

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
PERMIT APPLICATION & ELIGIBILITY
PERMIT CONDITIONS APPLICABLE TO ALL PERMITS
TAXI TOWN HALL MEETING MARCH 10, 2009 10:00A.M.-12:00P.M.
1 SOUTH VAN NESS AVENUE, 2ND FLOOR ATRIUM

SAN FRANCISCO TRANSPORTATION CODE, DIVISION II, ARTICLE 11

The following definitions (Section 1102) have already been adopted by the SFMTA Board of Directors, except that for the purpose of this discussion draft, the words ‘Ramped Taxi’ are replaced with ‘Accessible Taxi’.

SEC. 1102. DEFINITIONS

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

(a) **"Accessible Taxi"** shall mean a Taxi that is specially adapted with access for wheelchair users.

(b) **"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 business that provides taxi service, or a business that holds a Color Scheme permit issued by the SFMTA or predecessor agency, including any owner, manager, employee or lessee of said Color Scheme.

(c) **"Driver"** shall mean any person holding a Driver permit issued by the SFMTA or predecessor agency, who is 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.

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

(e) **"Gate Fee"** shall mean any monetary fee or other charge or consideration, or any combination thereof, required of a Driver who is not a Taxi or Ramp Taxi Permit Holder for the privilege of driving a Taxi or Ramp Taxi during a particular shift, or for any period of time, including receipt of all services provided in connection with such privilege, whether said fee is set by contract, lease or other agreement, orally or in writing, and whether said fee is paid by the

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Driver as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose.

(f) **"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 Permit Holder for the privilege of operating that Permit Holder's Taxi or Ramp Taxi permit during a particular shift, or for any period of time.

(g) **"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.

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

(i) **"Permit Fee"** shall mean a fee in an amount established by the SFMTA Board, required to be paid by a permit applicant upon qualifying for permit and prior to 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.

(j) **"Permittee"** or **"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 Permittee including, but not limited to, any owner, manager, employee or lessee of said Permittee.

(k) **"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 Permittee in consideration for transport by a Motor Vehicle for Hire.

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(l) **"Taxi"** shall mean a vehicle operated pursuant to a Taxi or Ramp Taxi permit that is legally authorized to pick up passengers within the City 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.

(m) **"Waiting List"** shall mean a list of applicants for Taxi or Ramp Taxi permits for whom permits are not yet available, maintained in the order of receipt of applications from qualified applicants.

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SEC. 1103 PERMIT APPLICATIONS AND ELIGIBILITY

(a) Limitations on Certain Permits

Except for permits issued prior to June 6, 1978, and permits issued to a business:

(1) No permit to operate a Motor Vehicle for Hire shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation.

(2) No permit to operate a Motor Vehicle for Hire shall be issued to, or in the name of, more than one person.

(3) No more than one Taxi or Accessible Taxi permit shall be issued to any one person.

(b) 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 reasonably requires, which may include a physical examination and/or background check of the applicant. The SFMTA shall record the date and time that a complete application, including the Filing Fee, is received, which shall be the date and time assigned to the application for the purpose of any Waiting List for which the application is qualified.

(c) 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 currently holds a permit and has been determined to have violated the material conditions of that permit;

(4) The applicant receives a permit;

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

(6) 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.

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(d) Determination of Eligibility

Every applicant for a permit shall have a hearing to review and determine the individual applicant's eligibility before a permit is issued. Each application shall be investigated by the SFMTA to determine the applicant's eligibility pursuant to the factors listed herein. The SFMTA, in determining whether an individual applicant should be granted a permit, may consider such facts as it deems pertinent, but shall at least consider the following factors:

- (1) Whether the applicant is financially responsible and will comply with all insurance requirements and maintain proper financial records.
- (2) Whether the applicant has complied with all applicable statutes, ordinances and regulations. If, during the 12 months prior to application, an applicant has violated any statute, ordinance or regulation which would be a basis for revocation of the permit, the SFMTA may, in its discretion, refuse to issue the permit.
- (3) Whether the applicant holds or has ever held any other permits issued for the commercial operation of a motor vehicle for the transport of passengers, either in the City or elsewhere, and the record of such applicant with regard to any such other permits.
- (4) Whether the applicant has been convicted of a crime involving sexual assault, the use of a vehicle in the commission of a felony, fraud, or violence against a person, or whether the applicant has been convicted two or more times of driving under the influence within the previous five years, whether or not such conviction for driving under the influence occurred while driving a motor vehicle for hire.
- (5) If the permit is issued for use with a particular vehicle(s), whether the applicant is the owner of the vehicle(s) for which a permit is sought, and whether each such vehicle complies with all applicable statutes, ordinances and regulations.
- (6) Whether the applicant has failed to satisfy any liens, judgments, or other debts owing to the City which may be recorded against the applicant or the applicant's property.
- (7) A Taxi or Accessible Taxi permit may not be issued to an employee of the SFMTA or a full-time employee of the City and County of San Francisco.

(e) Burden of Proof on Applicant

A permit applicant shall have the burden of proving that the applicant meets all requirements for

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a permit.

(f) Additional Requirements for Driver Permit Applications: Forms and Qualifications, Compliance with Controlled Substance Testing Program

(1) Application Requirements

In addition to complying with all other requirements of this Section 1103, each applicant shall:

- (A) Provide fingerprints for SFMTA records; 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 of at least 16 hours, including the following subjects: instruction on crime prevention, vehicular safety, the geography of the City, applicable state and local laws and regulations, pedestrian and bicycle safety, and any other subject that the SFMTA may determine is relevant to the public health and safety with respect to the operation of Motor Vehicles for Hire.

(E) Enclose two recent photographs of the applicant of passport photo size, taken no more than 12 months prior to time of application.

(F) Enclose a statement of affiliation signed by the applicant, the Color Scheme and the Dispatch Service associated with the Color Scheme. The applicant's choice of Color Scheme shall be subject to the approval of the SFMTA in its discretion, but the SFMTA shall consider the impact of a Color Scheme affiliation requested by an applicant upon the quantity and quality of taxi service or paratransit service available to the public before allowing any such affiliation.

(2) Driver Qualifications

Each applicant for a Driver's permit must:

- (A) Be a 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;

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- (D) Hold a valid California driver's license of a class sufficient for the lawful operation of the motor vehicle to be driven;
- (E) Have the physical capacity to operate a motor vehicle for at least four hours per day;
- (F) Have good moral character, as may be determined through investigation, including but not limited to a background check by the SFMTA;
- (G) Have attained the age of 21;
- (H) Speak, read and write the English language;
- (I) Comply with the Controlled Substance Testing Program by testing negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations in accordance with the requirements of Government Code § 53075.5(b)(3).

(g) Additional Requirements For Taxi and Accessible Taxi Application; Waiting List; Eligibility; and Other Information Required

(1) Application Requirements

Each applicant for a Taxi or Accessible Taxi permit shall, at the time of issuance of a permit, be subject to the eligibility requirements listed in Section 1103(f) and shall hold a valid Driver's permit for a minimum of two consecutive years prior to applying for the Waiting List.

(2) Waiting List

In the absence of any other preference specified in this Article, applicants for permits shall be processed and considered by the SFMTA in the order of receipt. The SFMTA shall maintain a Waiting List of Taxi and Accessible Taxi applicants.

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

(B) The SFMTA shall maintain separate Waiting Lists for all Taxi permit and Accessible Taxi permit applications for which a permit is not currently available, with each list arranged in chronological order by the date that each completed permit application, including Filing Fees, is received from a qualified applicant.

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(C) When a permit becomes available, the SFMTA shall notify the next applicant on the Waiting List.

(D) The SFMTA may periodically require applicants to execute written statements and reaffirm that their applications are active. The SFMTA may review the qualifications of each applicant and remove any applicant from the Waiting List who is determined by the SFMTA to be ineligible for a permit. The SFMTA shall notify the applicant of their removal from the Waiting List.

(3) Eligibility

Before issuing a Taxi or Accessible Taxi Permit, in addition to all other eligibility requirements, the SFMTA must determine that the applicant has been a Full-Time Driver during any four of the five calendar years that include the year the application is heard and the years immediately preceding that year. The driving requirement for the year in which the application is heard may be pro-rated from the date of application.

This requirement may only be satisfied by driving a Taxi or Accessible Taxi for which a permit has been issued by the SFMTA.

(h) Additional Requirements Specific To Accessible Taxi Permit Applications

(1) Limitation on Acceptance of Other Permits

No person to whom an Accessible Taxi permit is issued may accept any other Motor Vehicle for Hire permit for a minimum of 5 years after receipt of an Accessible Taxi permit or, in the alternative, for a minimum of 3 years after receipt of the Accessible Taxi permit and at least 6 months following the Permittee's written notice of intent to leave the Accessible Taxi program as required by Section 1103(h)(2). If the Permittee becomes eligible for a permit from another Motor Vehicle for Hire Waiting List at a time when the Permittee is precluded from accepting the permit, and so long as the Permittee otherwise remains qualified as an applicant, the Permittee's application shall be kept active until such time that a permit becomes available when the Permittee is no longer precluded from accepting such permit.

(2) Notice of Intent to Leave the Accessible Taxi Program

Upon completion of a minimum of 30 months as an Accessible Taxi Permittee, the Permittee may elect to leave the Accessible Taxi program by filing written notice of the Permittee's intent

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to leave the program with the SFMTA (“Notice of Intent”). The date that the SFMTA receives the Notice of Intent shall be deemed the date of the Notice.

(3) Notice Effective Date; Qualification for New Permit

The Permittee's decision to leave the Accessible Taxi program shall become effective six months after the Notice of Intent is filed. Except as provided by paragraphs (A) and (B) below, upon completion of the six month notice period, the subject permit shall expire by operation of law, and the Permittee shall no longer be precluded from accepting another Motor Vehicle for Hire permit.

(A) If, at the completion of the six month period, the Permittee is not yet eligible for a Taxi permit, or if no such permit is available, the Permittee may elect to remain in the Accessible Taxi program for any period of time until a Taxi permit becomes available.

(B) The Permittee's decision to leave the Accessible Taxi program shall become inoperative if, within the first three months of the six month notice period, the Permittee files a statement of his or her decision to withdraw the Notice of Intent. The Permittee shall be required to file a subsequent Notice of Intent if he or she later decides to leave the program. The same requirements governing the Permittee's initial Notice of Intent, including the full six month notice period, shall apply to any subsequently filed Notice of Intent to leave the Accessible Taxi program.

(4) Preference for Full-Time Drivers of Accessible Taxis

Among the applicants on the Accessible Taxi Waiting List, the SFMTA shall give preference to any applicant who has been a Full-Time Driver of an Accessible Taxi for at least 400 hours during the six months immediately preceding the hearing on that application, and shall grant permits to all otherwise qualified Full-Time Drivers of Accessible Taxis on the list before granting permits to others on the Accessible Taxi Waiting List. The applicant has the burden of demonstrating his or her eligibility for this preference.

(5) Eligibility For Accessible Taxi Permit

The SFMTA shall not issue an Accessible Taxi permit to an applicant unless:

(A) The applicant has completed at least 100 wheelchair pickups in the City as an Accessible Taxi Driver during the six months immediately preceding the permit hearing.

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(B) The applicant has completed a course of instruction approved by the SFMTA for the safe, effective and efficient operation of Accessible Taxis and has been certified by the SFMTA to have satisfactorily demonstrated the aptitude and attitude necessary for an Accessible Taxi permit Holder;

(C) The applicant is affiliated with a Color Scheme in compliance with, and agrees to operate said permit at all times subject to, the regulations of the SFMTA’s Paratransit Program.

(i) 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) that is 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.

(j) Additional Requirements Specific To Dispatch Service Permit Applications

(1) Submission of Emergency Plans

Applicants for Dispatch Service permits or permit renewal shall submit a "Standard Emergency Plan for Drivers and Dispatchers" to follow in an emergency. Such plan is subject to SFMTA approval. SFMTA may require revisions to such Emergency Plan in order to coordinate with the emergency plans of the City, other Permittees and the Paratransit Program. Such plan shall include emergency communication protocols between Dispatch Services and their Color Scheme affiliates and the emergency evacuation of the public from the City, including but not limited to paratransit customers.

(2) Lost and Found Protocol Compliance

No application for a Dispatch Application shall be approved if a Dispatch applicant cannot demonstrate knowledge of and ability to adhere to SFMTA’s protocol for the handling of property left in vehicles.

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SEC. 1104. 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) Business Permits; Named Individual

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.

(3) Permits a Privilege

Permits granted pursuant to this Article constitute a privilege and are not the property of the Permittee.

(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, Taxi permits shall expire on the first day of July next following their issuance or renewal, and all other permits shall expire the first day of January next following their issuance or renewal.

(B) As a condition of renewal, a Permittee shall swear under penalty of perjury that he or she meets the eligibility requirements required for new applicants, and the SFMTA may investigate any Permittee at any time to ensure the veracity of such statements.

(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

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this Article, the San Francisco Charter and Municipal Code, the Vehicle Code, California Worker’s Compensation laws, the Americans with Disabilities Act, and all regulations adopted by the San Francisco International Airport, San Francisco Department of Weights and Measures, and any other governmental jurisdictions through which the Permit Holders traverse.

(7) Cooperation with Regulatory Agencies

Every Permittee shall cooperate with and obey any lawful request or order of a Parking Control Officer, peace officer or the Director at all times, including, but not limited to, providing upon request the Permittee’s name, the permit number, official identification, and any documents required by this Article to be in the Permittee’s possession. All Permittees shall respond to routine SFMTA or Police Department inquiries within 24 hours, and shall respond to any SFMTA or Police Department emergency request within two hours.

(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 on all matters relating to regulatory compliance at all times, including but not limited to inspection of records. Permittees shall not hinder, delay or knowingly make false or misleading statements to the SFMTA or withhold information on any matter relating to regulatory compliance.

(9) Notification of Criminal Convictions

A Permittee having actual or constructive knowledge that a Permittee has been arrested for or convicted of a crime that would be grounds for the denial of a permit must notify the SFMTA within 24 hours of obtaining such knowledge. Failure to make such notification shall be grounds for revocation of a permit. For arrests and convictions occurring prior to March 1, 2009, Permittees must make such notification by April 1, 2009.

(10) Suspension of Operations

The SFMTA may, on written application and following an investigation, grant to any Permittee permission to suspend application of the continuous operation or Full-Time Driving requirement for a period not to exceed 60 calendar days in any 12-month period in case of sickness, death, or other similar hardship.

(11) Gifts and Gratuities

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No Permittee or an agent of a Permittee may accept or demand gifts and/or gratuities or anything of value from any person for a preferred vehicle, shift assignment, dispatch call, fare or any enhancement of employment to be provided to a Permittee or an agent of a Permittee.

(12) Settlement of Fare Disputes

Permittees may refer fare disputes to any peace officer, who shall have the authority to settle such disputes.

(13) Lease of Taxi Permits

(A) Provided that a Taxi permit is operated in compliance with all other applicable statutes, ordinances and regulations, a Taxi Permit Holder may authorize a Color Scheme or Driver to operate or drive the Taxi permit pursuant to a Lease.

(B) A Lease is only valid if it is in writing, on file with the SFMTA, and is limited to the following parties: a Taxi Permit Holder, a Color Scheme and/or a Driver who will actually drive the vehicle associated with that Taxi permit.

(C) No person may lease a Taxi Permit, either on a per shift basis or for any term of time, to or from anyone other than the Permit Holder or the Color Scheme with which the Taxi permit is affiliated.

(D) A Lease is not assignable or transferable. Any attempt to assign or transfer a Lease is invalid, and shall render the Lease void by operation of law as of the date of the attempted assignment or transfer.

(E) A true and correct copy of any Lease shall be filed with the SFMTA within 45 calendar days of execution, and the original shall be retained at the Color Scheme's place of business during the term of the Lease. All Leases must be available 24 hours a day for inspection by the SFMTA and/or the Chief of Police.

(F) Nothing in this Section shall be deemed to modify, limit or excuse the obligations of any Permittee under this Article or to suspend any permit conditions.

(G) Violation of this Section 1104(a)(13) shall be grounds for revocation of any Permittee who executes a Lease for the use of a Taxi permit in violation of this Section. Any person who executes any oral or written Lease for the use of a Taxi permit in

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violation of this Section shall be considered to be operating without a permit in violation of Section 1104(a)(1).

(H) The SFMTA may require Permit Holders to provide information supplied by the SFMTA related to crime prevention and public health and safety to any person who executes a Lease for the use of their Taxi Permit.

(I) All persons who enter into an agreement with a Permittee for the use of an Accessible Taxi permit shall at all times satisfy the eligibility criteria for Accessible Taxi Permittees set forth in this Article. All Drivers of Accessible Taxis, in addition to meeting all requirements for holding a Driver's permit pursuant to this Article, shall also complete all training required for an Accessible Taxi permit. Any Lease that does not comply with this Section shall be null and void, and any person who is party to such Lease shall be considered to be operating without a permit in violation of Section 1104(a)(1).

(14) Participation in Paratransit Program

Each Color Scheme, Dispatch Service, Taxi Permit Holder and Driver must participate in and shall at all times operate subject to and in compliance with the regulations of the SFMTA's Paratransit Program.

(15) Shift Change at Color Scheme Required for All Vehicles; Unattended

Vehicles

All Permittees shall ensure that taxicab vehicles which 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, Permittee 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.

(16) Current Address Required; Emergency Contact Notification

All Permittees shall keep contact information current with the SFMTA. All Taxi and Accessible Taxi Permittees and Drivers shall keep contact information current with their Color Schemes. Every Permittee who is a natural person shall give written notice to the SFMTA within ten days of any change of residence address. Color Scheme and Dispatch Service changes of address are

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

(17) Except for emergencies, every Taxi or Accessible Taxi Permittee who first obtained a permit after June 6, 1978 must submit a written notification to the SFMTA if his or her permit will not be operated for a period of 30 consecutive days or more. Notifications must be received within two business days prior to the start of the period of non-operation and shall include both the reason for the non-operation and the date of return to operation. In the case of emergencies, notice may be provided no later than 2 days following suspension of operations.

(18) Service of Process

All Permittees agree to accept service of process, official notices, and correspondence (“service of process”) from the SFMTA as a condition of retaining a permit(s). Color Schemes must accept service of process from the SFMTA on behalf of any Permittee affiliated with that Color Scheme. The failure or refusal of a Color Scheme to accept service of process shall not invalidate service of process provided to the Permittee's last known address of record.