

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1107: RECORDS AND REPORTING REQUIREMENTS
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. 1107. RECORDS AND REPORTING REQUIREMENTS APPLICABLE TO PERMIT

HOLDERS

Reserved.

(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 delegee 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 1107. 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. SFMTA shall give Permit Holders a receipt for in-person delivery of records. 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, or in the case of a corporation, by the person designated in a document on file with the California Secretary of State as an agent of the Permit Holder for the purpose of service of process. The SFMTA may require the Permit Holder's agent to produce documentation of the designation at the time that the filing is submitted. In-person delivery of required documents may be to the following location or other location specified by SFMTA:

PROPOSED REGULATIONS WILL BE PRESENTED FOR CONSIDERATION BY THE
SFTMA BOARD OF DIRECTORS ON MAY 19, 2009
ROOM 400, SAN FRANCISCO CITY HALL, 2:00PM
SFMTA IS ACCEPTING COMMENTS TO DRAFT REGULATIONS THROUGH MAY 8, 2009

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

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Email comments to:
taxi-driver@sfmta.com

Or mail or deliver comments to:
Chris Hayashi
1 South Van Ness Ave, 7th Floor
San Francisco, CA 94103

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Attention: Taxis and Accessible Services

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

(B) By first class U.S. Mail, postage pre-paid, addressed to:

Attention: Taxis and Accessible Services

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

(C) By fax to [insert fax number]; or

(D) By email to [insert email address]; or

(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.

(b) Records and Information Requirements Applicable to Drivers

(1) Receipts for Fare to be Delivered to Passenger

All Drivers upon shall provide a receipt for fare paid upon the demand of any passenger.

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(2) Badge and Identification Information

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

Drivers of Taxis and Ramp Taxis shall 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 Permit 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) Starting meter units for the shift;
- (I) Mileage of the vehicle at the end of the shift;
- (J) Meter units at the end of the shift;
- (K) Number of passengers on each trip;
- (L) Origin and destination of each trip;
- (M) The fare for each trip;

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(N) The time of hire and discharge for each trip; and

(O) A mechanically or electronically generated time stamp showing the starting and ending times of the shift.

(P) Notations of passenger requests for assistance as described in Section 1103(c)(5)(F);

(Q) If the vehicle is temporarily placed out of service because of a mechanical failure, the Driver shall make a notation on the Waybill listing the time the vehicle goes out of service and the time it is returned to service.

(c) **Records and Information 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. The SFMTA shall provide a receipt to certify that a Medallion Holder may renew his or her permit prior to the December 31 expiration.

(d) **Records and Information Requirements Applicable to Color Schemes**

(1) Waybills

(A) A Color Scheme shall use a Waybill format approved by the SFMTA.

(B) A Color Scheme shall retain original Waybills for all Drivers and Medallion Holders for at least one year at its principal place of business.

(C) Color Schemes shall maintain originals and/or legible copies of Waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store Waybills more than 12 months old in a secure electronic format, and duplicate copies

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of such electronic record shall be given to Drivers for each year of record. Drivers, Medallion Holders and applicants on the Waiting List are responsible for maintaining their own individual records.

(D) Color Schemes shall store 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 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 contain at least written copies of all Leases of Medallions or permits 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 to any party to the Lease upon request.

(3) Vehicle Inventory Changes

Prior to placing a vehicle in service for the first time, when changing a vehicle for another, or when

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assigning a new Vehicle Number, the Color Scheme shall submit the information required by this Section to the SFMTA on a Vehicle Introduction Form. No vehicle will be authorized to be placed in service until a complete, correct Vehicle Introduction Form is submitted, which shall contain at least the following information:

- (A) The make, model, VIN number, mileage.
- (B) The Medallion or spare number assigned and the number it is replacing, if applicable.
- (C) The purpose of placing the vehicle into service
- (D) The signature of an authorized representative of the Color Scheme.

(4) Weekly Reporting Requirements

- (A) Weekly Driver Schedule

Every Color Scheme Holder shall maintain a daily schedule, updated weekly, that must at a minimum include: the shift assignment, Driver's name, vehicle number and Medallion number, if different, and the hours worked for that shift. This schedule shall list all Medallions affiliated with a Color Scheme, regardless of Lease type. The schedule shall be made available for inspection by the SFMTA or law enforcement agencies at any time. Color Schemes shall submit electronic copies of the daily schedules to the SFMTA by the fifth day of each month. All original schedules 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 schedules in a paper format. Color Schemes may store schedules 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 each month of that year. The SFMTA may grant exceptions for submission

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for companies with exceptionally large schedules or which have an electronic timecard system for schedules.

(B) Weekly Waybill Report

All Color Schemes shall account for 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 Weekly Roster or is otherwise scheduled.

(C) Weekly List of Terminated Drivers

Color Schemes shall fax or email to the SFMTA the names of all Drivers terminated during the prior week. If a Driver is terminated for good cause, including violence or driving under the influence, Color Schemes shall immediately notify the SFMTA and shall not wait for the weekly reporting deadline.

(5) Filings Required for Emissions Compliance

(A) Company Emission Reduction Plans

On June 1, 2009 and June 1, 2010, each Color Scheme Permit Holder shall submit a written Emission Reductions Plan describing the Color Scheme's plans to comply with Municipal Police Code Section 1135.3. The Plan shall provide for implementing reductions evenly over 2009 and 2010. On June 1, 2009, and every year thereafter until 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.

(6) Annual Filings Required for Renewal

No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by November 1 of each year:

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- (A) Copy of DMV Pull Notice Contract;
- (B) Current Fictitious Business Name Statement;
- (C) Current City Business Operating Permit;
- (D) Completed Designated Manager Form(s);
- (E) Current list of all affiliated Drivers, Medallion Holders and type of Lease for

each;

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

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

(H) Blank sample of company Waybill and receipt for Waybill; and

(I) Sworn statement attesting to compliance with this Article and associated state and federal laws.

The SFMTA shall provide a receipt for when all documents required for permit renewal are received in order to certify that a Color Scheme Permit Holder is eligible to renew its permit prior to the December 31 expiration.

(7) Receipts to Drivers

Upon request by a Driver, Color Scheme Holders shall provide receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes.

(8) Medical Examination Certificates

Reserved.

(9) Death of Driver or Medallion Holder

Upon receiving notice of the death of a Driver or Medallion Holder affiliated with or employed by a

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Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days 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.

(e) **Requirements Applicable to Dispatch Services**

(1) **Semi-Annual Service Report**

All Dispatch Services must provide the SFMTA with a semi-annual report that includes, but is not limited to, the number of calls for service received, the number of vehicles dispatched to calls, the number of non-response complaints received, and the number of vehicles that serviced to the requested calls.

(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 affiliated vehicles.

(B) **Return to Owner**

Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner within 2 business days. If 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 of the Driver who turned it in and the vehicle in which it was found.

(C) **High Value Property**

If the property is currency, is of the value of \$100 or more, is a serialized item or an electronic device, or if it contains information that identifies the owner, the Dispatch service Permit Holder shall transfer the property to the SFMTA within two business days with a copy of a Police Report and a Police Incident Report Number and an inventory of the property.

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(D) Property Log Book

Every Dispatch Service Permit Holder shall maintain a log book which records the date, time, Vehicle Number, Driver, Incident Report Number (if applicable), description and disposition of the property at the principal place of business. The log book shall be retained for a minimum period of one year.

(E) Weekly Property Report to SFMTA

On the first business day of each week, each Dispatch Service Permit Holder shall fax 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 a notice advising the SFMTA that no property was turned in. Dispatch Services 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 November 1 of each year:

- (A) copy of current City Business Operating Permit**
- (B) completed Designated Manager Form**
- (C) list of all affiliated Color Schemes**
- (D) copy of company drug-free workplace policy**
- (E) sworn statement attesting to compliance with this Article and associated state and federal laws**

(4) The SFMTA shall provide a receipt for submission of all documents to certify that a Dispatch Service Permit Holder may renew its permit prior to the December 31 expiration.

(f) Requirements Applicable to Corporate Medallion Holders

Any corporation holding a permit issued pursuant to this Article shall maintain a stock register at the principal place of business in San Francisco. The SFMTA may require other specified corporate records

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to be provided to the SFMTA together with other required annual filings. 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.

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