Expedited Bill No. 53-15
Concerning: Taxicabs – Credit Card Transactions
Revised: 3/01/16 Draft No. 3
Introduced: December 8, 2015
Enacted: March 1, 2016
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Elrich, Riemer and Navarro

AN EXPEDITED ACT to:

(1) limit the amount a licensee may charge a driver or affiliate for processing a credit card transaction;
(2) amend the requirements for credit card processing systems in taxicabs; and
(3) generally amend County law concerning taxicabs.

By amending
Montgomery County Code
Chapter 53, Taxicabs
Sections 53-218, 53-221, 53-222 and 53-313

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec 1. Sections 53-218, 53-221, 53-222 and 53-313 are amended as follows:

53-218. Responsibility of licensees, affiliates, and drivers.

* * *

(f) A licensee must not impose on a driver or affiliate:

(1) [[a charge of]] charges totaling more than [1% over bank, merchant services and equipment provider] [[the fees paid by the licensee [on] for processing any credit card transaction]] 5% of any credit card transaction; or

(2) any other charge of a type or amount other than those on the list adopted by regulation under Section 53-111.

* * *

53-221. Operating requirements.

Each fleet and association must:

* * *

(d) ensure that each taxicab affiliated with or operating under a license issued to the fleet or association places a written notice, clearly visible to passengers in the vehicle and on a form approved by the Department, that includes a statement:

(1) that the customer may choose to pay the fare using any available payment system; and

(2) identifies the available credit card processing systems approved by the Department.

53-222. User-side subsidy programs - participation.

(a) Any fleet or association must participate in the County's user-side subsidy programs, as required by applicable regulations.

(b) Each taxicab affiliated with, or operating under a license issued to, a fleet or association that is required to participate in a County's user-side

28 subsidy program must be equipped to accept payment through the
29 program.
30 * * *
31 **53-313. Passenger receipts; credit card transactions.**
32 (a) A driver must give each passenger a paper or electronic receipt showing
33 the name of the fleet or association, the taxicab number, the time and
34 place of origin and destination of each trip, and the amount of the fare, on
35 a form authorized by the Department, unless the passenger declines to
36 receive the receipt.
37 (b) A driver must accept major credit cards (including, at a minimum, Visa,
38 MasterCard, and American Express) as a form of payment for a fare.
39 (c) A driver must allow a passenger to choose to pay the fare using any
40 available payment system, including a system provided by a fleet.
41 (d) Any system or service used to process credit card transactions must:
42 (1) [[be compliant]] comply with all applicable tax laws; [[and]]
43 (2) [accept payment through any County user-side subsidy program;
44 and
45 (3)] be approved by the Director;
46 (3) comply with PCI DSS standards;
47 (4) be registered to the appropriate licensee or driver with the
48 Department; and
49 (5) retain records of all transactions for at least six months.
50 (e) A licensee or driver must allow the Director to inspect records of all credit
51 card transactions processed using a system registered to the licensee or
52 driver upon the Director's request.

53 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation
54 is necessary for the immediate protection of the public interest. This Act takes effect
55 on the date when it becomes law.

56 *Approved:*

57 Nancy Floreen March 2, 2016

Nancy Floreen, President, County Council Date

58 *Approved:*

59

Isiah Leggett, County Executive Date

60 *This is a correct copy of Council action.*

61

Linda M. Lauer, Clerk of the Council Date