

[Transportation Code – Regulation of Motor Vehicles for Hire]

Resolution amending the Transportation Code to modify the administrative hearing procedures applicable to motor vehicle for hire permits issued under Article 1100.

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 1100 of Division II of the Transportation Code is hereby amended by revising Sections 1119 - 1121 to read as follows:

SEC. 1119. ADMINISTRATIVE FINES ASSESSED AGAINST NON-PERMIT HOLDERS.

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(d) **Right to Judicial Review.** A decision of a Hearing Officer made under ~~this~~ Sections 1119, 1120, or 1121 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. 1120. ADMINISTRATIVE HEARINGS.

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(h) **Settlement.**

(1) After issuance of an SFMTA Complaint, Notice of Nonrenewal, Inactive Status under Section 1103(b)(4), or Summary Suspension, or a Citation issued under

Section 1119(a) or for a violation listed under Section 1118(a), the SFMTA may enter into a settlement with the Respondent or person cited. The parties may reach a settlement before, during, or after the hearing, but may not enter into a settlement after the Hearing Officer issues the Notice of Decision in accordance with subsection (e)(2).

(2) A settlement need not be read into the record of the hearing, or approved by the Hearing Officer, but must be reduced to writing, and signed and dated by the SFMTA and Respondent or Respondent's legal counsel or other authorized representative.

(3) By entering into a settlement agreement, ~~Respondent waives any right to appeal to the City's Board of Appeals, and~~ Respondent waives any right to seek judicial review with respect to the subject of the settlement agreement.

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(k) **Right to Judicial Review.** A decision of a ~~H~~Hearing Officer made under Sections 1119, 1120, or 1121 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. 1121. SUMMARY SUSPENSION OF PERMIT FOR HEALTH OR SAFETY REASONS.

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(c) **Appeal.** If the Permittee ~~appeals a~~ seeks judicial review of the Hearing Officer's decision upholding a summary suspension ~~to the Board of Appeals,~~ the summary suspension shall remain in effect until a final decision is issued by the ~~court~~ Board of Appeals. Where a permit is revoked after a summary suspension, the revocation shall be effective immediately

and, if the Permittee ~~seeks judicial review~~ ~~appeals to the Board of Appeals~~, shall remain in effect until a final decision is issued by the ~~court~~ Board of Appeals.

Section 2. Effective Date. This resolution shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution.

Section 3. Scope of Resolution. In enacting this resolution, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: *Stephanie Stuart*

STEPHANIE STUART
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 15, 2022.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency