

**DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS**  
PERMIT CONDITIONS APPLICABLE TO TAXI AND ACCESSIBLE TAXI PERMITS (“MEDALLIONS”)  
TAXI TOWN HALL MEETING MARCH 30, 2009 9:00A.M.-12:00P.M.  
1 SOUTH VAN NESS AVENUE, 2<sup>ND</sup> FLOOR ATRIUM

**SEC. 1104. PERMIT CONDITIONS**

**(a) Conditions Applicable to All Permits**

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**(b) Additional Conditions Specific to Color Scheme**

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**(c) Additional Conditions Specific to Driver Permits**

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**(d) Additional Conditions Applicable To Taxi and Accessible Taxi Permits (Medallions)**

**(1) Affiliation With Color Scheme Required; Color Scheme Change**

**(A)** A Medallion Holder shall be deemed affiliated with a particular Color Scheme when the SFMTA approves his or her application pursuant to this Article, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business. Color Schemes shall not unreasonably withhold the use of the trade dress and place of business once affiliation has been approved.

**(B)** Affiliation with a Color Scheme does not relieve the Medallion Holder of his or her responsibility to comply with this Article.

**(C)** A Medallion Holder may apply to the SFMTA for a change in affiliation (“Color Scheme Change.”) The applicant's choice of Color Scheme shall be subject to the approval of the SFMTA in its discretion, but the SFMTA shall consider the impact of a Color Scheme affiliation requested by an applicant upon the quantity and quality of taxi service or paratransit service available to the public before allowing any such affiliation.

**(2) Use of Dispatch Service**

All Medallion Holders affiliated with a Color Scheme must utilize the same Dispatch Service.

**(3) Full-Time Driving Requirement**

**(A) Exception for Certain Permits**

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Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1104(d)(3) shall not apply to any person holding a Medallion issued on or before June 6, 1978.

**(B) Declaration Required**

No permit to operate a Taxi or Accessible Taxi unless the Medallion Holder shall declare under penalty of perjury his or her intention actively and personally to engage as a Full-Time Driver. A Color Scheme has an affirmative duty to report actual knowledge that any Medallion Holder, whether or not affiliated with that Color Scheme, is failing to comply with Subsection 1104(d)(3).

**(C) Qualifying Vehicle**

All Medallion Holders must drive their own permit number vehicle when complying with Subsection 1104(d)(3) unless that vehicle is unavailable. If a Medallion Holder requests his or her own number vehicle, a Color Scheme shall make the vehicle available.

**(D) Medallion Holders Responsible for Documenting Compliance**

A Medallion Holder has the responsibility to maintain his or her own business records, including Waybills. Failure of a Color Scheme to maintain business records, including Waybills, as required by this Article shall not excuse a Medallion Holder from proving that he or she has satisfied this Subsection 1104(d)(3) or any other requirement.

**(E) Exception for Color Scheme Key Personnel**

**(i) Alternative Driving Requirement**

Medallion Holders who are designated as “Key Personnel” by a Color Scheme may satisfy the Full-Time Driving requirement by driving 120 hours per year and performing 1,500 hours of work per year as Key Personnel for the Color Scheme. Key Personnel activities include office duties, dispatching, cashiering, or performing management duties for a Color Scheme.

**(ii) Written Designation of Key Personnel**

Each Color Scheme seeking to designate one or more of its employees for a calendar year pursuant to this Subsection 1104(d)(3)(D) must file a written designation by December 1st of the preceding year. The Color Scheme may not change designations of Key Personnel during a calendar year. A Permittee may not be designated as Key Personnel by more than one Color Scheme during a calendar year. The SFMTA will

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only recognize as Key Personnel only those Medallion Holders named in a completed designation form filed by the Color Scheme as of December 1st.

**(iii) Number of Designated Personnel at a Color Scheme**

Each Color Scheme will be entitled to designate Key Personnel in accordance with the number of Medallions affiliated with that Color Scheme. The number of Medallions affiliated with a particular Color Scheme for a calendar year shall be determined as of December 1st of the previous year, based on the records of the SFMTA. Only individuals already holding a Medallion by December 1 of that year may be considered for Key Personnel designation. The number of designated Key Personnel at a Color Scheme may not be increased or decreased during the subsequent calendar year even if the number of Medallions affiliated with that Color Scheme changes during the year.

A Color Scheme with 1 to 10 Medallions may not designate anyone as Key Personnel.

A Color Scheme with 11 to 20 Medallions may designate one person.

A Color Scheme with 21 to 40 Medallions may designate two people.

A Color Scheme with 41 to 60 Medallions may designate three people.

A Color Scheme with 61 to 80 Medallions may designate four people.

A Color Scheme with 81 to 100 Medallions may designate five people.

A Color Scheme with 101 to 150 Medallions may designate six people.

A Color Scheme with 151 to 200 Medallions may designate seven people.

A Color Scheme with 201 to 300 Medallions may designate eight people.

A Color Scheme with 301 to 400 Medallions may designate nine people.

A Color Scheme with over 400 Medallions may designate nine people, plus one additional person for every 100 Medallions over 400.

**(iv) Statement of Work by Key Personnel**

No later than February 1st of each year, each Color Scheme that has designated one or more employees as Key Personnel must submit a written Statement of Work, demonstrating the number of hours during the previous calendar year that each of its designated Key Personnel worked on tasks related to the business of the Color Scheme, including but not limited to, office duties, dispatching, cashiering, or performing management duties. The Statement of Work shall be signed under penalty of perjury by both the Color Scheme and the Medallion Holder designated as Key Personnel. The Color Scheme shall be responsible for submitting proof of employment with the Statement of Work, which shall consist of state or federal tax forms filed with the

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appropriate regulatory agency. A Medallion Holder and/or Color Scheme that submit a falsely sworn Statement of Work shall be subject to automatic revocation of his or her Permit.

**(v) Partial Completion of Requirements**

If a Medallion Holder performs at least 750 hours of work as designated Key Personnel for the a Color Scheme during the year but less than 1,500 hours, the Permit Holder shall be entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to the percentage of 1,500 hours that the designated Permit Holder worked for the company in such capacity. If a Permit Holder does not perform at least 750 hours of work as designated personnel for the Color Scheme during the year, the Permit Holder shall not be entitled to any credit against the Full-Time Driving requirement.

**(vi) Ramped Taxi Permittees Ineligible**

No Ramped Taxi Permittee may be designated as Key Personnel at any time, for any reason.