

**THIS PRINT COVERS CALENDAR ITEM NO. : 13**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Taxis and Accessible Services

**BRIEF DESCRIPTION:**

Requesting the San Francisco Municipal Transportation Agency Board of Directors to adopt amendments to Transportation Code, Division II, Article 300, Section 310 regarding motor vehicle for hire administrative fines.

**SUMMARY:**

- The SFMTA adopted amendments to Article 1100 of Division II of the Transportation Code on June 4 of this year that prohibited certain conduct by holders of motor vehicle for hire permits.
- To facilitate SFMTA Taxi Services' enforcement of these new prohibitions, staff recommends amending Article 300, Section 310 of Division II, which lists administrative penalties for motor vehicle for hire violations, to add the administrative fines that SFMTA Taxi Services will impose for violation of the new prohibitions.
- The proposed amendments would add administrative fines for the following violations: failing to install a passenger information monitor in every taxi, retaliating against a driver for establishing, or not establishing, his or her own credit card processing account, refusing to allow passenger to choose among available fare payment systems, retaliation against a permit holder for exercise of a right granted by Article 1100 of Division II, misconduct relating to acceptance of paratransit debit cards, tampering with vehicle equipment, failure to make required notices or supply required information to the paratransit broker, and failure to supply security camera data to SFMTA or SFPD.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Proposed TC Division II amendments

**APPROVALS:**

**DATE**

DIRECTOR \_\_\_\_\_ 8/15/12

SECRETARY \_\_\_\_\_ 8/15/12

**ASSIGNED SFMTAB CALENDAR DATE:** August 21, 2012

## **PAGE 2.**

### **PURPOSE**

To revise Article 300, Section 310 regarding motor vehicle for hire penalties.

### **GOAL**

Goal 1: Create a safer transportation experience for everyone.

By adding penalties to enforce Article 1100 of the Transportation Code, the SFMTA is providing a safer transportation experience because enforcement deters misconduct by potential offenders.

### **DESCRIPTION**

This proposed legislation includes a revision to the administrative fine schedule for motor vehicle for hire regulations to:

1. Add an administrative fine for failing to install a passenger information monitor in every taxi;
2. Add an administrative fine for retaliating against a driver for establishing, or not establishing, his or her own credit card processing account;
3. Add an administrative fine for refusing to allow passengers to choose among available fare payment systems;
4. Add an administrative fine to be levied against a permit holder under Article 1100 for retaliation against another permit holder for exercise of a right granted by Article 1100 of Division II;
5. Add an administrative fine for misconduct relating to acceptance of paratransit debit cards;
6. Add an administrative fine for tampering with vehicle equipment;
7. Add an administrative fine for failure to make required notices or supply required information to the paratransit broker; and
8. Add an administrative fine for failure to supply security camera data to SFMTA or SFPD.

Pursuant to the SFMTA Board of Director's Rules of Order, Article 4, Section 10, an ad was placed in the San Francisco Examiner notifying the public about the intended action. This ad ran commencing on August 1 for five days and therefore is in compliance with this rule.

### **ALTERNATIVES CONSIDERED**

If this legislation is not adopted, there will be no penalty for the violations listed above, and in particular there will be no administrative fine for certain violations that have already been approved by the SFMTA Board, thus making the regulations inconsistent.

**PAGE 3.**

**FUNDING IMPACT**

The addition of these administrative fines for newly adopted violations are not expected to result in different levels of citation revenue.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

None.

**RECOMMENDATION**

Staff recommends that the SFMTA Board adopt the proposed amendments to Transportation Code Division II, Article 300, Section 310.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, The SFMTA has adopted regulations creating new violations, and,

WHEREAS, Pursuant to the SFMTA Board of Directors Rules of Order Article 4, Section 10, an ad was placed in the San Francisco Examiner commencing on August 1 for five days; now therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code Division II, Article 300, Section 310 establishing fines for new violations of the Transportation Code regarding motor vehicle for hire administrative fines.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 21, 2012.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

[New Fines]

**Resolution amending Section 310 of Division II of the San Francisco Transportation Code by adding fines for failing to install a passenger information monitor in every taxi, retaliating against a driver for establishing, or not establishing, his or her own credit card processing account, refusing to allow passenger to choose among available fare payment systems, retaliation against a permit holder for exercise of a right granted by Article 1100 of Division II, misconduct relating to acceptance of paratransit debit cards, tampering with vehicle equipment, failure to make required notices or supply required information to paratransit broker, and failure to supply security camera data to SFMTA or SFPD.**

NOTE: Additions are [begin addition] single-underline Times New Roman [end addition] ; deletions are [begin deletion] ~~strike-through Times New Roman~~ [end deletion] .

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

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by amending Section 310, to read as follows:

**Sec. 310. SCHEDULE OF FINES.**

Violation of any of the following subsections of the San Francisco Transportation Code governing the operation of a motor vehicle for hire shall be punishable by the administrative fines set forth below.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
CONDITIONS APPLICABLE TO ALL PERMITS			
Div II § <a href="#">1105(a)(14)</a>	Current address	\$26.00	\$27.00
Div II § <a href="#">1105(a)(9)</a>	Continuous operation	\$52.00 per day	\$53.00 per day
Div II § <a href="#">1114(a)</a>	Records	\$78.00	\$80.00
Div II § <a href="#">1105(a)(17)</a>	Response time goals	\$155.00	\$159.00
Div II § <a href="#">1105(a)(7)</a>	Compliance with lawful orders	\$206.00	\$211.00
Div II § <a href="#">1105(a)(6)</a>	Compliance with laws and regulations	\$463.00	\$475.00
Div II § <a href="#">1105(a)(13)</a>	Shift Change; Unattended Vehicle	\$463.00	\$475.00
Div II § <a href="#">1105(a)(13)</a>	Improper shift change	\$463.00	\$475.00
[begin addition ] Div II § <a href="#">1105(a)(19)</a> [end addition]	[begin addition ] <a href="#">Retaliation against permit holder</a> [end addition]	[begin addition ] \$463.00 [end addition]	[begin addition ] \$475.00 [end addition]
Div II § <a href="#">1105(a)(8)</a>	Cooperation w/ regulatory entities; False statements	\$514.00	\$528.00

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1105(a)(12)</a>	Compliance with Paratransit Program	\$514.00	\$528.00
Div II § <a href="#">1105(a)(10)</a>	Accepting/soliciting gifts from Drivers	\$617.00	\$633.00
Div II § <a href="#">1105(a)(1)</a>	Operating without a permit	\$5,000.00	\$5,000.00
CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS			
Div II § <a href="#">1106(s)</a>	Dissolution plan	\$52.00 per day	\$53.00 per day
Div II § <a href="#">1114(e)(8)</a>	Emissions reduction plan	\$52.00 per day	\$53.00 per day
Div II § <a href="#">1106(n)</a>	Required postings	\$78.00	\$80.00
Div II § <a href="#">1106(o)</a>	Required notifications	\$78.00	\$80.00
[begin addition] Div II § <a href="#">1113(d)(3)</a> [end addition]	[begin addition] Required PIM [end addition]	[begin addition] \$78.00 [end addition]	[begin addition] \$80.00 [end addition]
Div II § <a href="#">1114(e)(3)</a>	Receipts	\$78.00	\$80.00
Div II § <a href="#">1114(e)(5)</a>	Vehicle inventory changes	\$78.00	\$80.00
Div II § <a href="#">1114(e)(7)</a>	Weekly reporting requirements	\$78.00	\$80.00
Div II § <a href="#">1106(e)</a>	Transfer of business; New location	\$257.00 per day	\$264.00 per day

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1106(k)(1)</a>	Facility to clean vehicles	\$257.00	\$264.00
Div II § <a href="#">1106(i)</a>	Workers' Compensation	\$309.00 per day	\$317.00 per day
Div II § <a href="#">1106(p)</a>	Obligations related to Drivers	\$411.00	\$422.00
Div II § <a href="#">1106(r)</a>	Found property	\$411.00	\$422.00
Div II § <a href="#">1114(e)(1)</a>	Waybills	\$411.00	\$422.00
Div II § <a href="#">1114(e)(2)</a>	Medallion Holder files	\$411.00	\$422.00
Div II § <a href="#">1114(e)(6)</a>	Current business information	\$411.00	\$422.00
[begin addition ] Div II § <a href="#">1122(b)(5)</a> [end addition]	[begin addition ] <a href="#">Retaliation re credit card processing</a> [end addition]	[begin addition ] \$411.00 [end addition]	[begin addition ] \$422.00 [end addition]
Div II § <a href="#">1122(c)</a>	Overcharging gate fees	\$514.00	\$528.00
Div II § <a href="#">1106(c)</a>	Use of Dispatch Service	\$463.00	\$475.00
Div II § <a href="#">1106(d)</a>	Business premises	\$463.00	\$475.00
Div II § <a href="#">1106(h)</a>	Staffing requirements	\$463.00	\$475.00
Div II § <a href="#">1106(1)(2-7)</a>	Use of spare vehicles	\$463.00	\$475.00
Div II § <a href="#">1106(f)</a>	Telephone directory	\$514.00	\$528.00



TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1106(j)</a>	Paratransit Broker contract	\$514.00	\$528.00
[begin addition ] Div II § <a href="#">1114(e)(8)</a> [end addition]	[begin addition ] Required information [end addition]	[begin addition ] \$514.00 [end addition]	[begin addition ] \$528.00 [end addition]
[begin addition ] Div II § <a href="#">1114(e)(9)</a> [end addition]	[begin addition ] Required information [end addition]	[begin addition ] \$514.00 [end addition]	[begin addition ] \$528.00 [end addition]
Div II § <a href="#">1106(k)(2)(4)</a>	Unsafe/nonworking equipment	\$1,027.00	\$1,055.00
Div II § <a href="#">1106(q)(4)</a>	Driver operating under the influence	\$1,027.00	\$1,055.00
Div II § <a href="#">1106(a)</a>	Color Scheme Permit required	\$5,000.00	\$5,000.00
Div II § <a href="#">1106(1)(8)</a>	Leasing spare vehicles	\$5,000.00	\$5,000.00
CONDITIONS APPLICABLE TO DISPATCH PERMITS			
Div II § <a href="#">1107(a)</a>	Emergency plan	\$52.00 per day	\$53.00 per day
Div II § <a href="#">1107(e)</a>	Adequate communications equipment	\$52.00 per day	\$53.00 per day
Div II § <a href="#">1114(f)(1)</a>	Dispatch Service report	\$52.00 per day	\$53.00 per day
Div II § <a href="#">1107(d)</a>	Service call records	\$78.00	\$80.00

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1107(f)</a>	Serving dispatch customers	\$78.00	\$80.00
Div II § <a href="#">1114(f)(2)</a>	Found property recordkeeping	\$78.00	\$80.00
Div II § <a href="#">1107(m)</a>	Workers' Compensation	\$309.00 per day	\$317.00 per day
Div II § <a href="#">1107(c)</a>	Ramp Taxi response	\$411.00	\$422.00
Div II § <a href="#">1107(k)</a>	Improper dispatching	\$514.00	\$528.00
<b>CONDITIONS APPLICABLE TO DRIVER PERMITS</b>			
Div II § <a href="#">1108(c)</a>	Color Scheme affiliation	\$6.00 per day	\$6.00 per day
Div II § <a href="#">1108(a)</a>	Driver identification	\$26.00	\$27.00
Div II § <a href="#">1108(d)(2)</a>	Duties at beginning of shift	\$26.00	\$27.00
Div II § <a href="#">1108(d)(3)</a>	Designated items in vehicle	\$26.00	\$27.00
Div II § <a href="#">1108(e)(2)</a>	Transporting passenger property	\$26.00	\$27.00
Div II § <a href="#">1108(e)(5)</a>	Loading and unloading assistance	\$26.00	\$27.00
Div II § <a href="#">1108(e)(8)</a>	Additional passengers	\$26.00	\$27.00
Div II § <a href="#">1108(e)(10)-(12)</a>	Mobile telephones; Other audible devices	\$26.00	\$27.00

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1108</a> (e)(18)-(20), (22)	Driver duties re fares	\$26.00	\$27.00
Div II § <a href="#">1108</a> (e)(26)	Loose items	\$26.00	\$27.00
Div II § <a href="#">1108</a> (e)(27)	Trunk and/or baggage area	\$26.00	\$27.00
Div II § <a href="#">1108</a> (e)(31)	Clean in dress and person	\$26.00	\$27.00
Div II § <a href="#">1108</a> (e)(32)	Taximeter violation	\$26.00	\$27.00
Div II § <a href="#">1108</a> (e)(33)	Smoking, drinking or eating	\$26.00	\$27.00
Div II § <a href="#">1108</a> (f)(1)	Duties at end of shift	\$26.00	\$27.00
Div II § <a href="#">1114</a> (b)(2)	Badge	\$26.00	\$27.00
Div II § <a href="#">1114</a> (b)(3)	Medical certificate	\$26.00	\$27.00
Div II § <a href="#">1114</a> (b)(4)	Waybills	\$26.00	\$27.00
Div II § <a href="#">1108</a> (e)(4)	Service animals or contained animals	\$52.00	\$53.00
Div II § <a href="#">1108</a> (d)(1)	Safety check	\$78.00	\$80.00
Div II § <a href="#">1108</a> (e)(1)	Refusal to convey	\$78.00	\$80.00
Div II § <a href="#">1108</a> (e)(7)	Servicing dispatch calls	\$78.00	\$80.00
Div II § <a href="#">1108</a> (e)(9)	Splitting fares	\$78.00	\$80.00
Div II § <a href="#">1108</a> (e)(16)	Requesting gratuities	\$78.00	\$80.00

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1108</a> (e)(24)	Found property	\$78.00	\$80.00
[begin addition ] Div II § <a href="#">1122</a> (b)(5) [end addition]	[begin addition ] Passenger payment choice [end addition]	[begin addition ] \$78.00 [end addition]	[begin addition ] \$80.00 [end addition]
Div II § <a href="#">1108</a> (e)(3)	Transporting person with a disability in front seat	\$155.00	\$159.00
Div II § <a href="#">1108</a> (e)(6)	Assisting and securing person with a disability	\$155.00	\$159.00
Div II § <a href="#">1108</a> (e)(14)	Reckless or dangerous driving	\$155.00	\$159.00
Div II § <a href="#">1108</a> (e)(15)	Ramp Taxi rules	\$155.00	\$159.00
[begin addition ] Div II § <a href="#">1108</a> (e)(35), (36) & (37) [end addition]	[begin addition ] Paratransit Debit Card [end addition]	[begin addition ] \$155.00 [end addition]	[begin addition ] \$159.00 [end addition]
Div II § <a href="#">1122</a> (d)	Luggage charges	\$155.00	\$159.00
Div II § <a href="#">1108</a> (e)(25)	Unsafe taxi	\$206.00	\$211.00
Div II § <a href="#">1108</a> (e)(30)	Excessive force	\$206.00	\$211.00
Div II § <a href="#">1108</a> (b)(3)	Criminal convictions	\$514.00	\$528.00

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1108</a> (b)(4)(B)	Controlled substances	\$514.00	\$528.00
[begin addition ] Div II § <a href="#">1108</a> (e)(3) [end addition]	[begin addition ] Tampering with equipment [end addition]	[begin addition ] \$514.00 [end addition]	[begin addition ] \$528.00 [end addition]
<b>CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI EQUIPMENT</b>			
Div II § <a href="#">1113</a> (b)(g)	Equipment and display requirements	\$26.00	\$27.00
Div II § <a href="#">1113</a> (m)	Vehicle windows	\$26.00	\$27.00
Div II § <a href="#">1113</a> (o)	Sanitary condition	\$26.00	\$27.00
Div II § <a href="#">1113</a> (a)	Safe operating condition	\$78.00	\$80.00
Div II § <a href="#">1113</a> (k)	Standard vehicle equipment	\$78.00	\$80.00
Div II § <a href="#">1113</a> (k)(13)	Vehicle tires and wheels	\$78.00	\$80.00
Div II § <a href="#">1113</a> (m)	Security cameras	\$78.00	\$80.00
Div II § <a href="#">1113</a> (n)	Condition of vehicle	\$78.00	\$80.00
Div II § <a href="#">1113</a> (u)	Working Taxi ramp	\$78.00	\$80.00
Div II § <a href="#">1113</a> (p)	Vehicle title requirements	\$257.00	\$264.00
Div II § <a href="#">1113</a> (q)	Excessive vehicle mileage or age	\$257.00	\$264.00

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012 1st/2nd/3rd offense	FINE AMOUNT Effective July 1, 2013 1st/2nd/3rd offense
Div II § <a href="#">1113(s)</a>	Vehicle inspections	\$257.00	\$264.00
Div II § <a href="#">1113(s)(7)</a>	Fraud related to inspection	\$257.00	\$264.00
Div II § <a href="#">1113(t)</a>	Replacement vehicle	\$257.00	\$264.00
Div II § <a href="#">1113(v)</a>	Retired vehicles	\$257.00	\$264.00
Div II § <a href="#">1113(f)</a>	Taximeters	\$309.00	\$317.00
<b>CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS</b>			
Div II § <a href="#">1109(b)</a>	Use of Dispatch Service	\$78.00	\$80.00
Div II § <a href="#">1110(a)(1)</a>	Wheelchair priority	\$155.00	\$159.00
Div II § <a href="#">1110(a)(3)</a>	Eight wheelchair pickups monthly	\$155.00	\$159.00
Div II § <a href="#">1110(b)</a>	Ramp Taxi Medallion in spare taxi	\$155.00	\$159.00
Div II § <a href="#">1110(d)</a>	Ramp Taxi qualifications	\$155.00	\$159.00
Div II § <a href="#">1109(c)</a>	Full-time driving requirement	\$24,000.00 multiplied by percentage of hours short of the full time driving requirement	\$24,000.00 multiplied by percentage of hours short of the full time driving requirement

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
Mariam Morley  
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 21, 2012.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

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