Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants.

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 amending Section 1121, to read as follows:

SEC. 1121. PERMIT APPLICATIONS; PREFERENCES; DRIVING EXPERIENCE REQUIRED.

(a) Submission of Applications; Taxicab Waiting List. Applications for taxicab permits shall be accepted by the Taxi Commission and shall be recorded by the date and time at which each application is received. The Commission shall maintain a list in the order of receipt ("taxicab waiting list") of all taxicab permit applications that have not been acted upon, in excess of the number of such permits authorized pursuant to Section 1079. When a taxicab permit becomes available for issue and an applicant on the taxicab waiting list is eligible for a hearing before the Commission, the Commission shall so notify the applicant.

Each applicant for a taxicab permit must, at the time of filing the application:

(1) Be a resident of the United States, of good moral character;
(2) Be 21 years or older;
(3) Be free of any disease, condition, infirmity, or addiction to the use of alcohol or any controlled substance, which might render the applicant unfit for the safe operation of a taxicab or any other motor vehicle for hire;
(4) Be able to read and write the English language;

(5) Be clean in dress and person;

(6) Hold a valid California driver's license of a class sufficient for the lawful operation of the motor vehicle driven; and

(7) Have held a driver's permit pursuant to Section 1089 of this Article for two years immediately preceding the date of application for a taxicab permit.

(b) Driving Experience Required. To qualify for issuance of a taxicab permit, an otherwise qualified applicant must have the driving experience specified in subparts (i)--(vi) below, subject to the modification stated in subsection (c). The required driving may be satisfied only by driving a taxicab and/or ramped taxi for which a permit has been issued by the Taxi Commission. For the purposes of this subsection (b), the phrase "application heard by the Commission during calendar year" includes an application publicly scheduled to be heard in the calendar year, but continued in that calendar year to the next calendar year by the Commission.

(i) For an application heard by the Commission during calendar year 2004: The applicant must have been a full-time driver during the 12 months immediately preceding the Commission's hearing on the application. For the purposes of this subpart (i), "full-time driver" shall be defined in accordance with Section 1076(o), except that the time frame applicable to the definition is the 12 months immediately preceding the hearing on the application rather than 12 months constituting a calendar year.

(ii) For an application heard by the Commission during calendar year 2005: The applicant must have been a full-time driver, as defined in Section 1076(o), during calendar year 2005 or the 12 months immediately preceding the hearing on the application.
For an application heard by the Commission during calendar year 2006:
The applicant must have been a full-time driver, as defined in Section 1076(o),
during any two calendar years from 2005 to 2006, inclusive.

For an application heard by the Commission during calendar year 2007:
The applicant must have been a full-time driver, as defined in Section 1076(o),
during any two three calendar years from 2005 to 2007, inclusive.

For an application heard by the Commission during calendar year 2008:
The applicant must have been a full-time driver, as defined in Section 1076(o),
during any three four calendar years from 2005 to 2008, inclusive.

For an application heard by the Commission during calendar year 2009:
The applicant must have been a full-time driver, as defined in Section 1076(o),
during any four calendar years from 2005 to 2009, inclusive.

For an application heard by the Commission in calendar year 2010 and subsequent:
The applicant must have been a full-time driver, as defined in Section 1076(o),
for five years, as specified in Alternative 1 or Alternate 2 below.

Alternative 1: The applicant was a full-time driver during the calendar year
immediately preceding the hearing, and during four of the five calendar years immediately
preceding that calendar year.

Alternative 2: The applicant was a full-time driver during the calendar year in which
the application is heard, and during four of the five calendar years immediately preceding that
calendar year.

When an applicant seeks credit as a full-time driver under this subsection (b) for the same
calendar year in which his or her application is heard by the Commission, the Commission shall pro-
rate the amount of driving required under Section 1076(o) against the portion of the calendar year that
has elapsed as of the date of the hearing.

(ix) The Commission may substitute an equivalent amount of prior full-time driving
experience for the experience required under subsections (b)(i)--(vi) above, where the
Commission determines after a public hearing that the applicant has been unjustly and
systematically denied employment in the taxi industry in retaliation for engaging in legitimate
political, expressive, or labor activity. The applicant shall have the burden of establishing such
a claim, and any such determination shall require a two-thirds' vote of the Commission.

(c) Modification of Required Driving Experience. If no applicant has the driving
experience required pursuant to subsections (b)(ii)--(vi), but public convenience and necessity
as determined pursuant to Section 1079 warrants issuance of a taxicab permit, the Taxi
Commission may issue the permit to an otherwise qualified applicant who has been a full-time
driver during the 12 months immediately preceding the Commission's hearing on the
application. For purposes of this first paragraph of subsection (c), "full-time driver" shall be
defined in accordance with Section 1076(o), except that the time frame applicable to the
definition is the 12 months immediately preceding the hearing on the application rather than
12 months constituting a calendar year.

The Commission may be regulation establish additional driving experience required for
the issuance of a taxicab permit under the circumstances described in this subsection (c),
provided that the regulation shall require neither greater driving experience than is required
pursuant to subsections (b)(ii)--(vi) nor driving experience for any calendar year greater than
the driving experience encompassed in the definition of "full-time driver in Section 1076(o).
(d) **Educational Requirements.** In addition to meeting the driving requirements in subsection (b) and (c), applicants must also meet any educational or training requirements imposed by the Taxi Commission.

(e) **Burden of Proof on Applicant; Recordkeeping by Applicant.** The taxicab permit applicant shall have the burden of showing that he or she has the driving experience required to qualify for the taxicab permit. The applicant shall keep records sufficient to document his or her driving for the calendar year or years necessary to satisfy the driving requirement.

(f) **Recordkeeping by Color Scheme Permitholders.** Holders of color scheme permits shall maintain and retain records that will document driving performed by drivers of taxicabs and ramped taxis affiliated with the color scheme. Within 60 days of the effective date of this subsection (e), the Taxi Commission shall adopt a regulation requiring holders of color scheme permits to maintain and retain such records for a period of time sufficient to aid the Commission in determining whether applicants have met the specific driving requirements mandated by subsection (b). Failure of the Commission to adopt such a regulation, or failure of the color scheme permitholder to comply with the regulation, shall not excuse the permit applicant from the driving requirement or relieve the applicant from the burden of proving that he or she has satisfied the requirement.

(g) **Notice of Required Driving.** Notice of the driving experience required of taxicab permit applicants pursuant to subsections (b) and (c) and of the applicant's burden of proving the requisite driving experience and maintaining adequate records pursuant to subsection (d), shall be given by the City and color scheme permitholders pursuant to subparts (i)--(iii) below. In accord with Section 1148.1(e), the notice shall also include information pertaining to ramped taxi permit applicants. Failure to give the notice required by subparts (i), (ii), or (iii)
shall not excuse the taxicab permit applicant from the driving requirement or relieve the
applicant from the burden of proving that he or she has satisfied the requirement. The Taxi
Commission may provide additional notice beyond that required by subparts (i)-(iii).

   (i) Within 30 days of the effective date of this subsection (f), the Commission shall give
      written notice of the requirements of subsections (b), (c), and (d) to each applicant on the
taxicab waiting list. Thereafter, the Commission shall give written notice to each new
applicant on the taxicab permit waiting list on or before the filing of the application.

   (ii) Beginning no later than 30 days after the effective date of this subsection (f), the
      Office of Treasurer and Tax Collector, in consultation with the Commission, shall give written
      notice of the requirements of subsections (b), (c), and (d) to each person who is obtaining or
      renewing the driver of public passenger vehicle permit. Said notice shall additionally inform
      the person of the existence of the taxicab waiting list and the process for getting on the list.

   (iii) Within 20 days of the effective date of this subsection (f), the Commission shall
      adopt a regulation requiring each holder of a color scheme permit to post written notice of the
      requirements of subsections (b), (c), and (d) at a location at the color scheme's place of
      business that is ordinarily within the view of working taxi drivers affiliated with the color
      scheme.
Section 2. The Taxi Commission may by regulation provide for reconsideration of applications that were denied and applicants who were removed from the waiting list under the provisions of subsection (b) of Police Code Section 1121 prior to the amendments made by this ordinance.

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

By:

THOMAS J. OWEN
Deputy City Attorney
Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants.

February 26, 2008 Board of Supervisors — SUBSTITUTED
March 25, 2008 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

April 1, 2008 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 1, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom