

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Requesting the San Francisco Municipal Transportation Agency Board of Directors to recommend amendments to Transportation Code, Division I to the Board of Supervisors, to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3) increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code.

SUMMARY:

- This is the second part of legislation that the Board of Directors recommended to the Board of Supervisors, for the purpose of moving motor vehicle for hire (MVFH) related ordinances from the Police Code to the Transportation Code. The Board of Supervisors approved the ordinance with amendments in March, 2011. (Ordinance No. 45-11, File No. 101422). That ordinance moved existing motor vehicle for hire related misdemeanors from the Police Code to the Transportation Code, and added additional motor vehicle for hire related misdemeanors.
- The prior ordinance also granted authority to Taxi Services' field enforcement staff to enforce only specified parking regulations that are particularly relevant to taxis and limousines. However, that provision proved unnecessary and is being deleted in favor of the Director of Transportation's general authority to delegate such authority to any SFMTA employee as needed.
- The proposed ordinance would authorize the SFMTA to subpoena witnesses, documents and records as needed in administrative proceedings for enforcement of MVFH regulations. Currently parties adverse to the SFMTA in administrative hearings are able to get all public documents to advance their case, but the SFMTA is not able to require the production of any evidence outside of its own files that would support its position.
- The proposed ordinance would additionally authorize the imposition of maximum allowable fines for a charter party carrier that exceeds its charter by picking up street-hails (\$2,500 for the first offense and \$5,000 for subsequent offenses).
- The proposed ordinance would have the effect of removing the jurisdiction of the Board of Appeals from taxi permit hearings, which had been granted by ordinance in the Police Code and is not reproduced in the Transportation Code.

ENCLOSURES:

1. SFMTAB Resolution
1. 2. Amendments to Transportation Code Division I

APPROVALS:

DIRECTOR _____

DATE

__ 5/30/12 __

SECRETARY _____

__ 5/30/12 __

ASSIGNED SFMTAB CALENDAR DATE: June 5, 2012

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PURPOSE

Requesting the San Francisco Municipal Transportation Agency Board of Directors to recommend amendments to Transportation Code, Division I to the Board of Supervisors, to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3) increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code.

GOAL

Goal 1—Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy

Objective:

1.1 Improve safety and security across all modes of transportation

Goal 3—External Affairs/Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry

Objective:

3.1 Improve economic vitality by growing relationships with businesses, community, and stakeholder groups

Goal 5—SFMTA Workforce: To provide a flexible, supportive work environment and develop a workforce that takes pride and ownership of the agency's mission and vision and leads the agency into an evolving, technology-driven future

Objective:

5.1 Increase resources available to employees in performing their jobs (tools, staff hours, etc)

DESCRIPTION

The Board of Directors previously recommended amendments to Article 16 of the Police Code to the Board of Supervisors in at its meeting of November 16, 2010. That ordinance was ultimately adopted by the Board of Supervisors with minor amendments in March, 2011. (Ordinance No. 45-11, File No. 101422).

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That ordinance moved existing motor vehicle for hire related misdemeanors from the Police Code to the Transportation Code, and added additional motor vehicle for hire related misdemeanors. This ordinance would move all remaining provisions of Police Code Article 16 over to Division I of the Transportation Code. In addition, this ordinance would accomplish four substantive changes:

1. Authorizing the Director of Transportation to designate staff who may enforce parking laws and deleting existing Section 3.1(f), which makes such designations .

The prior ordinance granted authority to Taxi Services' field enforcement staff to enforce only specified parking regulations that are particularly relevant to taxis and limousines. However, that provision proved unnecessary and is being deleted in favor of the Director of Transportation's general authority to delegate such authority to any SFMTA employee as needed.

2. Authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations .

Currently, when a permit holder or applicant challenges the actions of the SFMTA in a permit decision including revocation or failure to qualify for a permit, the permit holder or applicant has access to all public records in the SFMTA files, but the SFMTA may only use as evidence at the hearing any records that are in its own files. For example, if there are allegations that a medallion applicant was travelling out of the country at the time that he or she claimed to be driving, the SFMTA has no current ability to require the applicant to show his or her passport as evidence in the hearing. Adoption of this ordinance would make it easier for SFMTA Taxi Services to investigate permit applications and permit holders and for the SFMTA Hearing Section to have access to all relevant evidence in proceeding for revocation of or qualification for a taxi medallion.

3. Increasing penalties for operating a motor vehicle for hire without a permit.

The California Public Utilities Code authorizes a penalty of \$2,500 for a first offense and \$5,000 for a subsequent offense for the misdemeanor of operating a limousine in violation of the state charter (i.e. picking up passengers by street hail without prearrangement).

Currently, there is a substantial disparity in consequences if an illegal MVFH is apprehended by SFMTA Taxi Investigators or by the SFPD. The penalty for an administrative violation issued by the SFMTA Taxi Investigators is \$5,000 per violation, and any challenge is first heard by the SFMTA Hearing Section.

The penalty for a misdemeanor violation issued by the SFPD is a bail amount of a few hundred dollars set by the Superior Court as part of the misdemeanor bail schedule, and violators are ordered to report to the Hall of Justice, where their citations are generally dismissed or reduced to an infraction and paid.

Ultimately, an illegal MVFH operator cited by the SFPD currently suffers no consequences except for a little time spent at the Hall of Justice. This is not an effective deterrent for a practice that can net several hundreds of dollars per shift. The Police Department conducts regular illegal vehicle enforcement operations, and unless there is a substantial penalty, those operations represent a large dedication of enforcement resources without providing a meaningful deterrent to the illegal activity.

4. Eliminating the jurisdiction of the Board of Appeals over taxi permit hearings .

The proposed ordinance would have the effect of removing the jurisdiction of the Board of Appeals from taxi permit hearings, which had been granted by ordinance in the Police Code and is not reproduced in the attached amendments to Division I of the Transportation Code.

When a person applies for a taxi medallion, or when the SFMTA revokes a taxi medallion permit, the matter is first heard by the SFMTA Hearing Section at an administrative hearing. Currently, the matter may then be appealed by the applicant or the permit holder to the Board of Appeals. Following that appeal, the party can proceed to state superior court and state appellate court to challenge the SFMTA's decision. In one case for revocation of a taxi medallion held by a person who did not dispute that he did not drive a taxi, the permit holder was able to delay the revocation for more than eight years, while the individual continued to receive on the order of \$30,000 per year of income while a working taxi driver waited for a chance to hold a medallion. This legislation would allow an appeal of an SFMTA decision to the Hearing Section, and then to the state court system, and would reduce current delays in medallion distribution.

The City Attorney has reviewed this report.

ALTERNATIVES CONSIDERED

If the Board of Directors does not recommend this legislation to the Board of Supervisors then there will be no ability to subpoena evidence in permit hearings, the California Public Utilities Code penalties for illegal conduct by charter party carriers of passengers will not be adopted in San Francisco and the Board of Appeals will continue to hear appeals of decisions related to taxi permits.

FUNDING IMPACT

To the extent that more efficient and effective medallion revocation and re-issuance results in more medallions coming back to the SFMTA to be re-issued through transfer or lease, these amendments would result in SFMTA realizing medallion revenue sooner, as well as potentially allowing the revocation of more medallions to realize more revenue than the current rules because of greater access to evidence to prove whether or not a person is a qualified taxi driver.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The Board of Supervisors will have to adopt these amendments for these changes to become effective.

RECOMMENDATION

That the San Francisco Municipal Transportation Agency Board of Directors recommend amendments to Transportation Code, Division I to the Board of Supervisors, to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3)

increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The proposed ordinance is the second part of legislation that the Board of Directors recommended to the Board of Supervisors in at its meeting of November 16, 2010, for the purpose of moving motor vehicle for hire (MVFH) related ordinances into the Transportation Code. The Board of Supervisors approved the ordinance with amendments in March, 2011. (Ordinance No. 45-11, File No. 101422). That ordinance moved existing motor vehicle for hire related misdemeanors from the Police Code to the Transportation Code, and added additional motor vehicle for hire related misdemeanors.

WHEREAS, The prior ordinance also granted authority to Taxi Services' field enforcement staff to enforce only specified parking regulations that are particularly relevant to taxis and limousines. However, that provision proved unnecessary and is deleted in favor of the Director of Transportation's general authority to delegate such authority with flexibility to any SFMTA employee as needed; and,

WHEREAS, The proposed ordinance would authorize the SFMTA to subpoena witnesses, documents and records as needed in administrative proceedings for enforcement of MVFH regulations. Currently parties adverse to the SFMTA in administrative hearings are able to get all public documents to advance their case, but the SFMTA is not able to require the production of any evidence outside of its own files that would support its position; and,

WHEREAS, The proposed ordinance would additionally authorize the imposition of maximum allowable fines for a charter party carrier that exceeds its charter by picking up street-hails (\$2,500 for the first offense and \$5,000 for subsequent offenses);

WHEREAS, The proposed ordinance would have the effect of removing the jurisdiction of the Board of Appeals from taxi permit hearings, which had been granted by ordinance in the Police Code and is not reproduced in the Transportation Code; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the Board of Supervisors amend Transportation Code, Division I to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3) increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 5, 2012.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code, Police Code, and Business and Tax Regulations Code -- Motor Vehicles for Hire]

Ordinance amending the San Francisco Transportation Code, Division I, by: (1) adding Section 1.4 confirming the transfer of jurisdiction over taxicabs to the SFMTA as originally memorialized in former Police Code Section 1075.1; (2) adding Section 1.5, which is former Section 7.4 of the Transportation Code renumbered, requiring SFMTA to report quarterly to the Board of Supervisors on its progress increasing and improving taxi service ; (3) adding Section 1.6 consisting of former Section 1135.1(d) of the Police Code; (4) amending Section 3.1(e) to clarify the authority of the Director of Transportation to designate staff who may enforce parking laws, and deleting Section 3.1(f), which makes such designations; (6) adding Section 3.5 granting the SFMTA authority to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations; (7) amending Article 7 by renumbering existing Sections 7.3.1 – 7.3.11, amending Section 7.3.50 to increase the penalty for driving or operating a taxi without a permit, adding Section 7.3.56 making it a misdemeanor to operate a taxi without a functioning taximeter, and adding Section 7.3.57 making it a misdemeanor for an operator of a charter party carrier to refuse to produce a waybill ; (8) amending the San Francisco Police Code by repealing Article 16, consisting of Sections 1075-1110, 1120-1127, 1135-1147.9, 1148-1148.6, 1150-1154, 1155-1158, 1160-1161, 1165-1166, 1170-1171, 1175-1178, 1183-1183.40, 1185-1188, in its entirety; and (9) amending the San Francisco Business and Tax Regulations Code by repealing Section 76.5.

1 NOTE: Additions are [begin addition] *single-underline italics Times New*
2 *Roman* [end addition] ; deletions are [begin deletion] ~~*strike through italics Times New Roman*~~
3 [*end deletion*] . Board amendment additions are [begin Board amendment
4 addition] double-underlined [end Board amendment addition];
5 Board amendment deletions are [begin Board amendment
6 deletion] ~~strikethrough-normal~~ [end Board amendment deletion] .

7 Be it ordained by the People of the City and County of San Francisco:

8 Section 1. The San Francisco Transportation Code, Division I, Article I is hereby
9 amended by adding Sections 1.4, 1.5 and 1.6, as follows:

10 [begin addition] SECTION. 1.4. TRANSFER OF REGULATORY AUTHORITY TO
11 MUNICIPAL TRANSPORTATION AGENCY.

12 The Board of Supervisors hereby restates Ordinance 303-08 (approved on December 16, 2008)
13 abolishing the Taxi Commission and transferring the functions, powers and duties of the Taxi
14 Commission to the San Francisco Municipal Transportation Agency, pursuant to authority granted in
15 Charter Section 8A.101.

16 SECTION. 1.5. REPORT ON IMPROVED TAXI SERVICE.

17 Beginning April 1, 2011, the SFMTA shall report quarterly to the Board of Supervisors on
18 SFMTA's progress increasing and improving taxi service in San Francisco. Such reports shall include
19 quantitative data demonstrating the Agency's progress in meeting demand for taxi service as a way to
20 reduce non-permitted taxi service.

21 SECTION. 1.6. RATIFYING GATE FEES ACTUALLY CHARGED UP TO \$91.50 BETWEEN
22 JANUARY 1, 2003 AND OCTOBER 27, 2006 [end addition] .

23 [begin addition] The average Gate Fees charged to taxi drivers by taxicab companies from
24 January 1, 2003 through October 27, 2006 and not exceeding an average of \$91.50 for a shift of ten
25 hours or longer are hereby declared to be fair, reasonable, and in compliance with any applicable
 provision of former Police Code Section 1035.1 during that period.

1 [end addition] SECTION. 1. [begin addition] 7 [end addition] 4. SEVERABILITY.

2 If any section, subsection, sentence, clause or phrase of this Division I is for any
3 reason held to be unconstitutional, such decision shall not affect the validity of the remaining
4 portions of this Code. The Board of Supervisors declares that it would have passed this Code
5 and each article, section, subsection, sentence, clause and phrase of this Code, irrespective
6 of the fact that any one or more articles, sections, subsections, sentences, clause or phrase
7 may be declared unconstitutional.

8 Section 2. The San Francisco Transportation Code, Division I, Article 3 is hereby
9 amended by amending Section 3.1 and adding Section 3.5, as follows:

10 SEC. 3.1. POLICE COMMISSION REGULATION OF TRAFFIC; CIVILIAN
11 EMPLOYEES AUTHORIZED TO ENFORCE PARKING REGULATIONS.

12 (a) The Chief of Police is hereby authorized to direct, control, divert and regulate all
13 traffic by means of Police Officers or persons designated as special police officers limited to
14 the control and direction of traffic by the Chief of Police pursuant to Section 4.127 of the
15 Charter for the exclusive or main purpose of enforcing the provisions of Division 11 of the
16 Vehicle Code, the issuance of citations for the violation of this Code, *Article 12 of the Police*
17 *Code*, or the Vehicle Code, and the emergency use of temporary signs and devices.

18 (b) Any Police Officer, Parking Control Officer, or other SFMTA employee
19 authorized to enforce parking laws may issue citations to or authorize the removal of any
20 vehicle that is Parked in the street, on Public Property or in a Municipal Parking Facility, in
21 accordance with the provisions of this Code, the Police Code or the Vehicle Code. SFMTA
22 employees whose authority to enforce parking laws is limited to specified violations may order
23 removal of a vehicle only if it is parked in violation of one of the specified laws.

24 (c) Where curb painting or parking regulations are necessary for public safety, such
25 determination shall be reviewed by the Chief of Police and Fire Chief as appropriate.

1 (d) Any Parking Control Officer employed by the Municipal Transportation Agency
2 and assigned to the "Robert Greenstrand Disabled Placard Detail" shall have the power and
3 authority to issue misdemeanor citations for violations of Vehicle Code §§ 4461 and 4463.

4 (e) The Director of Transportation shall be empowered to identify staff with authority
5 to enforce [begin deletion] ~~other~~ [end deletion] [begin addition] all [end addition] parking laws
6 and regulations in compliance with the requirements of the Vehicle Code.

7 [begin deletion] (f) ~~Any employee of the Municipal Transportation Agency who is authorized~~
8 ~~by the Agency to enforce the provisions of Article 1100 of this Code may enforce Sections 7.2.27,~~
9 ~~regulating Parking in white zones, 7.2.38, prohibiting unauthorized vehicles from Parking in Stands,~~
10 ~~7.2.39, prohibiting vehicles from Parking in Transit-Only Areas designated in Section 601, 7.2.70,~~
11 ~~prohibiting obstruction of traffic, 7.2.80, regulating Parking of vehicles for hire in residential zones,~~
12 ~~and 7.2.86, regulating idling of commercial vehicles.~~

13 [end deletion] [begin addition] SEC. 3.5. AUTHORITY TO ISSUE SUBPOENAS

14 (a) When the Director of Transportation, acting under the authority of Charter Section
15 8A.101(b,) deems testimony or evidence necessary to a pending investigation of the potential violation
16 of an ordinance regulating motor vehicles for hire, or the qualifications of an applicant for a permit, he
17 or she shall have the power to subpoena witnesses, compel their attendance and testimony, administer
18 oaths and affirmations, take evidence, and require by subpoena the production of any books, papers,
19 records or other items relevant to the regulation of motor vehicles for hire.

20 (b) In connection with a hearing conducted under Article 1100 of this Code into the alleged
21 violation of an ordinance regulating motor vehicles for hire, and upon the application of a party to the
22 proceeding, the hearing officer is empowered to issue a subpoena requiring the attendance and
23 testimony of witnesses or the production of books, papers, records or other items upon the hearing
24 officer's determination that the testimony or items at issue are likely to provide evidence relevant to the
25 alleged violation.

1 (c) All applications for subpoenas made and all subpoenas issued under this Section 3.5
2 shall be made in the format and in accordance with the rules prescribed by the SFMTA. In case of the
3 refusal of any person to attend, testify, or produce documents as required by a subpoena issued under
4 the authority of this Section 3.5, the SFMTA may proceed to petition for a court order pursuant to
5 Section 1991 of the California Code of Civil Procedure.

6 [end addition] Section 3. The San Francisco Transportation Code, Division I, Article 7
7 is hereby amended by amending Section 7.3, as follows:

8 SEC. 7.3. MISDEMEANORS.

9 Except as may be authorized in Division II of this Code, the following actions are
10 prohibited, and each and every violation of the prohibitions listed in this Subsection 7.3 shall
11 be a misdemeanor; provided however, that, the charge may be reduced to an infraction in
12 discretion of the Court, or the citation issued may be issued for the violation as an infraction in
13 the discretion of the issuing officer.

14 [begin addition] Transit Violations

15 [end addition] SEC. 7.3.1 [begin addition] 0 [end addition] . OTHER FARE EVASION
16 AND PASSENGER CONDUCT REGULATIONS.

17 For any passenger or other person in or about any public transit station (including an
18 outdoor high-level boarding platform or station operated by the Bay Area Rapid Transit
19 District), or public transit vehicle to commit any of the acts described below:

20 (a) Knowingly providing false identification to a peace officer, fare inspector or other
21 representative of the transit system when engaged in the enforcement of City or state laws
22 regarding fare collection, fare evasion, passenger conduct or proof of payment of fare;

23 (b) Interfering with the turnstile or fare register;

24 (c) Meddling with the trolley pole or rope attached thereto;

25

1 (d) Meddling with tracks, switches, turnouts, or any other transit system structures
2 or facilities;

3 (e) Entering upon the roadbed, tracks, structures or other portions of transit system
4 property or facilities not open to passengers or the public;

5 (f) Obstructing any person or persons in charge of any transit station or facility or
6 public transit vehicle in the performance of that person's duties, or otherwise interfering with
7 the operation of the public transit vehicle;

8 (g) Sounding any bell, alarm or other warning device, without authorization;

9 (h) Printing, duplicating or otherwise reproducing any token, card, transfer or other
10 item used for entry onto any transit vehicle or into a transit station without the express
11 permission of the Municipal Transportation Agency. (128.2)

12 *[begin addition] Parking Permit Violations*

13 *[end addition] SEC. 7.3. [begin addition] 20 [end addition] [begin deletion] 4 [end*
14 *deletion] . FAILURE TO SURRENDER A REVOKED PARKING PERMIT.*

15 Failure, when requested, to surrender a Parking Permit revoked by the Municipal
16 Transportation Agency. A Police Officer or Parking Control Officer is authorized to confiscate
17 a Parking Permit from a vehicle if the Parking Permit is determined to have been revoked.
18 (316, 413, 713)

19 SEC. 7.3. *[begin addition] 21 [end addition] [begin deletion] H [end deletion] . FALSE*
20 *STATEMENTS ON RESIDENTIAL PARKING PERMIT APPLICATION.*

21 For any person to knowingly make any false, misleading, or fraudulent statement or
22 representation on any application for, or request for renewal of, any Residential Parking
23 Permit issued by the Municipal Transportation Agency pursuant to Section 905.

24 *[begin addition] Traffic Regulations*

25 *[end addition] SEC. 7.3.3 [begin addition] 0 [end addition] . OBSTRUCTING TRAFFIC.*

1 To obstruct traffic four or more times within one year without a Special Traffic Permit, or
2 violate the terms of a Special Traffic Permit or the regulations set forth in Division II, Section
3 903. Each hour during which the obstruction continues shall constitute a separate offense.
4 Any person and/or business entity violating this section may be deemed guilty of a
5 misdemeanor and upon conviction thereof shall be punished by a fine of at least \$1,000, or
6 imprisonment in the county jail not exceeding six months, or both. (194.3)

7 *[begin addition] Miscellaneous*

8 *[end addition] SEC. 7.3. [begin addition] 40 [end addition] [begin deletion] 2 [end*
9 *deletion] FRAUDULENT PAYMENT PROHIBITED*

10 To cause to be deposited in any Parking Meter any slug, device, or substitute for lawful
11 money of the United States or any authorized payment device, or to otherwise fraudulently
12 attempt to obtain time on a Parking Meter or otherwise avoid making the required lawful
13 payment. (207)

14 *[begin addition] Motor Vehicle for Hire Violations*

15 *[end addition] SEC. 7.3. [begin addition] 50 [end addition] [begin deletion] 5 [end*
16 *deletion] . OPERATING WITHOUT A PERMIT.*

17 (a) For any person or entity to drive or operate any taxi on the public street without
18 a permit issued by the SFMTA authorizing such driving or operation. *[begin addition] The*
19 *penalty for violation of this subsection 7.3.50 shall be \$2,500 for the first offense and \$5,000 for a*
20 *subsequent offense, except as otherwise provided by Public Utilities Code Section 5412.2(a). [end*
21 *addition] For purposes of this subsection 7.3.5 [begin addition] 0 [end addition] (a), taxi shall*
22 mean a motor vehicle for hire that picks up passengers without prearrangement.

23 (b) For any person or entity to operate any Dispatch Service or to provide taxi-
24 related services to Drivers or Medallion Holders, including but not limited to procurement of a
25 Taxi or Ramp Taxi vehicle, vehicle insurance or maintenance, or the recruitment,

1 management or scheduling of Drivers, without a permit issued by the SFMTA authorizing such
2 operation in accordance with the provisions of this Code.

3 (c) For any person to drive, or to allow another person to drive, a vehicle that is
4 authorized for use as a Motor Vehicle for Hire without a Driver Permit issued by the SFMTA.

5 ~~*[begin deletion] Unless otherwise stated, for purposes of Sections 7.3.5, 7.3.6, 7.3.7, 7.3.8,*~~
6 ~~*7.3.9 and 7.3.10 of Article 7 of this Code, the terms "Color Scheme," "Dispatch Service," "Dispatch*~~
7 ~~*Service Permit," "Driver," "Driver Permit," "Motor Vehicle for Hire," "Medallion," "Medallion*~~
8 ~~*Holder," "Permit," "Permit Holder," "Ramp Taxi," and "Taxi" shall have the meanings ascribed to*~~
9 ~~*these terms in Article 1100 of this Code.*~~

10 [end deletion] SEC. 7.3. [begin addition] 51 [end addition] ~~*[begin deletion] 6*~~ [end
11 deletion] . SOLICITATION AND PAID PASSENGER REFERRALS PROHIBITED.

12 (a) For any driver of a motor vehicle for hire, or any person acting in concert with or
13 on behalf of the driver, to solicit passengers for the vehicle where the solicitation is made from
14 any from any public street, sidewalk, or other public property.

15 (b) For any person to solicit or accept payment [begin addition] from the driver of a
16 motor vehicle for hire [end addition] for referral of a passenger to a motor vehicle for hire, or for
17 any person or business, firm, association or corporation to act in concert with or on behalf of
18 another person or persons to solicit or accept payments [begin addition] from the driver of a
19 motor vehicle for hire [end addition] for the referral of passengers to a motor vehicle for hire;
20 provided, however, that this Section shall not apply to a Dispatch Service, a passenger
21 referral service by which passengers are able to communicate directly with drivers, or any
22 effort on the part of a Driver to market his or her services to the public.

23 (c) For purposes of this Section, "motor vehicle for hire" shall include any taxicab,
24 limousine, or other privately owned motor-propelled passenger-carrying vehicle for hire,
25 regardless of whether the City and County has issued or could issue a permit for that vehicle.

1 SEC. 7.3. [begin addition] 52 [end addition] [begin deletion] 7 [end deletion] . GIFTS OR
2 GRATUITIES.

3 For any person to solicit or accept gifts and/or gratuities or anything of value from any
4 holder of a San Francisco Motor Vehicle for Hire Permit, except as authorized in this Code, in
5 return for any dispatch call, assignment, vehicle, or shift.

6 SEC. 7.3. [begin addition] 53 [end addition] [begin deletion] 8 [end deletion] . FALSE
7 STATEMENTS [begin addition] TO ENFORCEMENT PERSONNEL [end addition] [begin Board
8 amendment deletion] ~~PROHIBITED~~ [end Board amendment deletion] .

9 For any person or entity knowingly to make any false or misleading representation, to
10 manufacture any record, or knowingly to conceal information from any person authorized by
11 this Code to enforce Motor Vehicle for Hire laws and regulations in connection with the
12 application for, renewal of, possible revocation of, or operation of vehicle pursuant to a permit
13 issued under Article 1100 of this Code.

14 SEC. 7.3. [begin addition] 54 [end addition] [begin deletion] 9 [end deletion] . REFUSAL
15 TO PAY FARE.

16 For any person to refuse to pay the legal fare and any applicable surcharges for a
17 Motor Vehicle for Hire.

18 SEC. 7.3. [begin addition] 55 [end addition] [begin deletion] 10 [end deletion] .
19 EXCESSIVE AND UNAUTHORIZED CHARGES.

20 (a) For a Driver of a motor vehicle for hire to charge a passenger any amount in
21 excess of the legally authorized rate of fare and any applicable surcharges.

22 (b) For any Medallion Holder, Color Scheme or Dispatch Service Permit Holder to
23 levy an administrative fee, service charge, processing fee, or other surcharge on Driver Permit
24 Holders except as expressly authorized in this Code.

25 [begin addition] SEC. 7.3.56. OPERATING WITHOUT FUNCTIONING TAXIMETER

1 For any person or entity to drive or operate any taxi on the public street that is not equipped
2 with a Taximeter, is equipped with a Taximeter that is inaccurately fixing the fare to be collected or is
3 otherwise not in good working order, or is equipped with a taximeter that does not comply with the
4 requirements of Section 1113(f)(4) of Division II of the Transportation Code.

5 SEC. 7.3.57.REFUSAL TO PRODUCE WAYBILL

6 For any person operating a charter-party carrier of passengers within the City and County to
7 refuse, upon request by a Police Officer or a person authorized by the Municipal Transportation
8 Agency to enforce the provisions of Article 1100 of this Code, to produce his or her waybill for
9 inspection. [end addition]

10 Section 4. The San Francisco Transportation Code, Division I, Article 7 is hereby
11 amended by repealing Section 7.4, as follows:

12 [begin deletion] ~~SEC. 7.4. REPORT ON IMPROVED TAXI SERVICE.~~

13 ~~Beginning April 1, 2011, the SFMTA shall report quarterly to the Board of Supervisors on~~
14 ~~SFMTA's progress increasing and improving Taxi service in San Francisco. Such reports shall include~~
15 ~~quantitative data demonstrating the Agency's progress in meeting demand for Taxi service as a way to~~
16 ~~reduce non-permitted Taxi service.~~ [end deletion]

17 Section 5. The San Francisco Police Code is hereby amended by repealing Sections
18 1075-1110, 1120-1127, 1135-1147.9, 1148-1148.6, 1150-1154, 1155-1158, 1160-1161, 1165-
19 1166, 1170-1171, 1175-1178, 1183-1183.40, 1185-1188.

20 Section 6. The San Francisco Business and Tax Regulations Code is hereby amended
21 by repealing Section 76.5.

22 Section 7. This section is uncodified. In deleting Section 1135.1 of the Police Code,
23 and moving only the language of subsection (d) of that Section (intact except for substitution
24 of the phrase "former Police Code" for the word "this") to Section 1.6 of the Transportation
25

1 Code, the Board does not intend to affect the meaning or effect of former Police Code Section
2 1135.1(d).

3 Section 8. This section is uncodified. In enacting this Ordinance, the Board intends to
4 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
5 punctuation, charts, diagrams, or any other constituent part of the Transportation, Police, and
6 Business and Tax Regulations Codes that are explicitly shown in this legislation as additions,
7 deletions, Board amendment additions, and Board amendment deletions in accordance with
8 the "Note" that appears under the official title of the legislation.

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Section 9. Effective Date. This ordinance shall become effective 30 days from the
date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Mariam Morley
Deputy City Attorney