC. 7.3.~~5510~~. EXCESSIVE AND UNAUTHORIZED CHARGES.

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

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

19 SEC. 7.3.56. OPERATING WITHOUT FUNCTIONING TAXIMETER

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

1 SEC. 7.3.57.REFUSAL TO PRODUCE WAYBILL

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

6 Section 4. The San Francisco Transportation Code, Division I, Article 7 is hereby
7 amended by repealing Section 7.4, as follows:

8 ~~SEC. 7.4. REPORT ON IMPROVED TAXI SERVICE.~~

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

13 Section 5. The San Francisco Police Code is hereby amended by repealing Article 16
14 of that Code, consisting of Sections 1075-1110, 1120-1127, 1135-1147.9, 1148-1148.6, 1150-
15 1154, 1155-1158, 1160-1161, 1165-1166, 1170-1171, 1175-1178, 1183-1183.40, 1185-1188.

16 Section 6. The San Francisco Business and Tax Regulations Code is hereby amended
17 by repealing Section 76.5.

18 Section 7. This section is uncodified. In deleting Section 1135.1 of the Police Code,
19 and moving only the language of subsection (d) of that Section (intact except for substitution
20 of the phrase "former Police Code" with the word "this") to Section 1.6 of the Transportation
21 Code, the Board does not intend to affect the meaning or effect of former Police Code Section
22 1135.1(d).

23 Section 8. This section is uncodified. In enacting this Ordinance, the Board intends to
24 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
25 punctuation, charts, diagrams, or any other constituent part of the Transportation, Police, and

1 Business and Tax Regulations Codes that are explicitly shown in this legislation as additions,
2 deletions, Board amendment additions, and Board amendment deletions in accordance with
3 the "Note" that appears under the official title of the legislation.

4 Section 9. Effective Date. This ordinance shall become effective 30 days from the
5 date of passage.

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

8 By: _____
9 Mariam Morley
10 Deputy City Attorney

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