

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1104: PERMIT CONDITIONS
TAXI TOWN HALL MEETINGS,
MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.
MAY 4, 2009 AT 9:00AM- 1:00 P.M.-4:00 P.M.
1 SOUTH VAN NESS AVENUE, 2ND FLOOR ATRIUM

SEC. 1104. PERMIT CONDITIONS

Reserved.

(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 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

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ROOM 400, SAN FRANCISCO CITY HALL, 2:00PM
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AFTER MAY 8 COMMENTS MAY BE ADDRESSED TO THE BOARD AT ITS MEETING

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(A) Unless earlier revoked or suspended, Taxi and Accessible 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 Permit Holder must meet the eligibility requirements required for new applicants listed in Section 1103(e)(2), and may be required to sign a statement under penalty of perjury affirming eligibility for the permit.

(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 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 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 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 respond to any SFMTA or Police Department emergency request as soon as

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possible.

(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 compliance with requests for the inspection of records. Permit Holders shall not hinder, delay 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.

(9) Continuous Operation Requirement; Suspension; Revocation

(A) With the exception of Drivers and Non-Standard Vehicle

Permit Holders, 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) With the exception of Drivers and excluding bona fide

emergencies, natural disasters or other similar major events beyond the control of the Permit Holder, all Permit Holders shall obtain the written approval of the SFMTA prior to suspension of permit operations.

(C) Upon written request and following an investigation into the

necessity for suspension of permit operations, 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 suspension if the other Permit Holder is qualified and such

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operation would be in the public interest. This subparagraph (C) shall not apply to Driver Permits, and does not suspend the application of the Full-Time Driving requirement.

(D) If a permit other than a Driver 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 then SFMTA may immediately revoke the permit.

(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 upon request.

(11) Lease of Taxi and Ramp Taxi Medallions

Reserved.

(12) Participation in Paratransit Program

Each Color Scheme, Dispatch Service, Medallion 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.

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

Vehicles

All Permit Holders shall ensure that taxi 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

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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. The failure or refusal of a Color Scheme to accept service of process shall not invalidate service of process provided to the Permit Holder's last known address of record.

(16) 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

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All Permit Holders shall make best efforts to comply with Response Time Goals.

(b)-(a) Conditions Applicable to Color Scheme Permits. In addition to all other conditions applicable to a Color Scheme ~~permit~~ Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

(1) 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 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.

(2) 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.

(3) Use of Dispatch Service

Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service. 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 have

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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.

(4) Principal Place of Business

All Color Schemes shall maintain a San Francisco location as their principal place of business, which must be staffed by at least one person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting City 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.

(5) Change of Business Location; Transfer of Color Scheme Permits

A Color Scheme must obtain the prior written approval of the SFMTA before changing the business location or selling or otherwise transferring the business. For the purpose of this subparagraph, the transfer of a business means the voluntary 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.

(6) Telephone Access

Every Color Scheme shall subscribe to a telephone service and publish the name of the business 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

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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 notify the SFMTA and 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 and circulated, the Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco Directory Assistance Operator and the City's 311 system.

(7) Designated Manager

(A) 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 a City permit 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.

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

(C) Designation of a manager for purposes of this subsection 1104(b)(9) does not qualify the manager as Key Personnel for the Color Scheme.

(8) Staffing Requirements

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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:

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

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

(F) Receive and respond to communications and information

requests from the SFMTA.

(G) Document and track all Found Property and turn it over to the

Color Scheme's Dispatch Service for processing.

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

(9) Workers' Compensation Requirements

Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation, and shall maintain a policy that covers all employees and Drivers employed by or affiliated with that Color Scheme.

(10) Participation in Paratransit Program

Each Color Scheme must participate in the Paratransit Program. At the time that a Color Scheme Permit application is approved, the Color Scheme must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. The Paratransit Broker shall make such contract available to all Color Schemes holding permits pursuant to this Article. Thereafter, each Color Scheme shall operate at all times subject to the rules and regulations of the Paratransit Program, and every contract entered into between a Color Scheme and a Driver affiliated with that Color Scheme shall require the Driver to operate at

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all times subject to the rules and regulations of the Paratransit Program.

(11) Vehicle Maintenance and Cleaning

(I) 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.

(J) 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:

(i) Ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Ramp Taxi lifts.

(ii) 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.

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

(12) Spare Vehicles

(L) A spare vehicle may operate with a Medallion borrowed from a regular vehicle. Spare vehicles shall only be used to replace temporarily disabled Taxi or

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Ramp Taxi vehicles. Color Schemes shall notify the SFMTA if an individual vehicle will be disabled for more than 72 hours. Regularly assigned vehicles 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.

(M) During any time a spare vehicle is operating, the regular vehicle it is replacing shall be available for inspection by the SFMTA.

(N) 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.

(O) 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.

(P) 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.

(Q) 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.

(R) Color Schemes may not lease spare vehicles, whether on a per-shift, weekly, monthly, or other basis, unless the vehicle is using a Medallion which is not in

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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.

(13) 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 SFMTA 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.

(14) Current Information Required to be Maintained

All Color Schemes shall maintain the following information in a place where it is easily accessible to dispatchers and for immediate inspection upon request by SFMTA

(S) Daily Schedule

A schedule updated weekly on a form provided by SFMTA with daily shift information that must include at minimum the shift assignment, Driver's name, vehicle number and/or Medallion number (if different), and the hours scheduled for that shift, whether or not the Medallion is leased on a per-shift, weekly, monthly, or other basis.

(T) 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.

(U) Vehicles

A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle

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number, the vehicle license number, the vehicle identification number, the model year and make of the vehicle, and the operating status of each affiliated vehicle.

(15) 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:

(V) 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.

(W) Gate Fees

The amounts charged for Gate Fees including the amount charged for each and all available shifts over the seven days of the week.

(X) 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 Driver, including the requirement that the Color Scheme obtain written acknowledgments of receipt, within a time period specified by SFMTA.

(16) Controlled Substance Testing Program; Controlled Substances

(Y) Reserved: Controlled Substance Testing Program.

(Z) A Color Scheme having actual knowledge that a Driver has tested positive for a controlled substance shall not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has tested negative.

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

(BB) No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of a controlled or intoxicating substance shall permit that Driver to operate or continue to operate a vehicle.

(17) 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.

(18) Notification of Accidents
Color Schemes must notify the SFMTA of any injury accident involving a Medallion affiliated at the Color Scheme, or of any accident which causes a vehicle to be out of service for more than 72 hours.

(19) 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.

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

(20) A Color Scheme shall not charge an applicant for a Driver Permit for

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the statement of affiliation required by Section 1103(f)(1)(F).

(20) A Color Scheme shall issue receipts for payments received from any Driver for fuel, Gate Fees, Lease Fees or other payments upon request.

(21) ~~A~~ A Color Scheme Permit Holder must notify the SFMTA within ~~five~~ 5 business days of terminating its affiliation with ~~a holder of a Driver permit.~~

(22) Dissolution Plan
Any Color Scheme that will be terminating its business operations as a Color Scheme shall file a Dissolution Plan with the SFMTA at least 30 days prior to the date that the Color Scheme ceases to respond to requests for taxi service.

(22) Color Scheme Permit Renewal
The SFMTA may periodically audit Color Schemes in anticipation of permit renewal.

(c) **Additional Conditions Applicable To Dispatch Service Permits**
In addition to all other conditions applicable to a Dispatch Service Permit, each Dispatch Service Permit Holder shall comply with the following performance standards:

(1) A Dispatch Service has an affirmative duty to report actual knowledge of major violations of this Article to the SFMTA;

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

(4) List a 24 hour telephone number and the names of the Color Scheme(s) for which they provide dispatch services in the Yellow Pages section of the telephone book.

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(5) Ensure that every service request for a Ramp Taxi is dispatched in a timely manner.

(6) Contact the customer who requested a Ramp Taxi within 20 minutes with the vehicle number of the Ramp Taxi assigned to handle the call, or to advise the customer that no vehicle was dispatched.

(7) If the call cannot be dispatched to a Ramp Taxi affiliated with a Color Scheme that uses that Dispatch Service, the dispatcher/operator shall first call another Dispatch Service to handle the request, and then shall call the customer with the name of the Color Scheme of the responding Ramp Taxi.

(8) If there are no Ramp Taxis available to respond to a customer's request, the dispatcher shall record the customer's name and phone number and the names of the other Dispatch Services contacted.

(9) Maintain a current Driver Roster that is available for SFMTA inspection during business hours.

(10) Record all requests for taxi service, noting the date and time of the request for service, the service address, the vehicle number dispatched and the time that the vehicle was dispatch to respond to the call.

(11) Maintain the capacity to simultaneously broadcast and to receive voice transmissions from every vehicle operating under their service.

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

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(13) Contact customers who have requested a return call if a vehicle has not been dispatched within 20 minutes of the call.

(14) Upon request, call back customers with an approximate arrival time of the dispatched vehicle.

(15) Assign each dispatcher, operator and/or call taker employed by the Dispatch Service a unique individual identifier.

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

(17) If two or more Color Schemes share the same Dispatch Service, the Dispatch Service may not dispatch a vehicle from a Color Scheme other than the one requested by the caller to respond to the call until the Dispatch Service operator first advises the customer of the Color Scheme of the vehicle that will respond to the call.

(18) Dispatch Service Permits Transferable
Dispatch Service Permits are transferable, subject to the approval of the SFMTA, which shall determine whether the proposed transferee meets the criteria set forth in this Article, and whether taxi service would be improved by the transfer of the Dispatch Service Permit. The Permit Holder shall give notice to the SFMTA of any intended transfer at least 30 days prior to any such transfer.

(19) Workers' Compensation Requirements
All Dispatch Service Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

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(d) Additional Conditions Applicable to Driver Permits

~~Conditions Applicable to Driver Permits. In addition to all other applicable permit conditions applicable to a Driver permit~~

(1) Driver Identification

Upon issuance of a Driver's permit, the SFMTA will issue to each Driver the following identification:

(i) 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.

(ii) 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 Motor Vehicle for Hire. The badge shall only be worn by the Permit Holder to whom the badge is issued.

(iii) Color Scheme Identification Card

A Driver's Color Scheme Identification Card 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.

(2) Renewal of Driver's Permits

(A) Driver Permits shall be issued as of the first day of January of

each year and shall be valid unless revoked or suspended, up to and including the 31st day of

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December, next succeeding. The SFMTA may cause the renewal of the Driver's Permit from year to year upon the filing of a statement by the Driver Permit Holder providing his or her current address and current employer and the payment of the annual permit renewal fee.

(B) Controlled Substance Testing Program: Reserved.

(C) Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(4). No Driver's permit shall be renewed if he or she has been convicted of any offense listed in Section 1103(c)(4).

(D) Controlled Substances

(i) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

(ii) Drivers shall maintain a drug-free workplace and shall not sell, use, or possess controlled substances while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

(3) Notification to SFMTA of Change of Affiliation with Color Scheme

(A) All Drivers must notify the SFMTA at least three business days following to the effective date of any change of affiliation with a Color Scheme; provided, however, that no Driver may affiliate with a Color Scheme that has been declared ineligible for new Driver affiliations by the SFMTA pursuant to Section 1111(f).

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(B) *In accordance with California Government*

Code § 53075.5(b)(1)(B), a Driver's Permit shall become void upon termination of affiliation with a Color Scheme and failure to affiliate with a new Color Scheme within 30 calendar days..

(C) *A Driver shall return his or her A-Card to the SFMTA and his or her Color Scheme Identification Card to the Color Scheme upon terminating affiliation with a Color Scheme.*

(4) Driver Duties at Beginning of Shift

(A) *A Driver is required to perform a safety check on any 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 lift. If the Driver finds any equipment that presents a hazard or safety issue, 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.*

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

(C) *Drivers shall ensure that their vehicle is supplied with the following items:*

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- (i) 311 card;
- (ii) Current copy of book of regulations issued by SFMTA;
- (iii) A supply of receipts, preprinted with the name of the affiliated

Color Scheme; and

(iv) Current maps of San Francisco and San Mateo counties or a
functional GPS device.

- (v) Working flashlight.

(D) 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.

(5) Driver Duties During Shift

(A) 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, at rates authorized by law, if the prospective passengers present
themselves for transportation in a clean, sober, and orderly manner and for a lawful purpose
and the Driver has sufficient time before the end of his or her shift.

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

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(C) A Driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas.

(D) No Driver may refuse to transport a person with a physical disability in the front seat.

(E) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal.

(F) A Driver shall, if requested, reasonably 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 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. Upon request by a passenger, the Driver shall remain with the passenger until the dispatched assistance has arrived. A Driver shall inform the passenger(s) of his or her intention to activate the Taximeter when said 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.

(G) 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.

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(H) 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 any amount in excess of the fare shown on the meter at the time that the last passenger reaches their destination.

(I) 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 broadcast station or other passenger listening preferences.

(J) 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.

(K) Drivers may only use personal telephones for voice or any other type of communication in the vehicle in accordance with all applicable laws, including but not limited to the use of hands free telephone equipment while operating the vehicle. 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.

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(L) 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 only when the tip is only capable of being added to a payment by action of the Driver.

(M) Every Driver must accept dispatch assignments, including, when available, an average minimum of one radio call an hour during each shift from their Dispatch Service. Drivers must advise their Dispatch Service if they are unable to handle an accepted call within 5 minutes of the time when they acknowledged or accepted the call.

(N) 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.

(O) The Driver must keep any communication device required by this Article at a volume audible to the Driver at all times during the shift.

(P) Drivers shall, at the beginning of a trip, inform any passenger whose announced 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.

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

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(R) Drivers shall, at the beginning of a trip, inform passenger(s) whose announced 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.

(S) 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.

(T) 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.

(U) Upon discovery, a Driver shall make every reasonable attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered, or, 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 at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme, 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. Drivers shall be personally liable for any loss of property suffered by their passenger(s) caused by intentional misconduct or gross negligence of the Driver.

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(V) *If during the course of the work shift, any equipment failure makes the continued operation of the vehicle unsafe, then the Driver shall immediately return to vehicle to the Color Scheme to be placed out of service.*

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

(X) *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.*

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

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

(AA) *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.*

(BB) *Drivers shall be clean in dress and person.*

(CC) *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.*

(DD) *It shall be unlawful for any Driver to smoke any cigar, pipe or cigarette, to burn any substance, drink, or eat while a passenger is in the vehicle.*

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(EE) Except as otherwise authorized herein, a Driver may respond to a hail from a passenger on the street or sidewalk, but a Driver may not initiate any solicitation of passengers from any public place.

(ii) Resolution of Fare Disputes

In any case of fare dispute between the Driver and passenger(s), the Driver shall 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 original destination without additional charge.

(6) Duties at End of Shift

(A) Drivers shall turn in all completed Waybills and Found Property to the Color Scheme at the conclusion of each shift.

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

(C) 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 place of business, and shall obtain a receipt for the item regardless of value.

(7) Ramp Taxi Service

(A) Every Driver operating a Taxi or Ramp Taxi 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.

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(B) *A Ramp Taxi Driver, 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.*

(C) *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.*

(D) *If available from their Dispatch Service, every Ramp Taxi Driver shall handle an average of three wheelchair service calls per shift.*

(E) *A Driver may activate the meter while assisting and/or securing a passenger using a wheelchair at the beginning of the trip, provided that the Driver must first inform the passenger(s) of his or her intention to activate the Taximeter.*

(1) A Driver must return his or her *A-Card permit* to the SFMTA ~~upon~~ *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 days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the ~~Driver permit~~ *A-Card* on file until the ~~Permit Holder-Driver~~ *Permit Holder* informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the

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~~permit A-Card~~ to the Driver so long as all Filing Fees and Permit Fees are paid and the ~~Driver Permit Holder~~ remains qualified for the permit.

~~(2) Reserved: Controlled Substance Testing Program At the time of Driver permit Permit issuance or renewal, a Driver must provide proof of compliance with the controlled substance testing requirements of California Government Code Section 53075.5. No Driver permit may be issued or renewed without such proof of compliance.~~

(d) Additional Conditions Applicable To Taxi and Ramp Taxi Medallions

(1) Affiliation With Color Scheme Required; Color Scheme Change

(A) A Medallion Holder shall be deemed affiliated with a particular Color Scheme when the SFMTA approves his or her application pursuant to this Article, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business. Color Schemes shall not unreasonably withhold the use of the trade dress and place of business once affiliation has been approved.

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

(C) A Medallion Holder may apply to the SFMTA for a change in affiliation. The applicant's choice of Color Scheme shall be subject to the approval of the SFMTA. A Medallion Holder's request for affiliation with a Color Scheme shall be approved unless the Color Scheme has been declared ineligible for new affiliations pursuant to **Section 1111(f)**.

(2) Use of Dispatch Service

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AFTER MAY 8 COMMENTS MAY BE ADDRESSED TO THE BOARD AT ITS MEETING

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SECTION 1104: PERMIT CONDITIONS

TAXI TOWN HALL MEETINGS,

MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.

MAY 4, 2009 AT 9:00AM- 1:00 P.M.-4:00 P.M.

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All Medallion Holders affiliated with a Color Scheme must utilize the same Dispatch Service.

(3) Full-Time Driving Requirement

(A) Exception for Certain Permits

Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1104(d)(3) shall not apply to any person holding a Medallion issued on or before June 6, 1978.

(B) Declaration Required

No permit to operate a Taxi or Ramp Taxi shall be granted unless the Medallion Holder shall declare under penalty of perjury his or her intention actively and personally to engage as a Full-Time Driver.

A Color Scheme has an affirmative duty to report actual knowledge that any Medallion Holder affiliated with that Color Scheme is failing to comply with Subsection 1104(d)(3).

(C) Qualifying Vehicle

All Medallion Holders must drive their own permit number vehicle when complying with Subsection 1104(d)(3) unless that vehicle is unavailable.

(D) Medallion Holders Responsible for Documenting Compliance

A Medallion Holder has the responsibility to maintain his or her own business records, including Waybills. Failure of a Color Scheme to maintain business records, including Waybills, as required by this Article shall not excuse a Medallion Holder from proving that he or she has satisfied this Subsection 1104(d)(3) or any other requirement.

(E) Exception for Color Scheme Key Personnel

(i) Alternative Driving Requirement

Medallion Holders who are designated as “Key Personnel” by a Color Scheme may satisfy the Full-Time Driving requirement by driving 120 hours per year and performing 1,500 hours of work per

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year as Key Personnel for the Color Scheme. Key Personnel activities include office duties, dispatching, cashiering, or performing management duties for a Color Scheme.

(ii) Written Designation of Key Personnel

Each Color Scheme seeking to designate one or more of its employees for a calendar year pursuant to this Subsection 1104(d)(3)(D) must file a written designation by December 1st of the preceding year. The Color Scheme may not change designations of Key Personnel during a calendar year. A Permit Holder may not be designated as Key Personnel by more than one Color Scheme during a calendar year. The SFMTA will only recognize as Key Personnel only those Medallion Holders named in a completed designation form filed by the Color Scheme as of December 1st.

(iii) Number of Designated Personnel at a Color Scheme

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

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

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

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

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

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

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

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

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

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

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

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

(iv) Statement of Work by Key Personnel

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

(v) Partial Completion of Requirements

If a Medallion Holder performs at least 750 hours of work as designated Key Personnel for the a Color Scheme during the year but less than 1,500 hours, the Permit Holder shall be entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to

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the percentage of 1,500 hours that the designated Permit Holder worked for the company in such capacity. If a Permit Holder does not perform at least 750 hours of work as designated personnel for the Color Scheme during the year, the Permit Holder shall not be entitled to any credit against the Full-Time Driving requirement.

(vi) Ramped Taxi Permit Holders Ineligible

No Ramped Taxi Permit Holder may be designated as Key Personnel at any time, for any reason.

(e) Additional Conditions Applicable To Ramp Taxi Medallions

In addition to the conditions specified in Section 1104(a), the following conditions are applicable to Ramp Taxi Medallion Holders:

(1) Wheelchair Priority

(A) Ramp Taxi Medallion Holders shall grant priority to requests for service from wheelchair users.

(B) No Ramp Taxi Driver, once dispatched to a "Ramp service" call may accept any other fare while en route to that dispatched call. In the absence of requests for service for passengers in wheelchairs, Ramp Taxis may transport any person.

(2) Approval of Use of Ramp Taxi Medallion in Spare Taxi Vehicle

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

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

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

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

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

(3) Time Limits on Use of Ramp Taxi Medallion in Spare Taxi

A Ramp Taxi Medallion may be used in a spare Taxi for the time that it would take to repair or 30 consecutive days. For good cause shown the SFMTA may extend the time limit beyond 30 days in increments of no greater than 15 consecutive days. In no event shall the total time in which a Ramp Taxi Medallion is used in a spare Taxi exceed 90 days. The authorization to use the Ramp Taxi Medallion in a spare Taxi shall expire by operation of law on the day that the applicable durational limit has been reached, or upon completion of repair or replacement of the Ramp Taxi, whichever occurs first. A Ramp Taxi Medallion may not be used in a spare Taxi for more than 90 days within a twelve-month period.

(4) Operation of Ramp Taxi by Qualified Driver

The Ramp Taxi Medallion Holder and the Color Scheme shall ensure that all persons with whom the Medallion Holder enters into an agreement for the operation of the Ramp Taxi Medallion and every Driver of the Ramp Taxi at all times hold a valid Driver Permit and satisfy the eligibility criteria set forth in Section 1103(h)(5)(A) and 1103(h)(5)(B) of this Article.

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Email comments to:
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