

[Credit and Debit Card Processing Fees for Taxi Fare Payments]

**Resolution approving amendments to Sections 1106, 1108 and 1122 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) require that credit card processing services offered by Color Schemes be provided through a third party merchant account holder who will deposit the Driver's proceeds into an account of the Driver's choice; (2) limiting the fees charged for credit card processing services to 3.5 percent; (3) prohibiting Color Schemes from requiring that Drivers use a Color Scheme's credit card merchant account vendor; (4) allowing Drivers to use their own credit card merchant account services, and (5) requiring that Color Schemes accept payment of Gate Fees by credit or debit card.**

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 amending Section 1106, to read as follows:

**SEC. 1106. CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS.**

In addition to all other conditions applicable to a Color Scheme Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

(a) Rights of Color Scheme Permit Holder; Permit Required. A Color Scheme Permit entitles the Permit Holder to operate a business that provides taxi service using vehicles painted with trade dress authorized by the permit and unique to that business. Any

major change in trade dress colors of a Color Scheme Permit Holder shall require a permit application requesting the issuance of a new Color Scheme Permit. Minor changes in trade dress may be approved by SFMTA without a new permit application. SFMTA shall determine, in its sole discretion, whether a requested change of trade dress is major or minor. No person shall operate a Color Scheme business without a valid permit from the SFMTA.

(b) Color Scheme Trade Dress. Upon request, the Color Scheme Permit Holder shall provide to SFMTA electronic, high-resolution copies of color photographs of the front, sides and rear of each make and model of Taxi and Ramp Taxi vehicle affiliated with the Color Scheme.

(c) Use of Dispatch Service. Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service utilized by the Color Scheme. A Color Scheme must obtain the prior written approval of the SFMTA before changing Dispatch Services. A Color Scheme request for change of Dispatch Service shall be approved unless the Color Scheme or the Dispatch Service have been declared ineligible for new affiliations based on a finding, following a hearing, that the Color Scheme or the Dispatch Service has continuing permit violations or a pattern of repeated permit violations that affect the quantity or quality of taxi service to the public or which threaten public health and safety. Upon such finding by a hearing officer, the Permit Holder regarding which the finding was made may not undertake any new affiliations until the ongoing violations listed in the hearing officer's findings are cured.

(d) Principal Place of Business. All Color Schemes shall maintain a principal place of business within the City, which must be staffed by at least one person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting federal holidays. Every Color Scheme must have the capacity to send and receive faxes and email messages at all times, and the fax number and email address must be provided to the SFMTA.

(e) Change of Business Location; Transfer of Color Scheme Permits. A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business, selling or otherwise transferring the business. Prior to approving a transfer of a Color Scheme Permit the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article. For the purpose of this subsection, the transfer of a business means the transfer of 50% or more of an ownership interest in the business to a person or entity that does not already hold an ownership interest in the business as of June 19, 2009.

(f) Telephone Access. Every Color Scheme shall subscribe to a telephone service and publish the name of the business, the Color Scheme Permit number and the telephone number to which requests for service and inquiries about Found Property may be addressed in the Yellow Pages section of the San Francisco telephone directory. The published telephone number shall not be used for the conduct of any business enterprise other than the business of the Color Scheme. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall promptly request to change the listing in the Yellow Pages section of the San Francisco telephone directory. During those times when the current listing in the Yellow Pages section of the San Francisco telephone directory is incorrect or when a new listing cannot be made until the next printed copy is published, the Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco directory assistance (411) and the City's 311 system.

(g) Designated Manager.

(1) All Color Schemes shall designate a natural person as a manager who shall serve as the central point of contact for all matters of regulatory compliance. This manager shall be an individual who has not had Motor Vehicle for Hire Permit issued by the

SFMTA suspended or revoked in the past five years, except as otherwise approved in writing by the SFMTA. A Color Scheme may designate additional managers for specialized matters subject to the prior written approval of the SFMTA.

(2) The designated manager of a Color Scheme shall be the agent for service of process for the Color Scheme.

(3) Designation of a manager for purposes of this subsection 1106(g)(3) does not qualify the manager as Key Personnel for the Color Scheme.

(h) Staffing Requirements. Every Color Scheme shall employ some combination of qualified staff, contracted services and/or automated devices adequate to perform at least the following functions and provide the following capabilities:

(1) Receive and dispatch requests for service in a timely fashion.

(2) Receive inquiries about Found Property on a 24-hour basis.

(3) Receive and respond to communications and information requests from the SFMTA.

(4) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

(5) Comply with all state laws regarding Found Property.

(i) Workers' Compensation Requirements. Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

(j) Participation in Paratransit Program. Color Schemes qualifying for the Paratransit Program must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. Thereafter, each such Color Scheme shall operate at all times subject to the rules and regulations of the Paratransit Program, and every contract entered into between a participating Color Scheme and a Driver affiliated with that Color Scheme shall

require the Driver to operate at all times subject to the rules and regulations of the Paratransit Program.

(k) Vehicle Maintenance and Cleaning.

(1) Every Color Scheme shall provide Drivers free access to a facility that is adequate to thoroughly wash all affiliated vehicles and that is in compliance with all applicable laws and regulations, including but not limited to environmental and zoning requirements.

(2) When a Color Scheme receives notice of a problem with the equipment of a vehicle affiliated with that Color Scheme, the Color Scheme and the Medallion Holder are jointly and severally responsible for compliance with all of the following requirements:

(A) Ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Ramp Taxi ramps, wheelchair securements and In-Taxi Equipment.

(B) Taking out of service and repairing any vehicle immediately if the failure of any equipment presents a safety issue, if communications equipment is not in working order, or if the Taximeter seal (paper, wire, etc.) is broken, removed, destroyed, marred or otherwise tampered with.

(3) The Color Scheme with which a vehicle is affiliated and the Medallion Holder are jointly and severally responsible for complying with any written order issued by the San Francisco Department of Public Health that relates to a Motor Vehicle For Hire.

(4) When a Color Scheme receives notice from a Driver assigned to a Taxi or Ramp Taxi vehicle that any equipment in or on that vehicle is unsafe, the Color Scheme is required to promptly provide the Driver with another Taxi or Ramp Taxi vehicle that is in compliance with this Article.

(l) Spare Vehicles.

(1) Taxis or Ramp Taxis that are taken out of service must either return to service within 30 days or be permanently replaced by another vehicle, except as otherwise approved by SFMTA.

(2) A spare vehicle may operate with a Medallion borrowed from a Taxi or Ramp Taxi. Spare vehicles shall only be used to replace temporarily disabled Taxi or Ramp Taxi vehicles. During any time a spare vehicle is operating, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

(3) During any time a spare vehicle is in operation as a Motor Vehicle For Hire, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

(4) Color Schemes with which one or more Ramp Taxis are affiliated shall maintain at least one Ramp Taxi spare vehicle for every three spare non-Ramp Taxi vehicles. If three or fewer Ramp Taxi Medallions are affiliated with a Color Scheme, only one Ramp Taxi Medallion may be used in a spare Taxi vehicle at any time. For each additional three Ramp Taxi Medallions, or any fraction thereof, affiliated with a Color Scheme, an additional Ramp Taxi Medallion may be used in a spare Taxi.

(5) Each Color Scheme shall be issued a series of "spare numbers" at the ratio of one spare number for every five vehicles operating at that Color Scheme.

(6) All spare vehicles shall be kept at the Color Scheme's place of business or other location approved by SFMTA when not in actual use with a Medallion.

(7) Once a vehicle is designated as a spare, it may not be re-introduced to the fleet except by approval of the SFMTA. All spare vehicles must be owned by the Color Scheme and shall be registered and insured as required by all applicable law.

(8) Color Schemes may not lease a spare vehicle, whether on a per-shift, weekly, monthly, or other basis, unless such vehicle is using a Medallion which is not in use in

any other vehicle. Any Color Scheme found to be violating this Section shall be deemed to be operating a vehicle without a permit.

(m) Reduced Emissions by Color Scheme. Beginning on June 1, 2011, each Color Scheme Permit Holder shall maintain average per vehicle greenhouse gas emissions at a level set by the Department of the Environment to achieve the goal of a 20% reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. For the purpose of this requirement, Ramp Taxis shall not be included in calculation of the Color Scheme's average per vehicle greenhouse gas emissions.

(n) Information Required to be Posted. All Color Schemes shall post the following information at their place of business in a place where it is easily visible to Drivers and Color Scheme employees:

(1) Certificate of Worker's Compensation. A copy of a current and valid Certificate of Worker's Compensation Insurance and information about how to file a claim.

(2) Gate Fees. The amounts charged for Gate Fees including the amount charged for each available shift over the seven days of the week.

(3) Information Provided by SFMTA. From time to time, other industry-related printed matter provided by the SFMTA. The SFMTA may require a Color Scheme to distribute designated materials to each Driver, including the requirement that the Color Scheme obtain written acknowledgments of receipt, within a time period specified by SFMTA.

(o) Required Notifications.

(1) Color Schemes must notify the SFMTA of any injury accident involving any Taxi or Ramp Taxi affiliated with the Color Scheme within 24 hours of the accident.

(2) Color Schemes must notify the SFMTA in advance of any change in the name, address or telephone number under which taxi service is provided by the Color Scheme. A change of name or address require the prior approval of the SFMTA.

(3) Color Schemes have an affirmative obligation to report to the SFMTA any actual knowledge that a Driver is engaged in the sale, use, or possession of drugs or alcohol in a Taxi or Ramp Taxi vehicle.

(4) Color Schemes must notify the SFMTA when Found Property is returned to its owner.

(5) Death of Driver or Medallion Holder. Upon receiving notice of the death of a Driver or Medallion Holder affiliated with or employed by a Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days of receipt of the notice of the death. If the deceased was a Medallion Holder, then the Color Scheme must return the Medallion within 14 calendar days of notice to the SFMTA. The SFMTA, may, in its discretion, extend the deadline for return of the Medallion to the SFMTA if it determines that the Medallion could not be promptly re-issued to an applicant on the Waiting List, and that such an extension would be in the public interest. During any such period of extension, in lieu of making medallion lease payments to the former Medallion Holder, the Color Scheme shall pay to the SFMTA a monthly fee of \$1,900 beginning as of the 15th day following the notice of death and until such date as the SFMTA requires the return of the Medallion.

(p) Color Scheme Obligations Related To Drivers.

(1) Each Color Scheme shall ensure that every Driver starts and ends each shift at the Color Scheme's principal place of business, except with the prior written approval of the SFMTA.

(2) Each Color Scheme shall ensure that every affiliated Driver holds a valid A-Card, and shall not allow any Driver to operate a vehicle affiliated with the Color Scheme if the Driver does not have a valid California drivers' license or a valid A-Card.

(3) A Color Scheme shall not charge an applicant for a Driver Permit for the statement of affiliation required by Section 1103(c)(1)(F).



(4) A Color Scheme shall issue receipts for payments received from any Driver for fuel, Gate Fees, Lease Fees or other payments. A Color Scheme shall accept payment of Gate Fees by credit or debit card, and shall impose no charge or fee on Drivers who pay their Gate Fees by credit or debit card.

(5) Medical Certification of Drivers. Every Color Scheme shall ensure that all affiliated Drivers undergo any medical examination required by the SFMTA in accordance with SFMTA requirements.

for any merchant account processing fees for fares paid by credit or debit card.

(6) A Color Scheme shall ~~offer provide~~ cashiering services, through a third-party merchant account holder that conforms to PCI DSS standards, to any Driver for credit and debit card transactions collected by that Driver as payment of taxi fare while that Driver was driving a vehicle affiliated with that Color Scheme, ~~and shall not charge a Driver for any merchant account processing for fares paid by credit or debit card~~ A Color Scheme may charge a Driver a fee for the cashiering service, which shall not exceed 3.5 percent of the total amount of the credit or debit card transactions presented to the Color Scheme A Color Scheme must require its third-party merchant account holder to deposit the proceeds of the Driver's credit and debit card transactions, minus the fee of up to 3.5 percent, in an account of the Driver's choice within one business day. A Color Scheme may not require a Driver to use its merchant account holder, and may impose no charge for credit and debit cashiering services in addition to the 3.5 percent fee on Drivers who choose to use the Color Scheme's third-party merchant account holder to cash credit and debit card payments.

(q) Controlled Substance Testing Program; Controlled Substances.

(1) Reserved: Controlled Substance Testing Program.

(2) A Color Scheme having actual knowledge that a Driver has tested positive for a controlled substance as defined in 40 Code of Federal Regulations Title 49 shall

not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has tested negative.

(3) Color Schemes shall maintain drug- and alcohol-free workplaces.

(4) No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of a intoxicating or controlled substance, as defined in 21 Code of Federal Regulations Section 1308.01 et seq., shall permit that Driver to operate or continue to operate a Taxi or Ramp Taxi.

(r) Found Property.

(1) Color Scheme Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

(2) If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30 calendar days the Color Scheme Permit Holder or the designee shall transfer the property to the Taxi Detail, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

(3) Color Scheme Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

(s) Dissolution Plan. Any Color Scheme that will be terminating its business operations as a Color Scheme and surrendering its permit shall file a dissolution plan with the SFMTA at least 30 days prior to the date that the Color Scheme anticipates that it will cease to respond to requests for taxi service. The dissolution plan shall include but not be limited to

plans for the disposition of records and preservation of Waybills and Driver Rosters, Driver and Medallion Holder files and Leases, handling Found Property, notifying the public of the termination in service and contact information for future inquiries.

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1108, to read as follows:

**SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS.**

(a) Driver Identification Upon issuance of a Driver Permit, the SFMTA will issue to each Driver the following identification:

(1) 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.

(2) 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.

(3) 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.

(b) Renewal of Driver's Permits.

(1) Driver Permits shall be re-issued annually upon the payment of the applicable Renewal Fee.

(2) Controlled Substance Testing Program: Reserved.

(3) Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(2)(F). The SFMTA may

refuse to renew a permit if the Permit Holder would not be eligible to receive a new permit pursuant to Section 1103(c)(2)(F).

(4) Controlled Substances.

(A) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, as defined in 21 CFR 1308.01 et seq. including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

(B) Drivers shall maintain a drug and alcohol-free workplace and shall not sell, use, or possess alcohol or controlled substances, as defined in 21 CFR 1308.01 et seq., while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

(5) Lapse of Active Permit Status; New Application; A-Card Seniority. A Driver Permit Holder who fails to renew his or her Driver Permit within the deadline for renewal set by the SFMTA may renew his or her Driver Permit upon submission of a new Driver Permit application and completion of all requirements for a new Driver Permit. If the Driver Permit Holder submits the new Driver Permit application and completes the requirements within two years of the renewal deadline, he or she shall retain A-Card Seniority based on the original issuance date of the Driver Permit. A Driver Permit Holder who fails to renew by the renewal deadline and fails to submit a new Driver Permit application and complete the requirements within two calendar years after the renewal deadline may likewise apply for a new Driver Permit, but he or she shall have an A-Card Seniority date as of the date of the most recent Driver Permit.

(c) Notification to SFMTA of Change of Affiliation with Color Scheme.

(1) All Drivers must notify the SFMTA at least three business days prior to the effective date of any change of affiliation with a Color Scheme. No Driver may affiliate with a Color Scheme that is on administrative probation pursuant to Section 1118(g).

(2) In accordance with California Government Code Section 53075.5(b)(1)(B), a Driver's Permit shall be suspended for any period during which the Driver is not affiliated with a Color Scheme.

(3) A Driver shall return his or her Color Scheme Identification Card to the Color Scheme 30 calendar days after terminating affiliation with the Color Scheme, and shall return his or her A-Card to the SFMTA 30 calendar days after terminating affiliation with the Color Scheme if by that date the Driver has not yet affiliated with a new Color Scheme.

(d) Driver Duties at Beginning of Shift.

(1) A Driver is required to perform a safety check on a 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 ramp and securement system. If the Driver finds any unsafe equipment, 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.

(2) A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional communications equipment capable of both receiving and transmitting voice information. If communications equipment is not functional, that vehicle shall be taken out of service until such time as the communications equipment is functional.

(3) A Driver is responsible for ensuring that their vehicle is supplied with the following items:

(A) 311 card;

- (B) Current copy of book of regulations issued by SFMTA;
- (C) A supply of receipts, preprinted with the name of the affiliated Color Scheme; and
- (D) Current maps of San Francisco and San Mateo counties or a functional GPS device;
- (E) Working flashlight;
- (F) Working ballpoint pen with black or blue ink;
- (G) SF Paratransit manual trip ticket forms;
- (H) ~~Manual~~ Back-up credit card payment processing transaction device and ~~forms~~ any supplies required for its operation.

(4) 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.

(e) Driver Duties During Shift.

(1) 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, or paratransit passengers within the Paratransit Program service area, at rates authorized by law, if the prospective passengers present themselves for transportation in a clean, coherent, safe and orderly manner and for a lawful purpose and the Driver has sufficient time before the end of his or her shift.

(2) A Driver shall not refuse to transport a passenger's luggage, wheelchair or other mobility device, crutches or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas. A Driver may refuse to convey a passenger

who requests taxi service for the primary purpose of transporting goods or cargo if in the Driver's judgment the amount of goods to be carried could result in unsafe driving or damage to the vehicle.

(3) No Driver may refuse to transport a person with a physical disability in the front seat to accommodate the person's physical disability.

(4) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal except when the Driver has documentation from a licensed physician of a medical condition that prevents contact with that type of animal on file with the SFMTA.

(5) A Driver shall, if requested, take reasonable measures to 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. 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 unloaded that the Driver's departure is delayed, or when it is necessary to wait for dispatched assistance to arrive.

(6) 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.

(7) Every Driver must accept dispatch assignments, including, when available, an average minimum of one dispatch call per hour during each shift from their Dispatch Service. Drivers must advise their Dispatch Service if they are unable to handle an accepted call within five minutes of the time when they acknowledged or accepted the call.

(8) 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.

(9) Except as prohibited by the rules of the Paratransit Program, 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 in any amount in excess of the fare shown on the Taximeter at the time that the last passenger reaches their destination.

(10) 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.

(11) 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.

(12) Drivers may only use personal telephones for voice or any other type of communication in the vehicle in accordance with all applicable laws. 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.

(13) 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.

(14) A Driver shall not operate a Motor Vehicle for Hire in a reckless or dangerous manner.

(15) Ramp Taxi Service.

(A) Every Ramp Taxi Driver must log on the In-Taxi Equipment at the beginning of the shift.

(B) Every Ramp Taxi Driver 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.

(C) A Ramp Taxi Driver shall grant priority to requests for service from passengers who use wheelchairs, and 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. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi Driver may transport any person.

(16) 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 when the tip is only capable of being added to a payment only by action of the Driver.

(17) The Driver must keep any audio communication device required by this Article at an audible volume, or any visual communication device visible to the Driver at all times during the shift.

(18) Drivers shall, at the beginning of a trip, inform any passenger whose 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 in accordance with Section 1122(b)(2).

(19) Drivers shall carry sufficient cash to be able to provide change for 20 dollars.

(20) Drivers shall, at the beginning of a trip, inform passenger(s) whose 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.

(21) Drivers may charge a passenger less than the fare shown on the Taximeter at the end of a trip.

(22) 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.

(23) 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.

(24) Upon discovery, a Driver shall report the Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. If it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color Scheme or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme or Dispatch Service, stating 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.

(25) If during the course of the work shift, any equipment failure makes the continued operation of the Taxi or Ramp Taxi unsafe, including but not limited to a Ramp Taxi without the required number of functional tie-down securements and lap/shoulder seat belts, then the Driver shall immediately return to vehicle to the Color Scheme to be taken out of service.

(26) The Driver shall not place or allow to be placed any loose items on the dashboard or rear shelf of the vehicle.

(27) 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.

(28) No Driver shall leave a vehicle unattended on a public street for more than 4 hours.

(29) No Driver shall threaten, harass, or abuse another person, nor may a Driver speak in an obscene, threatening or abusive manner.

(30) 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.

(31) Drivers shall be clean in dress and person.

(32) 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.

(33) No Driver shall burn any substance, drink, or eat while a passenger is in the vehicle.

(34) Resolution of Fare Disputes. In any case of fare dispute between the Driver and passenger(s), the Driver shall call the Police or, with the consent of the passenger, 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 or her original destination without additional charge.

(f) Duties at End of Shift.

(1) Drivers shall turn in all completed Waybills to the Color Scheme at the conclusion of each shift.

(2) The Driver shall remove any litter, personal items, and any other loose items that do not belong with the vehicle.

(3) 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 or Dispatch Services' place of business, and shall obtain a receipt for the item regardless of value.

(g) A Driver must return his or her A-Card to the SFMTA 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 consecutive days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the A-Card on file until the Driver informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the A-Card to the Driver so long as all Application and Renewal Fees and other Permit Fees are paid and the Driver remains qualified for the permit.

(h) Controlled Substance Testing Program. Reserved.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1122, to read as follows:

**SEC. 1122. FEES, RATES AND CHARGES.**

(a) Beginning in fiscal year 2010-2011 and at least every other fiscal year thereafter, the SFMTA Board shall hold a hearing to determine, in its sole discretion, whether the rates of fare and cap on gate fees then in effect should be increased, decreased or remain unchanged.

(b) Taxi Fares.

(1) The fare for Taxis and Ramp Taxis shall be as follows: \$3.10 for the first fifth of a mile or "flag"; \$0.55 for each additional fifth of a mile or fraction thereof; and \$0.55 for each one minute of waiting or traffic delay time.

(2) Out-of-Town Trips. Drivers are authorized to collect 150 percent of the metered rate for out-of-town trips exceeding 15 miles beyond City limits. For trips exceeding 15 miles from San Francisco International Airport and not terminating within the City limits of San Francisco, the fare will be 150 percent of the metered rate except for those trips originating at the San Francisco International Airport with a destination across the Golden Gate or Bay Bridges the 15-mile limit will apply from the City limits of San Francisco as set forth above. For taxicab trips originating at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect \$2.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.

(3) Bridge Tolls. Drivers are authorized to collect bridge tolls in advance from passengers whose destination requires the crossing of a toll bridge, regardless of the direction in which the toll is collected.

(4) Cleaning Fee. Drivers are authorized to collect a cleaning fee of up to \$100 from any passenger who permanently stains the interior of the vehicle or who renders the vehicle temporarily unfit for for-hire passengers because of spillage of any substance such that the vehicle must be taken out of service and cleaned.

(5) Credit Card Processing Fees. A Driver may elect to establish his or her own account for credit card ~~charge~~ payment processing with any merchant account services that conforms to PCI DSS standards and provides an electronic or paper receipt clearly indicating that the payment was made for San Francisco taxicab fare, the date, the fare amount and a toll-free number for passenger and Driver payment inquiries to the merchant account holder or its customer service representative; provided, however, that a Driver must allow a passenger to choose to pay the fare using any available payment system, at the passenger's option. No Color Scheme may retaliate against a Driver for electing, or not electing, to establish his or her own credit card processing account.

(c) Gate Fees.

(1) Cap on Gate Fees. The mean gate fee charged drivers by a taxicab company may not exceed \$96.50 for a shift of 10 hours or longer. The cap shall be prorated at \$9.65 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged by the company for all available shifts during one week and dividing that total by the number of available shifts during the week.

(2) Gate Fee Surcharge For Low Emission Vehicles. Notwithstanding subsection 1122(c)(1), a Color Scheme may collect a surcharge of \$7.50 on any gate fee charged for use of a low emission vehicle, subject to the requirements of this subsection. The surcharge shall be for a shift of ten hours or longer, and shall be prorated at \$0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

(3) Definition of "Low Emission Vehicle." For purposes of this Section, "low emission vehicle" means a Taxi or Ramp Taxi approved by the SFMTA that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle" shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was approved by the Taxi Commission and placed into service as a San Francisco Taxi or Ramp Taxi prior to March 1, 2009.

(d) Oversized Luggage Fee. A Driver is entitled to charge an additional amount not to exceed \$1 for each piece of luggage that cannot be conveyed either in the passenger compartment of the vehicle or in the vehicle's trunk with the trunk-lid closed. Each passenger shall be entitled to have conveyed without charge such valise or small package as can be conveniently carried within the vehicle. Other than the charges authorized by this subsection, no charge shall be made by the driver for loading or unloading baggage.

(e) Emergency Rates. During any period of emergency, strike or other impairment or lack of municipal railway transportation declared by the Mayor and affecting the entire City or any part thereof, Drivers of Motor Vehicles for Hire shall accept passengers traveling in the same general direction, though each passenger or passengers may have differing points of pickup or discharge. At each stop for the pickup or discharge of a passenger or passengers, a Driver may collect, or tabulate for later collection at the passenger's point of discharge, the pro-rata share of the amount due as indicated by the meter, and said meter shall then be reset. The rates shall be those set forth in Section 1122(b).

(f) Deduction for Time While Disabled. In the event that a taxicab breaks down while conveying for hire any passenger or passengers, the Driver may not charge any passenger for the time during which the vehicle is disabled.

(g) Credit Cards. Drivers must accept major credit cards (including at a minimum Visa, MasterCard, American Express and Discover), as payment of taxi fare. This section shall be strictly enforced.

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 June 5, 2012.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency