

THIS PRINT COVERS CALENDAR ITEM NO. : 15

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION: Requesting the San Francisco Municipal Transportation Agency Board of Directors to amend Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) to make each day of the unauthorized use of a spare vehicle by a Color Scheme a separate offense; (9) require Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA and to ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial driver's shift; (10) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (11) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (12) prohibit Drivers from tampering with required taxi equipment; (13) require that taxi security cameras be manufactured after 2006; (14) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (11) make minor changes to the procedures for hearings on decisions to grant or deny permits; (15) renumber and amend Sections 1118 – 1123; (16) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (17) clarify SFMTA's procedures for providing public notice to the taxi industry; and (18) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap.

SUMMARY:

- This legislation is part of the continuing reform of San Francisco’s motor vehicle for hire regulations that are contained in Article 1100 of Division II of the Transportation Code.
- Specific changes are listed in the Brief Description above and in the narrative description.
- As a general matter, the goals of this legislation are to update definitions, eliminate duplication and contradiction between provisions, to add needed clarifications to existing language in order to address problems experienced in day-to-day Taxi Services operations, to further refine and improve notice and hearing provisions that were first developed in 2009 and to incorporate the Paratransit Broker’s request for regulatory requirements related to the Paratransit Program.

ENCLOSURES:

1. SFMTAB Resolution
2. Amendments to Transportation Code Division II, Article 1100

APPROVALS:

DATE

DIRECTOR _____ 5/30/12

SECRETARY _____ 5/30/12

ASSIGNED SFMTAB CALENDAR DATE: June 5, 2012

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PURPOSE

Requesting the San Francisco Municipal Transportation Agency Board of Directors to amend Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) to make each day of the unauthorized use of a spare vehicle by a Color Scheme a separate offense; (9) require Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA and to ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial driver's shift; (10) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (11) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (12) prohibit Drivers from tampering with required taxi equipment; (13) require that taxi security cameras be manufactured after 2006; (14) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (11) make minor changes to the procedures for hearings on decisions to grant or deny permits; (15) renumber and amend Sections 1118 – 1123; (16) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (17) clarify SFMTA's procedures for providing public notice to the taxi industry; and (18) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap.

GOAL

Goal 1: Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy.

Objective:

1.1: Improve safety and security across all modes of transportation.

Goal 3: External Affairs/Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry.

Objective:

3.1: Improve economic vitality by growing relationships with businesses, community, and stakeholder groups.

Goal 4: Financial Capacity: To ensure financial stability and effective resource utilization.

Objective;

4.2: Ensure efficient and effective use of resources.

DESCRIPTION

This legislation is part of the continuing reform of San Francisco's motor vehicle for hire regulations that are contained in Article 1100 of Division II of the Transportation Code. As a general matter, the goals of this legislation are to update definitions, eliminate duplication and contradiction between provisions, to add needed clarifications to existing language in order to address problems experienced in day-to-day Taxi Services operations, to further refine and improve notice and hearing provisions that were first developed in 2009 and to incorporate the Paratransit Broker's request for regulatory requirements related to the Paratransit Program.

Changes to Section 1102, Definitions

Section 1102 of the Transportation Code contains the definitions for terms used throughout Article 1100. The proposed regulation would add and slightly revise definitions relevant to the administrative hearing procedures.

The term 'A-Card Seniority' has been further refined and to make it consistent with other references in Article 1100, and to provide that no break in A-Card status prior to 1995 would be counted in calculating the A-Card Seniority of a driver.

Definitions of the terms 'Citation', 'Complaint', 'Hearing Officer', have been added and the term 'Notice of Violation' was deleted as part of the refinement to the terminology used in the Sections governing hearing procedures.

The term 'Model Year' was moved for alphabetizing purposes.

The term 'Paratransit Debit Card' is newly defined, in order to provide a basis for later regulations related to the Paratransit Program.

The term 'PCI DSS' or 'Payment Card Industry Data Standard' was added with reference to industry data security standards for payment transactions.

The definition of 'Single Operator Permit' was revised to clarify that such permits shall only be awarded to a single primary driver, not multiple primary drivers.

Changes to 1103, Permit Applications

Section 1103 of the Transportation Code sets forth application requirements for individuals who desire to become taxi drivers, medallion holders, color scheme permit holders, or dispatch permit holders.

A provision in the attached legislation would provide that a permit application will become inactive if the applicant has not completed the process within 60 days of initiating an application, or within such other time limits as established by the Transportation Code for that particular permit. Currently an application for a permit remains active until the applicant withdraws the application in writing, the applicant is determined to be ineligible for the permit, the applicant receives a permit, the applicant has engaged in fraud in connection with a permit application, the applicant fails to respond to notices sent by the SFMTA, or in the event of a Medallion purchase, the applicant fails to complete the purchase within the established deadlines.

Provisions from other Sections of Article 1100 were also moved into Section 1103 for clarity and subject matter consolidation.

Staff is also proposing a new regulation that allows the Director of Transportation to impose a moratorium on the issuance of new Color Scheme and Dispatch Service Permits. This change includes notification procedures to the Board of Directors and the public, as well as any limits that may or may not be imposed by the Director of Transportation and the Board of Directors.

Changes to 1105, General Permit Conditions.

The substantive changes are proposed to Section 1105 are as follows:

A clarification that only battery-switch electric vehicles that are to be provided by Better Place, Inc. through a federal grant enjoy a waiver of renewal fee for electric vehicle permits that is not available for permits associated with plug-in electric vehicles.

A limitation on the existing rule that all vehicles change shifts at the Color Scheme's property. This amendment proposes that this only be required of medallions operated as 'gas and gates'. Staff intends to return with additional regulations related to the operation of medallions in owner-operated lease arrangements in the near future.

Staff also proposes a rule regarding retaliation, prohibiting any Permit Holder from retaliating against another individual or entity for the exercise of rights provided in Article 1100.

Changes to 1106, Conditions Applicable to Color Scheme Permits

Staff has proposed legislation allowing for the approval of Color Scheme requests for Dispatch Service change unless the Dispatch or Color Scheme is on Administrative Probation.

For clarity, issues related to Color Scheme Transfers were moved to section 1103.

The requirement that any vehicle that undergoes repairs for a period of more than 30 days be eliminated permanently from the fleet is deleted from this section. This section also adds language making each day a spare vehicle is operated without a medallion a separate offense for the purpose of calculating penalties.

Taxi companies would also be required by these amendments to notify the SFMTA of any insurance claims filed or received regarding vehicles affiliated with their company.

These amendments would also make a taxi company responsible to ensure that no taxi driver exceeds driving hour maximums set by state and federal law.

Changes to 1108, Conditions Applicable to Driver Permits

Proposed changes to this section include (1) requiring drivers to carry notebooks so that they have a place to make notations once they no longer are required to carry paper waybills; (2) only requiring a driver to carry a flashlight at night; (3) removing the dispatch service quota imposed on drivers but requiring them to immediately notify a dispatcher if they determine that they cannot service a call that has already been accepted; (4) prohibiting a driver from demanding any form of payment other than a proffered Paratransit Debit Card if the trip is authorized and there is a sufficient balance on the card to pay for it; and (5) prohibiting a driver from adding a tip to a fare paid by Paratransit debit Card without authorization from the passenger.

Provisions regarding the renewal of driver permits, lapse of active permit status, and returning the Color Scheme Identification Card to the SFMTA were moved to other sections within the Transportation Code for logical consistency and to eliminate duplication.

Finally, Section 1108 was amended to require the driver to carry a back-up credit card transaction device and any supplies required to operate that device, instead of requiring drivers to carry 'knucklebusters' and paper credit card slips.

Changes to 1113, Vehicle Equipment Standards.

Language requiring SFMTA's prior approval of any signage displayed on the exterior of taxis is removed in favor of a rule that no advertising can impede the drivers' vision, interfere with the operation of the vehicle, cover any required taxi identifying markings or present a safety hazard.

These amendments would also require that all taxi security cameras be manufactured after 2006 because there are still taxi vehicles today that have non-functional cameras or cameras from which the Police Department is not able to download images because of the camera's extreme age.

Changes to 1114, Reporting Requirements.

The proposed amendments would delete obsolete references to taxi company emissions reductions reports, as the emission standards goals of that legislation have already been achieved, and SFMTA Taxi Services is working with the Department of the Environment to develop new emission reductions goals going forward.

This legislation would also require taxi companies to notify the Paratransit Broker if they alter any paratransit equipment and to provide monthly reports of paratransit equipment in their possession that is owned by the SFMTA.

Changes to 1117, Permit Issuance; Inactive Application

The changes proposed to Section 1117 are for the purpose of re-ordering provisions for better logical flow, eliminating unnecessary language, and improving consistency and clarity. The changes in this section are intended to clarify hearing procedures when a permit has been denied by the SFMTA.

Changes to 1120, Revocation, Suspension, and Administrative Fines

This section is renumbered as Section 1118. Substantive changes include a provision that authorize the SFMTA to impose an administrative fine against the permit holder in addition to suspension and revocation.

This section will now also include language noting that fines are not subject to adjustment by a Hearing Officer in the context of an administrative hearing.

Language related to administrative probation has been deleted and moved from this section and has been replaced with a section addressing administrative fines.

Changes to 1123, Administrative Fines Assessed against Non-Permit Holders.

This section is renumbered as Section 1119. Furthermore, staff has proposed deletion of the provisions regarding issuance of citations because they are covered elsewhere. The proposed regulations also enumerate that assessed fines are not subject to adjustment by a Hearing Officer in the context of an administrative hearing.

Changes to 1118, Administrative Hearings.

This section is renumbered as Section 1120. The changes proposed in this section are for the purpose of re-ordering provisions and to create better logical flow. It eliminates unnecessary language, and improves consistency and clarity.

A substantive change to this section addresses a Respondent's failure to appear at a scheduled hearing which will render the proposed fine, discipline, or action as final and not subject to further administrative or judicial review.

Changes to 1119, Summary Suspension of Permit for Health and Safety Reasons

This section has been re-ordered and will now become Section 1121. The changes proposed to this section are for the purpose of improving the hearing process, re-ordering provisions for better logical flow, eliminating unnecessary language, and improving consistency and clarity.

New Section 1122, Administrative Probation

These amendments would create a separate section to contain existing provisions related to the disciplinary status of administrative probation.

Changes to 1121, Notices

This section is renumbered as Section 1123. The changes proposed to this section are for the purpose of re-ordering provisions for better logical flow, eliminating unnecessary language, and improving consistency and clarity. The amendments would eliminate the current requirement of posting notice at the Main Public library, and would instead require posting at every taxi dispatch service and at the airport taxi lot where drivers are more likely to be found.

Changes to 1122, Fees, Rates and Charges.

This section has been re-ordered and will now become Section 1124. Staff has proposed to add a provision stating that that the color scheme permit holder is responsible for all gate fees that are assessed against drivers or vehicles affiliated with that Color Scheme, even if it is paid to someone other than the color scheme permit holder.

The definition of Low Emission Vehicle was removed from these regulations because of the state of compliance with existing emissions targets, and will be revised as needed when new emissions reductions goals are established.

Language governing emergency meter rates for taxicabs was also deleted, as staff assumes that any declaration of emergency will provide for such specifics in the context of the particular emergency declaration instead of relying upon language that was adopted by the Board of Supervisors in 1988.

The City Attorney has reviewed this report.

ALTERNATIVES CONSIDERED

This proposed legislation does not have a single purpose, but is rather a collection of amendments that have suggested themselves over the course of the SFMTA experience with taxi regulation. If these proposed amendments are not adopted, Taxi Services will continue to conduct its operations in accordance with the existing provisions of Article 1100.

FUNDING IMPACT

There are no funding impacts to the Agency, except to the extent that these amendments make Taxi Services operations and use of staff time more efficient.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None.

RECOMMENDATION

Requesting the San Francisco Municipal Transportation Agency Board of Directors to amend Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) to make each day of the unauthorized use of a spare vehicle by a Color Scheme a separate offense; (9) require Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA and to ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial driver's shift; (10) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (11) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (12) prohibit Drivers from tampering with required taxi equipment; (13) require that taxi security cameras be manufactured after 2006; (14) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (11) make minor changes to the procedures for hearings on decisions to grant or deny permits; (15) renumber and amend Sections 1118 – 1123; (16) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (17) clarify SFMTA's procedures for providing public notice to the taxi industry; and (18) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Following the March 1, 2009 ascension of the SFMTA to jurisdiction over the San Francisco taxi industry, SFMTA staff has continued to build upon and refine regulations that formerly adopted by the Board of Supervisors, Police Commission and Taxi Commission; and

WHEREAS, There is a need to consolidate, re-order and renumber certain provisions to eliminate duplication and for logical assistance and clarity; and

WHEREAS, Many minor regulatory amendments have been identified by staff as desirable in order to address day-to-day operational issues; and

WHEREAS, The Paratransit Broker has requested certain changes to the regulations in order to improve the efficiency of the Paratransit Program; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) to make each day of the unauthorized use of a spare vehicle by a Color Scheme a separate offense; (9) require Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA and to ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial driver's shift; (10) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (11) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (12) prohibit Drivers from tampering with required taxi equipment; (13) require that taxi security cameras be manufactured after 2006; (14) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (15) make minor changes to the procedures for hearings on decisions to grant or deny permits; (16) renumber and amend Sections 1118 – 1123; (17) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (18) clarify SFMTA's procedures for providing public notice to the taxi industry; and (19) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 5, 2012.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Motor Vehicles for Hire]

Resolution amending Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) make each day of a Color Scheme's unauthorized use of a spare vehicle a separate offense; (9) require Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA; (10) ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial driver's shift; (11) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (12) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (13) prohibit Drivers from tampering with required taxi equipment; (14) require that taxi security cameras be manufactured after 2006; (15) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (16) make minor changes to the procedures for hearings on decisions to grant or deny permits; (17) renumber and amend Sections 1118 – 1123; (18) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (19) clarify SFMTA's procedures for providing public notice to the taxi industry; and (20) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1102 and 1103, read as follows:

SEC. 1102. DEFINITIONS.

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

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

(b) "A-Card Seniority" shall mean the seniority status of each Driver Permit Holder based on the original issuance date of the Driver Permit, or the issuance date of the most recent Driver Permit if the Driver ~~received~~ ~~has been issued~~ a new Driver Permit in accordance with Section ~~1103(c)(3)(B)~~ ~~1108(b)(5)~~ after ~~December 31, 1995~~ ~~failure to timely renew his or her Driver Permit.~~

(c) "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.

(d) "Application Fee" shall mean 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.

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

(f) "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.

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

(h) "Complaint" shall mean 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, containing information about each alleged violation or basis for nonrenewal, inactive status, or summary suspension.

(~~ih~~) "Controlled Substance Testing Program" shall mean a program adopted by the SFMTA Board to comply with California Government Code § Section 53075.5.

(~~ij~~) "Dispatch Service" shall mean any person, business, firm, partnership, association or corporation that receives communications from the public regarding taxi service for the purpose of forwarding such communications to motor vehicle for hire drivers, 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 his or her services to the public.

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

(~~il~~) "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.

(~~im~~) "Driver Fund Transfer Fee" shall mean five percent of the fixed price for the sale of a Medallion as determined in accordance with this Article.

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

(~~io~~) "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.

(~~ip~~) "Electric Vehicle Taxi Medallion" shall mean a permit issued by the SFMTA to a Color Scheme that meets SFMTA's performance standards to operate a particular battery-switch electric vehicle on a full-time basis, subject to conditions imposed by the SFMTA, for a fixed term of three to five years.

(~~iq~~) "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.

(~~te~~) "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 calendar year.

(~~sf~~) "Gas and Gates Medallion" shall mean a Medallion that is operated by a Color Scheme that owns the Taxi or Ramp Taxi vehicle, schedules the Drivers of the vehicle, and makes regular payments to the Medallion Holder in consideration for the use of the Medallion.

(~~ts~~) "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 for any period of time, 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.

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

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

(~~wu~~) "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.

(~~xv~~) "Lease" shall mean an otherwise lawful written agreement that for consideration authorizes the temporary operation of a Taxi or Ramp Taxi Medallion by a Driver or Color Scheme other than the Taxi or Ramp Taxi Medallion Holder.

(~~yw~~) "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 during a particular shift, or for any period of time.

(~~zx~~) "Medallion" shall mean a permit issued by the SFMTA to operate a particular Taxi or Ramp Taxi vehicle in the City.

(~~aa~~y) "Medallion Holder" shall mean the person or entity to which a Medallion was issued.

(~~bb~~z) "Medallion Sale Price" shall mean the fixed price for the sale of a Medallion as determined by the SFMTA in accordance with this Article.

(~~cc~~aa) "Medallion Sale Transfer Fee" shall mean fifteen percent of the fixed price for the sale of a Medallion as determined by the SFMTA in accordance with this Article.

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

(~~ee~~bb) "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.

(~~ff~~ee) "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 Non-Standard Vehicle permits, and does not include Dispatch Service, Color Scheme or Driver Permits.

(~~dd~~) ~~"Model Year" shall mean the year model designated at the time of manufacture of first assembly as a completed vehicle (e.g. If a vehicle is produced in 2007, but is designated for sale as a 2008 model, then the vehicle is considered a 2008 Model Year.)~~

(~~gg~~ee) "Non-Standard Vehicle" shall mean a privately owned, motor-propelled passenger carrying vehicle which may be legally operated on the streets of the City under all applicable state and local laws and regulations, and which is not defined elsewhere in this Article.

(~~hh~~ff) "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.

(~~ii~~gg) "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.

(~~kk~~hh) "Notice of Inactive Status" shall mean a notice informing an applicant for a permit that the SFMTA has determined that the application is inactive under Section 1103(b) of this Article.

(ll~~ii~~) "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.

(mm~~jj~~) "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~~19~~ of this Article.

~~(kk) "Notice of Violation" shall mean a notice informing a Permit Holder that the SFMTA has determined that the Permit holder has violated a statute, ordinance or regulation governing the operation or licensing of the vehicles and services regulated by this Code.~~

(nn~~ll~~) "O.E.M." shall mean any equipment installed on a vehicle when the vehicle was initially manufactured.

(oo~~mm~~) "Paratransit Broker" shall mean the contractor retained by SFMTA to administer the Paratransit Program.

(pp~~nn~~) "Paratransit Coordinating Council" shall mean the Community Advisory Committee that advises the SFMTA regarding paratransit services.

(qq~~oo~~) "Paratransit Debit Card" shall mean the fare media issued through the Paratransit Program for use in SFMTA's disabled-accessible public transit vehicles

(rr~~oo~~) "Paratransit Program" shall mean the SFMTA ~~P~~rogram to provide transit services for people unable to independently use public transit because of a disability or disabling health condition.

(ss~~pp~~) "Participating Color Scheme" shall mean a Color Scheme that has entered into an agreement with the SFMTA for the operation of Medallions that are sold and purchased in accordance with Section 1116(p) of this Article.

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

(uu~~qq~~) "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.

(~~vvff~~) "Permit Holder" shall mean any person, business, 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.

(~~wwss~~) "Police Department" shall mean the Police Department of the City and County of San Francisco.

(~~xxff~~) "Qualified Lender" shall mean a lender approved by the Director of Transportation to finance the purchase of Medallions under the Taxi Medallion Sales Pilot Program.

(~~yyff~~) "Qualified Purchaser" shall mean a Driver Permit Holder who meets all the requirements for purchase of a Medallion under Section 1116(a)(2).

(~~zzff~~) "Qualified Seller" shall mean a Medallion Holder who meets the requirements of Section 1116(a)(1).

(~~aaa~~ww~~~~) "Ramp Taxi" shall mean a Taxi that is specially adapted with access for wheelchair users.

(~~bbb~~xx~~~~) "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.

(~~ccc~~yy~~~~) "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.

(~~ddd~~zz~~~~) "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.

(~~eee~~aaa~~~~) "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.

(~~fff~~bbb~~~~) "Respondent" shall mean a person or entity to which a ~~Notice of Violation~~, 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 Citation under Section 1119(a) or for a violation listed under Section 1118(a) is delivered ~~under Sections 1118, 1119, 1120 or 1123.~~

(~~gggeee~~) "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:

(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.

(~~hhddd~~) "Single Operator Part-time Taxi Medallion" shall mean a permit issued by the SFMTA to a Driver ~~or to two Drivers~~, who ~~qualifies~~ qualify on the basis of A-Card Seniority and requisite taxi-related knowledge, to operate a particular hybrid, CNG or electric taxi vehicle, or other vehicle as authorized by the SFMTA, for a fixed period of years on a part-time basis, and in accordance with permit conditions set by the SFMTA.

(~~iiiiee~~) "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.

(~~jjjfff~~) "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.

(~~kkkgee~~) "Taxi Medallion Sales Pilot Program" shall mean the program adopted by the SFMTA Board of Directors for the purchase and sale of certain Taxi Medallions at an

established Medallion Sale Price to a purchaser who is qualified to hold a Medallion under these regulations.

(~~lllhhh~~) "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.

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

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

SEC. 1103. PERMIT APPLICATIONS AND RENEWAL.

(a) Application Forms. Application for any permit issued 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. All applications for permits shall be accompanied by the relevant Application Fee; provided, however, that an applicant for an Electric Vehicle Taxi Medallion that was approved prior to December 6, 2011 shall not be required to pay an Application Fee. The SFMTA shall record the date and time that a complete application, including the Application Fee, is received.

(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;

or

(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 days of the second notice.

(6) The SFMTA has offered a Medallion for purchase to the applicant, and the applicant fails to complete the purchase of the Medallion within the deadlines established by the Director of Transportation pursuant to Section 1116(f)(3). Failure to complete the purchase of the Medallion within the applicable deadlines will have no effect upon the applicant's A-Card seniority or the applicant's position on the Waiting List of Medallion applications.

(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.

(c) Additional 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 his or her fingerprints; and
- (B) Take and pass a written examination; and
- (C) Take and pass a physical examination if required by the SFMTA; and
- (D) Certify that the applicant has successfully completed an SFMTA-approved Driver training course; and
- (E) Provide photographs of the applicant, taken no more than 12 months prior to the time of application; and
- (F) Enclose a statement of affiliation signed by the applicant and the Color Scheme documenting the Color Scheme's commitment to offer the applicant a position as a Driver if the Driver Permit is issued; and
- (G) Reserved: Controlled Substance Testing Program.

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

- (A) Be a legal resident of the United States;
- (B) Be clean in dress and person;
- (C) 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;

(D) Have held a valid California driver's license for one year immediately prior to the date of application;

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

(F) 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;

(G) Have attained the age of 24;

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

(I) Reserved: Controlled Substance Testing Program.

(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)(F). 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)(F).

(B) Lapse of Active Permit Status; New Application; A-Card Seniority. A Driver Permit Holder who fails to renew his or her Driver Permit within the deadline for renewal set by the SFMTA may renew his or her Driver Permit upon submission of a new Driver Permit application and completion of all requirements for a new Driver Permit. If the Driver Permit Holder submits the new Driver Permit application and completes the requirements within two years of the renewal deadline, he or she shall retain A-Card Seniority based on the original issuance date of the Driver Permit. A Driver Permit Holder who fails to renew by the renewal deadline and fails to submit a new Driver Permit application and complete the requirements within two calendar years after the renewal deadline may likewise apply for a

new Driver Permit, but he or she shall have an A-Card Seniority date as of the date of the most recent Driver Permit.

(4) Surrender of A-Card When Not Driving. A Driver must return his or her Color Scheme Identification Card to the Color Scheme within 30 calendar days of terminating his or her affiliation with a Color Scheme and must return his or her A-Card to the SFMTA within 30 calendar days if the Driver does not affiliate with another Color Scheme. If the Driver will discontinue driving for a period of time in excess of 30 consecutive days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the A-Card on file until the Driver informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the A-Card to the Driver so long as all Application and Renewal Fees and other Permit Fees are paid and the Driver remains qualified for the permit.

(d) Additional Requirements Applicable to Taxi and Ramp Taxi 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 the order of receipt of the Waiting List application, and then in order of A-Card Seniority. The SFMTA shall maintain a Waiting List of Medallion applications arranged in chronological order by the date that each complete Medallion application, including the Application Fee, was received from a qualified applicant. Each applicant for a Taxi or Ramp Taxi Medallion shall have held a valid Driver Permit for a minimum of two consecutive years prior to applying for a Medallion.

(A) Every applicant for a Taxi or Ramp Taxi Medallion must continuously maintain a valid Driver Permit in order to maintain his or her position on the Waiting List.

(B) The SFMTA may periodically require applicants to execute written statements to reaffirm their desire to keep their applications active.

(C) As of December 16, 2009, the SFMTA shall no longer accept applications for the Waiting List. When there are no more qualified applicants on the Waiting List, the SFMTA shall offer Medallions to Driver Permit Holders who meet all other requirements of this Article in order of A-Card Seniority.

(e) Requirements Applicable to Single Operator Part-time Taxi Medallion Applications. The SFMTA shall offer Medallions to Driver Permit Holders who meet all other requirements of this Article in order of A-Card Seniority, subject to the applicant receiving a passing score on an

examination to be developed and administered by the SFMTA and designed to ensure that holders of Single Operator Part-time Taxi Medallions have sufficient knowledge of San Francisco's streets, neighborhoods, traffic conditions and taxi industry to provide a high level of service to San Francisco's taxi patrons.

(f) Additional Requirements Applicable to Non-Standard Vehicle Permit Applications.

(1) An applicant may request a Non-Standard Vehicle class of permit for any vehicle(s) not otherwise included within another class of Motor Vehicle for Hire permits.

(2) If a Non-Standard Vehicle permit applicant proposes to operate along fixed routes within the City, such fixed routes shall be specified in the permit application. Fixed routes proposed for a permit must be approved by the SFMTA and shall be included in the Non-Standard Vehicle permit as a permit condition. Consideration of such routes by the SFMTA shall include evaluation of their impact on public transit.

(g) Additional Requirements Applicable To Dispatch Service Permit Applications.
Reserved.

(h) Additional Requirements Applicable To Color Scheme Permit Applications.

(1) 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) ~~a~~A inventory of any City-owned In-Taxi Equipment~~ITE~~ devices,

(B) ~~p~~Proof of all required insurance,

(C) ~~a~~ A business license,

(D) ~~a~~Any signed partnership agreement among multiple purchasers/or documentation of current valid corporate status,

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

(F) aA signed agreement with a permitted dispatch service, and

(G) aA schedule of gate fees.

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

(A) Current San Francisco business license;

(B) Completed designated manager form(s);

(C) Current list of all affiliated Drivers, Medallion Holders and type of Lease for each;

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

(E) Copy of company drug-free workplace policy;

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

(i) 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 his or her determination 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.

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1105 and 1106, read as follows:

SEC. 1105. GENERAL PERMIT CONDITIONS.

(a) Conditions Applicable to All Permits.

(1) Permits Required. No person, business, firm, partnership, association or corporation shall drive, or operate or cause to be operated any Motor Vehicle For Hire within the City, nor shall any person, business, firm, partnership, association or corporation operate any Dispatch Service or Color Scheme, without a permit issued by the SFMTA authorizing such driving or operation in accordance with this Article.

(2) Permits Held By Businesses; Taxi Medallions Held by Individuals.

(A) Any permit issued to a business pursuant to this Article shall be registered in the name of and with contact information for at least one natural person who

complies with all permit requirements except those that by their nature can have no application to a natural person.

(B) No Taxi or Ramp Taxi Medallion shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation, and no Medallion shall be issued to, or in the name of, more than one person.

(3) Permits a Privilege. Permits granted pursuant to this Article constitute a privilege and are not the property of the Permit Holder.

(4) Permits Not Transferable. Except as expressly provided in this Article or in permit conditions, no permit issued pursuant to this Article shall be transferable or assignable, either expressly or by operation of law.

(5) Duration of Permits.

(A) Unless earlier revoked or suspended, all permits shall expire one year following their issuance or renewal, or on another date as specified by the SFMTA.

(B) As a condition of renewal, a Permit Holder must pay the applicable Renewal Fee, meet the eligibility requirements required for new applicants listed in Section 1104, and may be required to sign a statement under penalty of perjury affirming eligibility for the permit; provided, however, that any holder of an Electric Vehicle Taxi Medallion that was approved prior to December 6, 2011 may renew the permit for use in a battery switch vehicle without paying a Renewal Fee.

(6) Compliance with Laws and Regulations. Every Permit Holder shall comply with, and shall ensure that their affiliated vehicles, employees, Permit Holders, lessees, Dispatch Service and Color Scheme shall comply with the provisions of this Article, the San Francisco Charter and Municipal Code, the California Vehicle Code, California Worker's Compensation laws, the Americans with Disabilities Act, and all regulations adopted by the Oakland and San Francisco International Airports, San Francisco Department of Public Health, and any other governmental jurisdictions through which the Permit Holders traverse.

(7) Cooperation with Lawful Orders. Every Permit Holder shall cooperate with and obey any lawful request or order of a Parking Control Officer, peace officer or the Director, ~~or his or her designee, at all times,~~ including, but not limited to, providing upon request the Permit Holder's name, the permit number, official identification, and any documents required by this

Article to be in the Permit Holder's possession. All Permit Holders shall respond to routine SFMTA or Police Department inquiries within 24 hours, and shall immediately respond to any SFMTA or Police Department emergency request.

(8) Cooperation with Regulatory Agencies; False Statements. Every Permit Holder shall at all times, fully cooperate with a Parking Control Officer, Peace Officer or the Director, or his or her designee, on all matters relating to regulatory compliance at all times, including but not limited to timely compliance with requests for the inspection of records. Permit Holders shall not hinder, delay the production of or withhold information or records, or knowingly make false or misleading statements to a peace officer or to the SFMTA or withhold information on any matter relating to regulatory compliance. No Permit Holder shall make any false claim or false request for payment or approval to the SFMTA, its contractors or employees.

(9) Continuous Operation Requirement; Temporary Suspension; Revocation.

(A) With the exception of Non-Standard Vehicle Permit Holders and Medallion Holders who obtained their Medallion prior to June 6, 1978, all Permit Holders shall operate or arrange for the operation of their permit on each day of the year, or other dates or times during which the permit conditions require operation of the permit. Non-Standard Vehicle Permit operation shall be in accordance with the times and dates of required operation specified in the permit.

(B) Permit Holders may temporarily suspend permit operations only with the prior written approval of the SFMTA. SFMTA approval is not required in the case of bona fide emergencies, natural disasters or other similar major events beyond the control of the Permit Holder.

(C) Upon written request the SFMTA may grant permission to suspend a permit for good cause shown for a period not to exceed 90 days in a 12 month period. The SFMTA may, in its sole and absolute discretion, allow another Permit Holder to operate the permit during the period of temporary suspension if the other Permit Holder is qualified and such operation would be in the public interest. This subparagraph (C) does not suspend the application of the Full-Time Driving requirement.

(D) If a permit is not operated for a period of 15 calendar days in violation of applicable permit conditions, the SFMTA shall notify the Permit Holder that the permit

will be revoked if operation of the permit is not resumed within five calendar days of the notice. If permit operation is not resumed within five days of the notice, as determined by the Permit Holder's substantial compliance with all permit conditions, then SFMTA may immediately revoke the permit.

(E) This subsection (9)~~(E)~~ does not require any Permit Holder to drive continuously apply to Driver Permits.

(10) Gifts and Gratuities. No Permit Holder or agent of a Permit Holder may accept or solicit gifts and/or gratuities or anything of value from any Driver, other than Gate Fees, Lease Fees, payments for goods actually received, or other payments authorized by this Article. A Permit Holder or agent of a Permit Holder shall issue a receipt for any payment received from a Driver.

(11) Lease of Taxi and Ramp Taxi Medallions. Reserved.

(12) Participation in Paratransit Program. Each Color Scheme, Dispatch Service, Medallion Holder and Driver ~~meeting the qualifications established by the SFMTA~~ must participate in and shall at all times operate subject to and in compliance with the regulations of the SFMTA's Paratransit Program.

(13) Shift Change at Color Scheme Required for ~~All~~ Gas and Gates Vehicles; Unattended Vehicles. All Permit Holders shall ensure that taxi vehicles operated pursuant to a Gas and Gates Medallion that they operate begin and end all shifts at the Color Scheme's place of business, except with the prior written approval of the SFMTA. When a vehicle is not being operated for hire, the Permit Holder shall either leave the vehicle at the Color Scheme's place of business or make a written request for SFMTA approval of an alternative location that is off the public street and sidewalk. No Taxi vehicle may be left unattended on a public street for more than four hours.

(14) Current Address Required; Emergency Contact Notification. All Permit Holders shall keep contact information current with the SFMTA. All Medallion Holders and Drivers shall keep contact information current with their Color Schemes. Every natural person who holds a permit from the SFMTA pursuant to this Article shall give written notice to the SFMTA within ten days of any change of residence address, and shall accept mail at the address provided to the SFMTA. Color Scheme and Dispatch Service changes of address are

subject to the prior written approval of the SFMTA. No Permit Holder may use a post office box as a current address.

(15) Service of Process. All Permit Holders agree to accept service of process, official notices, and correspondence ("service of process") from the SFMTA as a condition of retaining a permit. Color Schemes must accept service of process from the SFMTA on behalf of any Permit Holder affiliated with that Color Scheme.

(16) Payments Due. No permit shall be issued or renewed until the applicant has paid all fines, fees, taxes, liens, judgments or other debts owing to the City.

(17) Response Time Goals. All Permit Holders shall make best efforts to comply with Response Time Goals at all times.

(18) Operation by Driver Permit Holders. No Permit Holder shall knowingly allow the use of a Taxi or Ramp Taxi vehicle as a motor vehicle for hire by any person who does not hold a Driver Permit and California driver's license.

(19) Retaliation. No Permit Holder shall retaliate against another individual or entity for the exercise of rights provided by this Article.

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 ~~have been declared ineligible for new affiliations based on a finding, following a hearing, that the Color Scheme or the Dispatch Service has continuing permit violations or a pattern of repeated permit violations that affect the quantity or quality of taxi service to the public or which threaten public health and safety. Upon such finding by a hearing officer, the Permit Holder regarding which the finding was made may not undertake any new affiliations until the ongoing violations listed in the hearing officer's findings are cured.~~

d) Principal Place of Business. All Color Schemes shall maintain a principal place of business within the City, which must be staffed by at least one person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting federal holidays. Every Color Scheme must have the capacity to receive deliveries during business hours and to send and receive documents and electronic correspondence ~~faxes and email messages~~ at all times, and the street address, telephone number(s) and/or electronic address(es) for documents and correspondence ~~fax number and email address~~ must be provided to the SFMTA.

(e) Change of Business Location; ~~Transfer of Color Scheme Permits~~. A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business, ~~selling or otherwise transferring the business. 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 does not already hold an ownership interest in the business as of June 19, 2009.~~

(d) Principal Place of Business. All Color Schemes shall maintain a principal place of business within the City, which must be staffed by at least one person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting federal holidays. Every Color Scheme must have the capacity to send and receive faxes and email messages at all times, and the fax number and email address must be provided to the SFMTA.

(e) Change of Business Location; Transfer of Color Scheme Permits. A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business, selling or otherwise transferring the business. 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 does not already hold an ownership interest in the business as of June 19, 2009.

(f) Telephone Access. Every Color Scheme shall subscribe to a telephone service and publish the name of the business, the Color Scheme Permit number and the telephone number to which requests for service and inquiries about Found Property may be addressed in the Yellow Pages section of the San Francisco telephone directory. The published telephone number shall not be used for the conduct of any business enterprise other than the business of the Color Scheme. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall promptly request to change the listing in the Yellow Pages section of the San Francisco telephone directory. During those times when the current listing in the Yellow Pages section of the San Francisco telephone directory is incorrect or when a new listing cannot be made until the next printed copy is published, the Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco directory assistance (411) and the City's 311 system.

(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:

(1) ~~Receive and dispatch requests for service in a timely fashion.~~

~~(2)~~ Receive inquiries about Found Property on a 24-hour basis.

~~(23)~~ Receive and respond to communications and information requests from the SFMTA.

~~(34)~~ Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

~~(45)~~ 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) Participation in Paratransit Program. Color Schemes qualifying for the Paratransit Program 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 rules and regulations of the Paratransit Program, including any rules requiring the Color Scheme to maintain insurance in excess of the insurance requirements of this Article. ~~and e~~Every contract entered into between a participating 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, ~~including but not limited to Ramp Taxi ramps, wheelchair securements and In-Taxi Equipment.~~

(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 (~~paper, wire, etc.~~) 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.

(l) Spare Vehicles.

~~(1) Taxis or Ramp Taxis that are taken out of service must either return to service within 30 days or be permanently replaced by another vehicle, except as otherwise approved by SFMTA.~~

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

(23) During any time a spare vehicle is in operation as a Motor Vehicle For Hire, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

(34) Color Schemes with which one or more Ramp Taxis are affiliated shall maintain at least one Ramp Taxi spare vehicle for every three spare non-Ramp Taxi vehicles. If three or fewer Ramp Taxi Medallions are affiliated with a Color Scheme, only one Ramp Taxi Medallion may be used in a spare Taxi vehicle at any time. For each additional three Ramp Taxi Medallions, or any fraction thereof, affiliated with a Color Scheme, an additional Ramp Taxi Medallion may be used in a spare Taxi.

(45) Each Color Scheme shall be issued a series of "spare numbers" at the ratio of one spare number for every five vehicles operating at that Color Scheme.

(56) All spare vehicles shall be kept at the Color Scheme's place of business or other location approved by SFMTA when not in actual use with a Medallion.

(67) Once a vehicle is designated as a spare, it may not be re-introduced to the fleet except by approval of the SFMTA. All spare vehicles must be owned by the Color Scheme and shall be registered and insured as required by all applicable law.

(78) Color Schemes may not lease a spare vehicle, whether on a per-shift, weekly, monthly, or other basis, 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.

(m) Reduced Emissions by Color Scheme. Beginning on June 1, 2011, 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 by the year 2012. 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 Posted. All Color Schemes shall post the following information at their place of business in a place where it is 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. ~~From time to time, other industry-related printed matter provided by the SFMTA.~~ The SFMTA may require a Color Scheme to distribute designated materials to each affiliated Driver, and may require ~~including the requirement that the~~ Color Scheme to obtain written acknowledgments of receipt from affiliated Drivers, within a time period specified by SFMTA.

From time to time, other industry-related printed matter provided by the SFMTA. The SFMTA may require a Color Scheme to distribute designated materials to each Driver, including the requirement that the Color Scheme obtain written acknowledgments of receipt, within a time period specified by SFMTA.

(o) Required Notifications.

(1) Color Schemes must notify the SFMTA of ~~any injury accident involving any insurance claim received or filed related to any~~ Taxi or Ramp Taxi affiliated with the Color Scheme within one business day ~~24 hours~~ of the filing or receipt of the claim~~accident~~.

(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 require 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 Driver or Medallion Holder. Upon receiving notice of the death of a Driver or 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. If the deceased was a Medallion Holder, then the Color Scheme 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 the Medallion could not be promptly re-issued to an applicant on the Waiting List, and 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 \$1,900 beginning as of the 15th day following the notice of death and until such date as the SFMTA requires the return of the Medallion.

(p) Color Scheme Obligations Related To Drivers.

(1) Each Color Scheme shall ensure that every Driver starts and ends each shift at the Color Scheme's principal place of business, except with the prior written approval of the SFMTA.

(2) Each Color Scheme shall ensure that every affiliated Driver holds a valid A-Card, ~~and shall not allow any Driver to operate a vehicle affiliated with the Color Scheme if the Driver does not have a valid California drivers' license or a valid A-Card.~~

(3) A Color Scheme shall not charge an applicant for a Driver Permit for the statement of affiliation required by Section 1103(c)(1)(F).

(4) A Color Scheme shall issue receipts for payments received from any Driver for fuel, Gate Fees, Lease Fees or other payments ~~received from a driver.~~

(5) Medical Certification of Drivers. Every Color Scheme shall ensure that all affiliated Drivers undergo any medical examination required by the SFMTA in accordance with SFMTA requirements.

(6) A Color Scheme shall provide cashiering services 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, and shall not charge a Driver for any merchant account processing fees for fares paid by credit or debit card.

(7) Each Color Scheme shall ensure that every Driver operating a Gas and Gates Medallion operates in compliance with applicable state and federal laws governing maximum driving hours for the operator of a commercial passenger-carrying vehicle.

(q) Controlled Substance Testing Program; Controlled Substances.

(1) Reserved: Controlled Substance Testing Program.

(2) A Color Scheme having actual knowledge that a Driver has tested positive for a controlled substance as defined in 40 Code of Federal Regulations Title 49 shall not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has tested negative.

(3) Color Schemes shall maintain drug- and alcohol-free workplaces.

(4) No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of a intoxicating or controlled substance, as defined in 21 Code of Federal Regulations Section 1308.01 et seq., shall permit that Driver to operate or continue to operate a Taxi or Ramp Taxi.

(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 calendar days the Color Scheme Permit Holder or the designee shall transfer the property to the ~~SFMTA Taxi Detail, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.~~

(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. Color Schemes shall not inform customers to call 311 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.

(t) Insurance Requirements. (Reserved)

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1108, to read as follows:

SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS.

(a) Driver Identification. Upon issuance of a Driver Permit, the SFMTA will issue to each Driver the following identification:

(1) Driver Permit Card (A-Card). Every Driver shall carry his or her A-Card at all times while operating a Motor Vehicle for Hire, and shall provide the A-Card for inspection upon request by the SFMTA or any peace officer or passenger.

(2) Badge with the Permit Number. Every Driver shall display a SFMTA-issued badge constantly and conspicuously displayed on the outside of the Driver's clothing and jacket at all times while operating or in possession of a Taxi or Ramp Taxi~~Motor Vehicle for Hire~~. The badge shall only be worn by the Driver Permit Holder to whom the badge is issued.

(3) Color Scheme Identification Card. A Driver's Color Scheme Identification Card with a photograph of the Driver must be displayed conspicuously at all times in any Motor Vehicle for Hire that the Driver is operating in a manner that the badge number printed on the card is easily visible to any passenger in the vehicle.

~~(b) — Renewal of Driver's Permits.~~

~~(1) — Driver Permits shall be re-issued annually upon the payment of the applicable Renewal Fee.~~

~~(2) — Controlled Substance Testing Program: Reserved.~~

~~(3) — Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(2)(F). 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)(F).~~

(b4) Controlled Substances.

(1A) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, as defined in 21 CFR 1308.01 et seq., including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

(2B) Drivers shall maintain a drug and alcohol-free workplace and shall not sell, use, or possess alcohol or controlled substances, as defined in 21 CFR 1308.01 et seq., while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

~~(5) — Lapse of Active Permit Status; New Application; A-Card Seniority. A Driver Permit Holder who fails to renew his or her Driver Permit within the deadline for renewal set by the SFMTA may renew his or her Driver Permit upon submission of a new Driver Permit application and completion of all requirements for a new Driver Permit. If the Driver Permit Holder submits the new Driver Permit application and completes the requirements within two years of the renewal deadline, he or she shall retain A-Card Seniority based on the original issuance date of the Driver Permit. A Driver Permit Holder who fails to renew by the renewal deadline and fails to submit a new Driver Permit application and~~

~~complete the requirements within two calendar years after the renewal deadline may likewise apply for a new Driver Permit, but he or she shall have an A-Card Seniority date as of the date of the most recent Driver Permit.~~

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

(1) All Drivers must notify the SFMTA at least three business days prior to the effective date of any change of affiliation with a Color Scheme. No Driver may affiliate with a Color Scheme that is on ~~a~~Administrative p~~ro~~bation pursuant to Section 112218~~(g)~~.

(2) In accordance with California Government Code Section 53075.5(b)(1)(B), a Driver's Permit shall be suspended for any period during which the Driver is not affiliated with a Color Scheme.

~~(3) A Driver shall return his or her Color Scheme Identification Card to the Color Scheme 30 calendar days after terminating affiliation with the Color Scheme, and shall return his or her A-Card to the SFMTA 30 calendar days after terminating affiliation with the Color Scheme if by that date the Driver has not yet affiliated with a new 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. ~~If the Driver finds any unsafe equipment, then the Driver shall notify the Color Scheme, and the Color Scheme shall put the vehicle out of service until it is repaired and shall make another vehicle available to the Driver.~~

(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) 311 card;

(B) Current copy of book of regulations issued by SFMTA;

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

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

(E) Working flashlight, if driving at night;

(F) Working ballpoint pen and notebook ~~with black or blue ink~~;

(G) SF Paratransit manual trip ticket forms;

(H) Manual credit card transaction device and forms.

(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 his or her shift.

(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 on file with the SFMTA.

(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, only to the extent that such assistance is within the physical capacity of the Driver. The Driver shall record the request for assistance and results on the Waybill. If the Driver feels that his or her ~~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. ~~A Driver shall inform the passenger(s) of his or her intention to activate the Taximeter when said~~ 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 his or her 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 on the Waybill. The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.

(7) Every Driver must accept dispatch assignments, ~~including,~~ when available, ~~an average minimum of one dispatch call per hour during each shift~~ from their Dispatch Service. Drivers must immediately notify ~~advise~~ their Dispatch Service if they are unable to service ~~handle~~ an accepted call ~~within five minutes of the time when they acknowledged or accepted the call.~~

(8) A passenger who first engages a Motor Vehicle for Hire has the exclusive right to conveyance therein to his or her 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; however, regardless of any mutual agreement of the passengers, the Driver shall not collect from all combined passenger payments of the fare in any amount in excess of 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 ~~broadcast station~~ 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 ~~for voice or any other communication~~ 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.

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

(15) Ramp Taxi Service.

(A) Every Ramp Taxi Driver must log on the In-Taxi Equipment at the beginning of the shift.

(B) 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.

(C) 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.

(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 destination is more than 15 miles from City limits, or if the passenger is picked up at the San Francisco International Airport, whose announced destination is more than 15 miles from the San Francisco International Airport and is not within the City limits, that the fare to be charged will be 150% of the amount registered on the Taximeter in accordance with Section 1122(b)(2).

(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 badge 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 ~~the~~ 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 provided by 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.

(28) No Driver shall leave a vehicle unattended on a public street for more than 4 hours.

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

(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 shall burn any substance, 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 his or her 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.

(f) Duties at End of Shift.

(1) Drivers shall turn in all completed Waybills to the Color Scheme at the conclusion of each shift.

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

(3) 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 for the item regardless of value.

~~(g) A Driver must return his or her A-Card to the SFMTA within 30 calendar days of terminating his or her affiliation with a Color Scheme if the Driver does not affiliate with another Color~~

~~Scheme within 30 calendar days. If the Driver will discontinue driving for a period of time in excess of 30 consecutive days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the A Card on file until the Driver informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the A Card to the Driver so long as all Application and Renewal Fees and other Permit Fees are paid and the Driver remains qualified for the permit.~~

~~(h) Controlled Substance Testing Program. Reserved.~~

Section 4. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1113, to read as follows:

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 or with which they are affiliated meet all equipment requirements listed in this Section. 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.

~~(2) Operation by Driver Permit Holders. No Permit Holder shall knowingly allow the use of a Taxi or Ramp Taxi vehicle as a motor vehicle for hire by any person who does not hold a Driver Permit and California driver's license.~~

(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 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 roof, hood or trunk of the vehicle in numbers at least 18 inches in length of a color that contrasts with the color of the rest of the vehicle. If the numbers are displayed on the roof, they shall be mounted and centered directly behind the top light.

(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 in the vehicle.

(8) 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 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) Braille Display. A large sign in Braille mounted on the interior of the right rear door immediately above the door handle indicating the Vehicle Number and the name of the Color Scheme.

(4) Driver Identification. A holder for a Color Scheme Identification Card.

(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 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.

(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, and two flares or two freestanding reflectors.

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

~~(1) — Only materials, signs and devices that are safety related, required by law or approved by the SFMTA may be placed on the windows of a Taxi or Ramp Taxi.~~

~~(2) — Advertising or other displays on the exterior or interior of a taxi may (A3) May not impede the driver's vision in any way. ;~~

~~(B3) Advertising or other displays may not cover mandated May not cover any vehicle identifiers required by law or regulation; and San Francisco Taxi or Ramp Taxi identifiers, including but not limited to airport inspection stickers, logos identifying the Taxi or Ramp Taxi as a San Francisco taxicab, the medallion/vehicle number or the trade name of the color scheme.~~

~~(4) — Advertising or other displays may not cover any portion of the license plate of the vehicle.~~

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

(5) Advertising or other displays affixed to the wheel of the Taxi or Ramp Taxi vehicle 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.

~~(6) — No advertising or other displays on a Taxi or Ramp Taxi may interfere with any safety features of the vehicle or present a safety hazard to passengers.~~

~~(67)~~ Vehicle wrap advertising, whether partial or full, is not allowed on a Taxi or Ramp Taxi vehicle.

(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 attached to the roof of the vehicle, 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 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.

(1) All Taxis and Ramp Taxis shall be equipped with an approved operational security camera manufactured after 2006.

(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 $\frac{3}{4}$ 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 $\frac{3}{4}$ 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 $\frac{3}{4}$ 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 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) Floor mats. Rubber floor mats 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 Taxi or Ramp Taxi Medallion may be registered only in the name of the Medallion Holder, Color Scheme, and/or a Driver holding a valid lease for the vehicle that meets the requirements of this Article. If the vehicle is registered to the Driver, the registration must also include the name of the Medallion Holder or Color Scheme.

(q) Vehicle Mileage. Starting mileage may not be more than 70,000 miles when a vehicle is placed into service. No vehicle may be operated as a Taxi or Ramp Taxi after the vehicle has reached 325,000 miles.

(r) Vehicle Age. No vehicle older than six model years may be placed into service as a Taxi or Ramp Taxi vehicle, and no vehicle older than eight model years may remain in service as a Taxi or Ramp Taxi vehicle.

(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 or have 200,000 miles or more on the odometer, 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) Valid and current Brake Certificate issued by an official inspection station certified by the State of California within 60 days prior to inspection.

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

(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. 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 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.

(6) Removal of Vehicle from Service.

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

(B) If the SFMTA 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 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.

(v) Retired Vehicles. No Permit Holder may offer any Taxi or Ramp Taxi vehicle for sale to the public until all remnants of the Color Scheme, including the top light and all exterior lettering, numbering, signage, and any other item required to be displayed on a Taxi or Ramp Taxi are completely removed.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1114, to read as follows:

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 his or her 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. 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 records, 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) By fax; 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 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) Badge Number. Each Driver shall provide his or her badge number to any passenger upon request.

(3) Medical Examination Certificates. The Driver shall retain the original report or certification completed by the examining physician or laboratory following any physical examination required by this Article, and shall file a copy of the report or certification with the SFMTA.

(4) Waybills.

Except when driving for a Color Scheme that has implemented electronic Waybills in compliance with SFMTA requirements, Every Driver must produce an accurate and legible Waybill, completed in indelible ink. Each Waybill shall include the following information for the period covered by that Waybill:

- (A) Date of trip;
- (B) Driver's name;
- (C) Driver's badge number;
- (D) Driver's signature at the commencement of the shift;
- (E) Vehicle Number and vehicle license number;
- (F) Medallion number;
- (G) Starting mileage of the vehicle for the shift;
- (H) Mileage of the vehicle at the end of the shift;
- (I) Number of passengers on each trip;
- (J) Origin and destination of each trip;

- (K) The fare for each trip;
- (L) The time of hire and discharge for each trip; and
- (M) A mechanically or electronically generated time stamp showing the starting and ending times of the shift.

(c) Additional Requirements Applicable to Medallion Holders.

(1) Annual Filings Required for Renewal. No Taxi or Ramp Taxi Medallion shall be renewed unless the Permit Holder files a sworn statement by May 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 Corporate Medallion Holders.

(1) Annual Filings Required for Renewal. Any corporation holding a 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 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 use a Waybill format approved by the SFMTA.

(B) Each Color Scheme Permit Holder shall implement a system that generates electronic Waybills in a format approved by the SFMTA for all affiliated vehicles by a date to be set by the SFMTA Board of Directors. An electronic Waybill system must include, at a minimum:

- (i) Driver's identification established by authentication through driver's license swipe or other secure system;
- (ii) Date of shift;
- (iii) Vehicle Number and vehicle license number;
- (iv) Medallion number (manually entered);
- (v) Number of passengers on each trip (manually entered);
- (vi) GPS-generated origin and destination of each trip;
- (vii) The fare for each trip including applicable fees charged;
- (viii) The mileage for each trip;
- (ix) The total number of trips for each shift;
- (x) The time of hire and discharge for each trip;
- (xi) The starting and ending times and total hours of each shift;
- (xii) Capacity to sort and summarize data for analysis in customizable reports;
- (xiii) Capacity to archive electronic waybill information for at least five years; and
- (xiv) Restricted internet-based, read-only access by SFMTA, driver and color scheme to electronic waybill data. and reporting capacity that is compatible with off-the-shelf database and spreadsheet software.

(C) A Color Scheme shall retain original paper Waybills for all Drivers and Medallion Holders for at least one year at its principal place of business; and shall maintain originals and/or legible copies of paper Waybills and the data generated by electronic Waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store copies of original paper Waybills more than 12 months old in a secure electronic format.

(D) Color Schemes shall store paper Waybills either alphabetically, numerically or chronologically. If a Color Scheme's Waybills are not so organized, the SFMTA may require the Color Scheme to reorganize the Waybills either alphabetically, numerically or chronologically, and the Color Scheme shall order Waybills in accordance with SFMTA direction within 90 days of SFMTA request. A Color Scheme may request a waiver of such requirement if the Permit Holder demonstrates to SFMTA's satisfaction that its Waybills are already organized in a different manner that allows efficient inspection and auditing by SFMTA. Any Waybills presented to SFMTA for inspection in any manner other than as required or approved by SFMTA may not be counted for compliance with the Full-Time Driving requirement.

(E) If requested, Color Schemes shall provide each Driver duplicate copies of that Driver's Waybills for a prior year in an electronic or paper format. If the Waybills are provided in paper format, the Color Scheme may charge no more than \$0.10 per page, or a flat fee not to exceed \$50 for duplication of all Waybills of a Driver for the period of one year.

(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 copies of a Lease to any party to the Lease upon request.

(3) Receipts to Drivers. Color Scheme Holders shall provide receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes.

(4) Medical Examination Certificates. Reserved.

(5) 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.

(6) 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.

(7) Weekly Reporting Requirements. Color Schemes shall fax or email to the SFMTA the following reports. Except as otherwise provided, weekly reports shall be submitted by close of business on the first business day of each week:

(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. The Driver Roster shall be provided to the SFMTA as part of the weekly report, and shall be made available for inspection by the SFMTA or law enforcement agencies during business hours.

(ii) All original Driver Rosters shall be retained at the Color Scheme's principal place of business for a period of not less than six years. Color Schemes shall maintain at the principal place of business the most recent 12 months of Driver Rosters 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. The SFMTA may grant exceptions for submission for companies with exceptionally large schedules or which have an electronic timecard system for schedules.

(B) Waybill Report. All Color Schemes shall list all affiliated Medallion Holders in the weekly Waybill Report. On the first business day of each week, all Color Schemes shall fax to the SFMTA the names of all affiliated Medallion Holders who have failed to turn in

Waybills for the previous week, whether or not that Medallion Holder appears on the Driver Roster or is otherwise scheduled.

(C) 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.

(D) Mechanical Breakdown Log. A record of all Taxis and/or Ramp Taxis which have been out of service for more than 72 hours as of the preceding week on a form approved by the SFMTA, including but not limited to the and 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.

(8) Filings Required for Paratransit Compliance.

(A) Color Schemes must notify the Paratransit Broker within three working days of making any alteration to their In-Taxi Equipment, including operating firmware changes.

(B) Color Schemes must provide a monthly inventory of all SFMTA-owned In-Taxi Equipment to the Paratransit Broker.

(9) Security Camera Data. Color Schemes are required to provide the SFPD or SFMTA, upon demand, with any data captured by the security camera in a vehicle.

~~(8) Filings Required for Emissions Compliance.~~

~~(A) Company Emission Reduction Plans. On June 1, 2010, each Color Scheme Permit Holder shall submit a written Emission Reductions Plan describing the Color Scheme's plans to implement reductions requirements of Section 1106(m) during 2010. On June 1, 2010, and June 1, 2011, each Color Scheme Permit Holder shall submit to the SFMTA a written statement on the steps the Color Scheme has taken in the prior year to carry out that year's Emissions Reduction Plan and the results of those efforts.~~

~~(9) Permit Renewal Requirements. No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:~~

~~(A) Current San Francisco business license;~~

~~(B) Completed designated manager form(s);~~

~~(C) Current list of all affiliated Drivers, Medallion Holders and type of Lease for each;~~

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

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

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

(f) Additional Requirements Applicable to Dispatch Services.

(1) Semi-Annual Service Report. All Dispatch Services must provide the SFMTA with dispatch service reports covering the period of January 1 through June 30 due to the SFMTA by August 1, and covering the period of July 1 through December 31 by February 1 of each year in a format approved by the SFMTA.

(2) 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 2 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 badge number of the Driver who turned it in and the Vehicle Number of the vehicle in which it was found.

(C) Property Log Book. Every Dispatch Service Permit Holder shall maintain at the principal place of business a log book in a form approved by the SFMTA which records the date, time, vehicle number, Driver by name or badge number, Incident Report Number (if applicable), description and disposition of the property. The log book shall be retained for a minimum period of one year.

(D) Weekly Property Report to SFMTA. On the first business day of each week, each Dispatch Service Permit Holder shall fax or email to the SFMTA a copy of all entries made in the property log for the previous week. Those Dispatch Services having no entries for that week will fax or email a notice advising the SFMTA that no property was turned in. Dispatch Service Permit Holders shall account for all affiliated Color Schemes.

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

(A) Copy of current City business license;

(B) Completed Designated Manager Form;

- (C) List of all affiliated Color Schemes;
- (D) Copy of company drug-free workplace 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.

Section 5. Article 1100 of Division II of the Transportation Code is hereby amended by amending and renumbering Sections 1117 - 1123, to read as follows:

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

~~(a) **Definitions.** For the purpose of Sections 1117, 1118, 1119, 1120 and 1123, "SFMTA" shall mean SFMTA Taxi Services, and "Hearing Officer" shall mean an individual assigned to the SFMTA Hearing Section and designated by the SFMTA Board of Directors to conduct hearings under Sections 1117 and 1118.~~

~~(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 Non-Medallion Permits.** Upon receipt of an application for a permit other than ~~Taxi or Ramp Taxi~~ a Medallion 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)~~ **Hearings Challenging Decision to Deny on Applications for Non-Medallion Permits.** At the conclusion of the investigation of an applicant for a permit other than a Medallion, the SFMTA shall 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 the Notice of Denial, which shall include a statement of the grounds for denial, by personal service or by ~~registered~~ first-class U.S. ~~m~~Mail. The applicant may request a hearing before a Hearing Officer on SFMTA's decision by submitting to SFMTA ~~Taxi Services~~ a written request for hearing within 20 business days of the date that the Notice of Denial is personally delivered or mailed to the applicant.

~~(d)~~ **Hearings on Determinations that Application is Inactive.** If the SFMTA determines that an application for a permit is inactive under Section 1103(b)(5) of this Article, the applicant may request, in writing, a hearing before a Hearing Officer on the Notice of Inactive Status by submitting to the

SFMTA a request for hearing within 20 business days of the date that the Notice of Inactive Status is personally delivered or mailed to the applicant.

(ef) **Investigation of Applications for ~~Taxi and Ramp~~ Taxi Medallions Permits.** In addition to delivering notice to the applicant of the availability of a Medallion in accordance with Section 1104, the SFMTA shall concurrently post ~~a the notice on its website,~~ in accordance with Section 1123(a) of this Article ~~shall deliver the notice for posting to the San Francisco International Airport taxi holding area, and the business office of every Color Scheme~~ inviting members of the public to assist the SFMTA in its investigation of the applicant by supplying information relevant to whether the applicant meets the requirements for becoming a Medallion Holder. After review of the material supplied by the applicant, any information provided by members of the public, and the results of its own investigation, the SFMTA shall make a decision whether to grant or deny the application for a Medallion no sooner than 30 calendar days from the date that the notice was posted.

(fg) **Hearings on Applications for ~~Taxi and Ramp~~ Taxi Medallions Permits.** The SFMTA shall notify the applicant of its decision on the application for a Medallion, in writing, and shall provide notice to the public of the decision in the ~~same~~ manner specified in Section 1123(a) of this Article ~~as it noticed the availability of the Medallion.~~ If the SFMTA decides to deny the permit, the SFMTA shall deliver the Notice of Denial to the applicant, which shall include a statement of the grounds for denial, by personal service or by ~~registered~~ first-class U.S. Mail. The applicant may request a hearing on the SFMTA's decision by submitting to the SFMTA a request for hearing, in writing, within 20 business days of the date that the Notice of Denial is personally delivered or sent to the applicant. If the SFMTA makes a decision to grant the application, a member of the public may request a hearing on the decision within ~~40~~ ten calendar days of the posting of the Notice of Grant on the SFMTA's website. The SFMTA shall schedule the hearing within 30 calendar days ~~from~~ from the date that the applicant or member of the public submitted a request for hearing. The SFMTA shall notify the member of the public who requested the hearing and/or the applicant of the hearing date and the name and contact information for the Hearing Officer at least 21 days before the hearing ~~provide the complete application and/or grounds for the action taken and the results of any investigation to the Hearing Section upon receipt of a request for hearing.~~

(gh) **Hearing Procedures for Hearing Challenging Decision to Grant or Deny a Permit Application or Determination that Application is Inactive All Permits.**

(1) An applicant, ~~the SFMTA,~~ or the member of the public who requested the hearing

is entitled to a continuance of the hearing date, of up to 30 days in the Hearing Officer's sole discretion, if a written request is submitted to the Hearing Officer at least 14 calendar days prior to the scheduled hearing.

(2) The SFMTA must provide the complete application and/or grounds for the action taken, and may present a summary of its investigation of no more than ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer summary, no less than 20 calendar days prior to the hearing.

(3) No less than five calendar days prior to the hearing, the applicant and/or the member of the public who requested the hearing may file a written submission containing any information he or she deems relevant to the application or the results of the investigation. The submission shall not exceed ten double-spaced typed pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer submission. If the applicant and/or member of the public who requested the hearing intends to present witnesses at the hearing, he or she shall present a list of these witnesses at least five calendar days prior to the hearing.

(4) The SFMTA Taxi Services and the party who requested the hearing may alter the hearing schedule specified in this Article by prior written agreement.

(5) Hearings under this Section 1117 shall be open to the public, and public comment may be permitted in the sole discretion of the Hearing Officer, but the public, including the member of the public who requested the hearing, 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~~ for a determination ~~consideration~~ whether they will be admitted into evidence will not be disclosed to the public, whether or not they are admitted into evidence, if necessary ~~in order~~ to protect the privacy of the applicant or a third party.

(h) **Burden of Proof.** If the applicant challenges an SFMTA decision to deny a permit, the burden of proof shall be on the applicant to establish that the applicant meets all eligibility requirements. If a member of the public challenges an SFMTA decision to grant a Medallion, the burden of proof shall be on the member of the public to establish that the applicant does not meet the requirements to be a Medallion Holder.

(i) **Notice of Decision.** At the conclusion of the hearing, the Hearing Officer shall issue a

written decision upholding or overturning the SFMTA's decision on the application for the permit, which shall be based upon the ~~qualifications of the applicant and the~~ criteria set forth in this Article. This Notice of Decision shall include findings, shall set forth evidence in support of each finding, and shall be issued within 60 calendar days of the hearing. The Hearing Officer shall deliver the Notice of Decision to the applicant, the SFMTA, and the member of the public who requested the hearing by personal delivery or by first-class U.S. Mail. The decision of the Hearing Officer made under this Section 1117 is a final administrative decision. ~~The date of the Notice of Decision shall be deemed the date of the determination for the purposes of this Article.~~

(jk) **Results of Hearing.** If the Hearing Officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within 15 business days of the Notice of Decision.

SEC. 1118~~20~~. REVOCATION, SUSPENSION, AND ADMINISTRATIVE FINES PROBATION.

(a) **Revocation, ~~or~~ Suspension or Administrative Fine for Cause.** The SFMTA may suspend or revoke any permit issued under this Article, and may impose an administrative fine against a Permit Holder, for good cause. "Good cause" hereunder shall include, but shall not be limited to, the following:

(1) A Permit Holder failed to pay a fine imposed by the SFMTA under Section 310 of this Code within 30 days of imposition or within such other time period as determined by the agreement of the Permit Holder and the SFMTA.

(2) A Permit Holder failed to pay a permit fee within 90 days following notice of nonpayment.

(3) A Permit Holder has been convicted of any crime that would disqualify him or her from holding a permit pursuant to Section 1103(c)(2)(F), or is otherwise ineligible for a permit under Section 1104(c) or (d) of this Article.

(4) The Permit Holder has violated any statute or ordinance, including any provision of Division I or II of this San Francisco Transportation Code, governing the operation or licensing of the vehicles and services regulated by this Code.

(b) **Suspension or Revocation of More Than One Permit.** Where a person violating this Article holds more than one permit to operate a Motor Vehicle for Hire in the City, the SFMTA may revoke, suspend, or decline to renew all such permits.

(c) **Operation During Suspension.** In the event that a Taxi or Ramp Taxi Medallion is suspended for disciplinary reasons, the Color Scheme with which it is affiliated may continue to operate the Medallion during any such period of suspension by paying a monthly fee of \$1,900 to the Driver Fund. The total of the monthly fees for the entire suspension period is due as of the 15th day following the commencement of the suspension period. If the suspended Medallion is affiliated with a Color Scheme that is on Administrative Probation upon the date that the suspension commences, the Medallion may be operated by a Color Scheme designated by the Medallion Holder from among those Color Schemes that are not on Administrative Probation and have notified the SFMTA of their willingness to operate the Medallion during the suspension period.

(d) **Administrative Fines Probation.** Administrative fines imposed under this Section 1118 for violations of Article 1100 of Division II of the Transportation Code shall be consistent with Section 310 of Division II of the Transportation Code, and are not subject to adjustment by the Hearing Officer in the context of an administrative hearing conducted under Section 1120.

~~(1) — The SFMTA shall develop uniform criteria for making a determination that either a Color Scheme or a Dispatch Service Permit Holder is on Administrative Probation based on the number and degree of violations of this Article. In addition to any other applicable disciplinary measures, the SFMTA may declare the Permit Holder to be on Administrative Probation based on such criteria.~~

~~(2) — A Color Scheme on Administrative Probation may not execute new affiliations with Drivers or Medallion Holders, and a Dispatch Service on Administrative Probation may not execute new affiliations with Color Schemes, until the SFMTA makes a written determination that the violations are cured or the conditions stated in the notice of Administrative Probation are met.~~

SEC. 111923. ADMINISTRATIVE FINES ASSESSED AGAINST NON-PERMIT HOLDERS MEMBERS OF THE PUBLIC.

(a) Whenever the SFMTA ~~Taxi Services~~ determines that a member of the public who is not a Permit Holder has violated this Article, and it decides to pursue administrative enforcement through the imposition of an administrative fine, SFMTA ~~Taxi Services~~ may issue and serve a Citation, in person or by ~~registered~~ first-class U.S. Mail, on any person or entity responsible for the violation.

(b) — **Issuance of Citations.** The Citation shall include the following information:

(A) — ~~The name of the person or entity to which the citation is issued;~~

(B) — ~~Identification of the section or sections of this Article violated. Taxi Services may~~

issue a single Citation for multiple violations of this Article;

~~(C) — A description of the condition or circumstances constituting the violation(s), including the date and, where applicable, the address or location of the violation;~~

~~(D) — The administrative fine to be imposed for each violation, the date by which the fine must be paid, the procedure for making payment, and the consequences of failure to pay the fine;~~

~~(E) — The right to seek administrative review of the Citation by filing an administrative appeal, the procedure for filing an administrative appeal, and notice that failure to appeal will make the issuance of the Citation a final action by the City for which there is no further administrative or judicial review.~~

~~(F) — The signature of the individual who issued the Citation.~~

(be) Administrative Hearing.

(1) Any person appealing the issuance of an administrative Citation issued under subsection (a) may request a hearing in accordance with the procedure set forth in Section 111920(a)

(2) All hearings on administrative appeals filed under this Section 111923 shall be conducted in accordance with Section 112018.

(cd) Administrative Fines.

(1) Administrative fines imposed under this Section 1119 for violations of Article 1100 of Division II of the Transportation Code shall be consistent with Section 310 of Division II of the Transportation Code, and are not subject to adjustment by the Hearing Officer in the context of an administrative hearing conducted under Section 1120.

(2) The penalties and methods of enforcement set forth in this Section are in addition to any other penalties or methods of enforcement authorized by law.

(de) Requirement to Exhaust Administrative Remedies. The failure of the person or entity cited to follow the procedures set forth in subsection (be) shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity from asserting standing for judicial review of the validity of the eCitation.

(ef) Right to Judicial Review. A decision of a Hearing Officer made under this Section 111923 is a final administrative decision, ~~and is not appealable to the City's Board of Appeals. But The~~ any person or entity cited aggrieved by such decision may obtain judicial review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in

California Government Code Section 53069.4.

SEC. 112018. ADMINISTRATIVE HEARINGS.

(a) A Permit Holder or an applicant who receives an SFMTA ~~Citation~~Notice of Violation ~~under~~ for a violation listed in Section 111820(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 112149, or a non-permit holder who receives a Citation under Section 111923 may request a hearing by submitting to SFMTA ~~Taxi Services~~ a request for hearing, in writing, within 20 business days of the date that the ~~Citation~~Notice of Violation, Notice of Nonrenewal, Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension ~~or Citation~~ was personally delivered or sent by registered first-class U.S. Mail. A Notice of ~~Violation~~, 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 (~~suspension, revocation, or administrative fine~~) 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 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) **Complaint.** Within five business days of receipt of the request for a hearing, the SFMTA must provide any Respondent who received an SFMTA ~~Citation~~ Notice of Violation for a violation listed under Section 112018(a), a Citation issued under Section 1119(a), Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension

under Section 112149, with a written eComplaint 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-Taxi Services. The eComplaint shall not exceed ~~ten~~10 double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer eComplaint. In addition to the eComplaint, the SFMTA may submit proposed findings to the Hearing Officer.

(c) **Scheduling an Administrative Hearing.** The administrative hearing shall be scheduled no sooner than 30 calendar days after Respondent receives the ~~Notice of Violation~~, 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 ~~The~~ final decision on the request for continuance ~~shall be provided~~ to the Respondent by personal delivery or first-class U.S. Mail, and must post the final decision ~~shall be posted~~ on the SFMTA's website. 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 112149.

(d) **Response to Complaint or Citation.** 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 eComplaint or Citation, 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. ~~SFMTA may submit any proposed findings to the Hearing Officer.~~

(e) **Presentation of the Case.**

(1) 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 or

~~Citation.~~ The Respondent may present evidence following the SFMTA's presentation.

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

(3) 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.

(f) **Notice of Decision.**

(1) The ~~h~~Hearing ~~o~~Officer shall issue a written Notice of Decision within ten business days of the date of the hearing upholding or overturning the Citation, Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension under Section 1121. ~~and, in the context of a Citation Notice of Violation, the Hearing Officer's determination whether the disciplinary measures or administrative fines imposed by the SFMTA Taxi Services are warranted.~~ No later than three business days following issuance of the Hearing Officer's Notice of Decision, the SFMTA shall ~~post~~ publish a summary of the results of any disciplinary case against a Permit Holder in accordance with Section 1123 on the SFMTA website, referenced by the ~~case number~~, date of hearing, the name of the Respondent, the type of permit, and the action taken ~~and the affected permit number~~. The Hearing Officer shall send the full text of the Notice of Decision ~~shall be sent~~ to Respondent by ~~registered~~ first-class U.S. Mail or shall deliver it ~~delivered~~ to Respondent by personal service 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 ten business days of the last submittal.

(2) The Hearing Officer's decision shall take effect on the date that the Notice of Decision is delivered to the Respondent by personal service or is sent to the Respondent by ~~registered~~ first-class U.S. Mail.

(g) **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 Taxi Services and the Hearing Officer~~Section 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.

(h) Hearings under this Section 11~~2018~~ 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 ~~for consideration whether they will be admitted into evidence~~ will not be disclosed to the public, ~~whether or not they are admitted into evidence~~, in order to protect the privacy of the applicant or a third party.

(i) **Settlement.**

(1) After issuance of an SFMTA eComplaint, 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)~~citation~~, 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 (f)(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 person cited~~ or his or her legal counsel or other authorized representative.

(3) By entering into a settlement agreement, ~~Respondent waives any right to appeal to~~

~~the City's Board of Appeals, and Respondent or the person cited~~ 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 proceeding under this Article.

(j) **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~~3~~ shall be delivered by personal delivery or ~~registered~~ first class U.S. Mail 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, the local agency shall post the notice ~~for at least 10 calendar days~~ in accordance with Section 1123(a), and shall maintain the posting on its website for at least 10 calendar days.

~~(3) All notices, filings or other communications required to be provided to the SFMTA shall be delivered by hand or mailed by first class mail, postage pre paid to:~~

~~San Francisco Municipal Transportation Agency
SFMTA Taxi Services
1 South Van Ness, 7th Floor
San Francisco, CA 94103~~

~~(4) All notices, filings or other communications required to be provided to a Hearing Officer or the Hearing Section shall be delivered by hand or mailed by first class mail, postage pre paid to:~~

~~San Francisco Municipal Transportation Agency
Hearing Section—Taxis
11 South Van Ness
San Francisco, CA 94103~~

(5) The date of any notice, filing or other communication directed to the SFMTA Taxi Services or the a Hearing Officer~~Section~~ shall be the date that it is received ~~at one of the locations listed above.~~

(k) **Failure to Appear.** Respondent's failure to appear at a scheduled administrative hearing in person, through a representative, or by written submission, shall constitute a failure to exhaust

administrative remedies that will preclude the Respondent from asserting standing for judicial review of the discipline that the SFMTA imposes or the other action that it takes in accordance with the Citation, Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension under Section 1121.

SEC. 112149. 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 112048. Any affected Permit Holder shall be given a Notice of Summary Suspension, in writing, delivered to said Permit Holder in person or by ~~registered~~ first-class U.S. mMail.

(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 112048, 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 ~~10~~ ten business days of receipt of the Permit Holder's request for a hearing, ~~and SFMTA~~ shall cause notice of such hearing to be delivered to the Permit Holder in person or by ~~registered~~ first-class U.S. mMail. In addition, SFMTA ~~Taxi Services~~ 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 ~~H~~Hearing ~~o~~fficer shall issue ~~render~~ 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 appeals a Hearing Officer's decision upholding a summary suspension to the Board of Appeals, the summary suspension shall remain in effect until a final decision is issued by the Board of Appeals. Where a permit is revoked after a summary suspension, the revocation shall be effective immediately and, if the Permittee appeals to the Board of Appeals, shall remain in effect until a final decision is issued by the Board of Appeals.~~

(~~c~~) While a Taxi or Ramp Taxi Medallion is suspended pursuant to this Section 112149, the SFMTA may allow continued operation of the Medallion with the SFMTA's prior written approval,

subject to any conditions specified in such approval.

SEC. 1122. ADMINISTRATIVE PROBATION.

(a) The SFMTA shall develop uniform criteria for making a determination that either a Color Scheme or a Dispatch Service Permit Holder is on Administrative Probation based on the number and degree of violations of this Article. In addition to any other applicable disciplinary measures, the SFMTA may declare the Permit Holder to be on Administrative Probation based on such criteria.

(b) A Color Scheme on Administrative Probation may not execute new affiliations with Drivers or Medallion Holders, and a Dispatch Service on Administrative Probation may not execute new affiliations with Color Schemes, until the SFMTA makes a written determination that the violations are cured or the conditions stated in the notice of Administrative Probation are met.

SEC. 11231. 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 in the main branch of the Public Library for no less than three business days.

(b) **Notice of Permit Hearing.** When a permit becomes available for issuance the SFMTA shall publish notice in accordance with subparagraph (a), ~~and shall notify the next five applicants on the Waiting List.~~

~~(c) **Notice of SFMTA Permit Actions.** Except as otherwise provided herein, SFMTA shall post a notice of any determination related to an individual permit or class of permits within five business days following the date of the determination.~~

~~(cd) **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. 11242. FEES, RATES AND CHARGES.

(a) Beginning in fiscal year 2010-2011 and at least every other fiscal year thereafter, the SFMTA Board shall 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) The fare for Taxis and Ramp Taxis shall be as follows: \$3.10 for the first fifth of a mile or "flag"; \$0.55 for each additional fifth of a mile or fraction thereof; and \$0.55 for each one minute of waiting or traffic delay time.

(2) **Out-of-Town Trips.** Drivers are authorized to collect 150 percent of the metered rate for out-of-town trips exceeding 15 miles beyond City limits. For trips exceeding 15 miles from San Francisco International Airport and not terminating within the City limits of San Francisco, the fare will be 150 percent of the metered rate except for those trips originating at the San Francisco International Airport with a destination across the Golden Gate or Bay Bridges the 15-mile limit will apply from the City limits of San Francisco as set forth above. For taxicab trips originating at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect \$2.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.

(3) **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.

(4) **Cleaning Fee.** Drivers are authorized to collect a cleaning fee of up to \$100 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.

(5) **Credit Card Processing Fees.** A Driver may elect to establish his or her own account for credit card charge processing services. No Color Scheme may retaliate against a Driver for electing not to establish his or her own credit card processing account.

(c) **Gate Fees.**

(1) **Cap on Gate Fees.** A Color Scheme Permit Holder may not charge Drivers a The mean gate fee charged drivers by a taxicab company may not that exceeds \$96.50 for a shift of 10 hours or longer. The cap shall be prorated at \$9.65 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged by the company for all available shifts during one week and dividing that total by the number of available shifts during the week. For purposes of this subsection, a Color Scheme Permit Holder is responsible for all gate fees that are assessed for use of vehicles that are affiliated with the Color Scheme, even if the amount of the gate fee is set by, or the gate fee is paid to, a person or entity other than the Color Scheme Permit Holder.

(2) **Gate Fee Surcharge For Low Emission Vehicles.** Notwithstanding subsection 1122(c)(1), a Color Scheme may collect a surcharge of \$7.50 on any gate fee charged for use of a ~~low emission~~ hybrid, compressed natural gas or electric vehicle, subject to the requirements of this subsection. The surcharge shall be for a shift of ten hours or longer, and shall be prorated at \$0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

(3) ~~—~~ **Definition of "Low Emission Vehicle."** For purposes of this ~~sub~~Section, "low emission vehicle" means a Taxi or Ramp Taxi approved by the SFMTA that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle" shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was approved by the Taxi Commission and placed into service as a San Francisco Taxi or Ramp Taxi prior to March 1, 2009.

(d) **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, no charge shall be made by the driver for loading or unloading baggage.

(e) ~~—~~ **Emergency Rates.** During any period of emergency, strike or other impairment or lack of municipal railway transportation declared by the Mayor and affecting the entire City or any part thereof, Drivers of Motor Vehicles for Hire shall accept passengers traveling in the same general direction, though each passenger or passengers may have differing points of pickup or discharge. At each stop for the pickup or discharge of a passenger or passengers, a Driver may collect, or tabulate for later collection at the passenger's point of discharge, the pro-rata share of the amount due as indicated by the meter, and said meter shall then be reset. The rates shall be those set forth in Section 1122(b).

(f) **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.

(fg) **Forms of Payment.** Drivers must accept major credit cards (including at a minimum Visa,

MasterCard, American Express and Discover), as payment of taxi fare.

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

By: _____
Mariam Morley
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal
Transportation Agency Board of Directors at its meeting of June 5, 2012.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency