

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
DRIVER APPLICATIONS AND PERMIT CONDITIONS
TAXI TOWN HALL MEETINGS,
MAY 6, 2009 AT 12:00 P.M.- 4:00 P.M.
1 SOUTH VAN NESS AVENUE, 2ND FLOOR ATRIUM

SEC. 1103. PERMIT APPLICATIONS AND ELIGIBILITY

- (a) Application Forms**
- (b) Applications Deemed Active**
- (c) Determination of Eligibility**
- (d) Burden of Proof on Applicant**
- (e) Additional Requirements Applicable to 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 for a Driver Permit shall:

- (A) Provide his or her fingerprints; and**
- (B) Take and pass a written examination; and**
- (C) Take and pass a physical examination if required by the
SFMTA; and**
- (D) Certify that the applicant has successfully completed an
SFMTA-approved Driver training course; and**
- (E) Enclose two recent photographs of the applicant of
passport photo size, taken no more than 12 months prior to time of application; and**
- (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, which
may deny such request if in the SFMTA's judgment the proposed affiliation could be
detrimental to the Driver, the Color Scheme or to the public.**
- (G) Reserved: Controlled Substance Testing Program.**

**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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(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 or that otherwise poses a risk to public health and safety;*
- (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 no prior convictions of a crime involving sexual assault, the use of a vehicle in the commission of a felony, fraud, violence against a person, two or more convictions of driving under the influence within the previous five years, whether or not such convictions occurred while driving a Motor Vehicle for Hire;*
- (G)** *Have attained the age of 21;*
- (H)** *Speak, read and write the English language;*
- (I)** *Reserved: Controlled Substance Testing Program.*

(f) Additional Requirements Applicable to Taxi and Ramp Taxi Medallion Application

(g) Additional Requirements Applicable To Ramp Taxi Medallion Applications

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

(i) Additional Requirements Applicable To Dispatch Service Permit

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Applications

SEC. 1104. PERMIT CONDITIONS

(a) Conditions Applicable to All Permits

(b)-(a) Conditions Applicable to Color Scheme Permits.

(c) Additional Conditions Applicable To Dispatch Service Permits

(d) Additional Conditions Applicable to Driver Permits

(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.

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(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 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

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(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).

(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.

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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:

- (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

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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.

(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

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PAGE 7

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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.

(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.

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(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.

(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.

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(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.

(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

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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.

(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.

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(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.

(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.

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(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.

(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.

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(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~~ informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the ~~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

(e) Additional Conditions Applicable To Ramp Taxi Medallions

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