SAN FRANCISCO TRANSPORTATION CODE, DIVISION II, ARTICLE 1100, EXCERPTS

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DRAFT PROPOSED AMENDMENTS

Document Notes:

- Proposed Transportation Code amendments need SFMTA Board approval before becoming effective
- These proposed amendments may be subject to further revisions
- Strikethrough indicates deleted language (e.g.,~~abc~~)
- Red Font indicates proposed new language (e.g., abc)

SEC. 1102. DEFINITIONS.

For purposes of this Article 1100, the following words and phrases shall have the meanings set forth below:

"8000 Series Medallion" shall mean a permit issued by SFMTA to a Color Scheme that qualifies to operate a particular hybrid, Compressed Natural Gas (CNG) or electric taxi vehicle, or other vehicle as authorized by the SFMTA, in accordance with permit conditions set by the SFMTA and may not be transferred or surrendered for consideration under Section 1116.

"A-Card" or **"Driver Permit"** shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi in the City.

"Administrative Probation" shall mean the status of being substantially out of compliance with this Article according to a written determination of Administrative Probation issued by the SFMTA.

"Affiliate Medallion Operator" shall mean a Medallion Holder who owns and maintains the vehicle(s), purchases insurance for the vehicle(s), hires and schedules the Drivers of the vehicle(s), collects the Gate Fees, and issues receipts to the Drivers.

"Application Fee" shall mean a fee in an amount established by the SFMTA Board, due upon application for a permit, and including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article of any other regulation adopted by the SFMTA Board.

"Business Entity" shall mean any corporation, partnership, limited liability, or other form of business organization recognized by the California Secretary of State.

"Citation" shall mean a notice informing an individual or entity who is a member of the public or a Permit Holder that they have violated any statute, ordinance, or regulation governing the operation or licensing of Motor Vehicles for Hire.

"Color Scheme" shall mean either the design or trade dress of a vehicle used as a Taxi or Ramp Taxi that is distinct to the fleet of a Color Scheme business that provides taxi service, or a business that provides taxi-related services to affiliated Drivers and Medallion Holders, including any owner, manager, employee, lessee and any agent of such business.

"Color Scheme Permit" shall mean a permit issued by the SFMTA, to operate a Color Scheme in the City.

"Complaint" shall mean a document issued by SFMTA upon receipt of the Respondent's request for a hearing on a Citation, Notice of Nonrenewal, Notice of Inactive Status, or Notice of Summary Suspension, which shall contain information about each alleged violation or basis for nonrenewal, inactive status, or summary suspension.

"Dispatch Service" shall mean an entity that holds a Dispatch Service Permit to dispatch Taxis and Ramp Taxis that are affiliated with a Color Scheme that is affiliated with the Dispatch Service, and that receives communications from the public regarding taxi service for the purpose of forwarding such communications to a Driver Permit Holder, and shall include any owner, manager, employee, lessee, and any agent of said service. "Dispatch Service" shall not include any service through which the public is able to communicate directly with Drivers, and shall not include any effort on the part of a Driver to market their services to the public.

"Dispatch Service Permit" shall mean a permit issued by the SFMTA to operate a Dispatch Service in the City.

"Driver" shall mean either a person who holds a Driver Permit issued by the SFMTA to operate a Motor Vehicle for Hire or a person engaged in the mechanical operation and having physical charge or custody of a Motor Vehicle for Hire while said Motor Vehicle for Hire is available for hire or is actually hired.

"Driver Permit" or **"A-Card"** shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi.

"Driver Roster" shall mean a daily shift schedule listing the shift assignment, Driver's name, Vehicle Number and Medallion number, if different, and the hours worked for that shift.

"Driver Training Course" shall mean a mandatory training course for new or current Drivers that is provided by the SFMTA or is provided by an outside entity and certified in accordance with procedures adopted by the Director of Transportation, to comply with requirements adopted by the Director of Transportation.

"E-Hail" shall mean the use of any electronic device to request taxi service in any manner, including but not limited to internet site, email, text message, push notification, or application, for the connection of or communication between a passenger and a taxi Driver, or any agent thereof, irrespective of whether such communication is from a portable or handheld device, monitor, smartphone or other electronic device or unit, excluding telephone voice communication.

"Electronic Taxi Access System" shall mean a data collection software system for the real-time reporting of all required Electronic Trip Data.

~~**"Electric Vehicle Taxi Medallion"** shall mean a permit issued by the SFMTA to a Color Scheme that meets SFMTA's performance standards to operate an electric vehicle, subject to conditions imposed by the SFMTA.~~

"Electronic Trip Data" shall mean the data regarding each Taxi trip that the Dispatch Service Permit Holder is required to provide to the SFMTA under Section 1114(f)(1).

"Found Property" shall mean any personal property found in or about a Motor Vehicle for Hire by a Driver or delivered to a Driver, Color Scheme, or Dispatch Service by any person who has found such property.

"Full-Time Driver" or **"Full-Time Driving"** shall mean any Driver actually engaged in, or the activity comprised of (respectively) the mechanical operation and physical charge and custody of a Taxi or Ramp Taxi which is available for hire or actually hired for at least 156 four-hour shifts or 800 hours during a fiscal year.

"Gas and Gates Medallion Operator" shall mean a Medallion Holder that contracts for the operation of the Medallion by a Color Scheme that owns the Taxi or Ramp Taxi vehicle, purchases insurance for the vehicle, hires and schedules the Drivers of the vehicle, collects the gate fees, issues receipts to the Drivers, and makes regular payments to the Medallion Holder for the use of the Medallion.

"Gate Fee" shall mean any monetary fee or other charge or consideration, or any combination thereof, paid by a Driver who is not a Taxi or Ramp Taxi Medallion Holder for the privilege of driving a Taxi or Ramp Taxi, and for receipt of all services provided in connection with such privilege, whether said fee, charge, or consideration is set orally or in writing, and regardless of the terms of payment.

"Hearing Officer" shall mean an individual designated by the Director of Transportation to conduct hearings under Sections 1117, 1119, ~~and~~ 1120 and 1121 of this Article.

"In-Taxi Equipment" shall mean hardware and software that enables the real-time processing of paratransit debit card transactions and consisting of, at a minimum, a Taximeter, ~~a magnetic swipe~~ payment card reader, user interface (display and function buttons), high speed receipt printer, GPS receiver, cellular modem, ~~and~~ or antennae (cellular and GPS).

"Initial Transfer" shall mean the transfer of a Surrendered or newly issued Medallion by the SFMTA to a Transferee under the Medallion Transfer Program, or the transfer of a Medallion to a Transferee under the former Taxi Medallion Sales Pilot Program.

"Key Personnel" shall mean a Taxi Permit Holder who works in an administrative capacity or performs functions integral to a Color Scheme or Dispatch Service, who is a bona fide employee on the payroll of the Color Scheme or Dispatch Service, and who works on- site at the Color Scheme's or Dispatch Service's principal place of business.

"Lease" shall mean an otherwise lawful written agreement between a Color Scheme and a Medallion Holder that, for consideration, authorizes the operation of a Taxi or Ramp Taxi Medallion by a Color Scheme in accordance with Section 1109(e)(1).

"Lease Fee" shall mean any monetary fee or other charge or consideration, or any combination thereof, charged by or paid to a Taxi or Ramp Taxi Medallion Holder for the privilege of operating that Medallion, pursuant to Section 1109(e), for any period of time.

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"Medallion" shall mean a permit issued by the SFMTA to an individual, joint tenants, or a Business Entity to operate a particular Taxi or Ramp Taxi vehicle in the City.

"Medallion Application" shall mean the form provided by the SFMTA and completed by an individual, joint tenants, or Business Entity that wishes to purchase a Medallion.

"Medallion Holder" shall mean the individual, joint tenants, or Business Entity to which a Medallion was issued.

"Medallion Surrender Payment" shall mean the amount of money paid by the SFMTA to a Medallion Holder in exchange for surrender of the Medallion so that the SFMTA may transfer it to a new Medallion Holder.

"Medallion Transfer Allocation" shall mean the percentage of the Medallion Transfer Price that shall be paid to the SFMTA from the proceeds of the Retransfer of a Medallion.

"Medallion Transfer Price" shall mean the fixed price paid by the Transferee for the transfer or Retransfer of a Medallion, to be set by the SFMTA in accordance with this Article.

"Medallion Transfer Program" shall mean the program allowing the SFMTA to transfer Surrendered Medallions, or newly issued Medallions, at the Medallion Transfer Price and allowing certain Medallion Holders to Retransfer their Transferable Medallions at the Medallion Transfer Price in accordance with the terms of Section 1116 of this Article.

"Model Year" shall mean a model year designated by the manufacturer at the time of first assembly as a completed vehicle.

"Motor Vehicle for Hire" shall mean every type of privately owned motor vehicle, as defined in the Vehicle Code, which is available for hire and over which the City may exercise jurisdiction, except as otherwise specified in this Article 1100. For purposes of this Article, "Motor Vehicle for Hire" shall not include Non-Standard Vehicle as defined in Section 1202 of this Code.

"Motor Vehicle for Hire Permit" shall mean a permit issued by the SFMTA for the operation of an identified vehicle for the purpose of transporting passengers for a price, including Taxi or Ramp Taxi Medallions, and does not include Dispatch Service, Color Scheme, Driver, or Non-Standard Vehicle Permits.

"Non-Transferable Medallion" shall mean a Medallion that is not eligible for the Medallion Transfer Program.

"Notice of Denial" shall mean a notice informing an applicant for a permit that the SFMTA has decided to deny the application for the permit under Section 1117 of this Article.

"Notice of Grant" shall mean a notice informing an applicant for a permit that the SFMTA has decided to grant the application for the permit under Section 1117 of this Article.

"Notice of Inactive Status" shall mean a notice informing an applicant for a permit that the SFMTA no longer deems the application active due to the occurrence of one or more of the events described in Section 1103(b) of this Article.

"Notice of Nonrenewal" shall mean a notice informing a Permit Holder that the SFMTA has determined that the permit will not be renewed in accordance with Section 1105(a)(5)(B) of this Article.

"Notice of Summary Suspension" shall mean a notice informing a Permit Holder that the SFMTA has decided to summarily suspend the permit in accordance with Section 1121 of this Article.

"Original Equipment Manufacturer (O.E.M.)" shall mean any equipment installed on a vehicle when the vehicle was initially manufactured.

"On-Board Diagnostic (OBD) Device" shall mean a device used to supplement the dispatch equipment installed in the Taxi if such equipment is incapable of delivering the Electronic Trip Data to the Electronic Taxi Access System in real-time.

"Paratransit Broker" shall mean the contractor retained by SFMTA to administer the Paratransit Program.

"Paratransit Coordinating Council" shall mean the Community Advisory Committee that advises the SFMTA regarding paratransit services.

"Paratransit Debit Card" shall mean the fare media issued through the Paratransit Program for use in taxis or other vehicles that are associated with the Paratransit Program.

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"Paratransit Program" shall mean the SFMTA program to provide transit services for people unable to independently use public transit because of a disability or disabling health condition.

"Participating Color Scheme" shall mean a Color Scheme that has entered into an agreement with the SFMTA for the operation of Medallions that are part of the Medallion Transfer Program, in accordance with Section 1116(n) of this Article.

"Passenger Payment Device" shall mean a payment card industry-compliant device that allows customers to swipe their own credit card and choose their own tip amount. Formerly known as a Passenger Information Monitor (PIM).

"Payment Card Industry Data Security Standard (PCI DSS)" shall mean the worldwide information security standard assembled by the Payment Card Industry Security Standards Council to help organizations that process card payments prevent credit card fraud.

"Permit Fee" shall mean a fee in an amount established by the SFMTA Board, required to be paid by a permit applicant for permit issuance or renewal, including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article and any other regulations adopted by the SFMTA Board.

"Permit Holder" shall mean any person, joint tenants, Business Entity, firm, partnership, association, or corporation which holds any permit issued by or under the authority of the SFMTA to drive, operate or cause to be operated any Motor Vehicle for Hire or to operate any Dispatch Service or Color Scheme pursuant to this Article, and any agent of such Permit Holder including, but not limited to, any owner, manager, employee, or lessee of such Permit Holder.

"Police Department" shall mean the Police Department of the City and County of San Francisco.

"Post-K Medallion" shall mean a Medallion issued to a natural person after June 6, 1978 and prior to the implementation of the Taxi Medallion Sales Pilot Program on March 28, 2010. Post-K Medallions are exclusive to natural persons and are eligible for surrender for consideration in accordance with Section 1116.

"Pre-K Corporate Medallion" shall mean a Medallion issued to a corporate entity prior to June 6, 1978 that is not eligible for surrender for consideration in accordance with Section 1116 of this Article.

"Pre-K Medallion" shall mean a Medallion issued to one or more natural persons prior to June 6, 1978 that is not eligible for surrender for consideration in accordance with Section 1116 of this Article.

"Prohibited Drugs" shall mean marijuana, amphetamines, methylenedioxymethamphetamine (MDMA), methylenedioxyamphetamine (MDA), opioid~~ate~~s (codeine, heroin, morphine, Acetylmorphine, oxycodone, oxymorphone, hydrocodone, hydromorphone), phencyclidine (PCP), and cocaine.

"Qualified Lender" shall mean a lender approved by the Director of Transportation to finance the transfer of Medallions under the former Taxi Medallion Sales Pilot Program or the Taxi Medallion Transfer Program.

"Ramp Taxi" or **"Wheelchair Accessible Vehicle"** shall mean a Taxi that is specially adapted with access for wheelchair users.

"Ramp Taxi Medallion" shall mean a permit issued by the SFMTA to operate a particular Taxi vehicle that is specially adapted with access for wheelchair users and is not eligible for surrender for consideration or transfer under Section 1116.

"Ramp Taxi Program" shall mean the SFMTA program that oversees the delivery of transportation services to individuals whose disabilities require the use of vehicles equipped with a ramp.

"Rates of Fare" shall mean the fees and charges that are authorized by the SFMTA Board that may be charged to the public by a Permit Holder in consideration for transport by a Motor Vehicle for Hire.

"Renewal Fee" shall mean a fee in an amount established by the SFMTA Board, payable as a condition for renewal of a permit, and including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article or any other regulation adopted by the SFMTA Board.

"Respondent" shall mean a person or entity to whom a Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), Notice of Summary Suspension under Section 1121, Citation under Section 1119(a), or Citation for a violation listed under Section 1118(a) is delivered.

"Response Time Goals" shall mean the measure of industry performance expressed by the time elapsed between the time a Dispatch Service receives a request for service to the time that a Taxi or Ramp Taxi actually arrives at the location specified by the customer for pick up. The currently applicable Response Time Goals are as follows:

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(1) 70% of the time, a Taxi or Ramp Taxi will arrive within 10 minutes of the service call.

(2) 80% of the time, a Taxi or Ramp Taxi will arrive within 15 minutes of the service call.

(3) 99% of the time, a Taxi or Ramp Taxi will arrive within 30 minutes of the service call.

"Retransfer" shall mean the transfer of a Transferable Medallion by the SFMTA to a Transferee under the Medallion Transfer Program.

"SFMTA" shall mean the San Francisco Municipal Transportation Agency of the City, or any predecessor agency with regulatory jurisdiction over Motor Vehicles for Hire, or its authorized designee.

"Surrendered Medallion" shall mean a Medallion surrendered to the SFMTA in exchange for receipt of the Medallion Surrender Payment in accordance with Section 1116 of this Article.

"Taxi" shall mean a vehicle operated pursuant to a Taxi or Ramp Taxi Medallion that is legally authorized to pick up passengers within the City with or without prearrangement, of a distinctive color or colors and which is operated at rates per mile or upon a waiting- time basis, or both, as measured by a Taximeter, and which is used for the transportation of passengers for hire over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

"Taxi Driver Drug and Alcohol Testing Policy" shall mean the policy adopted by the SFMTA Board on October 20, 2015, as

"Taxi Medallion Sales Pilot Program" shall mean the former program adopted by the SFMTA Board of Directors for the transfer of certain Medallions at an established price to a Transferee who is qualified to hold a Medallion under this Article.

"Taximeter" shall mean a device attached to a Motor Vehicle for Hire which mechanically or electronically calculates the fare to be charged to the passenger, either on the basis of distance traveled or for waiting time, or a combination thereof, and upon which the amount of the fare is indicated by means of numerals in dollars and cents.

"Transferable Medallion" shall mean a Medallion that is transferable because it has been transferred at least once in accordance with Section 1116 of this Article or it has been newly issued by the SFMTA on or after March 28, 2010. Medallions that have never been transferred but are held by Medallion Holders who are eligible to surrender their Medallions under the provisions of Section 1116(a)(1) or (a)(2) are not Transferable Medallions.

"Transferee" shall mean an individual, joint tenants, or Business Entity that qualifies under Section 1116(c) of this Article as a recipient of the transfer or Retransfer of a Medallion.

"Transferor" shall mean a Medallion Holder who qualifies under Section 1116(d) of this Article to Retransfer a Transferable Medallion(s).

"Use Agreement" shall mean an agreement between the SFMTA and a Color Scheme Permit Holder or a Driver granting the Color Scheme or Driver a designated Medallion for a specified period of time in accordance with the conditions stated in the agreement and in exchange for a monthly fee payable to the SFMTA.

"Vehicle Number" shall mean the unique identifying number associated with each Taxi or Ramp Taxi vehicle.

"Waiting List" shall mean a list of applicants for Taxi Medallions for whom such Medallions are not yet available, maintained in the order of receipt of complete applications from qualified applicants.

"Wheelchair Accessible Vehicle" or **"WAV,"** also known as "Ramp Taxi," shall mean a Taxi that is specially adapted with access for wheelchair users.

SEC. 1103. PERMIT APPLICATIONS AND RENEWAL.

(a) **Application Forms.** Application for any permit issued or Use Agreement entered into pursuant to this Article shall be made to the SFMTA on a form provided by the SFMTA. The applicant shall provide such information and documents as the SFMTA requires, which may include a physical examination, a practical examination and/or background check of the applicant and any applicable Application Fee.

(b) **Applications Deemed Active.** Every application for a permit shall be deemed to remain active and shall be considered until the earliest of the following events:

(1) The applicant withdraws the application in writing;

(2) The applicant is determined to be ineligible for the permit by the SFMTA;

(3) The applicant receives a permit;

(4) The SFMTA determines that the applicant has engaged in fraud, misrepresentation or other serious misconduct in connection with the permit application process;

(5) The SFMTA attempts to contact the applicant at the mailing address listed on the application on at least two separate occasions and the applicant fails to respond within 30 calendar days of the second notice;

(6) The SFMTA has offered a Medallion for transfer to the applicant, in accordance with Section 1116, and the applicant fails to complete the transfer of the Medallion within the deadlines established by the Director of Transportation pursuant to Section 1116(g)(3). Applicants that fail to complete the transfer of the Medallion within the applicable deadlines will be moved to the end of the Waiting List; or

(7) The applicant has not completed the application process within 60 calendar days of initiating an application, or within such other time limit specified in this Article. Applicants that fail to complete the Medallion application process within the applicable deadlines will be moved to the end of the Waiting List.

(c) **Requirements Applicable to Driver Permit Applications.**

(1) **Application Requirements.** In addition to complying with all applicable requirements of this Section, each applicant for a Driver Permit shall:

(A) Provide their fingerprints; and

(B) Take and pass a written examination; and

(C) Demonstrate that they have successfully completed an SFMTA-approved course for new Drivers; and

(D) Be available to have a photo taken at SFMTA; and

(E) Submit to a drug test as required by the Taxi Driver Drug and Alcohol Testing Policy.

(F) As required by the Taxi Driver Drug and Alcohol Testing Policy, sign a written consent to allow the SFMTA to obtain information regarding the applicant's drug and alcohol testing history for the previous two years; and .

(G) As required by the Taxi Driver Drug and Alcohol Testing Policy, disclose whether applicant has, within the prior two years, ever failed a pre-employment drug or alcohol test that resulted in the applicant not getting hired.

(2) **Driver Qualifications.** Each applicant for a Driver's Permit must:

(A) Be clean in dress and person;

(B) Be free of any disease, condition, infirmity, or addiction that might render the applicant unable to safely operate a motor vehicle or that otherwise poses a risk to public health and safety;

(C) Have a current California driver's license;

(D) Have the physical capacity to operate a motor vehicle for at least four hours per day;

Have no prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if the permit is granted, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, violence against a person, reckless disregard for public safety, two or more recent convictions of drug-related offenses, or two or more recent convictions of driving under the influence, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it determines that the applicant or Permit Holder does not pose a current risk to public safety;

(E) Have attained the age of 21;

(F) Speak; read and write the English language;

(G) Receive a negative test result on the pre-issuance drug test under the Taxi Driver Drug and Alcohol Testing Policy.

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(H) Have not, within the past two years, failed a pre-employment drug or alcohol test that resulted in the applicant not getting hired.

(I) Have not, within the preceding twelve months, been denied a Driver permit for failure to comply with the requirements of subsection (H) or (I), above.

(3) **Renewal of Driver's Permits.**

(A) Drivers have an affirmative duty to report any criminal convictions that would be a basis for denying a permit pursuant to Section 1103(c)(2)(E). The SFMTA may refuse to renew a permit if the Permit Holder would not be eligible to receive a new permit pursuant to Section 1103(c)(2)(E).

(B) The SFMTA may require Drivers to successfully complete a Driver Training Course for current Drivers as a condition of renewal of their Driver Permits.

(C) **Lapse of Active Permit Status; New Application.** A Driver Permit Holder who fails to renew their Driver Permit within the deadline for renewal set by the SFMTA may renew their Driver Permit upon submission of a new Driver Permit application and completion of all requirements established by SFMTA for such late renewals.

(D) Every Driver must submit to a drug test as a condition of renewal of their A-Card as provided by the Taxi Driver Drug and Alcohol Testing Policy, and must receive a negative test result as a condition for renewal of the A-Card.

(d) **Requirements Applicable to Medallion Applications.**

(1) **Waiting List.** In the absence of any other preference specified in this Article, applicants for a Medallion shall be processed and considered by the SFMTA in chronological order by the date that each complete Medallion application was received from a qualified applicant. The SFMTA may periodically require applicants to execute written statements to reaffirm their desire to keep their applications active.

(2) **Applications by Business Entity.** In addition to complying with all applicable requirements of this Section, each Business Entity applicant for a Medallion shall:

(A) Provide a Certificate of Good Standing from the California Secretary of State;

(B) Authorize, in writing, at least one of its officers, partners or owners to act on its behalf and to bind the Business Entity in dealings with third parties. The owner(s) or designated officers(s) or partner(s) shall complete and sign all application forms required of an individual applicant under this Section. The Business Entity's representative shall, at all times, meet all of the requirements set by this Section; and

(C) If the Business Entity is a corporation, its application shall include a certified copy of its certificate of incorporation, a list of officers and shareholders holding at least 5% of the voting stock of the corporation, and certified copy of the minutes of the meeting(s) at which the current officers were elected.

(3) **Applications by Joint Tenants.** In addition to complying with all applicable requirements of this Section, two or more individuals applying jointly for a Medallion shall indicate on the application that they are applying "as joint tenants".

(e) Reserved.

(f) **Requirements Applicable To Dispatch Service Permit Applications.**

(1) **Dispatch Service Permit Applications.** Any application for a Dispatch Service Permit must be made on a form provided by the SFMTA. After receiving a Dispatch Service Permit application, the SFMTA shall conduct an investigation to ensure that the applicant meets all requirements of this Article. In addition to any other documents establishing compliance with laws and regulations that the SFMTA may require as a condition of approval for the permit, the applicant must provide:

(A) Proof of all required insurance;

(B) Current San Francisco business license;

(C) ~~Any signed partnership agreement, if applicable;~~ Signed agreement evidencing any corporate, partnership, limited liability, or other form of business organization recognized by the California Secretary of State, if applicable;

(D) The Dispatch Service telephone number;

(E) A signed agreement with an approved E-Hail application; ~~and~~

(F) A list of affiliated Color Schemes, and

(G) Current California Secretary of State business registration certificate number.

(2) **Dispatch Service Permit Transfers.** Any transfer of a Dispatch Service permit must be approved in advance by the SFMTA. The Permit Holder shall give notice to the SFMTA of the intended transfer at least 30 calendar days prior to such transfer. Prior to approving a transfer of a Dispatch Service permit, the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article. For the purpose of this subsection, the transfer of a business means the transfer of 50% or more of an ownership interest in the business to a person or entity that did not already hold an ownership interest in the business as of September 17, 2013. In addition to any other documents establishing compliance with laws and regulations that the SFMTA may require as a condition of approval of the transfer, the parties to the transfer must provide:

(A) Proof of compliance with the requirements of this Article applicable to Dispatch Service Permit Holders, including all required insurance;

(B) A current San Francisco business license;

(C) A signed partnership agreement among multiple purchasers or documentation of current valid corporate status; and

(D) A signed lease establishing the buyer's right of occupancy at a business premises.

(3) **Permit Renewal Requirements.** No Dispatch Service Permit shall be renewed unless the Permit Holder files the following documents by ~~May~~ June 1 of each year:

(A) An updated emergency plan;

(B) Insurance certificates demonstrating compliance with all required insurance;

(C) Current San Francisco business license;

(D) Signed agreement evidencing any corporate, partnership, limited liability, or other form of business organization recognized by the California Secretary of State, if applicable;

(E) Dispatch Service telephone number;

(F) Signed agreement with an approved E-Hail application provider; ~~and~~

(G) List of affiliated Color Schemes; and

(H) Current California Secretary of State business registration certificate number.

(g) **Requirements Applicable To Color Scheme Permit Applications.**

(1) **Color Scheme Permit Applications.** Any application for a Color Scheme Permit must be made on a form provided by the SFMTA. After receiving a Color Scheme Permit application, the SFMTA shall conduct an investigation to ensure that the proposed applicant meets all requirements of this Article. In addition to any other documents establishing compliance with law and regulations that the SFMTA may require as a condition of approval of the permit, the applicant must provide:

(A) Proof of all required insurance;

(B) Current San Francisco business license;

(C) ~~Any signed partnership agreement among multiple purchasers or documentation of valid corporate status~~. Signed agreement evidencing any corporate, partnership, limited liability, or other form of business organization recognized by the California Secretary of State, if applicable;

(D) A signed lease establishing the permit applicant's right of occupancy at a location to be used as the business premises;

(E) A signed agreement with a permitted Dispatch Service; and

(F) A schedule of Gate Fees.

(G) Current California Secretary of State business registration certificate number.

(2) **Color Scheme Permit Transfers.** Any transfer of a Color Scheme permit must be approved in advance by the SFMTA. Prior to

approving a transfer of a Color Scheme Permit, the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article. For the purpose of this subsection, the transfer of a business means the transfer of 50% or more of an ownership interest in the business to a person or entity that did not already hold an ownership interest in the business as of June 19, 2009. In addition to any other documents establishing compliance with laws and regulations that the SFMTA may require as a condition of approval of the transfer, the parties to the transfer must provide:

(A) Proof of all required insurance,

(B) A current San Francisco business license,

(C) Any signed partnership agreement among multiple purchasers or documentation of current valid corporate status,

(D) A signed lease establishing the buyer's right of occupancy at a business premises,

(E) A signed agreement with a permitted dispatch service, and

(F) A schedule of gate fees.

(3) **Permit Renewal Requirements.** No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by ~~May~~ June 1 of each year:

(A) Current San Francisco business license;

(B) Completed designated manager form(s);Current list of all affiliated Drivers, Medallion Holders and type of Lease for each;

(C) Insurance certificates demonstrating compliance with the insurance requirements of this Article for every vehicle and Medallion affiliated with the Color Scheme;

(D) Copy of company drug-free workplace policy; ~~and~~

(E) Sworn statement attesting to compliance with this Article and applicable state and federal laws; and

(G) Current California Secretary of State business registration certificate number.

(h) **Moratorium on Issuance of Permits.** The Director of Transportation may impose a moratorium on the issuance of new Color Scheme Permits or Dispatch Service Permits upon determining that the issuance of such permits will not serve the public interest. The Director of Transportation shall notify the Board of Directors immediately upon making such a determination. The notification, which shall be posted in accordance with Section 1123(a), shall include the reasons for the Director's determination that issuance of new permits will not serve the public interest, and the expected duration of the moratorium. In no event shall such a moratorium last for more than a year without the approval of the Board of Directors.

(i) **Medallion Renewal Requirements.** No Medallion shall be renewed unless the following requirements are satisfied by ~~May~~ June 1 of each year:

(1) **Transferable Medallions:**

(A) ~~Pay the applicable Renewal Fee; and~~

(B) Sign a statement under penalty of perjury affirming eligibility for the Transferable Medallion on a form provided by SFMTA.

(2) **Post-K Medallions:**

(A) Pay the applicable Renewal Fee;

(B) Sign a statement under penalty of perjury affirming eligibility for the Post-K Medallion on a form provided by SFMTA;

(C) Submit a copy of a valid California driver's license; and

(D) Maintain a valid A-Card.

(3) **Pre-K Medallions:**

(A) Pay the applicable Renewal Fee; ~~and~~

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(B) Sign a statement under penalty of perjury affirming eligibility for the Pre-K Medallion on a form provided by SFMTA.; and

(C) Submit a copy of valid government-issued identification with a photograph.

(4) **Pre-K Corporate Medallions:**

(A) Pay the applicable Renewal Fee;

(B) Sign a statement under penalty of perjury affirming eligibility for the Pre-K Corporate Medallion on a form provided by SFMTA;

(C) Copy of current stock register; and

(D) Copy of current filed copy of Statement of Domestic Stock Corporation issued by the California Secretary of State.

SEC. 1106. CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS.

In addition to all other conditions applicable to a Color Scheme Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

(a) **Rights of Color Scheme Permit Holder; Permit Required.** A Color Scheme Permit entitles the Permit Holder to operate a business that provides taxi service using vehicles painted with trade dress authorized by the permit and unique to that business. Any major change in trade dress colors of a Color Scheme Permit Holder shall require a permit application requesting the issuance of a new Color Scheme Permit. Minor changes in trade dress may be approved by SFMTA without a new permit application. SFMTA shall determine, in its sole discretion, whether a requested change of trade dress is major or minor. No person shall operate a Color Scheme business without a valid permit from the SFMTA.

(b) **Color Scheme Trade Dress.** Upon request, the Color Scheme Permit Holder shall provide to SFMTA electronic, high-resolution copies of color photographs of the front, sides and rear of each make and model of Taxi and Ramp Taxi vehicle affiliated with the Color Scheme.

(c) **Use of Dispatch Service.** Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service utilized by the Color Scheme. A Color Scheme must obtain the prior written approval of the SFMTA before changing Dispatch Services. A Color Scheme request for change of Dispatch Service shall be approved unless the Color Scheme or the Dispatch Service is on Administrative Probation. In the event a Dispatch Service severs an affiliation with a Color Scheme, said Color Scheme shall notify the SFMTA in writing within 72 hours.

(d) **Principal Place of Business.** All Color Schemes shall maintain a principal place of business. Every Color Scheme must have the capacity to receive deliveries during business hours and to send and receive documents and electronic correspondence at all times, and the street address, telephone number(s) and/or electronic address(es) for documents and correspondence must be provided to the SFMTA.

(e) **Change of Business Location.** A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business.

(f) **Telephone Access.** Every Color Scheme shall maintain a current listing, including the name of the company and telephone number~~, with the San Francisco directory assistance (411),~~ the City's 311 system, and on the SFMTA website.

(g) **Designated Manager.**

(1) All Color Schemes shall designate a natural person as a manager who shall serve as the central point of contact for all matters of regulatory compliance. This manager shall be an individual who has not had Motor Vehicle for Hire Permit issued by the SFMTA suspended or revoked in the past five years, except as otherwise approved in writing by the SFMTA. A Color Scheme may designate additional managers for specialized matters subject to the prior written approval of the SFMTA.

(2) The designated manager of a Color Scheme shall be the agent for service of process for the Color Scheme.

(3) Designation of a manager for purposes of this subsection 1106(g)(3) does not qualify the manager as Key Personnel for the Color Scheme.

(h) **Staffing Requirements.** Every Color Scheme shall employ some combination of qualified staff, contracted services and/or automated devices adequate to perform at least the following functions and provide the following capabilities:

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(1) Receive inquiries about Found Property on a 24-hour basis.

(2) Receive and respond to communications and information requests from the SFMTA.

(3) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

(4) Comply with all state laws regarding Found Property.

(i) **Workers' Compensation Requirements.** Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

(j) **Paratransit Program Minimum Requirements.** All Color Schemes must qualify for the Paratransit Program and must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. Thereafter, each such Color Scheme shall operate at all times subject to the Paratransit Program Minimum Requirements set by the SFMTA, including any rules requiring the Color Scheme to maintain insurance in excess of the insurance requirements of this Article. Every contract entered into between a Color Scheme and a Driver or Medallion Holder affiliated with that Color Scheme shall require the Driver to operate at all times subject to the rules and regulations of the Paratransit Program.

(k) **Vehicle Maintenance and Cleaning.**

(1) Every Color Scheme shall provide Drivers free access to a facility that is adequate to thoroughly wash all affiliated vehicles and that is in compliance with all applicable laws and regulations, including but not limited to environmental and zoning requirements.

(2) When a Color Scheme receives notice of a problem with the equipment of a vehicle affiliated with that Color Scheme, the Color Scheme and the Medallion Holder are jointly and severally responsible for compliance with all of the following requirements:

(A) Ensuring that all equipment on the vehicle that is required by this Article or by the Paratransit Broker is working properly.

(B) Taking out of service and repairing any vehicle immediately if the failure of any equipment presents a safety issue, if communications equipment is not in working order, or if the Taximeter seal is broken, removed, destroyed, marred or otherwise tampered with.

(3) The Color Scheme with which a vehicle is affiliated and the Medallion Holder are jointly and severally responsible for complying with any written order issued by the San Francisco Department of Public Health that relates to a Motor Vehicle For Hire.

(4) When a Color Scheme receives notice from a Driver assigned to a Taxi or Ramp Taxi vehicle that any equipment in or on that vehicle is unsafe, the Color Scheme is required to promptly provide the Driver with another Taxi or Ramp Taxi vehicle that is in compliance with this Article.

(5) **Unattended Vehicles.** Every Color Scheme shall ensure that no Taxi vehicle that is affiliated with such Color Scheme is left unattended on a public street for more than four hours.

(l) **Spare Vehicles.**

(1) A spare vehicle may operate with a Medallion from a Taxi or Ramp Taxi only when necessary to replace temporarily disabled Taxi vehicles. During any time a spare vehicle is operating, the vehicle it is replacing shall be available for inspection by the SFMTA.

(2) Each Color Scheme shall be issued a unique series of “spare numbers” for spare vehicles operating at that Color Scheme.

(3) Color Schemes may not operate or allow another entity or individual to drive or operate a spare vehicle, unless such vehicle is using a Medallion which is not in use in any other vehicle. Any Color Scheme found to be violating this Section shall be deemed to be operating a vehicle without a permit. Each day of unauthorized operation under this Section shall be a separate offense.

(4) All spare vehicles shall be equipped with functional In-Taxi Equipment.

(m) **Reduced Emissions by Color Scheme.** Each Color Scheme Permit Holder shall maintain average per vehicle greenhouse gas emissions at a level set by the Department of the Environment to achieve the goal of a 20% reduction in taxi fleet greenhouse gas emissions from 1990 levels. For the purpose of this requirement, Ramp Taxis shall not be included in calculation of the Color Scheme’s average per vehicle greenhouse gas emissions.

(n) **Information Required to be Provided or Posted.** All Color Schemes shall provide the following information to Drivers and Color Scheme employees by either delivering copies, paper or electronic, or posting the information at their place of business in a place where it is

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easily visible to Drivers and Color Scheme employees:

(1) **Certificate of Worker's Compensation.** A copy of a current and valid Certificate of Worker's Compensation Insurance and information about how to file a claim.

(2) **Gate Fees.** The current amounts charged for Gate Fees, including the amount charged for each available shift over the seven days of the week.

(3) **Information Provided by SFMTA.** The SFMTA may require a Color Scheme to distribute designated materials to each affiliated Driver, and may require the Color Scheme to obtain written acknowledgments of receipt from affiliated Drivers, within a time period specified by SFMTA.

(o) **Required Notifications.**

(1) Upon request from the SFMTA, each Color Scheme must provide a report to the SFMTA listing each accident that occurred during the period specified, involving any Taxi or Ramp Taxi affiliated with the Color Scheme and resulting in property damage or bodily injury. Color Schemes must retain any report provided to SFMTA pursuant to this subsection (o)(1) for at least five years.

(2) Color Schemes must notify the SFMTA in advance of any change in the name, address, or telephone number under which taxi service is provided by the Color Scheme. A change of name or address requires the prior approval of the SFMTA.

(3) Color Schemes have an affirmative obligation to report to the SFMTA any actual knowledge that a Driver is engaged in the sale, use, or possession of drugs or alcohol in a Taxi or Ramp Taxi vehicle.

(4) Color Schemes must notify the SFMTA when Found Property is returned to its owner.

(5) **Death of Medallion Holder.** Upon receiving notice of the death of a Medallion Holder affiliated with or employed by a Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days of receipt of the notice of the death.

(A) **Non-Transferable Medallion.** If the deceased Medallion Holder held a Non-Transferable Medallion, then the Color Scheme shall notify SFMTA of the death within 5 calendar days of discovery and must return the Medallion within 14 calendar days of notice to the SFMTA. The SFMTA, may, in its discretion, extend the deadline for return of the Medallion to the SFMTA if it determines that such an extension would be in the public interest. ~~During any such period of extension, in lieu of making medallion lease payments to the former Medallion Holder, the Color Scheme shall pay to the SFMTA a monthly fee of $750 beginning as of the 15th day following the notice of death and until such date as the SFMTA requires the return of the Medallion.~~

(B) **Transferable Medallion.** If the deceased Medallion Holder held a Transferable Medallion, the Color Scheme must return the Medallion to SFMTA in accordance with Section 1116(n).

(p) **Color Scheme Obligations Related To Drivers.**

(1) Each Color Scheme shall ensure that every affiliated Driver holds a valid A-Card. Each color scheme shall utilize the SFMTA's electronically published list of valid and active A-Cards to determine if a Driver can operate a taxicab or not.

(2) A Color Scheme shall issue receipts for any payments received from any Driver. A Color Scheme shall accept payment of Gate Fees by credit or debit card, and shall impose no charge or fee on Drivers who pay their Gate Fees by credit or debit card.

(3) A Color Scheme shall offer cashiering services, through a third-party merchant account holder that conforms to PCI DSS standards, to any Driver for credit and debit card transactions collected by that Driver as payment of taxi fare while that Driver was driving a vehicle affiliated with that Color Scheme. A Color Scheme may charge a Driver a fee for the cashiering service, which shall not exceed 3.5 % of the total amount of the credit or debit card transactions presented to the Color Scheme. A Color Scheme must require its third-party merchant account holder to deposit the proceeds of the Driver's credit and debit card transactions, minus the fee of up to 3.5%, in an account of the Driver's choice within one business day. A Color Scheme may not require a Driver to use its merchant account holder, and may impose no charge for credit and debit cashiering services in addition to the 3.5% fee on Drivers who choose to use the Color Scheme's third-party merchant account holder to cash credit and debit card payments.

(4) Each Color Scheme shall inform every Driver of the applicable state and federal laws governing maximum driving hours for the operators of a commercial passenger-carrying vehicles, and must inform every Driver of the Driver's obligation to comply with such laws.

(q) **Taxi Driver Drug and Alcohol Testing Policy; Policy.**

(1) Color Schemes must comply with all relevant provisions of the Taxi Driver Drug and Alcohol Testing Policy, including but not

limited to the following:

(A) Removing a Taxi Driver from their duties temporarily as provided by the Policy after a test demonstrating that the Taxi Driver has a confirmed alcohol concentration of greater than 0.02 and less than .04;

(B) Referring and transporting Drivers for reasonable suspicion testing in conformance with requirements of the Policy, and paying the costs of such testing;

(C) Referring and transporting Drivers for post-accident testing in conformance with the requirements of the Policy, and paying the costs of such testing;

(D) Ensuring that at least one current on-site employee has received two hours of post-accident testing training and reasonable suspicion testing training within the past twelve months. Training shall be provided by the SFMTA's contractor at the Color Scheme's expense;

(E) Providing all Drivers with educational materials provided by the SFMTA related to the Policy and materials explaining the Color Scheme's policy regarding use of drugs and alcohol; and

(F) Maintaining the confidentiality of any records related to the results of drug and alcohol tests of Drivers administered under the Policy.

(2) A Color Scheme having actual knowledge that a Driver has tested positive for drugs or alcohol under the Taxi Driver Drug and Alcohol Testing Policy shall not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has been cleared to return to work by the SFMTA under the provisions of the Policy.

(3) No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of alcohol or Prohibited Drugs shall permit that Driver to operate or continue to operate a Taxi or Ramp Taxi.

(4) A Color Scheme must report to the SFMTA contact person identified in the Policy any referral of a Driver for reasonable suspicion or post-accident testing under the Policy, and must do so within eight hours of the referral.

(r) **Found Property.**

(1) Color Scheme Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

(2) If the Found Property is currency, is of the value of $100 or more, is either a serialized item or an electronic device or contains owners identification information, within ~~30~~ 7 ~~calendar~~ business days the Color Scheme Permit Holder or the designee shall transfer the property to the SFMTA.

(3) Color Scheme Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not been found, and also to~~. Color Schemes shall not~~ inform customers to ~~call~~ contact SF311 to report or recover Found Property.

(s) **Dissolution Plan.** Any Color Scheme that will be terminating its business operations as a Color Scheme and surrendering its permit shall file a dissolution plan with the SFMTA at least 30 days prior to the date that the Color Scheme anticipates that it will cease to respond to requests for taxi service. The dissolution plan shall include but not be limited to plans for the disposition of records and preservation of Waybills and Driver Rosters, Driver and Medallion Holder files and Leases, handling Found Property, notifying the public of the termination in service and contact information for future inquiries. The Color Scheme shall also participate in an exit interview with the City's Paratransit Broker at least 30 days prior to the date the Color Scheme anticipates that it will cease to participate in the Paratransit Program.

(t) **Insurance Requirements.** (Reserved)

SEC. 1107. CONDITIONS APPLICABLE TO DISPATCH SERVICE PERMITS.

(a) In addition to all other conditions applicable to a Dispatch Service Permit, each Dispatch Service Permit Holder shall comply with the following performance standards:

(b) **Minimum Dispatch Service Standards.**

(1) A Dispatch Service must affiliate with at least 100 medallions. Dispatch Service Permit holders must comply with this requirement no later than six months after permit issuance. Failure to come into compliance within six months of permit issuance will result in the Dispatch Service Permit holder being placed on Administrative Probation pursuant to Section 1107(b)(2) below.

(2) Any Dispatch Service that does not meet the medallion affiliation requirement set forth in Section 1107(b)(1), shall be placed on Administrative Probation for not more than 90 days. If after 90 days the Dispatch Service cannot meet the medallion affiliation requirement, the Dispatch Service permit shall be automatically revoked and all affiliated Color Scheme Permit Holders shall affiliate with a Dispatch Service that meets the requirement.

(c) **Dispatch Service Operational Requirements.** A Dispatch Service must:

(1) Maintain and update an emergency plan that conforms to SFMTA requirements for Drivers and Dispatch Service employees to follow in emergencies, and file an updated emergency plan annually at the time of permit renewal.

(2) Answer all calls by humans, or by mechanical or other device, within six rings 365 days per year, 24 hours per day. At least one person shall be available to respond to calls at all times.

(3) ~~Reserved.~~ A Dispatch Service shall notify the SFMTA in writing within 72 hours of any changes of the Color Scheme affiliations.

(4) Require all dispatchers, operators, and/or call takers, to answer a call with the name of the Dispatch Service, and, upon request of the caller, to identify themselves with either a unique individual identifier or their legal name.

(5) Dispatch a vehicle from the Color Scheme requested by the caller in the event that two or more Color Schemes share the same Dispatch Service and may only dispatch a vehicle from a different Color Scheme if the operator first advises the customer of the Color Scheme of the vehicle that will respond to the call.

(6) Comply with all applicable state laws and regulations concerning Workers' Compensation.

(7) Affiliate with an e-hail application provider that meets criteria established by the Director of Transportation.

(d) **Found Property.**

(1) Dispatch Service Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be contacted, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

(2) If the Found Property is currency, is not currency but is of the value of $100 or more, is either a serialized item or an electronic device or contains owner identification information, within ~~30 calendar~~ 7 business days the Dispatch Service Permit Holder shall transfer the property to the SFMTA, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

(3) Dispatch Service Permit Holders shall advise passengers claiming to have lost property of value in a Taxi or Ramp Taxi, to make a lost property police report if their property has not been found. Color Schemes ~~shall not~~ may inform customers to call 311 to report or recover Found Property.

(e) **Minimum Dispatch Equipment Requirements.** Each Dispatch Service permit holder must maintain at a minimum the following dispatch equipment and dispatch capacity:

(1) A hard-mounted driver information monitor or mobile data terminal capable of two-way communication to display and accept orders, which must be directly connected to the taximeter, or connected to the taximeter as part of a secondary system such as a payment system;

(2) Integrated GPS to allow for nearest taxi distribution of available orders;

(3) Ability to dispatch entered orders based on vehicle type;

(4) Configurable polling time of vehicle data and status;

(5) Ability to report data on all orders entered into the system, including but not limited to: time and date, order status, drivers/vehicles rejected and drivers/vehicles accepted, all timing points of order (entry time, dispatch time, acceptance or rejected time, and trip completion time), abandoned and non-completed jobs, and driver login and logout status while on duty;

(6) Functional direct voice access and two-way communication with all affiliated Taxis and Ramp Taxis; and

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(7) Dispatch equipment and system must be functional and active with 100% of the active fleet affiliated with the Dispatch Service Permit holder.

SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS.

(a) **Driver Identification.** Upon issuance of a Driver Permit, the SFMTA will issue to each Driver a Driver Permit Card (A-Card). Every Driver shall conspicuously display their A-Card on the outside of their clothing at all times while operating a Motor Vehicle for Hire, and shall provide the A-Card for inspection upon request by the SFMTA, SF Paratransit, SF International Airport staff, or any peace officer. The A-Card shall be ~~worn~~ used only by the Driver to whom it is issued.

(b) **Taxi Driver Alcohol and Drug Testing Policy.**

(1) Drivers must comply with all relevant provisions of the Taxi Driver Drug and Alcohol Policy, including but not limited to submitting to reasonable suspicion and post-accident drug and alcohol testing at the direction of the Color Scheme and as provided by the Taxi Driver Drug and Alcohol Testing Policy.

(2) No Driver may operate a Motor Vehicle for Hire while their driving ability is impaired by alcohol, any Prohibited Drug, or prescription drugs. No Driver may consume alcohol or any Prohibited Drug while operating a Motor Vehicle for Hire.

(3) Drivers shall not sell or possess alcohol or Prohibited Drugs while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

(c) **Notification to SFMTA of Change of Affiliation with Color Scheme.**

In accordance with California Government Code Section 53075.53(b)(1)(B), a Driver's Permit shall be suspended for any period during which the Driver is not affiliated with a Color Scheme.

(d) **Driver Duties at Beginning of Shift.**

(1) A Driver is required to perform a safety check on a Motor Vehicle for Hire prior to placing it in operation. The Driver is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to a Ramp Taxi ramp and securement system.

(2) A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional communications equipment capable of both receiving and transmitting voice information. If communications equipment is not functional, that vehicle shall be taken out of service until such time as the communications equipment is functional.

(3) A Driver is responsible for ensuring that their vehicle is supplied with the following items:

(A) Current 311 card or notice published by the SFMTA must be visible to the passenger in the cab;

(B) A supply of receipts, preprinted with the name of the affiliated Color Scheme;

(C) Current maps of San Francisco and San Mateo counties or a functional GPS device;

(D) Working flashlight, if driving at night;

(E) SF Paratransit manual trip ticket forms; and

(F) Back-up credit card payment processing device and any supplies required for its operation.

(4) A Driver shall ensure that the vehicle is clean inside and out and free of offensive odors, wash the exterior of the vehicle and/or sweep the interior passenger compartment and trunk as needed, and remove any loose items from the vehicle's dashboard and/or rear shelf.

(e) **Driver Duties During Shift.**

(1) A Driver shall not refuse, or direct or permit the refusal, of prospective passengers in any place within the City for transportation to any other place in the City, or to or from the San Francisco International Airport, or to the Oakland International Airport, or paratransit passengers within the Paratransit Program service area, at rates authorized by law, if the prospective passengers present themselves for transportation in a clean, coherent, safe, and orderly manner and for a lawful purpose and the Driver has sufficient time before the end of the Driver's shift to transport the prospective passengers to their destination.

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(2) A Driver shall not refuse to transport a passenger's luggage, wheelchair or other mobility device, crutches, or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas. A Driver may refuse to convey a passenger who requests taxi service for the primary purpose of transporting goods or cargo if in the Driver's judgment the amount of goods to be carried could result in unsafe driving or damage to the vehicle.

(3) No Driver may refuse to transport a person with a physical disability in the front seat to accommodate the person's physical disability.

(4) A Driver shall not refuse to transport any service animal, or a secured, well-behaved, and/or contained animal except when the Driver has documentation from a licensed physician of a medical condition that prevents contact with that type of animal. The Driver must ensure such documentation is on file with SFMTA. If a Driver is unable to properly assist and/or transport the service animal, or a secured, well-behaved, and/or contained animal, the Driver shall notify the Dispatch Service and request another Driver's assistance or other appropriate service capable of handling the request The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.

(5) A Driver shall, if requested, take reasonable measures to assist a passenger as necessary to get into and out of the vehicle, or to load or unload luggage, to the extent that such assistance is within the physical capacity of the Driver~~. The Driver shall record the request for assistance and results.~~ If the Driver feels that their personal health or safety is at risk or is otherwise unable to assist the passenger, the Driver shall request appropriate assistance capable of handling the request from the Dispatch Service. If the passenger(s) has such a large amount of baggage, luggage, packages, and/or equipment to be loaded or unloaded that the Driver's departure is delayed, or when it is necessary to wait for dispatched assistance to arrive, the Driver shall inform the passenger(s) of their intention to activate the Taximeter.

(6) Every Driver shall, if requested, assist a person with physical disabilities or an elderly person to get into and out of the vehicle and ensure the passenger is properly secured in the vehicle prior to transport. If a Driver is unable to properly assist and/or secure the passenger, the Driver shall notify the Dispatch Service and request another Driver's assistance or other appropriate service capable of handling the request. ~~The Driver shall record the request and results.~~ The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.

(7) Every Driver must accept dispatch assignments when available from their Dispatch Service. Drivers must immediately notify their Dispatch Service if they are unable to service an accepted call.

(8) A passenger who first engages a Motor Vehicle for Hire has the exclusive right to conveyance therein to their destination. The Driver shall not solicit or accept any additional passenger without the prior consent of any passenger who has previously engaged the vehicle, or as authorized by SFMTA.

(9) Except as prohibited by the rules of the Paratransit Program, a Driver may transport two or more passengers who voluntarily agree to split the fare between them. The passengers may by mutual agreement split the fare according to any formula; provided, however, that regardless of any mutual agreement of the passengers, the Driver shall not collect payments that, when combined, exceed the fare shown on the Taximeter at the time that the last passenger reaches their destination.

(10) Drivers shall comply with any passenger request to turn down, turn off or change the channel of any audible device that is not required for safe operation of the vehicle or communication with a Color Scheme, Dispatch Service, law enforcement agency, health care provider, or other emergency service agency. A Driver is not required to comply with a passenger request for any particular audio selection or other passenger listening preferences.

(11) Except for emergencies, including but not limited to an emergency call to a Dispatch Service, a law enforcement agency, health care provider, or other emergency service agency, Drivers shall immediately comply with any passenger request to terminate mobile telephone conversations.

(12) Drivers may only use personal telephones in the vehicle in accordance with all applicable laws. While a passenger is in the vehicle, Drivers' personal conversations must be limited in number and short in duration, and at no time shall a Driver allow a personal communication to interfere with the Driver's full attention to the operation of the vehicle.

(13) During a shift a Driver may not monitor or listen to any Dispatch Service other than the Dispatch Service that provides service to the Color Scheme with which the vehicle is affiliated. A Driver must be logged into all In-Taxi Equipment at all times while operating a taxi vehicle, using a means of identification approved by the SFMTA, and a Driver must be logged into the e-hail application with which the Dispatch Service is affiliated.

(14) A Driver shall not operate a Motor Vehicle for Hire in a reckless or dangerous manner.

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(15) **Ramp Taxi Service.**

(A) Every Ramp Taxi Driver shall meet an average response time to any request for service by a customer using a wheelchair of 20 minutes from the time that the Driver accepts the call.

(B) A Ramp Taxi Driver shall grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a customer using a wheelchair may not accept any other fare while en route to that dispatched call, except as otherwise instructed by the dispatcher. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi Driver may transport any person.

(C) A Ramp Taxi Driver shall carry sufficient equipment to properly secure wheelchairs.

(16) Drivers shall only receive a tip when expressly and voluntarily offered by the person paying the fare. Drivers may not demand, request, imply, assume or otherwise suggest that the Driver should receive any amount in excess of the authorized fare. A Driver may, without demanding or assuming that the passenger will pay a tip, ask the passenger whether they would like to tip the Driver when the tip is only capable of being added to a payment only by action of the Driver.

(17) The Driver must keep any audio communication device required by this Article at an audible volume, or any visual communication device visible to the Driver at all times during the shift.

(18) Drivers shall, at the beginning of a trip, inform any passenger whose announced destination falls within the parameters of Section 1124(b)(3) that the fare to be charged will be 150% of the amount registered on the Taximeter. If Driver fails to notify Customer of charge, Driver shall refund passenger the difference in fare.

(19) Drivers shall carry sufficient cash to be able to provide change for 20 dollars.

(20) Drivers shall, at the beginning of a trip, inform passenger(s) whose destination requires the crossing of a toll bridge, the amount of the toll charged and that the toll charge is to be paid by the passenger(s) regardless of the direction in which the toll is collected.

(21) Drivers may charge a passenger less than the fare shown on the Taximeter at the end of a trip.

(22) Drivers shall give a fare receipt upon request of the person paying the fare. Drivers shall complete fare receipts legibly with the Driver's A-Card identification number, the Vehicle Number, the Medallion number, and the amount of the fare.

(23) Drivers shall make a visual check of the interior of the vehicle at the conclusion of each trip to determine if any property has been left behind. If any of the passenger's property was loaded in the trunk, the Driver shall check the trunk area at the end of the trip to ensure that no property was left behind.

(24) Upon discovery, a Driver shall report Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. If it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color Scheme or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property ~~on a form~~ in writing ~~provided by~~ to the Color Scheme or Dispatch Service, stating whom they have contacted about the Found Property, and whether it was returned to the owner during the shift in which it was discovered, and if not, where and with whom it was left.

(25) If during the course of the work shift, any equipment failure makes the continued operation of the Taxi or Ramp Taxi unsafe, including but not limited to a Ramp Taxi without the required number of functional tie-down securements and lap/shoulder seat belts, then the Driver shall immediately return to vehicle to the Color Scheme to be taken out of service.

(26) The Driver shall not place or allow to be placed any loose items on the dashboard or rear shelf of the vehicle.

(27) The Driver shall keep the vehicle trunk and/or baggage area clean, free of items or materials that could damage or stain passengers' baggage, and free of any container containing flammable liquids. The Driver's personal property shall not impede the loading of passenger baggage.

(28) [~~Reserved.~~] The Driver shall use the most direct route on any trip, unless otherwise specifically requested by the passenger. If a route that is not the most direct but results in shorter duration, a Driver shall inform the passenger of their intention to take an alternate route to the destination.

(29) No Driver shall threaten, harass, or abuse another person, nor may a Driver speak in an obscene, threatening or abusive manner.

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(30) Drivers shall not use or attempt to use any physical force against any person except proportional, reasonable force necessary for self-defense or defense of another.

(31) Drivers shall be clean in dress and person.

(32) Any Driver who is pulled over by a Peace Officer while the Taximeter is in operation must turn off the Taximeter from the time the vehicle is pulled over until the time that the Peace Officer authorizes the vehicle to depart.

(33) No Driver or passenger shall burn any substance or use an e-cigarette or any type of vaping device in the vehicle at any time. No Driver shall drink or eat while a passenger is in the vehicle.

(34) Resolution of Fare Disputes. In any case of fare dispute between the Driver and passenger(s), the Driver shall call the Police or, with the consent of the passenger, convey the passenger(s) to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the Driver shall convey the passenger from the Police Station to their original destination without additional charge.

(35) A Driver shall not demand any other form of payment from a Paratransit Debit Card holder who offers the Driver a valid Paratransit Debit Card that contains an adequate balance to pay for the requested trip that is authorized by the Paratransit Program.

(36) A Driver shall not refuse a Paratransit Debit Card on the ground that the In-Taxi Equipment is not functional, but shall offer the customer the option of paying using manual back-up paratransit forms.

(37) A Driver shall not add a tip to a fare charged to a Paratransit Debit Card without authorization from the passenger.

(38) A Driver shall not disconnect or otherwise tamper with any equipment that is required by this Article.

(39) A Driver must activate the Taximeter when carrying a passenger.

(40) Except as authorized by 1108(e)(5), a Driver shall not activate the Taximeter until all passengers have entered the Taxi.

(f) **Duties at End of Shift.**

(1) The Driver shall remove any litter, personal items, and any other loose items that do not belong with the vehicle.

(2) Drivers shall turn any unreturned or unclaimed Found Property in the Driver's possession at the end of a shift to the Color Scheme's or Dispatch Services' place of business and shall obtain ~~a receipt~~ acknowledgement in writing for the item regardless of value.

SEC. 1109. CONDITIONS APPLICABLE TO MEDALLIONS.

(a) **Affiliation With Color Scheme Required; Color Scheme Change.**

(1) A Medallion Holder must affiliate with a single Color Scheme Permit holder and shall be deemed affiliated with a particular Color Scheme when the SFMTA approves its application pursuant to this Article 1100, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business.

(A) **Transferable Medallion.** A Transferable Medallion Holder must affiliate with a single Color Scheme Permit holder that complies with Section 1116(n).

(B) **Non-Transferable Medallion.** A Non-Transferable Medallion Holder shall affiliate with a single Color Scheme Permit Holder.

(2) Affiliation with a Color Scheme and/or the failure of a Color Scheme to comply with this Article does not relieve the Medallion Holder of their responsibility to comply with all requirements of this Article applicable to the Medallion Holder.

(3) A Medallion Holder may apply to the SFMTA for a change in affiliation. The applicant's choice of Color Scheme shall be subject to the prior approval of the SFMTA. A Medallion Holder's request for affiliation with a Color Scheme shall be approved unless the Color Scheme is on Administrative Probation pursuant to Section 1120(d). The SFMTA may delay or deny a change in Color Scheme affiliation by a Medallion Holder if a court of competent jurisdiction issues a temporary or permanent order to prohibit or delay the transfer. The Director of Transportation or designee may waive the color scheme change fee payable under Section 320 if the Medallion Holder's current Color Scheme has ceased operation, or soon will cease operation, or if the SFMTA has revoked or suspended the Color Scheme's permit.

(b) **Use of Dispatch Service.** All Medallion Holders affiliated with a Color Scheme must utilize the same Dispatch Service.

(c) **Full-Time Driving Requirement.**

(1) Every Medallion Holder who is a natural person and who acquired their Medallion between June 6, 1978 and March 27, 2010 shall be a Full-Time Driver.

(2) **Exception for Certain Permits.** Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1109(c) shall not apply to any person, Business Entity, or joint tenants holding a Transferable Medallion.

(3) **Declaration Required.** No Post-K Medallion shall be renewed unless the Medallion Holder to whom such permit was issued shall declare under penalty of perjury that they will actively and personally continue to engage in Full-Time Driving.

(4) **Medallion Holders Responsible for Documenting Compliance.** A Medallion Holder subject to this Subsection 1109(c) has the responsibility to maintain their own business records, including, ~~until April 30, 2013, or earlier pursuant to notice from the SFMTA that the Color Scheme for which he or she drives is affiliated with a Dispatch Service that has implemented a system for generating Electronic Trip Data, paper waybills. Paper waybills,~~ Electronic Trip Data, or other corroborating documentary evidence completed in compliance with all requirements may be used to demonstrate compliance with the Full-Time Driving requirement. Failure of a Color Scheme and/or Dispatch Service to maintain business records, including ~~paper waybills or~~ Electronic Trip Data, as required by this Article shall not excuse a Medallion Holder subject to this Subsection 1109(c) from proving that they have satisfied this Subsection 1109(c) or any other requirement.

(5) **Partial Years.** During the year in which operation of a Medallion was temporarily suspended with the approval of the SFMTA in accordance with Section 1105(a)(9), the number of driving hours required to meet the Full-Time Driving Requirement shall be reduced by the same proportion as the ratio of the Permit Holder's excused driving hours to the hours remaining in the calendar year.

(6) **Exception for Color Scheme Key Personnel.**

(A) **Alternative Driving Requirement.** Medallion Holders who are designated as "Key Personnel" by a Color Scheme may satisfy the Full-Time Driving requirement by driving 120 hours per year and performing 1,500 hours of work per year as Key Personnel for the Color Scheme.

(B) **Written Designation of Key Personnel.** Each Color Scheme seeking to designate one or more of its employees ~~for a calendar year~~ pursuant to this Subsection 1109(c)(7) must file a written designation as part of the permit renewal process.~~by December 1st of the preceding year. A Permit Holder may not be designated as Key Personnel by more than one Color Scheme during a calendar year~~. The SFMTA will only recognize as Key Personnel only those Medallion Holders named in a completed designation form filed by the Color Scheme ~~as of December 1st.~~

(C) **Number of Key Personnel Designated at a Color Scheme.** Each Color Scheme will be entitled to designate Key Personnel in accordance with the number of Medallions affiliated with that Color Scheme. The number of Medallions affiliated with a particular Color Scheme for a ~~calendar~~ year shall be ~~determined as of December 1st of the previous year~~, based on the records of the SFMTA. Only individuals already holding a Medallion ~~by December 1 of that year~~ may be considered for Key Personnel designation. ~~The number of designated Key Personnel at a Color Scheme may not be increased or decreased during the subsequent calendar year even if the number of Medallions affiliated with that Color Scheme changes during the year.~~

A Color Scheme with 1 to 10 Medallions may not designate anyone as Key Personnel.

A Color Scheme with 11 to 20 Medallions may designate one person.

A Color Scheme with 21 to 40 Medallions may designate two people.

A Color Scheme with 41 to 60 Medallions may designate three people.

A Color Scheme with 61 to 80 Medallions may designate four people.

A Color Scheme with 81 to 100 Medallions may designate five people.

A Color Scheme with 101 to 150 Medallions may designate six people.

A Color Scheme with 151 to 200 Medallions may designate seven people.

A Color Scheme with 201 to 300 Medallions may designate eight people.

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A Color Scheme with 301 to 400 Medallions may designate nine people.

A Color Scheme with over 400 Medallions may designate nine people, plus one additional person for every 100 Medallions over 400.

(D) **Statement of Work by Key Personnel.** ~~No later than February 1 of each year~~ As part of the permit renewal process, each Color Scheme that has designated one or more employees as Key Personnel must submit a written Statement of Work on a form provided by SFMTA, demonstrating the number of hours during the previous calendar year that each of its designated Key Personnel worked on tasks related to the business of the Color Scheme, including but not limited to, office duties, dispatching, cashiering, or performing management duties. The Statement of Work shall be signed under penalty of perjury by both the Color Scheme and the Medallion Holder designated as Key Personnel. The Color Scheme shall be responsible for submitting proof of employment with the Statement of Work, which shall consist of state or federal tax forms filed with the appropriate regulatory agency. A Medallion Holder and/or Color Scheme that submits a falsely sworn Statement of Work shall be subject to automatic revocation of their Permit.

(E) **Partial Completion of Requirements.** If a Medallion Holder performs at least 750 hours of work as designated Key Personnel for a Color Scheme during the year but less than 1,500 hours, the Permit Holder shall be entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to the percentage of 1,500 hours that the designated Permit Holder worked for the company in such capacity. If a Permit Holder does not perform at least 750 hours of work as designated personnel for the Color Scheme during the year, the Permit Holder shall not be entitled to any credit against the Full-Time Driving requirement.

(d) **Pre-K Corporate Medallion Holders.**

(1) **Permits Void in Event of Transfer or Sale of Permit Holder.** Any Pre-K Corporate Medallion shall be deemed null and void and revoked if any of the following circumstances has occurred since the issuance of the Medallion:

(A) If the Medallion is or was sold or transferred at any time after June 6, 1978. For the purposes of this Section, a sale or transfer occurs upon a cumulative sale or transfer of either 10% or more of the stock or other ownership of the Medallion Holder, or 10% of the Permit Holder's assets since June 6, 1978, unless such sale or transfer has the prior written approval of the SFMTA.

(B) If the management or control of the Permit Holder is or has been transferred for consideration since the issuance of the permit;

(C) If the Medallion Holder's rights to receive income derived from a Lease or an agreement authorized by Section 1109(e)(2) is assigned, transferred or sold.

(e) **Medallion Operation.**

(1) A Medallion Holder may arrange for the continuous operation of the Medallion in compliance with Section 1105(a)(9) only as follows:

(A) By entering into a Lease with a Color Scheme under which the Color Scheme will operate the Medallion as a Gas and Gates Medallion.

(B) By operating the Medallion as an Affiliated Medallion Operator. A Medallion Holder who elects to operate the Medallion pursuant to this Section 1109(e)(1)(B) must comply with the following:

(i) The Medallion Holder is prohibited from charging any Gate Fee other than the Gate Fee posted for that shift by the Color Scheme with which the Medallion is affiliated, and is prohibited from charging Drivers any amounts other than a Gate Fee.

(ii) The Medallion Holder is responsible for compliance with all requirements imposed upon Color Scheme permit holders by Section 1106, subsections (i), (j), (k), (n), (o)(1), (o)(3), (p)(1), (p)(2), (p)(4), (q)(2), and (q)(3).

~~(iii) For Medallion Holders subject to Section 1109(e), at least 50% of the hours relied upon by a Medallion Holder for the purpose of establishing compliance with the Full-Time Driving requirements must be driven in the vehicle in which the Medallion is being operated, except to the extent that the operation in a different vehicle has been authorized in advance, in writing, by the SFMTA.~~

(2) **Access to San Francisco International Airport.** The Director of Transportation may impose restrictions on the types of Medallions authorized to operate a taxicab trip originating at the San Francisco International Airport for the purpose of alleviating congestion. The Director shall notify the Board of Directors immediately upon imposing such restrictions.

(f) **Required Notifications.**

(1) **Termination, Surrender, Cancellation, Suspension, Forfeiture, or Dissolution of Business Entity.** Business Entity Medallion

Holders shall provide written notice to SFMTA at least 14 calendar days prior to any termination, surrender, cancellation, suspension, forfeiture, or dissolution of the Business Entity.

(2) **Death of a Joint Tenant.**

(A) Within 14 calendar days of the death of a joint tenant, the surviving joint tenant(s) shall provide SFMTA with written notice of the death.

(B) Within 14 days of providing SFMTA with notice of the death of a joint tenant, ~~the surviving joint tenant(s) shall return the Medallion to SFMTA and~~ SFMTA shall ~~re-issue~~ update its records of the Medallion in the name of the surviving joint tenant(s).

SEC. 1110. CONDITIONS APPLICABLE TO RAMP TAXI MEDALLIONS.

In addition to the conditions specified in Section 1105, the following conditions are applicable to Ramp Taxi Medallions:

(a) **Serving Passengers Who Use Wheelchairs.**

(1) Every Ramp Taxi Medallion Holder and Permit Holder with a Ramp Taxi Medallion Use Agreement shall, and shall ensure the driver of their Ramp Taxi Medallions, grant priority to requests for service from passengers who use wheelchairs, and may not accept, or direct any Driver to accept, any other service request while en route to a dispatched call from a person who uses a wheelchair. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi may transport any person.

(2) Every Ramp Taxi Medallion Holder and Permit Holder with a Ramp Taxi Medallion Use Agreement must ensure that any person who is allowed to drive the Ramp Taxi holds a valid Driver Permit and satisfies any Ramp Taxi Driver training requirement set forth in the Use Agreement.

(3) Every Ramp Taxi Medallion Holder or Permit Holder with a Ramp Taxi Medallion Use Agreement must ensure that the Ramp Taxi meets a minimum wheelchair pick-up requirement per month, which shall be set by the Director of Transportation. If a Ramp Taxi Medallion Holder or Permit Holder with a Ramp Taxi Medallion Use Agreement fails to meet the wheelchair pick-up requirement three times within a six-month period, or fails to comply with any condition of the Ramp Taxi Medallion Use Agreement, the SFMTA may revoke the Ramp Taxi Medallion, in the case of a Ramp Taxi Medallion Holder, or terminate the Ramp Taxi Use Agreement and reassign the Ramp Taxi Medallion. The application of this subsection (e)(3)[1] is in addition to any penalties that may be assessed against the Ramp Taxi Medallion Holder or Permit Holder with a Ramp Taxi Medallion Use Agreement for violations of this Article 1100 or the rules and regulations of the Paratransit Program.

(b) **Approval of Use of Ramp Taxi Medallion in Spare Taxi Vehicle.** Notwithstanding any other provisions of law or of this Article, the SFMTA may allow a Ramp Taxi Medallion to be used for the purpose of operating in a spare Taxi upon written request from a Color Scheme. The SFMTA may only approve such request if all of the following requirements are met:

(1) The Taxi must be a spare vehicle approved by the SFMTA;

(2) The Taxi must meet all requirements for operation;

(3) The Ramp Taxi Medallion cannot be used in the Medallion Holder's Ramp Taxi because that vehicle is out of service or must be replaced; and

(4) The Ramp Taxi Medallion cannot be used in a spare Ramp Taxi because none are available at the Color Scheme with which the Ramp Taxi Medallion is affiliated.

(c) **Time Limits on Use of Ramp Taxi Medallion in Spare Vehicle.** A Ramp Taxi Medallion may be used in a spare vehicle only for the period of time required for repair of the primary vehicle, not to exceed 30 consecutive days. Upon a showing of good cause, the SFMTA may extend the time limit beyond 30 days in increments of no greater than 15 consecutive days. In no event shall the total time in which a Ramp Taxi Medallion is used in a spare vehicle exceed 90 days within a 12-month period. The authorization to use the Ramp Taxi Medallion in a spare vehicle shall expire by operation of law on the day that the applicable time limit has been reached, or upon completion of repair or replacement of the Ramp Taxi, whichever occurs first.

(d) **Use Agreements for Ramp Taxi Medallions.**

(1) The SFMTA shall authorize the operation of a Ramp Taxi Medallion by executing a Use Agreement with either a Color Scheme

Permit Holder or a Driver, at the discretion of the SFMTA. Only those Color Scheme Permit Holders or Drivers that have met the standards established by the Director of Transportation shall be eligible for such Use Agreements for Ramp Taxi Medallions.

(2) Any Color Scheme that operates more than one Ramp Taxi Medallion pursuant to a Use Agreement with the SFMTA, and that is affiliated with a Dispatch Service that dispatches at least six Ramp Taxi Medallions, may operate up to 50% of its affiliated Ramp Medallions in a non-accessible Taxi vehicle during the hours of 10:00 p.m. to 7:00 a.m. daily, upon written approval by the SFMTA.

(A) This privilege shall not apply to any quarter if during the previous quarter the SFMTA received an excessive number of substantiated complaints on average, per medallion per month, regarding any request for wheelchair service during those hours that was not fulfilled within 30 minutes of request. For the purpose of this subsection, "excessive number of substantiated complaints" shall mean two substantiated complaints, on average, per medallion, during any three-month period.

(B) For Dispatch Services that are affiliated with multiple Color Schemes, the receipt of an excessive number of substantiated complaints on average, per medallion per month, regarding any request for wheelchair service during those hours that was not fulfilled within 30 minutes of request shall result in termination of the privilege for all Color Schemes affiliated with that Dispatch Service.

(3) Reserved.

(4) In addition to minimum pick-up and eligibility requirements, the Director of Transportation may establish other eligibility conditions for entering into a Use Agreement. The Director of Transportation may also establish other conditions for maintaining a Use Agreement, which shall be stated in the agreement, and the Director of Transportation may terminate any Use Agreement for failure to adhere to such conditions. The Director of Transportation may amend the minimum pickup requirements and other conditions of a Use Agreement for a Ramped Taxi Medallion in response to changed circumstances, such as changes in the level of demand for wheelchair service, by issuing a written finding listing the factors supporting the changed criteria; provided, however, that any change in such criteria shall not take effect for at least ~~90~~ 30 days following written notice to the holders of Use Agreements for Ramp Taxi Medallions.

(5) Reserved.

(6) The monthly fee to the SFMTA under a Use Agreement for operation of a Ramp Taxi Medallion is established in Section 320. The SFMTA may waive this fee for any Ramp Taxi that is driven exclusively by Drivers who are employees of the Color Scheme.

SEC. 1113. TAXI AND RAMP TAXI EQUIPMENT REQUIREMENTS.

(a) **Vehicle Operation.**

(1) **Safe Operating Condition.** All Taxis and Ramp Taxis must be maintained in a safe operating condition. Except as otherwise specified herein, all Taxi and Ramp Taxi Medallion Holders and Color Schemes are jointly and severally responsible for ensuring that all Taxis and Ramp Taxis for which they hold permits, operate under a Use Agreement, or with which they are affiliated meet all equipment requirements listed in this Section 1113. In addition to imposing any applicable penalty for non-compliance with equipment requirements, the SFMTA may remove any vehicle from service for any violation of this Section until the violation is corrected and the vehicle is inspected and approved by the SFMTA.

(b) **Equipment Placement.** The placement of any equipment or information required by this Section 1113 shall not interfere with the Driver's visibility or the operation of any O.E.M. equipment.

(c) **Exterior Display of Identifying Information.** Every Taxi or Ramp Taxi shall have the following information displayed on the exterior of the vehicle:

(1) **Vehicle Number.**

(A) The Vehicle Number in numerals of a color that contrasts with the color of the rest of the vehicle, at least four inches high and positioned directly under the windows on or within ~~six~~ twelve inches of the forward-most portion of both front doors, and on the rear facing portion of the trunk lid of the vehicle.

(B) The Vehicle Number on the trunk of the vehicle if space is available, in numbers at least 18 inches in length of a color that contrasts with the color of the rest of the vehicle.

(2) **San Francisco Taxicab.** The words "San Francisco Taxicab" with letters at least two inches high, in a color which contrasts with

the color of the rest of the vehicle on both sides of the vehicle's rear quarter panels and to the trunk directly above the rear bumper.

(3) **Inspection Certificate.** A current and valid decal indicating satisfactory completion of vehicle inspection.

(4) **Trade Name.** The name of the Color Scheme with which the vehicle's Medallion is affiliated in letters at least two inches in height on the exterior of the side doors of each side of the vehicle.

(5) **Trade Dress.** The exterior of every Taxi and Ramp Taxi shall be well painted with the color(s) of the Color Scheme with which it is affiliated.

(6) **Medallion.** During all hours of operation of a Motor Vehicle for Hire the Medallion shall be placed in the front windshield in such a manner that the Medallion number shall be clearly visible from the exterior of the vehicle.

(7) **Security Camera Notice.** A notice meeting all requirements of applicable law notifying passengers of the presence of a security Camera with audio recording in the vehicle.

(8) **Telephone Number for Dispatch.** A telephone number enabling the public to reach the dispatch service with which the vehicle is affiliated.

(9) **Tobacco Advertising Ban.**

(A) Color Schemes and Medallion Holders are prohibited from placing or maintaining, or causing or allowing to be placed or maintained, any advertising or promotion of cigarettes or tobacco products on any Taxi or Ramp Taxi.

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

(d) **Interior Display of Information.** Every Taxi or Ramp Taxi shall have the following items in the interior of the vehicle in a place clearly visible to passengers and in a format approved by the SFMTA:

(1) **Rate Information.** Information regarding the current rates and fees that a Driver is authorized to charge a passenger.

(2) **311 Information.** Information about using the 311 system for complaints and lost property, including the Vehicle Number and the name of the Color Scheme.

(3) Every Taxi shall be equipped with an operational Passenger Payment Device that is connected to the Taximeter. The Passenger Payment Device must meet any functional requirements and standards established, in writing, by the Director of Transportation.

(e) **Communication Equipment.** Every Taxi and Ramp Taxi shall be equipped with direct ~~voice access and~~ two-way communication with a Dispatch Service affiliated with the Taxi or Ramp Taxi.

(f) **Taximeters.**

(1) **Seal Required.** The Taximeter installed in any Taxi and Ramp Taxi must have a current and valid seal from the Department of Public Health Weights and Measures. Any Taximeter removed from a Taxi or Ramp Taxi with or without its seals intact and placed in the same or another Taxi or Ramp Taxi must be certified and resealed by the Weights and Measures. Any Taxi or Ramp Taxi found to have Taximeter seals that are broken, removed, destroyed, marred or otherwise tampered with will be taken out of service until correctly repaired.

(2) **Installation.** All Taximeter makes and models, including installed software and updates thereof, must meet the approval of the SFMTA prior to their installation and must meet all requirements of the Paratransit Program. The Taximeter shall be mounted in an area that is clearly visible at all times by any passenger in the vehicle.

(3) **In-Taxi Equipment.** All In-Taxi Equipment must be integrated to the taximeter; the taximeter must not be able to function if it is not integrated with the In-Taxi Equipment.

(g) **Safety Partition.** Safety partitions of a design that is approved by the SFMTA may be installed in Taxi and/or Ramp Taxi vehicles at the option of the Color Scheme.

(h) **Emergency Equipment.** All Taxis and Ramp Taxis shall have at all times a functional spare tire, a working jack and wrench to replace a flat tire, or a tire inflator kit to temporarily repair a flat tire; and two ~~2~~ flares or ~~2~~ two freestanding reflectors.

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(i) **Signage, Advertising and Displays.** Advertising or other displays on the exterior or interior of a taxi:

(1) May not impede the Driver's vision in any way.

(2) May not cover any vehicle identifiers required by law or regulation.

(3) May not cover any portion of the license plate of the vehicle.

(4) May not interfere with vehicle operation, including but not limited to the tire inflation valve or any wheel balancing dynamics. Defects in any portion of the wheel must be remedied before any advertisement or other display is affixed to the wheel.

(5) May not interfere with any safety features of the vehicle or present a safety hazard to passengers.

(j) **Lights.**

(1) **Standard Lights.** All Taxi and Ramp Taxi vehicles shall be equipped with exterior lights as required by the Vehicle Code, an inside dome light, and dashboard lights. All O.E.M. lights must be maintained in working condition as designed, and all lenses of such lights are to be reasonably intact. No O.E.M. light may be obstructed or disconnected during operation. Any additional modifications of O.E.M. lights or installation of additional lights requires prior approval by the SFMTA.

(2) **Top Lights.**

(A) All Taxis and Ramp Taxis must be equipped with a working top light containing a light or lights ~~permanently~~ securely attached to the roof of the vehicle where they cannot be removed easily, which may either have the name of the Color Scheme printed on it, or the words "Taxicab" or "taxi".

(B) Each Driver shall ensure that such top light is illuminated at all times except when the vehicle is engaged in the transportation of a passenger. The top light shall turn on while the Taximeter is in the non-recording position and shall turn off while the Taximeter is in the recording position.

(k) **Standard Equipment.** All Taxis and Ramp Taxi vehicles shall have all equipment required by the Vehicle Code maintained in good working order such that the equipment functions effectively for the purpose for which it was intended. All Taxi and Ramp Taxi vehicles shall also be equipped with:

(1) Automatic door locks that can be controlled by the Driver and the passenger.

(2) Available and easily visible seat belts in all seating positions where passengers may ride.

(3) Speedometer and odometer.

(4) Heater and air conditioner.

(5) Door hinges, locks and latches.

(6) Doors that operate easily and open and close securely from either the outside or inside of the vehicle.

(7) Bumpers and body moldings in good condition and securely attached as the manufacturer intended.

(8) Shock absorbers and springs.

(9) Suspension.

(10) Steering.

(11) A holder for the Medallion placed in such a position that the Medallion is clearly visible from the front exterior of the vehicle and that is either attached to the dashboard or to the left side of the right front support beam, on the interior of the vehicle.

(12) In-Taxi Equipment.

(13) Wheels with all lug nuts in place and secured, of matching design, and with matching hubcaps attached. Hubcaps must be of either the original manufacturer's design or of a design authorized by the SFMTA, unless wheels are of a custom design that does not use hubcaps.

(14) Tires in safe operating condition and of matching design (i.e., all whitewalls or all black walls), without tire repair plugs or cuts in the sidewall, separated treads, bumps, bubbles, or anything protruding from the tire; and with a minimum remaining tread of at least 1/32 of an

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inch. Any Taxi or Ramp Taxi that violates this requirement will be placed immediately out of service.

(15) Only O.E.M. size tires of the same size used at the time of the Taximeter inspection may be used on any vehicle, including spare vehicles.

(l) **Windows.** All windows and the windshields of Taxis and Ramp Taxis shall be kept clean and clear, both the outside and inside. No additional tinting or reflective material may be placed on any vehicle window except factory installed tinting. Only safety glass with the lowest factory installed tint may be used.

(m) **Security Cameras.** All Taxis and Ramp Taxis shall be equipped with an operational security camera. The camera model year may not be older than ~~ten~~ five calendar years. All cameras shall meet criteria established by the Director of Transportation.

(n) **Condition of Vehicle.**

(1) **Vehicle Integrity.** The vehicle shall be structurally sound and operate with minimum vibration and noise.

(2) **Vehicle Body.** Vehicle bodies must be free of noticeable dents, rust and holes. A Taxi or Ramp Taxi shall not be placed in service if:

(A) There are visible dents that exceed three square feet in any single area of the exterior surface of the vehicle and the deepest point of depression is ¾ of an inch or greater; or

(B) There are visible dents that exceed four square feet of the total exterior surface of the vehicle and the deepest point of depression is ¾ of an inch or greater, or

(C) There are visible dents that exceed six lineal feet of the total exterior surface of the vehicle and the deepest point of depression is ¾ of an inch or greater, or

(D) There is any area of the exterior surface of the vehicle that contains a hole larger than six square inches, or there is a visible dent that exceeds 144 square inches and the deepest point of depression is more than two inches.

(o) **Cleaning and Disinfection of Vehicle.**

(1) Every Taxi or Ramp Taxi must be regularly cleaned so that the interior and exterior are ~~is~~ clean, orderly and kept free of offensive odors and stains.

(2) A Taxi or Ramp Taxi vehicle must be disinfected whenever required by SFMTA.

(3) **Seats.** Rear seats shall be upholstered with vinyl or leather in good repair and matching the vehicle's interior colors Seat covers may not be stained or torn. Seat springs may not be broken nor may they protrude through the upholstery. Seats shall be firm and comfortable with the tension of the seat springs evenly distributed.

(4) **Floormats.** Rubber floormats are required on the floor of the rear seating area of the vehicle.

(p) **Vehicle Title.** The principal vehicle authorized for the operation of a Medallion may be registered only in the name of the Medallion Holder or Color Scheme or Driver.

(q) **Vehicle Mileage.** No vehicle may be operated as a Taxi or Ramp Taxi after the vehicle has reached 425,000 miles.

(r) Reserved.

(s) **Inspections.**

(1) **Inspection Required.** All Taxis and Ramp Taxis shall be inspected by the SFMTA or its designee, every six months if they are used as spare vehicles, have 200,000 miles or more on the odometer, has a salvage title, or if the vehicle is older than nine Model Years, and every 12 months for regular vehicles, at a date and time designated by the SFMTA, and at any other time deemed necessary by the SFMTA. At the time of a scheduled inspection of the vehicle, the Color Scheme or Taxi or Ramp Taxi Medallion Holder must provide the following:

(A) Valid and current State of California vehicle registration.

(B) Proof of 19-point inspection by an inspection station certified by the State of California within 60 days prior to inspection on a form provided by SFMTA.

(C) Proof of insurance meeting the requirements of all applicable laws and regulations.

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(D) A Vehicle Introduction Form signed and approved by the SFMTA.

(2) **New Vehicle.** If a new vehicle is purchased for use as a Taxi or Ramp Taxi, the vehicle owner may furnish a written certificate of compliance issued by the automobile dealership in lieu of the documents required in subparagraphs 1113(s)(1)(A) through 1113(s)(1)(D) above, provided that the certificate is dated within 60 days of the annual inspection. The automobile dealership must be certified by the State of California as an official inspection station.

(3) Salvage Vehicle. No vehicle which has been designated as "Salvage" by the California Department of Motor Vehicles may be placed into service as a taxicab unless the vehicle has been inspected and approved by the SFMTA or its designee. The SFMTA may require documents to establish the chain of title for Salvage Vehicles.

(4) Inspection Certification. Upon satisfactory completion of all inspection requirements the SFMTA, or its designee, shall affix a decal and transponder to the Taxi or Ramp Taxi that authorizes the Taxi or Ramp Taxi to be operated for the time period specified upon the decal.

(5) Failing Inspection. If, on inspection the SFMTA determines that a vehicle does not meet applicable requirements, the vehicle may fail inspection and may be ordered out of service until the condition(s) are corrected. A failed vehicle must be re-inspected and approved before being returned to service and must pass another inspection in six months from the date of return to service. The decision whether to pass or fail a vehicle shall be within the sole discretion of the SFMTA or its designee.

(6) **Removal of Vehicle from Service.**

(A) A Color Scheme shall make any vehicle available for inspection upon the request of SFMTA or its designee. If a Color Scheme fails to make a vehicle available for inspection or if the SFMTA or its designee determines that a vehicle is not in compliance with all applicable laws and regulations, the SFMTA or its designee may order the vehicle to be removed from service until it passes inspection.

(B) If the SFMTA or its designee determines that additional repairs or further inspection of the mechanical condition or safety equipment of a Taxi or Ramp Taxi is necessary, the Color Scheme or Medallion Holder shall make the necessary repairs or arrangements in order to determine if repairs are necessary, and must provide a statement of findings to the SFMTA, or its designee, from the repair person.

(7) **Fraud in Connection with Inspection Prohibited.** Misconduct in connection with required inspection is strictly prohibited and is grounds for revocation of a permit. Misconduct may include, but is not limited to, substitution of registered owners on a temporary basis for inspection purposes, substitution of any vehicle part or equipment within 30 days before or after an inspection for the purpose of passing inspection, or knowingly making false statements to SFMTA or SFPD or their designees in connection with an inspection. This Section shall be strictly enforced to ensure the integrity of the San Francisco taxi fleet and the safety of the public.

(t) **Replacement Vehicles.** Whenever an existing Taxi or Ramp Taxi is replaced with another vehicle, the replacement vehicle must be inspected and approved prior to use.

(u) **Ramp Taxis.** Every vehicle used as a Ramp Taxi shall have a ramp at least 30 inches wide. Any new model of Ramp Taxi vehicle proposed for use as a Ramp Taxi shall be subject to the prior approval of the SFMTA and the Paratransit Coordinating Council. Every vehicle used as a Ramp Taxi shall be outfitted with sufficient equipment to properly secure wheelchairs.

(v) **Retired Vehicles.** A Permit Holder must completely remove all indicia of the Color Scheme, including the top light and all exterior lettering, numbering, and signage, from any Taxi or Ramp Taxi that is no longer operational or otherwise not in compliance with the Paratransit Program.

SEC. 1114. RECORDS AND REPORTING REQUIREMENTS APPLICABLE TO PERMIT HOLDERS.

(a) **Requirements Applicable to All Records.** Except as otherwise specified herein, all records required to be created and/or maintained by Permit Holders by this Article shall be subject to the following requirements:

(1) When a signature is required, the record must be signed by a Permit Holder, or in the case of a corporation, by a person authorized to bind the corporation or their delegate if accompanied by written documentation of the delegation of signature authority.

(2) The format and content of any records required to be created or maintained, or of any reports or plans required to be filed by Permit Holders by this Article shall be subject to SFMTA approval.

(3) Except as otherwise specified in this Article, all records required to be submitted to the SFMTA may be delivered by any means authorized in this Section 1114. The Permit Holder that is subject to the records requirement shall have the burden of proving that the required records were actually delivered in a manner consistent with this Section. Except where a particular method of delivery is required for a specific type of record, records may be submitted by any of the following means:

(A) In person by the Permit Holder to a location or address specified by SFMTA;

(B) By first-class U.S. Mail, postage pre-paid;

(C) Electronic submission through an SFMTA-approved platform; or

(D) By email.

(4) All records required to be maintained by Permit Holders by this Article or by other law or regulation shall be made available for inspection by the SFMTA during normal business hours within three business days of request. The SFMTA may request that Permit Holders submit copies of records or original records within three business days of request. If the Chief of Police indicates that the inquiry relates to a criminal law enforcement investigation, such records shall be provided within one business day of request. In the event that SFMTA requires original records, the SFMTA shall provide the Permit Holder a receipt for any original documents that the SFMTA removes from the Permit Holders' premises, and shall protect and document the chain of custody of such original records until they are returned to the Permit Holder.

(5) All Permit Holders are responsible for creating, maintaining, and preserving the documents and records that are required by the SFMTA as a condition of a permit or to meet permit qualification requirements.

(b) **Additional Requirements Applicable to Drivers.**

(1) **Receipts for Fare to be Delivered to Passenger.** All Drivers shall provide a receipt for fare paid upon the demand of any passenger.

(2) **A-Card Identification Number.** Each Driver shall provide their A-Card identification number to any passenger upon request.

(c) **Additional Requirements Applicable to Medallion Holders.**

Annual Filings Required for Renewal. No Taxi or Ramp Taxi Medallion shall be renewed unless the Permit Holder files a sworn statement by ~~May~~ June 1 of every year under penalty of perjury attesting to compliance with this Article and associated state and federal laws on a form designated by the SFMTA.

(d) **Additional Requirements Applicable to Pre-K Corporate Medallion Holders.**

(1) **Annual Filings Required for Renewal.** Any Pre-K Medallion issued pursuant to this Article shall maintain a stock register at its principal place of business in San Francisco. No Medallion held by a corporation may be renewed unless the Permit Holder files the following documents with the SFMTA by ~~May~~ June 1 of each year: The SFMTA may require other corporate records to be provided to the SFMTA together with other required annual filings:

(A) Copy of current stock register;

(B) Copy of current filed copy of Statement of Domestic Stock Corporation issued by the California Secretary of State.

(2) All corporate Permit Holders shall report to the SFMTA in writing any of the following within 30 days of occurrence:

(A) Issuance or transfer of any shares of stock.

(B) Change in any of the corporate officers listed pursuant to Section 312 of the California Corporations Code or successor statute.

(C) Change of any member of its Board of Directors.

(D) Any notice of suspension or certificate of revivorship issued to the corporation by the California Secretary of State.

(e) **Additional Requirements Applicable to Color Schemes.**

(1) **Waybills.**

(A) A Color Scheme shall retain the data generated by electronic waybills for at least two years to document driving performed by Drivers affiliated with the Color Scheme.

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(B) If requested, Color Schemes must make available Driver Electronic Trip Data to that Driver in an electronic format within 10 business days of receipt of request for such data, including, but not limited to, any other portable storage medium or device or via electronic mail at the Color Scheme's option, and may charge no more than $10 per year for electronic duplication of Driver records.

(2) **Medallion Holder Files.** Color Schemes must maintain files for each Medallion Holder affiliated with the Color Scheme. Such files shall at least contain written copies of all Leases or permits associated with the Motor Vehicle for Hire at the Color Scheme's principal place of business, and employment or other applications initiating affiliation with the Color Scheme. Color Schemes shall provide within 10 business days of receipt of such request, a complete copy of a Lease (including any schedules or addenda) free of charge to any party to the Lease upon request or to any Qualified Lender under the Medallion Transfer Program that presents a written statement to the Color Scheme indicating that it holds a valid lien against a Transferable Medallion or that it is contemplating such a lien in connection with underwriting a request for credit secured by a Transferable Medallion.

(3) **Receipts to Drivers.** Color Schemes ~~Holders~~ shall provide itemized receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes. Color Schemes shall provide itemized receipts for any deductions on driver earnings, including fees and any other costs.

(4) **Vehicle Inventory Changes.** Prior to placing a Taxi or Ramp Taxi into service for the first time, when changing one vehicle for another, or when assigning a new Vehicle Number, the Color Scheme shall submit the information required by this Section to the SFMTA on a form provided by the SFMTA.

(5) **Current Information Required to be Maintained.** All Color Schemes shall maintain at the principal place of business the following information in a place where it is easily accessible to dispatchers and for immediate inspection upon request by SFMTA:

(A) **Driver Roster.**

(B) **List of Affiliated Drivers.** A current list updated at least weekly with all affiliated Drivers, including Driver's name, home address, cellular telephone number, Driver Permit number, and California driver's license number.

(C) **Vehicles.** A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle number, the vehicle license number, the vehicle identification number, the Model Year and make of the vehicle.

(6) **Reporting Requirements.** Color Schemes shall make available upon request of the SFMTA, or law enforcement agencies, the following reports within 24-hours.

(A) **Driver Roster.**

(i) Every Color Scheme Permit Holder shall maintain a Driver Roster, updated after each shift to reflect actual shift assignments, that must at a minimum include: the date of the shift assignment, Driver's name, and the hours worked for that shift, vehicle number, and Medallion number, if different. This schedule shall include the schedules of all Medallion Holders affiliated with a Color Scheme.

(ii) All original Driver Rosters shall be retained at the Color Scheme's principal place of business for a period of not less than five years. Color Schemes shall ~~maintain at the principal place of business~~ the most recent 12 months of Driver Rosters at their principal place of business. ~~in a paper format. Color Schemes may store Driver Rosters more than 12 months old in a secure electronic format. The SFMTA may excuse a Color Scheme from retaining schedules for a particular year by certifying that a Color Scheme has submitted all 12 schedules for that year.~~

(B) **List of Terminated Drivers.** Color Schemes shall list the name and A-Card number of any Driver terminated during the prior week, and the date of termination.

(C) **Mechanical Breakdown Tracking System.** A record of all Taxis and/or Ramp Taxis which have been out of service for more than 72 hours during a period of time identified by SFMTA, on a form approved by the SFMTA, including but not limited to the spare vehicle, if any, that was assigned to replace the out-of-service Taxi and/or Ramp Taxi, the reason for the breakdown, and the estimated date of return to service.

(7) **Filings Required for Paratransit Compliance.** Color Schemes must notify the Paratransit Broker within three working days of making any alteration to their In-Taxi Equipment.

(8) **Security Camera Data.** Permit Holders are required to provide the San Francisco Police Department, ~~or~~ the SFMTA, the San Francisco Airport or the Paratransit Broker, upon demand, with any data captured by the security camera with audio recording in a vehicle.

(f) **Additional Requirements Applicable to Dispatch Services.**

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(1) **Electronic Trip Data.** Each Dispatch Service Permit Holder shall implement a system or enhance an existing system to generate Electronic Trip Data in a format approved by the SFMTA for all affiliated vehicles. Such system must, at a minimum, archive all taxi trip data for at least five years, produce data that can generate reports using commonly available database and spreadsheet software, and record the following information:

(A) Driver's identification established by authentication through Driver's license swipe or other secure system;

(B) Date of shift;

(C) Vehicle number, vehicle license number, and vehicle status (available or hired);

(D) Medallion number (manually entered); GPS-generated origin, incremental, destination coordinates of each trip;

(E) The fare for each trip including applicable fees charged and method of payment, which may include, but shall not limited to, the following: cash, credit card, debit card, voucher, and mobile payment;

(F) The distance traveled for each trip; and

(G) The local time of hire and discharge for each trip.

(2) **Integration with Electronic Taxi Access System.**

(A) Each Dispatch Service Permit Holder shall implement a system or extend an existing system to integrate and exchange Electronic Trip Data with the Electronic Taxi Access System.

(B) Each Dispatch Service Permit Holder shall use systems to share Electronic Trip Data in real-time. As Drivers operate the vehicle, systems used by Dispatch Service Permit Holders shall exchange taxi trip data including, but not be limited to, the Driver, vehicle, date/time of the trip, and origin and destination location with the Electronic Taxi Access System. The data exchanged with the Electronic Taxi Access System shall be transmitted in accordance with data specifications set forth by the Director of Transportation.

(C) The systems used by Dispatch Service Permit Holders shall meet the data standards specified by the Director of Transportation.

(3) **Service Report.** All Dispatch Services must provide the SFMTA with dispatch service reports upon request and in a format approved by the SFMTA.

(4) **Reports of Found Property.**

(A) **Receipt to Drivers.** Every Dispatch Service Permit Holder shall issue a receipt to the Driver for any Found Property located in an affiliated Taxi or Ramp Taxi and provided to the Dispatch Service.

(B) **Return to Owner.** Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner. If after two business days the owner cannot be located, the Dispatch Service Permit Holder shall give the property to SFMTA with a receipt that includes an inventory of the property, the date it was turned in, the name or A-Card identification number of the Driver who turned it in, and the Vehicle Number of the vehicle in which it was found.

(C) **Property Tracking System.** Every Dispatch Service Permit Holder shall maintain at the principal place of business a tracking system approved by the SFMTA which records the date, time, vehicle number, Driver by name or A-Card identification number, Incident Report Number (if applicable), description, and disposition of the property. The tracking system shall be retained for a minimum period of one year.

(D) **Property Report to SFMTA.** Upon the request of SFMTA, the Dispatch Service Permit Holder shall email to the SFMTA a copy of all entries made in the property tracking system for the previous week within 24 hours. Those Dispatch Services having no entries for that week will email a notice advising the SFMTA that no property was turned in. Dispatch Service Permit Holders shall account for all affiliated Color Schemes.

(5) **Annual Filings Required for Renewal of Permit.** No Dispatch Service Permit shall be renewed unless the Permit Holder files the following documents by ~~May~~ June 1 of each year:

(A) Copy of current City business license;

(B) Completed Designated Manager Form;

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(C) List of all affiliated Color Schemes;

(D) Copy of company drug-free work- place policy;

(E) Insurance certificates demonstrating compliance with the insurance requirements of this Article;

(F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

(6) **Current Information Required to be Maintained.** Every Dispatch Service Permit Holder shall maintain the following information in a place where it is easily accessible to dispatchers and available for immediate inspection upon request by SFMTA:

(A) Driver Roster. A current list, updated daily, with all Drivers authorized to use their dispatch platform and dispatch services. Every Dispatch Service Permit Holder shall query at least daily the SFMTA's published electronic list of taxi driver's A-Card status, and disallow any dispatch services to be provided to non-Active A-Card holders.

(B) List of Drivers In Service. A current list updated daily with all Drivers actually providing taxi trips, including Driver's name, home address, cellular telephone number, Driver Permit number, and California driver's license number.

(C) Vehicles. A current list of all Taxis and Ramp Taxis affiliated with a Color Scheme including, but not limited to, the vehicle number, the vehicle license number, the vehicle identification number, the Model Year and make of the vehicle authorized to use their dispatch services.

SEC. 1117. PERMIT ISSUANCE; NOTICE OF INACTIVE STATUS.

(a) **Permit Issuance.** The SFMTA may issue any class of Motor Vehicle for Hire Permit only upon its determination that the permit applicant meets all requirements and qualifications for the permit.

(b) **Investigation of Applicants for Permits.** Upon receipt of an application for a permit, the SFMTA shall investigate the permit applicant. The applicant must furnish any additional material requested by the SFMTA, and if such additional material is not provided within 30 days of request, the application shall be deemed inactive.

(c) **SFMTA Decision; Hearing.** At the conclusion of the investigation of an applicant for a permit, the SFMTA shall either issue the permit or inform the applicant, in writing, of the SFMTA's decision to ~~grant or~~ deny the permit. If the SFMTA has decided to deny the permit, the SFMTA shall deliver a Notice of Denial, which shall include a statement of the grounds for denial. The SFMTA shall serve its decision in accordance with Section 1120(i). The applicant may request a hearing before a Hearing Officer on SFMTA's decision by submitting to SFMTA a written request for hearing within 20 business days of the date that the Notice of Denial is served.

(d) **Procedures for Hearing Challenging Decision to Deny a Permit Application or Determination that Application is Inactive.** Any hearing pursuant to this Section 1117 shall be conducted in accordance with the procedures set forth in Section 1120.

SEC. 1120. ADMINISTRATIVE HEARINGS.

(a) A Permit Holder or an applicant who receives a Notice of ~~an SFMTA Citation for a violation listed in~~ Revocation, Suspension or Administrative Fine for Cause pursuant to Section 1118(a), Notice of Denial under Section 1117(c), Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), Notice of Summary Suspension under Section 1121, or a non-permit holder who receives a Citation under Section 1119 may request a hearing by submitting to SFMTA a request for hearing, in writing, within 20 business days of the date that the Citation, Notice of Denial, Notice of Nonrenewal, Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension was served on the recipient of said Citation or Notice. A Notice of Nonrenewal, Inactive Status under Section 1103(b)(4), or Summary Suspension, or a Citation issued under Section 1119(a) or for a violation listed under Section 1118(a) shall include:

(1) The name of the person or entity to whom the Notice or Citation is issued,

(2) The disciplinary measure to be imposed, including the length of any suspension and the amount of any administrative fine, or the action taken (summary suspension) or to be taken (nonrenewal or placement on inactive status),

(3) The date by which any administrative fine must be paid, the procedure for making payment, and the consequences of failure to pay the fine,

(4) The provision(s) of this Article 1100 upon which the discipline or action is based, including, where applicable, the date and the address or location of the violation, the signature of the individual who issued the Citation, Notice of Nonrenewal, Notice of Inactive Status, or Notice of Summary Suspension, and

(5) Notice of the right to request a hearing, the procedure for requesting a hearing, and notice that failure to request a hearing will result in imposition of the proposed discipline or taking of the proposed action, either of which will be a final action of the SFMTA that is not subject to further administrative or judicial review.

(b) **Procedures for Review of Citations, Notices of Revocation, Notices of Nonrenewal, Notices of Summary Suspension, or Notices of Administrative Probation.**

(1) **Complaint.** Within 10 business days of receipt of the request for a hearing, the SFMTA must provide any Respondent who received an SFMTA Citation for a violation listed under Section 1118(a), a Citation issued under Section 1119(a), Notice of Nonrenewal under Section 1105(a)(5)(B), or Notice of Inactive Status under Section 1103(b)(4) with a written Complaint consisting of a list of each alleged violation or the basis for nonrenewal, inactive status, or summary suspension, the alleged facts that establish each violation or support nonrenewal, inactive status or summary suspension, and any argument in support of requested disciplinary measure(s), administrative fine(s), or determination(s) made by the SFMTA. In the case of a Notice of Summary Suspension under Section 1121, the SFMTA must provide a written Complaint as described above within five business days of receipt of the request for a hearing. The Complaint shall not exceed ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer Complaint. In addition to the Complaint, the SFMTA may submit proposed findings to the Hearing Officer.

(2) **Scheduling an Administrative Hearing.** The administrative hearing shall be scheduled no sooner than 30 calendar days after SFMTA serves Respondent with Notice of Nonrenewal, Notice of Inactive Status, Notice of Summary Suspension or Citation, unless the parties agree to a different schedule. Respondent may request a continuance of the hearing by submitting a written request to the Hearing Officer at least five business days prior to the scheduled hearing. The Hearing Officer must grant or deny the request for continuance within three business days, and must deliver the final decision on the request for continuance to the Respondent by personal delivery, electronic mail, or first-class U.S. Mail. No continuance of the administrative hearing may exceed 60 days. If there is a pending criminal proceeding against the Respondent, the Hearing Officer may continue the hearing pending final resolution of the criminal case; provided, that, such continuance of the hearing shall not affect a summary suspension under Section 1121.

(3) **Response to Complaint.** No later than ten business days prior to the hearing, the Respondent may provide the SFMTA and the Hearing Officer with a written response to the Complaint, along with any additional information that the Respondent considers relevant to the case. The response shall not exceed ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer response, and shall include a list of the witnesses, if any, that the Respondent will present at the hearing. In addition to the response, the Respondent may include as a part of the response any proposed findings that the Respondent proposes be adopted by the Hearing Officer.

(c) **Procedures for Review of Decision to Deny a Permit Application or Determination that Application is Inactive.** In the case of a request by an applicant for hearing on a Notice of Denial or determination that an application is inactive:

(1) The SFMTA shall hold a hearing within 30 days of receiving a hearing request from the applicant, unless a later date is agreed to by the parties as set forth below.

(2) Not less than 15 days prior to the hearing, the applicant may file a written submission containing any information the applicant deems relevant to the application.

(3) Not less than five days prior to the hearing, SFMTA may file a written response to applicant's submission.

(A) Submissions shall not exceed 10 double-spaced typed pages, excluding exhibits, unless the Hearing Officer approves filing a longer submission.

(B) If either party intends to present witnesses at the hearing, the party shall present a list of witnesses to the other party at least five calendar days prior to the hearing.

(d) **Presentation of the Case.** The following procedures shall apply to hearings held under this Section 1120:

(1) In the case of a hearing on the review of a Citation, Notice of Revocation, Notice of Administrative Probation, Notice of Nonrenewal, or Summary Suspension, the SFMTA shall make the initial presentation of its case at the hearing, and shall have the burden of proving, by a preponderance of the evidence, the facts alleged in the Complaint. The Respondent may present evidence following the SFMTA's presentation.

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(2) In the case of a hearing on a Notice of Denial, the applicant shall have the burden of proving, by a preponderance of the evidence, that the applicant meets all of the eligibility requirements.

(3) Following presentation of evidence, each party shall have at least five minutes to present their rebuttal arguments, if any.

(4) In any hearing, subject to the Hearing Officer's discretion to limit evidence to evidence that is relevant to the proceeding, either party may present its case by means of oral or documentary evidence, may submit rebuttal evidence, and may conduct cross-examination of adverse witnesses.

(e) **Notice of Decision.**

(1) The Hearing Officer shall issue a written Notice of Decision within 30 days of the date of the hearing upholding or overturning the Citation, Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Denial under Section 1117(c), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension under Section 1121. The Notice of Decision shall be based solely upon the criteria set forth in this Article 1100, include findings, and shall set forth evidence in support of each finding. The Hearing Officer's Notice of Decision may only uphold or overturn the action sought by the SFMTA and shall not set conditions, establish special circumstances, establish special remedies or impose other directives. The Hearing Officer's authority is limited to the regulations established in Article 1100. The Hearing Officer shall serve the full text of the Notice of Decision on Respondent in accordance with Section 1120(i) no later than the business day following the issuance of the Notice of Decision. The deadline for the issuance of a decision may be extended if the Hearing Officer requests additional evidence from the parties subsequent to the hearing. If additional evidence is submitted, then the decision will be issued within 30 days of the last submittal.

(2) The Hearing Officer's decision shall take effect on the date that the Notice of Decision is served on the Respondent in accordance with Section 1120(i). In the case of a Notice of Denial, if the Hearing Officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit or modification within 15 business days of the Notice of Decision.

(f) ***Ex Parte* Communications.**

(1) No person or agency may communicate directly or indirectly with a Hearing Officer at any time while a case is pending unless there is notice and an opportunity for the other party to participate.

(2) Any correspondence regarding the substance of a case directed to or received by any Hearing Officer shall become part of the case record file and shall be copied to both parties within 48 hours of the communication. If the communication received is oral, the Hearing Officer shall prepare a memorandum for the record stating the substance and the date of the communication, any response made, and the identity of the person from whom the communication was received. If a communication is received within 48 hours of a scheduled hearing, the Hearing Officer must immediately provide copies of the communication to the parties.

(3) Except as permitted by these procedures and any applicable laws and regulations, there shall be no contact between the SFMTA and the Hearing Officer with respect to any pending case. This prohibition does not preclude communications about administrative or procedural matters, or policy matters that do not involve any pending case regarding any individual permit or permit application.

(g) **Hearings Open to Public.** Hearings under this Section 1120 shall be open to the public, and public comment may be permitted in the sole discretion of the Hearing Officer, but the public may be excluded from all or a portion of the hearing when, in the sole and absolute discretion of the Hearing Officer, exclusion is necessary to protect the privacy of the applicant or a third party. The Hearing Officer may also determine that documents submitted to the Hearing Officer will not be disclosed to the public in order to protect the privacy of the applicant or a third party.

(h) **Settlement.**

(1) After issuance of an SFMTA Complaint, Notice of Nonrenewal, Inactive Status under Section 1103(b)(4), or Summary Suspension, or a Citation issued under Section 1119(a) or for a violation listed under Section 1118(a), the SFMTA may enter into a settlement with the Respondent or person cited. The parties may reach a settlement before, during, or after the hearing, but may not enter into a settlement after the Hearing Officer issues the Notice of Decision in accordance with subsection (e)(2).

(2) A settlement need not be read into the record of the hearing, or approved by the Hearing Officer, but must be reduced to writing, and signed and dated by the SFMTA and Respondent or Respondent's legal counsel or other authorized representative.

(3) By entering into a settlement agreement, Respondent waives any right to seek judicial review with respect to the subject of the settlement agreement.

(4) No evidence of an offer of settlement or of any statement made during settlement negotiations is admissible in a future

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proceeding under this Article.

(i) **Notices.**

(1) Any notice, filing, or other communication required to be provided to any person or entity by Sections 1117, 1118, 1119, 1120, 1121, or 1122 shall be delivered by personal delivery, overnight guaranteed delivery, or first-class U.S. Mail, return receipt requested, to the last known address of the intended recipient that is on file with the SFMTA.

(2) If the SFMTA is unable to determine the intended recipient's mailing address, then SFMTA shall post the notice in accordance with Section 1123(a), and shall maintain the posting on its website for at least 10 calendar days.

(3) [1] The date of any notice, filing, or other communication directed to the SFMTA or a Hearing Officer shall be the date that it is received.

(4) Notwithstanding the requirements of subsection (i)(1), by mutual agreement between the parties and with the concurrence of the Hearing Officer, the parties may agree to electronic service of any notice, filing, or other communication required to be provided to any person or entity by Sections 1117, 1118, 1119, 1120, 1121, or 1122.

(5) Service of notice under this Section 1120 shall be deemed complete upon the date of personal delivery, deposit in the U.S. Mail, deposit with overnight guaranteed delivery service, or transmission by electronic means.

(j) **Failure to Appear.** Respondent's failure to appear at a scheduled administrative hearing in person, through a representative, or by written submission, will result in imposition of the proposed discipline or taking of the proposed action, either of which will be a final action of the SFMTA that is not subject to further administrative or judicial review; provided, however, that the Hearing Officer shall have the discretion, upon Respondent's showing of good cause within five business days, to excuse such failure to appear. Notwithstanding the foregoing sentence, Respondent may request one continuance of the administrative hearing by giving no less than 72 hours' prior notice to the SFMTA.

(k) **Right to Judicial Review.** A decision of a Hearing Officer made under Sections 1119, 1120, or 1121 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. 1121. SUMMARY SUSPENSION OF PERMIT FOR HEALTH OR SAFETY REASONS.

(a) **Summary Suspension.** When the SFMTA determines that an alleged permit violation poses an ongoing risk to public health or safety, the SFMTA may summarily suspend the permit pending the outcome of a hearing conducted pursuant to Section 1120. Any affected Permit Holder shall be given a Notice of Summary Suspension, in writing, delivered to said Permit Holder in person, ~~or by first- class U.S. Mail~~ by overnight guaranteed delivery, or first-class U.S. Mail, return receipt requested, to the last known address of the intended recipient that is on file with the SFMTA

(b) **Summary Suspension Hearing; Decision Following Hearing.** Any Permit Holder who wishes to challenge the summary suspension of his or her permit may request, in writing, a hearing before a Hearing Officer. A summary suspension hearing shall be conducted pursuant to Section 1120, except that upon receipt of a Permit Holder's request for a summary suspension hearing, SFMTA shall promptly set the time and place for said hearing to occur within ten business days of receipt of the Permit Holder's request for a hearing. SFMTA shall cause notice of such hearing to be delivered to the Permit Holder in person or by first-class U.S. Mail. In addition, SFMTA must provide the Respondent with the written complaint within two business days of receipt of the request for a hearing, Respondent must provide the written response, if any, no later than two business days prior to the hearing, and the Hearing Officer shall issue a written decision, which shall take effect in accordance with Section 1120(f)(2) no later than the next business day following the summary suspension hearing.

(c) **Appeal.** If the Permittee seeks judicial review of the Hearing Officer's decision upholding a summary suspension, the summary suspension shall remain in effect until a final decision is issued by the court. Where a permit is revoked after a summary suspension, the revocation shall be effective immediately and, if the Permittee seeks judicial review, shall remain in effect until a final decision is issued by the court.

(d) **Ramp Taxis.** While a Taxi or Ramp Taxi Medallion is suspended pursuant to this Section 1121, the SFMTA may allow continued operation of the Medallion with the SFMTA's prior written approval, subject to any conditions specified in such approval.

(e) **Taxi Driver Drug and Alcohol Testing Policy.**

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(1) To protect the public health and safety, the SFMTA shall summarily suspend the A-Card of any Driver who receives a positive drug or alcohol test result within the meaning of the Policy, which includes a refusal to submit to testing as defined by the Policy.

(2) The SFMTA shall lift the summary suspension if:

(A) The City's third party administrator under the Policy cancels the positive test result due to retesting requested by the Driver and performed in accordance with the requirements of the Policy;

(B) The Driver receives a negative test result after the Driver has refused to submit to testing and the third party administrator, in accordance with the terms of the Policy, directs the Driver to provide a second specimen; or

(C) The Driver completes the Policy's requirements for return to duty.

(D) A Driver who has tested positive for marijuana presents the SFMTA with a valid recommendation or approval for use of medical marijuana obtained prior to the positive test.

SEC. 1123. NOTICES.

(a) **Posting Notice.** Except as otherwise provided herein, all public notices required to be given by the SFMTA pursuant to this Article shall be posted on the SFMTA's official website, ~~and the SFMTA shall concurrently deliver the notice for posting to the San Francisco International Airport taxi holding area and to the business office of every Dispatch Service.~~

(b) **Notice of Permit Hearing.** When a permit becomes available for issuance the SFMTA shall publish notice in accordance with subparagraph (a).

(c) **Notice of SFMTA Permit Application Actions.** If the SFMTA determines that a taxi medallion permit application is inactive, it shall post notice on the SFMTA's official website for a period of at least 180 days, but need not meet the other posting requirements of subparagraph (a).

SEC. 1124. TAXI FARES AND FEES; GATE FEES.

(a) **Setting Rates of Fare and Gate Fees.** The SFMTA Board may hold a hearing to determine, in its sole discretion, whether the rates of fare and cap on Gate Fees then in effect should be increased, decreased, or remain unchanged.

(b) **Taxi Fares.**

(1) **Standard Fare.** The fare for Taxis and Ramp Taxis shall be as follows: $4.15 for the first fifth of a mile or "flag"; $0.65 for each additional fifth of a mile or fraction thereof; and $0.65 for each one minute of waiting or traffic delay time.

(2) **Flat Rate for Combined Trips.** A driver may charge a flat rate of up to $20 per person where two or more passengers are taking a trip whose origin or destination are different, and who are sharing the taxi for a portion of their combined trips instead of charging the metered rate. The flat rate may only be used with the advance consent of all affected passengers. Revenue for flat rate trips must be recorded on the Taximeter and reported to the SFMTA through the Electronic Taxi Access System.

(3) **Out-of-Town Trips.** Drivers are authorized to collect 150 percent of the metered rate for any trips originating in the City with a final destination that is more than 15 miles beyond City limits. Drivers are also authorized to collect 150 percent of the metered rate for any trip originating at the San Francisco International Airport ("SFO") if the trip requires crossing either the Golden Gate Bridge or the Bay Bridge and the final destination is more than 15 miles beyond City limits. For trips originating at SFO that do not require crossing either the Golden Gate Bridge or the Bay Bridge, Drivers are authorized to collect 150 percent of the metered rate if the final destination is not within City limits and is more than 15 miles from SFO.

(4) **Deduction for Time While Disabled.** In the event that a taxicab breaks down while conveying for hire any passenger or passengers, the Driver may not charge any passenger for the time during which the vehicle is disabled.

(5) Establishment of Upfront Fare Pilot Program. By no later than August 5, 2022, the Director of Transportation shall create an Upfront Fare Pilot Program ("Pilot Program") intended to test the concept of providing customers with a flat rate fare estimate through an e-hail application. The Pilot Program shall expire on July 1, 2025. Under the Pilot Program, the customer will have the option of choosing the advance, upfront fare or paying for the trip based on the meter amount. The upfront fare estimate will be calculated using an algorithm based

on trip distance and time.

(6) **Flat Rate for Trips Originating at San Francisco International Airport.** The fare for trips originating at San Francisco International Airport with a final destination in within San Francisco International Airport property, South San Francisco, San Bruno, Millbrae or Burlingame, including unincorporated areas contained therein, shall be $24.

(c) **Taxi Fees in Addition to Fares.** Except as otherwise authorized by Section 1124(b)(2)or (b)(3), a Driver or Color Scheme must charge a passenger the fare displayed on the Taximeter, and may charge any of the additional fees set forth below, if applicable.

(1) **Airport Fee.** For taxicab trips originating or ending at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect 100% of that trip fee from the passenger upon receipt of cab fare from the passenger.

(2) **Bridge Tolls.** Drivers are authorized to collect bridge tolls in advance from passengers whose destination requires the crossing of a toll bridge, regardless of the direction in which the toll is collected.

(3) **Cleaning Fee.** Drivers are authorized to collect a cleaning fee of up to $150 from any passenger who permanently stains the interior of the vehicle or who renders the vehicle temporarily unfit for for-hire passengers because of spillage of any substance such that the vehicle must be taken out of service and cleaned.

(4) ~~**Oversized Luggage Fee.** A Driver is entitled to charge an additional amount not to exceed $1 for each piece of luggage that cannot be conveyed either in the passenger compartment of the vehicle or in the vehicle's trunk with the trunk lid closed. Each passenger shall be entitled to have conveyed without charge such valise or small package as can be conveniently carried within the vehicle. Other than the charges authorized by this subsection (c)(4), no charge shall be made by the driver for loading or unloading baggage.~~ Reserved.

(5) **Fees Requiring Passenger Consent.** A Color Scheme or Dispatch Permit Holder may charge the taxi passenger the following additional fees, but only if the passenger consents to such fees in advance and has placed a credit card number on file with the Color Scheme. Customer consent for imposition of any fee listed in this subsection (c)(5) may be obtained prior to or at the time of the trip booking, but only after the customer is informed of the amount of the fee and the circumstances under which the fee will be imposed.

(A) **Cancellation Fee.** A cancellation fee of up to $10 may be charged to any consenting customer who either cancels the trip after any established grace period has elapsed, or is not present when the Driver arrives at the location specified by the customer for pick up. A cancellation fee may not be imposed if the Driver arrives at the location specified by the customer for pick up in excess of 25 minutes after the Color Scheme or Dispatch accepted the trip booking. The cancellation fee shall be paid in full to the Driver who responds to the request for service.

(B) **E-Hail Fee.** An E-Hail Fee of up to $5 may be charged by a Color Scheme or Dispatch that provides E-hail service to any customer who requests taxi service by E-Hail.

(d) **Payment of Taxi Fares and Fees by Credit Cards.** Drivers must accept major credit cards (including at a minimum Visa, MasterCard, American Express, and Discover), as payment of taxi fare. This subsection (d) shall be strictly enforced.

(1) **Credit Card Processing Fees.** A Driver may elect to establish their own account for credit card payment processing with any merchant account service that conforms to PCI DSS standards and provides an electronic or paper receipt clearly indicating that the payment was made for San Francisco taxicab fare, the date, the fare amount, the identity of the driver, and a toll-free number for passenger and Driver payment inquiries to the merchant account holder or its customer service representative; provided, however, that a Driver must allow a passenger to choose to pay the fare using any available payment system, at the passenger's option. No Color Scheme may retaliate against a Driver for electing, or not electing, to establish their own credit card processing account.

(e) **Gate Fees.** A Color Scheme Permit Holder or a Medallion Holder may not charge Drivers a Gate Fee that exceeds $10.62 per hour for a lease period equal to or shorter than 12 hours, or $127.44 total for any lease period that ends by the following calendar day. A Color Scheme Permit Holder may offer lease periods greater than 24 hours but shall also offer the option of an hourly lease period to Drivers. For purposes of this subsection (e), a Color Scheme Permit Holder is responsible for all Gate Fees that are assessed for use of any Gas and Gates Medallion that is affiliated with the Color Scheme. The Medallion Holder is responsible for all Gate Fees charged for the use of their Medallion if it is not operated as a Gas and Gates Medallion. Upon the request of SFMTA, a Color Scheme Permit Holder or a Medallion Holder shall provide the SFMTA with a record of all Gate Fees charged for the previous six months within 48 hours of such request.

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