

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

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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.

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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 single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

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 § 1105(a)(14)	Current address	\$26.00	\$27.00
Div II § 1105(a)(9)	Continuous operation	\$52.00 per day	\$53.00 per day
Div II § 1114(a)	Records	\$78.00	\$80.00
Div II § 1105(a)(17)	Response time goals	\$155.00	\$159.00
Div II § 1105(a)(7)	Compliance with lawful orders	\$206.00	\$211.00
Div II § 1105(a)(6)	Compliance with laws and regulations	\$463.00	\$475.00
Div II § 1105(a)(13)	Shift Change; Unattended Vehicle	\$463.00	\$475.00
Div II § 1105(a)(13)	Improper shift change	\$463.00	\$475.00
<u>Div II § 1105(a)(19)</u>	<u>Retaliation against permit holder</u>	<u>\$463.00</u>	<u>\$475.00</u>
Div II § 1105(a)(8)	Cooperation w/ regulatory entities; False statements	\$514.00	\$528.00
Div II § 1105(a)(12)	Compliance with Paratransit Program	\$514.00	\$528.00

Div II § 1105(a)(10)	Accepting/soliciting gifts from Drivers	\$617.00	\$633.00
Div II § 1105(a)(1)	Operating without a permit	\$5,000.00	\$5,000.00
CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS			
Div II § 1106(s)	Dissolution plan	\$52.00 per day	\$53.00 per day
Div II § 1114(e)(8)	Emissions reduction plan	\$52.00 per day	\$53.00 per day
Div II § 1106(n)	Required postings	\$78.00	\$80.00
Div II § 1106(o)	Required notifications	\$78.00	\$80.00
Div II § 1113(d)(3)	<u>Required PIM</u>	<u>\$78.00</u>	<u>\$80.00</u>
Div II § 1114(e)(3)	Receipts	\$78.00	\$80.00
Div II § 1114(e)(5)	Vehicle inventory changes	\$78.00	\$80.00
Div II § 1114(e)(7)	Weekly reporting requirements	\$78.00	\$80.00
Div II § 1106(e)	Transfer of business; New location	\$257.00 per day	\$264.00 per day
Div II § 1106(k)(1)	Facility to clean vehicles	\$257.00	\$264.00
Div II § 1106(i)	Workers' Compensation	\$309.00 per day	\$317.00 per day
Div II § 1106(p)	Obligations related to Drivers	\$411.00	\$422.00
Div II § 1106(r)	Found property	\$411.00	\$422.00
Div II § 1114(e)(1)	Waybills	\$411.00	\$422.00

Div II § 1114 (e)(2)	Medallion Holder files	\$411.00	\$422.00
Div II § 1114 (e)(6)	Current business information	\$411.00	\$422.00
<u>Div II § 1122(b)(5)</u>	<u>Retaliation re credit card processing</u>	<u>\$411.00</u>	<u>\$422.00</u>
Div II § 1122 (c)	Overcharging gate fees	\$514.00	\$528.00
Div II § 1106 (c)	Use of Dispatch Service	\$463.00	\$475.00
Div II § 1106 (d)	Business premises	\$463.00	\$475.00
Div II § 1106 (h)	Staffing requirements	\$463.00	\$475.00
Div II § 1106 (1)(2-7)	Use of spare vehicles	\$463.00	\$475.00
Div II § 1106 (f)	Telephone directory	\$514.00	\$528.00
Div II § 1106 (j)	Paratransit Broker contract	\$514.00	\$528.00
<u>Div II § 1114(e)(8)</u>	<u>Required information</u>	<u>\$514.00</u>	<u>\$528.00</u>
<u>Div II § 1114(e)(9)</u>	<u>Required information</u>	<u>\$514.00</u>	<u>\$528.00</u>
Div II § 1106 (k)(2)(4)	Unsafe/nonworking equipment	\$1,027.00	\$1,055.00
Div II § 1106 (q)(4)	Driver operating under the influence	\$1,027.00	\$1,055.00
Div II § 1106 (a)	Color Scheme Permit required	\$5,000.00	\$5,000.00
Div II § 1106 (1)(8)	Leasing spare vehicles	\$5,000.00	\$5,000.00
CONDITIONS APPLICABLE TO DISPATCH PERMITS			

Div II § 1107(a)	Emergency plan	\$52.00 per day	\$53.00 per day
Div II § 1107(e)	Adequate communications equipment	\$52.00 per day	\$53.00 per day
Div II § 1114(f)(1)	Dispatch Service report	\$52.00 per day	\$53.00 per day
Div II § 1107(d)	Service call records	\$78.00	\$80.00
Div II § 1107(f)	Serving dispatch customers	\$78.00	\$80.00
Div II § 1114(f)(2)	Found property recordkeeping	\$78.00	\$80.00
Div II § 1107(m)	Workers' Compensation	\$309.00 per day	\$317.00 per day
Div II § 1107(c)	Ramp Taxi response	\$411.00	\$422.00
Div II § 1107(k)	Improper dispatching	\$514.00	\$528.00
CONDITIONS APPLICABLE TO DRIVER PERMITS			
Div II § 1108(c)	Color Scheme affiliation	\$6.00 per day	\$6.00 per day
Div II § 1108(a)	Driver identification	\$26.00	\$27.00
Div II § 1108(d)(2)	Duties at beginning of shift	\$26.00	\$27.00
Div II § 1108(d)(3)	Designated items in vehicle	\$26.00	\$27.00
Div II § 1108(e)(2)	Transporting passenger property	\$26.00	\$27.00
Div II § 1108(e)(5)	Loading and unloading	\$26.00	\$27.00

	assistance		
Div II § 1108 (e)(8)	Additional passengers	\$26.00	\$27.00
Div II § 1108 (e)(10)-(12)	Mobile telephones; Other audible devices	\$26.00	\$27.00
Div II § 1108 (e)(18)-(20), (22)	Driver duties re fares	\$26.00	\$27.00
Div II § 1108 (e)(26)	Loose items	\$26.00	\$27.00
Div II § 1108 (e)(27)	Trunk and/or baggage area	\$26.00	\$27.00
Div II § 1108 (e)(31)	Clean in dress and person	\$26.00	\$27.00
Div II § 1108 (e)(32)	Taximeter violation	\$26.00	\$27.00
Div II § 1108 (e)(33)	Smoking, drinking or eating	\$26.00	\$27.00
Div II § 1108 (f)(1)	Duties at end of shift	\$26.00	\$27.00
Div II § 1114 (b)(2)	Badge	\$26.00	\$27.00
Div II § 1114 (b)(3)	Medical certificate	\$26.00	\$27.00
Div II § 1114 (b)(4)	Waybills	\$26.00	\$27.00
Div II § 1108 (e)(4)	Service animals or contained animals	\$52.00	\$53.00
Div II § 1108 (d)(1)	Safety check	\$78.00	\$80.00
Div II § 1108 (e)(1)	Refusal to convey	\$78.00	\$80.00
Div II § 1108 (e)(7)	Servicing dispatch calls	\$78.00	\$80.00

Div II § 1108(e)(9)	Splitting fares	\$78.00	\$80.00
Div II § 1108(e)(16)	Requesting gratuities	\$78.00	\$80.00
Div II § 1108(e)(24)	Found property	\$78.00	\$80.00
Div II § 1122(b)(5)	<u>Passenger payment choice</u>	<u>\$78.00</u>	<u>\$80.00</u>
Div II § 1108(e)(3)	Transporting person with a disability in front seat	\$155.00	\$159.00
Div II § 1108(e)(6)	Assisting and securing person with a disability	\$155.00	\$159.00
Div II § 1108(e)(14)	Reckless or dangerous driving	\$155.00	\$159.00
Div II § 1108(e)(15)	Ramp Taxi rules	\$155.00	\$159.00
<u>Div II § 1108(e)(35), (36) & (37)</u>	<u>Paratransit Debit Card</u>	<u>\$155.00</u>	<u>\$159.00</u>
Div II § 1122(d)	Luggage charges	\$155.00	\$159.00
Div II § 1108(e)(25)	Unsafe taxi	\$206.00	\$211.00
Div II § 1108(e)(30)	Excessive force	\$206.00	\$211.00
Div II § 1108(b)(3)	Criminal convictions	\$514.00	\$528.00
Div II § 1108(b)(4)(B)	Controlled substances	\$514.00	\$528.00
Div II § 1108(e)(3)	<u>Tampering with equipment</u>	<u>\$514.00</u>	<u>\$528.00</u>
CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI EQUIPMENT			

Div II § 1113(b)(g)	Equipment and display requirements	\$26.00	\$27.00
Div II § 1113(m)	Vehicle windows	\$26.00	\$27.00
Div II § 1113(o)	Sanitary condition	\$26.00	\$27.00
Div II § 1113(a)	Safe operating condition	\$78.00	\$80.00
Div II § 1113(k)	Standard vehicle equipment	\$78.00	\$80.00
Div II § 1113(k)(13)	Vehicle tires and wheels	\$78.00	\$80.00
Div II § 1113(m)	Security cameras	\$78.00	\$80.00
Div II § 1113(n)	Condition of vehicle	\$78.00	\$80.00
Div II § 1113(u)	Working Taxi ramp	\$78.00	\$80.00
Div II § 1113(p)	Vehicle title requirements	\$257.00	\$264.00
Div II § 1113(q)	Excessive vehicle mileage or age	\$257.00	\$264.00
Div II § 1113(s)	Vehicle inspections	\$257.00	\$264.00
Div II § 1113(s)(7)	Fraud related to inspection	\$257.00	\$264.00
Div II § 1113(t)	Replacement vehicle	\$257.00	\$264.00
Div II § 1113(v)	Retired vehicles	\$257.00	\$264.00
Div II § 1113(f)	Taximeters	\$309.00	\$317.00
CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS			

Div II § 1109 (b)	Use of Dispatch Service	\$78.00	\$80.00
Div II § 1110 (a)(1)	Wheelchair priority	\$155.00	\$159.00
Div II § 1110 (a)(3)	Eight wheelchair pickups monthly	\$155.00	\$159.00
Div II § 1110 (b)	Ramp Taxi Medallion in spare taxi	\$155.00	\$159.00
Div II § 1110 (d)	Ramp Taxi qualifications	\$155.00	\$159.00
Div II § 1109 (c)	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