

FILE NO. 051720

ORDINANCE NO.

15-06

[Limousines operating as unlicensed taxicabs; inspection of limousine waybills; criminal and administrative penalties.]

Ordinance amending the San Francisco Police Code by: (1) repealing current Section 1165, dealing with local licensing of limousines; (2) amending Section 1078, to re-state the prohibition on limousines acting as unlicensed taxicabs within San Francisco; (3) adding a new Section 1165, pursuant to California Public Utilities Code Section 5371.4(i), to authorize police officers and the Taxi Commission Executive Director to inspect limousine waybills and make violation an infraction; (4) amending Section 1185, to correct certain misdemeanor penalties and increase infraction penalties for violation of Sections 1078 and 1165; and (5) adding Section 1187.1, to authorize imposition of administrative penalties against persons operating a motor vehicle as a taxicab without a permit.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough-normal~~.

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

Section 1. The San Francisco Police Code is hereby amended by repealing current Section 1165 in its entirety.

~~SEC. 1165. LIMOUSINE PERMITS.~~

It shall be unlawful to own or operate a limousine in the City and County of San Francisco unless a limousine permit has been issued by the Police Commission for the operation of that vehicle pursuant to this Section. Limousine permits shall be applied for and issued pursuant to Sections 1080 through 1081 of this Article.

1 Section 2. The San Francisco Police Code is hereby amended by amending
2 Section 1078, to read as follows:

3 **SEC. 1078. PERMIT REQUIRED FOR OPERATION OF MOTOR VEHICLES FOR HIRE;**
4 **EXCLUSIONS.**

5 (a) **Permit Required.** No person, business, firm, partnership, association or
6 corporation shall drive or operate any motor vehicle for hire on the public streets of the City
7 and County of San Francisco, nor shall any person, business, firm, partnership, association or
8 corporation operate any taxicab radio-dispatch service or taxicab color scheme in the City and
9 County of San Francisco, without a permit issued by the *Taxi Police* Commission authorizing
10 such driving or operation in accordance with the provisions of this Article.

11 (b) **Limitation on Types of Vehicles for Hire.** No person, business, firm, partnership,
12 association or corporation shall drive or operate, directly or indirectly, any motor vehicle for
13 hire on the public streets of the City and County of San Francisco which is not specifically
14 defined in this Article; provided, however, that the *Taxi Police* Commission may declare, after a
15 noticed public hearing, that the public convenience and necessity require the operation of a
16 type, kind or class of motor vehicle for hire not herein defined, and issue a permit or permits
17 for such type, kind or class of motor vehicle for hire in accordance with the procedures and
18 provisions set forth in Sections 1079 through 1081 of this Article.

19 (c) **Exclusions for Vehicles Licensed in Other Jurisdictions.** This Article shall not
20 apply to any motor vehicle for hire duly licensed by any city, county or other public entity
21 which may enter the City and County of San Francisco for the purpose of delivering
22 passengers who have hired said motor vehicle for hire within a jurisdiction in which said motor
23 vehicle for hire is licensed to operate; provided, however, that no such motor vehicle for hire
24 shall accept or be hired by any passenger while in the City and County of San Francisco.
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1 (d) **Exclusion for Vehicles Licensed by California PUC.** This Article shall not apply
2 to the operation of motor vehicles engaged in the business of, or used for, transporting
3 passengers for hire when such motor vehicles are operated under and by authority of
4 certificates of public convenience and necessity issued by the Public Utilities Commission of
5 the State of California; provided, however, that this clause shall be construed to create an
6 exception only to the extent, character and type of operation expressly prescribed and
7 authorized by the certificate issued by said Public Utilities Commission and shall be limited by
8 and entirely within the scope of said certificate as issued by said Public Utilities Commission.
9 No limousine or other charter-party carrier of passengers, whether licensed by the California Public
10 Utilities Commission or not, shall operate as a taxicab on the public streets of the City and County of
11 San Francisco without a permit issued by the Taxi Commission authorizing such driving or operation
12 in accordance with the provisions of this Article.

13 (e) **Partial Exclusion for Funeral Limousines.** Any person engaged in the business
14 of undertaker or funeral director desiring a permit for the operation of a limousine or
15 limousines used solely in connection with said business shall not be required to qualify under
16 Sections 1079 through 1081 or Sections 1091 through 1094 of this Article; provided, however,
17 that the Taxi Police Commission shall have the power to grant permits exclusively for such
18 funeral limousines after a noticed hearing on an application therefor. The Taxi Police
19 Commission may prescribe the form and content for such applications. All funeral limousine
20 permittees shall be subject to the condition and rulemaking authority of the Taxi Police
21 Commission and the Executive Director of the Taxi Commission Chief of Police as provided for in
22 Section 1077 of this Article. Such permits shall be nonassignable and nontransferable.

23 (f) **Exclusion for Employer's Buses.** No permit is required under this Article for the
24 operation of an employer's bus as defined in Section 1076(w).
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1 (g) **Exclusion for Private Ambulances.** This Article shall not apply to private
2 ambulances regulated under Part II, Chapter V of the Municipal Code (Health Code).

3 (h) **Exclusions for Rail Vehicles.** This Article shall not apply to any vehicle operating
4 on fixed tracks or rails.

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6 Section 3. The San Francisco Police Code is hereby amended by adding a new
7 Section 1165, to read as follows:

8 **SEC. 1165. INSPECTION OF LIMOUSINE WAYBILLS.**

9 (a) Any police officer or the Taxi Commission Executive Director, or his or her designee, may,
10 upon request, inspect the waybill of any charter-party carrier of passengers operating within the city
11 and county for the purpose of verifying valid prearranged travel. As required by Part 3.01 of General
12 Order 157-C of the California Public Utilities Commission, the waybill must include the following:

13 (1) Name of carrier and TCP number;

14 (2) Vehicle license plate number;

15 (3) Driver's name;

16 (4) Name and address of person requesting or arranging the charter;

17 (5) Time and date when charter was arranged;

18 (6) Whether the transportation was arranged by telephone or written contract;

19 (7) Number of persons in the charter group;

20 (8) Name of at least one passenger in the traveling party, or identifying information of the
21 traveling party's affiliation; and,

22 (9) Points of origination and destination.

23 The party arranging the transportation must have exclusive use of the vehicle.

1 (b) Any person operating a charter-party carrier of passengers within the city and county who,
2 upon request by a police officer, or the Taxi Commission Executive Director, or his or her designee,
3 fails or refuses to produce his or her waybill for inspection is guilty of an infraction punishable under
4 Section 1185.

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6 Section 4. The San Francisco Police Code is hereby amended, by amending
7 Section 1185, to read as follows:

8 **SEC. 1185. PENALTIES.**

9 **(a) Violations Chargeable as Misdemeanors or Infractions; Assisting or Inducing**
10 **Violation.** Unless otherwise specified in this Article, any person violating any Section of this
11 Article shall be deemed guilty of a misdemeanor or an infraction. It shall be a violation of this
12 Article to knowingly assist or knowingly induce another to violate a provision of this Article.

13 **(b) Misdemeanor Penalties.** Upon conviction of a violation charged as a
14 misdemeanor, the person so convicted shall be subject to a fine of not more than \$500 or
15 imprisonment in the County Jail for period of not more than six months, or by both such fine
16 and imprisonment; provided, however, that any person or entity violating Sections 1078
17 (requiring permits), 1084(b) or (c) (notification of death of permittee; lease of permit of
18 deceased permittee), 1089 (requiring drivers permits), 1091 through 1093 (requiring
19 insurance), or 1110 (false statements) of this Article shall, upon conviction thereof, be subject
20 to a fine of not more than \$1,000 or imprisonment in the County Jail for period of not more
21 than six months ~~one year~~, or by both such fine and imprisonment.

22 **(c) Infraction Penalties.** Upon conviction of a violation charged as an infraction, the
23 person so convicted shall be punished for the first offense by a fine of not less than \$10 nor
24 more than \$50, and for a second and any additional violation of the same provision within one
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1 year offense by a fine of not less than \$20 and not more than \$100; provided, however, that for
2 violations of Section 1078 (requiring permits) and Section 1165 (inspection of limousine waybills)
3 charged as an infraction, the person so convicted shall be punished for the first offense by a fine not to
4 exceed one hundred dollars (\$100), for a second violation of the same provision within one year by a
5 fine not to exceed two hundred dollars (\$200), and for a third and any additional violation of the same
6 provision within one year by a fine not to exceed five hundred dollars (\$500).

7 (d) **Violations of Taxi Commission's Rules.** Upon conviction of a violation of the
8 Taxi Commission's Rules, the person so convicted may be punished by a fine as follows:

9 (1) For regulations classified as Minor under the Commission's Rules, a fine of \$25 for
10 the first violation, \$50 for a second violation of the regulation within one year of the first
11 violation, and \$150 for a third or additional violation of the regulation within one year of the
12 first violation.

13 (2) For regulations classified as Moderate under the Commission's Rules, a fine of \$75
14 for the first violation, \$150 for a second violation of the regulation within one year of the first
15 violation, and \$450 for a third or additional violation of the regulation within one year of the
16 first violation.

17 (3) For regulations classified as Major under the Commission's Rules, a fine of \$250
18 for the first violation, \$400 for a second violation of the regulation within one year of the first
19 violation, and \$500 for a third or additional violation of the regulation within one year of the
20 first violation.

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1 Section 5. The San Francisco Police Code is hereby amended by adding
2 Section 1187.1, to read as follows:

3 **SEC. 1187.1. OPERATING WITHOUT A PERMIT; VIOLATIONS; ADMINISTRATIVE**
4 **PENALTIES.**

5 (a) **Permit Required.** Any person operating a motor vehicle as a taxicab or other motor
6 vehicle for hire licensed under this Article must have a permit as required in Section 1078.

7 (b) **Administrative Penalties.** The Taxi Commission (the Commission) may impose
8 administrative penalties for violations of the permit requirement, in accordance with the procedures
9 established in Section 1188. The penalties may be assessed against the driver or against the vehicle's
10 owner if it is proven that the driver operated the vehicle as a taxicab with the owner's knowledge.
11 These penalties are in addition to any other penalties or methods of enforcement authorized by law.

12 For purposes of Section 1188, the violator shall be referred to as "the permit holder." If any
13 penalties are not paid to the Taxi Commission within 30 days of the notice, the Commission shall refer
14 the unpaid penalties to the Bureau of Delinquent Revenue.

15 (c) **Amount of Penalty.** The administrative penalties assessed against the violator by the
16 Commission shall not exceed two thousand five hundred dollars (\$2,500) for a first violation or five
17 thousand dollars (\$5,000) for a subsequent violation.

18 In determining the amount of the penalty in an individual case, the Commission shall take into
19 account:

20 (i) Whether the violator has in the past violated the permit requirement, other provisions of
21 Article 16, the Taxi Commission's rules and regulations, or state law relevant to the operation of a
22 taxicab permit;


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1 (ii) Whether the violator concealed or attempted to conceal his or her non-compliance with the
2 permit requirement; and
3 (iii) Such additional factors as the Commission may determine are appropriate.
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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 THOMAS J. OWEN
12 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051720

Date Passed:

Ordinance amending the San Francisco Police Code by: (1) repealing current Section 1165, dealing with local licensing of limousines; (2) amending Section 1078, to re-state the prohibition on limousines acting as unlicensed taxicabs within San Francisco; (3) adding a new Section 1165, pursuant to California Public Utilities Code Section 5371.4(i), to authorize police officers and the Taxi Commission Executive Director to inspect limousine waybills and make violation an infraction; (4) amending Section 1185, to correct certain misdemeanor penalties and increase infraction penalties for violation of Sections 1078 and 1165; and (5) adding Section 1187.1, to authorize imposition of administrative penalties against persons operating a motor vehicle as a taxicab without a permit.

January 10, 2006 Board of Supervisors — PASSED, ON FIRST READING

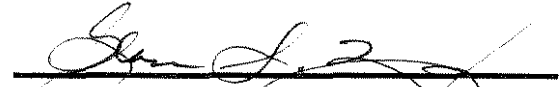
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

January 17, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 051720

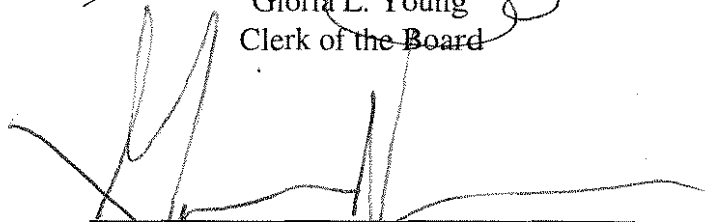
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on January 17, 2006 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

1/20/06

Date Approved



Mayor Gavin Newsom