

Expedited Bill No. 53-14
Concerning: Taxicabs – Licenses –
Vehicle Requirements – Driver
Identification Cards
Revised: 07/21/2015 Draft No. 8
Introduced: October 28, 2014
Enacted: July 21, 2015
Executive: _____
Effective: _____
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Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Berliner, Riemer, Council President Rice and
Councilmember Navarro

AN EXPEDITED ACT to:

- (1) [[permit the holder of a fleet Passenger Vehicle License to grant a sublicense to another person on certain conditions]] ~~[[require]]~~ authorize the Department of Transportation to implement a centralized electronic taxicab dispatch system;
- (2) require the Executive to establish uniform lease and affiliation agreements, set maximum lease and affiliation rates, and compile a list of types and amounts of other charges that a licensee may charge a driver;
- (3) provide a process for resolving disputes between fleets and drivers;
- (4) delete certain reporting and customer service plan requirements;
- (5) increase the age limits for vehicles used as taxicabs;
- ~~[[3]]~~(6) amend certain requirements for color and markings of vehicles used as taxicabs;
- ~~[[4]]~~(7) allow software-based meters to be used in taxicabs;
- ~~[[5]]~~(8) amend certain requirements for temporary identification cards for taxicab drivers; ~~[[and]]~~
- ~~[[6]]~~(9) permit the holder of a fleet Passenger Vehicle License to grant a sublicense to another person on certain conditions; and
- 10 generally amend the laws governing the licensing and regulation of taxicabs.

By amending

Montgomery County Code

Chapter 53, Taxicabs

Sections 53-101, 53-103, 53-106, 53-110, 53-201, 53-203, 53-204, 53-205, 53-209, 53-211, 53-212, 53-213, 53-214, 53-215, 53-216, 53-217, 53-218, 53-219, 53-221, 53-222, 53-223, 53-224, 53-225, 53-226, 53-227, 53-228, 53-229, 53-230, 53-231, 53-232, 53-233, 53-234, 53-235, 53-306, 53-307, ~~[[and]]~~ 53-308, 53-309, 53-310, 53-311, 53-312, 53-313, 53-314, 53-315, 53-316, 53-317, 53-318, 53-319, 53-320, 53-321, 53-322, 53-323, 53-324, 53-503, 53-505, 53-506, 53-604, and 53-702

By adding

[[Section 53-204A]] Sections 53-103A, [[and]] 53-111, and 53-204A

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

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

27 Individual Licensee means a person or entity who has an ownership interest
28 in no more than five licenses and who is required to either affiliate with a Fleet or
29 an Association in order to provide Taxicab Service.

30 * * *

31 ~~[[Special license means a license to provide taxicab service to a population,~~
32 ~~based on geographic location or special need, that the Director finds would be~~
33 ~~underserved by existing taxicab service.]]~~

34 * * *

35 *Taxicab Service* means carrying one or more passengers for compensation
36 between points chosen by the passenger:

- 37 (1) regardless of how or when engaged, for a fare that is based on the
- 38 distance traveled, time elapsed, or both, except as expressly authorized
- 39 in this Chapter; or
- 40 (2) after being engaged by hail from a street, or from a parking lot, taxi
- 41 stand, or other location where the vehicle is waiting for a request for
- 42 service.

43 A person who provides for-hire transportation service without a valid license or
44 permit from an appropriate governmental authority is a provider of illegal taxicab
45 service irrespective of the type of vehicle used.

46 * * *

47 **53-103. Taxicab Services [[Advisory Committee]] Commission.**

48 (a) The County Executive must appoint, subject to confirmation by the
49 County Council, a Taxicab Services [[Advisory Committee]]
50 Commission.

51 (b) The [[Committee]] Commission must:

- 52 (1) advise the Director in carrying out duties and functions under this
- 53 Chapter; [[and]]

- 54 (2) meet quarterly or more frequently if requested by the County
 55 Executive or County Council or if the Chair or Commission finds
 56 it necessary;
- 57 (3) evaluate the performance of the taxicab industry in serving
 58 members of the population with special transportation needs,
 59 such as senior citizens and people with disabilities[.]; and
- 60 (4) conduct the biennial review of the taxicab industry under Section
 61 53-104.
- 62 (c) The ~~[[Committee]]~~ Commission consists of ~~[[5]]~~ four public members
 63 and ~~[[4]]~~ seven taxicab industry members. The County Executive
 64 ~~[[should]]~~ must appoint members so that:
- 65 (1) one public member represents senior citizens, and another public
 66 member represents people with disabilities;
- 67 (2) ~~[[two]]~~ three of the ~~[[4]]~~ seven taxicab industry representatives
 68 represent management and ~~[[2]]~~ four are taxicab drivers; and
- 69 (3) ~~[[one]]~~ two of the ~~[[2]]~~ four drivers ~~[[is an owner-driver]]~~ are
 70 owner-drivers and ~~[[one is a]]~~ two are non-owner ~~[[driver]]~~
 71 drivers.
- 72 (d) The Director or the Director's representative ~~[[must service as an ex-~~
 73 ~~officio non-voting member. The Director of the Office of Consumer~~
 74 ~~Protection, or the Director's representative,]]~~ and the Chair of the
 75 Council Transportation, Infrastructure, Energy and Environment
 76 Committee or the Chair's representative must ~~[[also]]~~ serve as ~~[[an]]~~
 77 ex-officio non-voting ~~[[member]]~~ members.
- 78 (e) A ~~[[Committee]]~~ Commission member serves for a term of ~~[[3]]~~ three
 79 years, or until a successor is confirmed, whichever is later. A member
 80 must not serve more than ~~[[2]]~~ two consecutive full terms. A person

81 appointed to fill a vacancy serves for the remainder of the predecessor's
82 term.

83 (f) The ~~[[Committee]]~~ Commission must annually select one public
84 member as chair.

85 **53-103A. Biennial Review of the Taxicab Industry.**

86 (a) Between September 1 and November 15 of each even-numbered year,
87 the Taxicab Services Commission must conduct a review of the County
88 taxicab industry including:

89 (1) at least one public hearing;

90 (2) solicitation of comments from stakeholders;

91 (3) an evaluation of:

92 (A) the economic condition of the taxicab industry; and

93 (B) the adequacy of service rendered by the industry.

94 (b) The Commission must submit a report to the Executive and County
95 Council not later than December 1 of the year the review is conducted,
96 describing the status of the industry and identifying any changes to the
97 regulation of the industry that the Commission finds necessary or
98 desirable, including:

99 (1) changes to the number of licenses in circulation;

100 (2) changes in taxicab rates set under Section 53-106;

101 (3) changes in fees set under Section 53-107;

102 (4) changes in insurance requirements under Section 53-225 or
103 applicable regulation;

104 (5) changes to the accessibility requirements under Article 5;

105 (6) changes to the affiliation and dispatch requirements under this
106 Chapter; and

107 (7) any other changes that the Commission determines would
108 improve the delivery of taxicab services.

109 (c) The review of economic condition of the industry must include
110 consideration of taxicab rates, lease and affiliation rates, and industry
111 fees charged to and by licensees and drivers. In reviewing the rates and
112 fees, the Commission must consider:

113 (1) driver income compared to the County minimum wage; and

114 (2) the cost of industry-related regulatory and enforcement
115 expenditures.

116 * * *

117 **53-106. Rates.**

118 (a) The County Executive must set taxicab rates by regulation to promote
119 the public interest after holding a public hearing and considering the
120 recommendations of the ~~[[Committee]]~~ Commission.

121 * * *

122 **53-110. ~~[[Customer service requirements]]~~ Centralized electronic dispatch**
123 **system.**

124 ~~[[a)]~~ A regulation issued by the Executive must establish:

125 (1) specific customer service requirements and minimum
126 performance criteria applicable to each licensee, but which may
127 vary by type of licensee:

128 (2) the required submission dates for any customer service plan and
129 other data that licensees must regularly submit;

130 (3) the dates certain minimum levels of service and other
131 performance requirements must be met; and

132 (4) the consequences of failure to meet any requirements.

133 The service requirements and performance criteria must focus on recurring problems
134 with customer service that the Department has identified through customer
135 complaints or otherwise.

136 (b) These regulations must also include:

- 137 (1) performance-based qualifications and requirements for receiving
138 additional licenses under Section 53-205;
- 139 (2) the standards and procedure by which the Director may deny or
140 revoke a license if a licensee does not meet any mandatory
141 customer service requirement;
- 142 (3) defined geographic areas of service, subject to modification as
143 provided in Section 53-222(b)(10), and minimum acceptable
144 service parameters for each geographic area;
- 145 (4) information required for a review or audit of performance criteria
146 and data submission;
- 147 (5) guidelines for a complaint resolution process for customer
148 complaints that employs, to the extent feasible, an independent
149 mediation or dispute resolution mechanism;
- 150 (6) guidelines for procedures each fleet or association must employ
151 to keep each person who calls for service informed of the status
152 of that person's request;
- 153 (7) any special procedures that the Executive concludes are
154 necessary to assign appropriate priority to service requests from
155 persons with special medical needs or non-emergency travel to
156 or from medical facilities; and
- 157 (8) the percentage of calls for prearranged service that should be
158 picked up within 10 minutes, and the percentage of calls for
159 immediate service that should be picked up within 20 minutes.

160 The Executive by regulation may set a different response
161 standard for each type of service. "Prearranged service" is
162 service requested, by telephone or electronically, at least 2 hours
163 before the passenger is scheduled to be picked up.

164 (c) As a condition of receiving a license under this Chapter, each licensee
165 must agree that all data submitted under this Section is public
166 information. The Director must regularly make that information
167 available to the public in an annual report on taxicab service in a format
168 set by regulation, and in any other fashion that the Director finds will
169 inform the public.

170 (d) The Director, after consulting the Taxicab Services Advisory
171 Committee, may use any reasonable mechanism to collect more data
172 that may be used to measure and evaluate customer service
173 performance, including complaint data, customer surveys, and service
174 sampling techniques.]]

175 (a) The Executive, by method (2) regulation, may approve one or more
176 centralized electronic dispatch systems to dispatch taxicabs for trips
177 that begin in the County through an Internet-enabled application, digital
178 platform, or telephone dispatch system.

179 (b) Within six months after the approval of the first system, every taxicab
180 driver licensed under this Chapter must use a centralized electronic
181 dispatch system approved under this Section.

182 (c) A centralized electronic dispatch system approved under this Section
183 must:

184 (1) offer an Application Programming Interface that allows other
185 approved systems to dispatch all drivers using that system;

- 186 (2) dispatch the taxicab closest to the person requesting service,
187 regardless of which system that taxicab is using;
- 188 (3) adequately protect the privacy of passengers and the security of
189 passengers and drivers;
- 190 (4) allow only licensed taxicab drivers to use the system;
- 191 (5) maintain, and make available to the Director upon request,
192 verifiable records, in a form prescribed by the Director,
193 summarizing responses to requests for service made under the
194 system;
- 195 (6) provide users with an option to see and request an accessible
196 taxicab; and
- 197 (7) be accessible to the blind and visually impaired and the deaf and
198 hard of hearing.
- 199 (d) A centralized electronic dispatch system approved under this Section
200 may charge processing fees as allowed by regulation.
- 201 (e) Nothing in this Section prohibits a licensee from using or being
202 dispatched by any other two-way dispatch system.

203 **53-111. Uniform agreements; maximum lease and affiliation rates and other**
204 **charges.**

- 205 (a) The Executive must establish, by method (2) regulation:
- 206 (1) uniform lease, sublicense, and affiliation agreements which must
207 conform to the minimum requirements of Section 53-218;
- 208 (2) maximum lease, sublicense, and affiliation rates that a licensee
209 may charge a driver; and
- 210 (3) a list of types and amounts of other charges that a licensee may
211 charge a driver.

- 212 **(b) Maximum lease, sublicense, and affiliation rates, and other charges that**
213 **a licensee may charge a driver, must be set at amounts determined by**
214 **the Executive to:**
- 215 **(1) enable the licensee to receive adequate revenues to pay the**
216 **licensee's reasonable expenses and receive a fair and reasonable**
217 **rate of return on the licensee's investment; and**
- 218 **(2) provide drivers with an opportunity to earn a fair and reasonable**
219 **income.**
- 220 **(c) In determining the maximum lease rates, the Executive must consider:**
- 221 **(1) vehicle, equipment and license costs;**
- 222 **(2) asset depreciation;**
- 223 **(3) the costs of insurance, operation and maintenance, uninsured**
224 **repairs, wages and salaries, garage storage, taxes, fees, two-way**
225 **dispatching and administration, as well as all other periodic**
226 **expenses paid by the licensee; and**
- 227 **(4) any other factors that the Executive considers appropriate to**
228 **further the purposes of this Chapter.**
- 229 **(d) The Executive must periodically review the maximum lease,**
230 **sublicense, and affiliation rates, and other charges that a licensee may**
231 **charge a driver, to ensure that the rates and charges are consistent with**
232 **the objectives expressed in this section.**
- 233 **(e) The Executive may require all licensees to provide such financial**
234 **information as may be reasonably necessary to establish maximum**
235 **rates and charges allowed under this Section. Information submitted**
236 **under this subsection is confidential and must not be disclosed to the**
237 **public.**

ARTICLE 2. TAXICAB LICENSES.

Division 1. General License Provisions.

239

53-201. Required.

- 241 (a) A person must not provide taxicab service without possessing a license
- 242 as required under this Chapter.
- 243 (b) ~~[A] [[Except as provided in subsection (c)(3), a]]~~ ~~[[A]]~~ Except as
- 244 provided in subsection (c)(3), a license must be issued only to the owner
- 245 of each taxicab.
- 246 (c) A ~~[licensee]~~ person must not operate a taxicab or provide taxicab
- 247 service unless the ~~[licensee]~~ person either:
- 248 (1) holds a fleet license; ~~[or]~~ or
- 249 (2) holds one or more individual licenses and is affiliated with an
- 250 association or a fleet~~].~~~~];~~ or
- 251 (3) holds a sublicense granted by a holder of a fleet license under
- 252 Section 53-204A and is affiliated with that fleet]; or
- 253 ~~(3)~~ holds a sublicense granted by a holder of a fleet license under
- 254 Section 53-204A and is affiliated with that fleet.
- 255 (d) A licensee must hold a license for each taxicab.
- 256 (e) A licensee must own a taxicab associated with each license.

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53-203. Types of licenses; cross-ownership.

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* * *

- 260 (c) Nothing in this Section prohibits a fleet or association from providing
- 261 non-taxicab for-hire driving services as defined under State law and not
- 262 regulated by the County.

53-204. Transferability; security interest.

- 264 (a) Any license must not be transferred except as provided in this Chapter.
- 265 (b) A license may be transferred only if:

- 266 (1) the license was first issued before January 1, 2015;
 267 (2) the licensee notifies the Department in writing of the proposed
 268 transfer not less than 30 days before the date of the proposed
 269 transfer, specifying all terms and conditions of the proposed
 270 transfer and the identity of the proposed transferee;
 271 ~~[(2)]~~(3) the Director finds that the proposed transferee meets all
 272 requirements of this Chapter and applicable regulations; and
 273 ~~[(3)]~~(4) the licensee surrenders the license when the Director
 274 approves the transfer.
- 275 (c) ~~[[~~Except in the case of a transfer under subsection (f), a license issued
 276 to any licensee may be transferred only if the license was not issued or
 277 transferred within the previous three years.
- 278 (d) The Director must not approve the transfer to an individual of a license
 279 issued to a fleet if:
- 280 (1) the same fleet has already transferred more than two licenses to
 281 individuals during that calendar year; or
 282 (2) the transfer would result in individuals holding more than 30%
 283 of the total number of licenses then in effect.

284 Until December 31, 2009, the Director, after receiving a written request
 285 from a licensee, may waive either limit in this subsection on transferring a license
 286 issued to a fleet when the Director concludes that a waiver is necessary to avert a
 287 potential significant loss of service or to preserve or promote adequate taxicab
 288 service in all areas of the County, and the waiver will not reduce or impair
 289 competition, public welfare, and public safety. If the Director waives either limit
 290 for a fleet, the Director must at the same time waive the same limit for each other
 291 fleet so that each fleet's share of the waivers approved for all fleets is at least the
 292 same as that fleet's share of all fleet licenses when the application for a waiver was

293 filed. The Director may attach reasonable conditions to any waiver, including
 294 requirements for purchase of commercial liability insurance and maintenance of
 295 minimum numbers of accessible vehicles and limits on the number of new licenses
 296 a company can apply for or receive in a 2-year period after it transfers existing
 297 licenses.

298 (e)] The Director must not approve a transfer of any license if the transferee
 299 already holds, or would then hold, more than 40% of the total number
 300 of licenses then in effect. This subsection does not prohibit the sale or
 301 transfer of a license to a licensee that held more than 40% of the licenses
 302 in effect on October 1, 2004, or the sale or transfer of all or a majority
 303 of the licenses held by that licensee.

304 [(f)](d) A security interest may be created in a passenger vehicle license in
 305 accordance with the Maryland Uniform Commercial Code, subject to
 306 the Director's approval. The Executive may by regulation attach
 307 further conditions to the creation of a security interest, consistent with
 308 this subsection, as necessary to avoid significant disruptions in taxi
 309 service. The Director may approve the creation of a security interest
 310 only if:

311 * * *

312 [(g)](e) A transferred license is valid for the remainder of the term of the
 313 original license.

314 (f) A fleet or individual that transfers a license must not be issued a new
 315 license for three years after the transfer of the license.

316 **[[53-204A. Sublicenses.**

317 (a) The holder of a fleet license may grant a sublicense to another person
 318 under this Section.

319 (b) A sublicense may be granted only if:

- 320 (1) the holder of a fleet license notifies the Department in writing of
 321 the proposed grant not less than 30 days before the date of the
 322 proposed grant, specifying all terms and conditions of the
 323 proposed grant and the identity of the proposed grantee;
- 324 (2) the Director finds that the proposed grantee meets all
 325 requirements for a licensee under this Chapter and applicable
 326 regulations; and
- 327 (3) the Director approves the grant of the sublicense.
- 328 (c) The Director must not approve a grant of a sublicense if the grantee
 329 already holds, or would then hold, more than 40% of the total number
 330 of licenses then in effect.
- 331 (d) The holder of a sublicense is subject to all of the requirements of this
 332 Chapter that apply to a licensee.]]

333 **53-204A. Sublicenses.**

- 334 (a) The holder of a fleet license may grant a sublicense to another person
 335 under this Section.
- 336 (b) A sublicense may be granted only if:
- 337 (1) the holder of a fleet license notifies the Department in writing of
 338 the proposed grant not less than 30 days before the date of the
 339 proposed grant, specifying all terms and conditions of the
 340 proposed grant and the identity of the proposed grantee;
- 341 (2) the Director finds that the proposed grantee meets all
 342 requirements for a licensee under this Chapter and applicable
 343 regulations; and
- 344 (3) the Director approves the grant of the sublicense.

345 (c) The Director must not approve a grant of a sublicense if the grantee
 346 already holds, or would then hold, more than 40% of the total number
 347 of licenses then in effect.

348 (d) The holder of a sublicense is subject to all of the requirements of this
 349 Chapter that apply to a licensee.

350 **53-205. Periodic issuance of new licenses.**

351 (a) *Notice.* The Director may periodically issue new licenses to qualified
 352 applicants or reissue any license that has been revoked or not renewed
 353 under this Chapter, as provided in this Section. The Director must
 354 advertise the availability of these licenses in at least one newspaper of
 355 general circulation in the County for ~~[[2]]~~ two consecutive weeks
 356 before accepting applications. The Director should also notify, by
 357 electronic mail or other reasonable means, any licensee or driver who
 358 requests to be notified of the availability of new or reissued licenses.

359 * * *

360 (c) *Individual allocation.* Of the new or reissued licenses issued in any 2-
 361 year period, ~~[[20%]]~~ at least 50% must be allocated to individuals who:
 362 (1) have held a Taxicab Driver Identification Card, and have
 363 regularly driven a taxicab in the County, during the preceding
 364 three years;
 365 (2) have a superior driving record, as defined by regulation; and
 366 (3) do not already hold a license under this Chapter.

367 In deciding among individuals who qualify under this subsection, the Director must
 368 rank them by the number of years that each individual has regularly driven a taxicab
 369 in the County. If a sufficient number of qualified individuals do not apply for a
 370 license under this subsection, the Director may allocate the remaining licenses to
 371 individuals who already hold a license under this Chapter.

- 372 (d) *Biennial limit.* During calendar year ~~[[2006]]~~ 2016 the Director must
 373 not issue more than 70 new licenses. In each later even-numbered year,
 374 the Director may issue a total number of new licenses that does not
 375 exceed 10% of the number of licenses then in effect.
- 376 (e) *Additional licenses - extraordinary authority; population limit.* The
 377 Director may issue more licenses than are authorized under subsection
 378 (d) if the Director finds, after holding a public hearing, that additional
 379 taxicabs are necessary to improve service to specified geographic areas
 380 or types of taxicab users or generally to increase competition.
 381 However, the total number of licenses issued must not exceed ~~[[1]]~~ one
 382 license for each 1,000 County residents, as computed in the most recent
 383 decennial U.S. Census or any census update published by the
 384 appropriate federal agency.
- 385 (f) *Individual limit.* Notwithstanding any other provision of this Section,
 386 the Director must not issue ~~[[more than 10]]~~ a new or reissued
 387 ~~[[licenses]]~~ license ~~[[in any 2-year period]]~~ to any licensee that holds
 388 ~~[[or controls]]~~ more than 40% of the licenses then in effect.

389 * * *

390 **53-209. Individual license application.**

391 * * *

- 392 (j) attest that the applicant has not transferred any license during the
 393 previous 36 months.

394 * * *

395 **53-211. Fleet license application.**

396 * * *

- 397 (k) attest that the applicant has not transferred ~~[[the ownership of]]~~ any
 398 license during the previous ~~[[24]]~~ 36 months.

399

* * *

400 **Sec. 53-212. [[Special licenses.**

401 (a) In addition to the licenses regularly available for issuance, the Director
 402 may issue special licenses to qualified applicants to provide innovative
 403 taxicab service, on an experimental or permanent basis, such as:

404 (1) transportation for persons with special transportation needs,
 405 including:

406 (A) senior citizens;

407 (B) people with disabilities;

408 (C) citizens in up-county and rural areas; or

409 (D) citizens using hospital, senior centers, and other
 410 underserved locations or areas;

411 (2) jitney service, which is service over a regular route on a flexible
 412 schedule; or

413 (3) similar transportation services.

414 (b) The availability of licenses under this Section must be advertised in at
 415 least one newspaper of general circulation in the County for 2
 416 consecutive weeks. The Director should also notify, by electronic mail
 417 or other reasonable means, any licensee or driver who requests to be
 418 notified of the availability of new licenses.

419 (c) Licenses must be issued on a competitive basis using criteria set by
 420 regulation that are intended to achieve a high level of taxicab service.
 421 The Director may establish appropriate procedures, fees, and conditions
 422 to issue a license under this Section.

423 (d) The Director may revoke a license issued under this Section at any time
 424 for noncompliance with this Chapter or failure to provide the service
 425 for which the license was issued.

426 (e) The licensee must return any license issued under this Section to the
427 Department:

428 (1) when the vehicle is no longer eligible to provide the required
429 service; or

430 (2) if the Director revokes the license because the service is no
431 longer needed or was underused during a reasonable time after
432 the license was issued.

433 **53-213.]] Criteria to deny a license.**

434 The Director must not issue or renew a license to any person, licensee, or
435 applicant:

436 (a) who, within ~~[[5]]~~ five years before the application is submitted, was
437 convicted of, pled guilty or no contest to, or was placed on probation
438 without a finding of guilt for, or who when the application is submitted,
439 has a charge pending for, or who has, within ~~[[3]]~~ three years before the
440 application was submitted, completed a sentence or period of probation
441 based on a charge for:

442 * * *

443 (5) ~~[[violation of]]~~ any felony ~~[[law governing]]~~ involving
444 controlled dangerous substances;

445 (6) ~~[[violation of any gaming law;~~

446 (7)]] any offense involving driving under the influence of alcohol; or
447 ~~[[8)]](7)~~ any act of moral turpitude;

448 * * *

449 ~~[[53-214]]~~ 53-213. **Additional criteria to deny a license.**

450 * * *

451 (b) The Director may decline to issue or renew a license to any licensee or
452 applicant:

453

* * *

454

(4) who has not [[operated at the customer service levels required by applicable regulations, or has not]] complied after reasonable notice with any required safety, operational, or inspection requirement of this Chapter.

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[[53-215]] 53-214. Expiration of license.

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[[53-216]] 53-215. Renewal of license.

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[[53-217]] 53-216. Notice of change of address.

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[[53-218]] 53-217. Quarterly [accident] reports.

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(a) Each licensee, or fleet or association on behalf of an affiliated individual licensee, must submit a quarterly report that:

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468

(1) [[detailing]] details all accidents involving any of its taxicabs to the Department on a form approved by the Director; and

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470

(2) shows the mileage driven by the vehicle associated with each license.

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(b) The Director may require a more frequent report.

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[[53-219]] 53-218. Responsibility of licensees, affiliates, and drivers.

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(b) Each licensee must promptly take appropriate action when the licensee becomes aware from any source that a driver of a taxicab for which the licensee holds the license or regarding which the licensee is a party to an affiliation agreement has not complied with all requirements of this

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- 480 Chapter ~~[[and the customer service standards adopted under this~~
481 ~~Chapter]]~~.
- 482 (c) Each licensee must exercise due diligence to monitor the activities of
483 each driver of a taxicab for which the licensee holds the license or
484 regarding which the licensee is a party to an affiliation agreement to
485 assure that the driver complies with all requirements of this Chapter
486 ~~[[and the customer service standards adopted under this Chapter]]~~.
- 487 (d) Notwithstanding the legal status of any driver as an independent
488 contractor rather than an employee of the licensee, for the purposes of
489 this Chapter, ~~[[and particularly the customer service standards adopted~~
490 ~~under this Chapter)]]~~ the responsibility of each licensee for the conduct
491 and performance of drivers under this Chapter:
- 492 (1) applies to each driver, including affiliates of the licensee; and
493 (2) prevails over any inconsistent contract or other agreement
494 between a licensee and an affiliate or a driver.
- 495 (e) Any contract or other operating agreement between a licensee and any
496 affiliate or driver must use the applicable uniform agreement adopted
497 by regulation under Section 53-111 and must:
- 498 (1) inform the driver of:
- 499 (A) the driver's obligation to comply with all requirements of
500 this Chapter ~~[[and the customer service standards adopted~~
501 ~~under this Chapter]]~~; and
- 502 (B) the licensee's obligation to take appropriate action when
503 the licensee becomes aware that a driver has not complied
504 with any requirement of this Chapter ~~[[or customer service~~
505 ~~standard]]~~;

- 506 (2) empower the licensee to take appropriate action, as required in
 507 subsection (b); ~~[[and]]~~
- 508 (3) not restrict a driver, affiliate, or taxicab owner from providing
 509 taxicab service in the County after the contract or agreement
 510 expires or is terminated~~[[.]]~~;
- 511 (4) not exceed a term of one year;
- 512 (5) not require a driver or affiliate to use the fleet or association
 513 system for processing credit card transactions; and
- 514 (6) not be subject to automatic renewal.
- 515 (f) ~~[[~~(1) Any contract or other operating agreement between a licensee
 516 and any affiliate or driver must require both parties, at either
 517 party's request, to participate in good faith in an independent,
 518 third-party mediation or alternative dispute resolution process,
 519 which may be administered by the Department or the
 520 Department's designee.
- 521 (2) A dispute is subject to the process required by this subsection if
 522 the dispute is connected with the operation of the contract or
 523 agreement or involves the affiliate's or driver's compliance with
 524 any requirement of this Chapter or a customer service standard
 525 adopted under this Chapter. The implementing regulations may
 526 specify that certain classes of disputes are not subject to this
 527 process.
- 528 (3) The dispute resolution administrator may stay the operation of
 529 any action taken by a party when a stay is necessary to preserve
 530 the rights of any party.
- 531 (4) This subsection does not preclude either party from taking any
 532 other lawful action to enforce any contract or agreement.]]

533 A licensee must not impose on a driver or affiliate:

- 534 (1) a charge of more than [[5% of the transaction for processing a
535 credit card payment]] 1% over bank, merchant services and
536 equipment provider fees paid by the licensee on any credit card
537 transaction; or
538 (2) any other charge of a type or amount other than those on the list
539 adopted by regulation under Section 53-111.

540 **53-219. Dispute Resolution.**

541 (a) Definitions. In this Section:

542 (1) Dispute means a disagreement between a person who holds a
543 taxicab driver identification card issued under this Chapter and
544 the fleet or association under whose colors the person drives over
545 whether an action taken by the fleet or association to terminate,
546 suspend or impair the person's ability to drive under the fleet or
547 association's colors, or to terminate, suspend or impair the
548 person's right to enjoy the resources and benefits provided by the
549 fleet or association, on the same basis as other similarly situated
550 fleet or association drivers, was reasonable and based upon good
551 cause.

552 (2) Good cause means one or more of the causes for revocation of
553 an identification card under Section 53-604, or a material failure
554 of a driver to comply with established, written rules or practices
555 of the company or to perform in accordance with his or her
556 written contract with the company, after reasonable notice and
557 an opportunity to comply or perform.

558 (b) Each fleet or association may have a written dispute resolution
559 procedure as part of its agreements with its affiliates or drivers, so long

560 as such dispute resolution procedure incorporates, at a minimum,
561 binding arbitration pursuant to the American Arbitration Association
562 Commercial Arbitration Rules, R-1 through R-58.

563 (c) If a fleet or association has an agreement with an affiliate or driver that
564 does not include a dispute resolution procedure meeting the
565 requirements of subsection (b), then disputes will be subject to
566 resolution under this subsection.

567 (1) disputes must first be the subject of an internal grievance
568 procedure conducted as follows:

569 (A) the aggrieved party must submit a complaint in writing to
570 the fleet or association within 30 days from the date of the
571 fleet or association's action, containing a written statement
572 of the matter in dispute and the names, addresses and
573 telephone numbers of each party to the dispute.

574 (B) within two weeks after the submission of the written
575 complaint, the fleet or association must appoint a
576 representative from within the fleet or association to hear
577 the dispute. The representative must have had no direct or
578 indirect involvement in the dispute.

579 (C) within two weeks after appointment, the representative
580 must conduct an informal hearing concerning the dispute.

581 (D) both parties must use best efforts to resolve the dispute.

582 (E) within two weeks after the hearing has been concluded, the
583 fleet or association representative must provide a written
584 decision.

585 (2) If the dispute is not resolved through the internal grievance
586 procedure, both parties may agree to informal or formal

- 587 mediation of the dispute, pursuant to paragraph (3). If the parties
588 fail to agree to mediation, either party may elect to proceed to
589 arbitration, pursuant to paragraph (4).
- 590 (3) Informal or formal mediation.
- 591 (A) within two weeks after the internal grievance procedure
592 has been concluded, any party requesting mediation must
593 submit a written notice requesting mediation to all parties.
- 594 (B) within two weeks after such notice has been submitted, the
595 parties may agree to an impartial person to mediate the
596 dispute in an informal process. If the parties do not agree
597 to informal mediation, the party requesting mediation
598 must submit a written Request for Mediation to the
599 American Arbitration Association (AAA). If the parties
600 are unable to agree to mediation, either party may elect to
601 proceed to arbitration, pursuant to paragraph (4).
- 602 (C) a request for mediation must contain a brief statement of
603 the dispute, and the names and addresses and telephone
604 numbers of each party to the dispute.
- 605 (D) the mediator must notify all parties of the time, date and
606 place of the mediation.
- 607 (E) the costs of the mediation must be borne equally by the
608 parties unless they agree otherwise in writing.
- 609 (F) the mediation conducted by AAA must be in substantial
610 accord with the American Arbitration Association
611 Commercial Mediation Rules, M-1 through M-17.

- 612 (G) the mediator may end the mediation if, in the sole
613 discretion of the mediator, the continuation of the
614 mediation would not be useful.
- 615 (H) the parties in mediation must use their best efforts to
616 resolve the issues in controversy and the mediator may
617 execute a written settlement agreement if agreed on by the
618 parties but may not impose a settlement on the parties.
- 619 (4) Where neither the internal grievance procedure nor mediation, if
620 attempted, has resolved the dispute, either party may submit the
621 matter to arbitration, which is binding upon the parties. Such
622 arbitration must be conducted as follows:
- 623 (A) within two weeks after the mediation process or the
624 internal grievance procedure has been concluded, the party
625 requesting arbitration must submit a written notice of
626 intent to arbitrate to all parties.
- 627 (B) within two weeks after such notice has been submitted, an
628 impartial person to arbitrate the dispute must be agreed
629 upon by the parties, or, if the parties do not agree, the party
630 requesting arbitration must submit a written request for
631 arbitration to the (AAA) and simultaneously mail a copy
632 of the request for arbitration to every party to the dispute.
- 633 (C) a request for arbitration must contain a brief statement of
634 the dispute, and the names and addresses and telephone
635 numbers of each party to the dispute.
- 636 (D) the arbitrator must notify all parties and their
637 representatives, if any, of the time, date and place of the
638 arbitration.

- 639 (E) the costs of the arbitration must be borne by the party
 640 which does not prevail, unless the parties agree otherwise
 641 in writing, or the costs are otherwise apportioned by the
 642 arbitrator if there is no prevailing party.
- 643 (F) the arbitration, whether conducted by AAA or another
 644 arbitrator chosen by the parties, must be in substantial
 645 accord with the American Arbitration Association
 646 Commercial Arbitration Rules, R-1 through R-56.
- 647 (G) the arbitrator may conclude the arbitration hearing if in the
 648 sole discretion of the arbitrator, continuation of the hearing
 649 would not be useful.
- 650 (H) within two weeks after the arbitration hearing has been
 651 concluded, the arbitrator must render an award in writing,
 652 which must be binding upon the parties and which may be
 653 enforced by any court having jurisdiction over the parties.

654 * * *

655 **53-221. Operating requirements.**

656 Each fleet and association must:

- 657 (a) provide [[its own]] centralized administrative, vehicle maintenance,
 658 customer service, complaint resolution, dispatch, management,
 659 marketing, operational, and driver training services located in the
 660 County, or at one or more [[other]] locations approved by the
 661 Director[, that are physically separate from any other association or
 662 fleet]]. A fleet or association may obtain these services, with the
 663 approval of the Director:
- 664 (1) from another person or entity who does not hold, or have an
 665 interest in, a license issued under this Chapter; or

- 666 (2) from another fleet or association if the Director finds that joint
 667 operations of this type:
 668 (A) would promote competition and improve customer
 669 service; and
 670 (B) would not impair the independence of any fleet or
 671 association;

672 * * *

- 673 (c) operate under ~~[[uniform]]~~ colors and markings approved by the
 674 Director;
 675 (d) ~~[[submit a customer service plan as required by applicable regulations~~
 676 ~~that specifies how the fleet or association will achieve the plan's goals~~
 677 ~~for safe, reliable customer service and on-time performance;~~
 678 (e)] submit accurate, verifiable operating and statistical data reports as
 679 required under this Chapter;
 680 ~~[[f)](e)~~ provide an adequate number of taxicabs to meet service demand 24
 681 hours a day, 7 days a week, as defined by applicable regulations; and
 682 ~~[[g)](f)~~ comply with all requirements of this Chapter regarding the provision
 683 of accessible taxicabs.

684 * * *

685 **53-222. ~~[[Customer Service Plan.~~**

- 686 (a) Each fleet and association is responsible for providing timely, safe,
 687 reliable quality taxicab service. To that end, each fleet and association
 688 must submit to the Director a customer service plan as required by
 689 Section 53-110 and applicable regulations.
 690 (b) At a minimum, each fleet and association's initial customer service plan
 691 must:

- 692 (1) specify the fleet or association's anticipated percentage of trips
693 that will achieve the applicable response time standards set under
694 Section 53-110(b)(8) for prearranged service requests and calls
695 for immediate service, or submit proposed response times for
696 immediate and prearranged service that are different in any
697 service area specified by the fleet or association. When different
698 response times are proposed, the plan must describe why the
699 differences are proposed, considering growth in a service area or
700 the fleet or association's willingness to serve areas that need
701 additional service;
- 702 (2) include timelines to achieve the proposed standards if they will
703 not be met in the next year;
- 704 (3) describe any operational changes the fleet or association intends
705 to implement that would result in improved service;
- 706 (4) describe what procedures the fleet or association will employ to
707 keep each person who calls for service informed of the status of
708 that person's request;
- 709 (5) describe any special procedures the fleet or association will use
710 to assign appropriate priority to service requests that involve
711 persons with special medical needs or non-emergency trips to or
712 from medical facilities;
- 713 (6) specify the number of taxicabs needed to achieve response times,
714 and justify an increase in taxicab licenses, if requested, based on
715 public convenience and necessity;
- 716 (7) include a phased-in plan for service improvements, particularly
717 noting any improvements intended to achieve better service to

- 718 senior citizens, people with disabilities, or other underserved
 719 populations identified by the Directors;
- 720 (8) describe the fleet or association's participation, and goals for
 721 participation, in user-side subsidy programs;
- 722 (9) calculate the fleet's or association's user-side subsidy program
 723 participation data for the previous 12 months;
- 724 (10) describe the fleet or association's geographic areas of service,
 725 including any planned expansion in a service area or a
 726 willingness to serve areas that need additional service;
- 727 (11) calculate prior taxicab productivity, measured by the number of
 728 daily trips per cab or an equivalent measurement;
- 729 (12) describe the fleet or association's development of and
 730 participation in innovative taxicab services;
- 731 (13) list the number of consumer complaints involving the fleet or
 732 association, by type, filed with the County or another
 733 government agency in the past 24 months; and
- 734 (14) list the number of enforcement actions against the fleet or
 735 association or its drivers of which the fleet or association is
 736 aware, started and completed during the past 24 months.
- 737 (c) Any customer service plan filed after the initial plan must show any
 738 changes in the data included in the initial plan, and any new data
 739 required by applicable regulations.

740 **53-223.]] User-side subsidy programs - participation.**

741 Any fleet or association must participate in the County's user-side subsidy
 742 programs, as required by applicable regulations[[, unless the Director waives this
 743 requirement for good cause]].

744 **[[53-224]] 53-223. Mechanical inspection certificate.**

745

* * *

746 **[[53-225]] 53-224. Insurance required.**

747 (a) Before the Director issues any passenger vehicle license under this
 748 Chapter, the applicant must submit written proof of insurance or self-
 749 insurance for the vehicle that covers bodily injury or death to any
 750 passenger or other person, and property damage, in the following
 751 amounts [[required by applicable regulations]]:

752 (1) \$50,000 for bodily injury or death per person;753 (2) \$100,000 for bodily injury or death per accident; and754 (3) \$ 25,000 for property damage.

755

* * *

756 **[[53-226]] 53-225. State registration required.**

757

* * *

758 **[[53-227]] 53-226. Continuous operation.**

759 (a) Each licensee must keep each licensed taxicab in continuous operation
 760 as defined by applicable regulation.

761 (b) The Executive must by method (2) regulation define continuous
 762 operation using a formula that:

763 (1) uses calendar-quarterly reports submitted by each fleet and
 764 association showing mileage driven by each vehicle associated
 765 with a license held by, or affiliated with, each fleet and
 766 association; and

767 (2) requires average per-vehicle mileage to be at least 60% of the
 768 County-wide average for each quarter, unless the Director, by
 769 written request, waives the requirement.

770 (c) Each licensee must notify the Department in writing at any time that:

- 771 (1) a taxicab will be or has been out of service for more than 30
 772 days~~[[,]]~~; or
 773 (2) an average of more than 15% of the taxicab whose licenses are
 774 held by that licensee have been inactive during the previous
 775 calendar month.

776 ~~[[b]]~~(d) Each notice must:

- 777 (1) explain the reasons for each period of inactivity; and
 778 (2) show why the Director should not revoke the license of each
 779 inactive taxicab for lack of use.

780 ~~[[53-228]]~~ 53-227. Procedure when vehicle placed in or removed from service.

781 * * *

782 (f) Each licensee must receive the Department's approval before taking a
 783 taxicab out of service for a period longer than 30 days. The licensee
 784 must explain why the taxicab is out of service and list its license
 785 number, assigned vehicle number, and registration numbers. If the
 786 Department finds that the licensee has good cause, as defined by
 787 applicable regulations, to take the taxicab out of service, the
 788 Department may approve that action. If the Department rejects the
 789 application, the licensee must promptly reinstate the taxicab in service
 790 or return the license.

791 (g) Any vehicle placed in service as a taxicab must not be more than [4]
 792 five model years old.

793 ~~[[53-229]]~~ 53-228. Age of vehicles.

794 (a) A licensee must not use any vehicle that is more than [7] ~~[[8]]~~ eight
 795 model years old to provide taxicab service in the County. As used in
 796 this Chapter, the "model year" of a vehicle is the year designated by the
 797 vehicle manufacturer, as indicated on the vehicle or in the

798 manufacturer's records. A licensee may maintain a vehicle in service
 799 until the next December 31 after its [seventh] eighth model year ends if
 800 the vehicle passes a comprehensive safety inspection performed during
 801 the preceding August by a state-certified inspector in good standing.

802 * * *

803 **[[53-230]] 53-229. Maintenance and repair.**

804 * * *

805 **[[53-231]] 53-230. Vehicle numbering, lettering, and markings; rate chart.**

- 806 (a) When a license for a taxicab is issued under this Chapter, the
 807 Department must assign a license number to the taxicab. The licensee
 808 (or the fleet, if the vehicle is affiliated with a fleet) must assign a vehicle
 809 number to each taxicab. The vehicle number must be permanently
 810 applied[,] and plainly visible[, and not less than 3 inches high, on each
 811 of the 2 sides, on each of the 2 rear door roof columns, and on the rear
 812 of each taxicab].

813 * * *

814 **[[53-232]] 53-231. Doors; lettering; color; special equipment.**

- 815 (a) Each taxicab operated in the County must have at least 3 doors. All
 816 doors must operate safely.
- 817 (b) A licensee or driver must not operate a taxicab unless the taxicab bears
 818 markings in letters plainly distinguishable [and not less than 3 inches
 819 high,] on each of the 2 sides of the taxicab, showing the approved name
 820 [and telephone number] of the fleet or association by whom the taxicab
 821 is owned or operated[, and the word "taxicab," "taxi" or "cab."].
- 822 (c) [All taxicabs in a fleet or association] Each fleet or association must [be
 823 uniform in color] register its colors with the Department. A fleet or
 824 association may register one or more color combinations, and any fleet

825 or association may register black as one of its colors. A fleet or
 826 association must not use colors that are similar to those of another fleet
 827 or association so that the public can readily identify taxicabs operated
 828 by that fleet or association. [However, the] The Director may approve
 829 advertising in different colors or markings as long as the public can still
 830 readily identify taxicabs operated by that licensee, or the use of a set of
 831 different colors and markings to identify a specialized service provided
 832 by or geographic area served by a fleet or association. Any color or
 833 color combination approved by the Department, other than black, must
 834 be reserved for the exclusive use of that fleet or association when the
 835 fleet or association is operating taxicabs in the County.

836 (d) Each licensee must insure that each fleet or association uses only the
 837 approved name of the fleet or association in advertising or listing its
 838 service to the public.

839 **[[53-233]] 53-232. Cruising lights.**

840 Each taxicab [must] [[may, but is not required to,]] must have cruising lights
 841 that operate electrically as a sign or insignia mounted on the forward portion of the
 842 roof of the taxicab. [These] Cruising lights must not be used until approved by the
 843 Department. [These lights] [[, and]] Cruising lights may be removable, but must be
 844 mounted when the vehicle is in use as a taxicab, and must be designed so that the
 845 vehicle can be easily identified as a taxicab.

846 * * *

847 **[[53-234]] 53-233. Seat belts.**

848 * * *

849 **[[53-235]] 53-234. Taxicab meters.**

850 (a) Each taxicab must be equipped with:

* * *

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(c) (1) An applicant who has not held an identification card, or who held a card that has expired, may apply for a short-term temporary identification card under applicable regulations.

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(2) The Director must not issue a temporary identification card unless the applicant has:

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884

(A) properly verified his or her identity;

885

(B) a valid driver's license issued by Maryland or a bordering state (including the District of Columbia);

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887

(C) submitted his or her driving records, as compiled by the appropriate state motor vehicle agency, for the previous

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889

[[3]] three calendar years from any jurisdiction where the applicant held a license to drive a motor vehicle; and

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891

(D) undergone a criminal background check, conducted by the appropriate state agency, showing that the applicant is not disqualified because of a criminal conviction, receipt of probation before judgment in lieu of a conviction, or pending criminal charge from operating a taxicab; and]

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893

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[(E) passed the examination required under Section 53-308].

896

897

(3) [After August 31, 2007, the] The Director must not issue a temporary or annual identification card unless the applicant has shown, through a complete criminal background check, that the applicant is not disqualified for any reason mentioned in Section 53-309(a).

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(4) Any temporary identification card issued under this subsection must differ conspicuously in style and color from the annual identification card.

903

904

- 905 (5) A temporary identification card expires [on the earlier of:
 906 (A) 5 days after the Department receives the results of the
 907 nationwide criminal background check; or
 908 (B) 90] 45 days after the card was issued.
- 909 (6) The holder of a temporary identification card must return it to the
 910 Department, without further proceedings, on the earlier of:
 911 (A) the day the Department issues the holder an annual
 912 identification card under this Chapter;
 913 (B) the [90th] 45th day after the card was issued; or
 914 (C) ~~[[1]]~~ one business day after the Department notifies the
 915 holder that the card has expired under subsection
 916 (c)(5)[(A)].
- 917 (7) By accepting a temporary identification card, the holder by
 918 operation of law waives any cause of action against the County
 919 or any officer, employee, or agency of the County for improperly
 920 issuing a license to the holder. By employing or leasing a taxicab
 921 to any person who holds a temporary identification card, a
 922 taxicab licensee by operation of law waives any cause of action
 923 against the County or any officer, employee, or agency of the
 924 County for improperly issuing a license to that person.
- 925 (d) The Director may extend the expiration date of an identification card
 926 [(including a temporary identification card issued under subsection
 927 (c))] up to 60 days if:
 928 (1) the applicant has submitted all required documentation; and
 929 (2) processing of required state or federal criminal background
 930 checks has been delayed through no fault of the applicant.

931 **53-307. Physician's certificate.**

- 932 (a) Before the Director issues an identification card, [including] other than
 933 a temporary card issued under Section 53-306(c), the applicant must
 934 furnish a physician's certificate, issued within the previous 30 days,
 935 which certifies that:
- 936 (1) the applicant has been given a physical examination, including
 - 937 an initial tuberculosis test and any other test required by
 - 938 applicable regulation; and
 - 939 (2) the applicant is free from any communicable disease, and is not
 - 940 subject to any physical or mental impairment that could:
 - 941 (A) adversely affect the applicant's ability to drive safely; or
 - 942 (B) otherwise endanger the public health, safety, or welfare.

943 * * *

944 **53-308. [[Examination of applicant.**

945 Before issuing an identification card, other than a temporary card issued under
 946 Section 53-306(c), the Director must require the applicant to show that the applicant
 947 is able to:

- 948 (a) perform the duties and responsibilities of a taxicab driver; and
- 949 (b) pass an examination on knowledge of traffic laws, duties under this
- 950 Chapter, and general qualifications to operate a taxicab in the County.

951 **53-309.]] Criteria to deny an identification card.**

952 The Director must not issue or renew an identification card to any driver or
 953 applicant:

- 954 (a) who, within [[5]] five years before the application is submitted, was
- 955 convicted of, pled guilty or no contest to, or was placed on probation
- 956 without a finding of guilt for, or who when the application is submitted,
- 957 has a charge pending for, or who has, within [[3]] three years before the

958 application was submitted, completed a sentence or period of probation
959 based on a charge for:

960 * * *

961 (5) ~~[[violation of]]~~ any felony ~~[[law governing]]~~ involving
962 controlled dangerous substances;

963 (6) ~~[[violation of any gaming law;~~

964 (7)]] any offense involving driving under the influence of alcohol; or

965 ~~[[8)]]~~(7) any act of moral turpitude;

966 * * *

967 ~~[[53-310]]~~ 53-309. Expiration of identification card.

968 * * *

969 ~~[[53-311]]~~ 53-310. Taxicabs from other jurisdictions.

970 (a) This Chapter does not prohibit a driver from bringing passengers into
971 the County if the trip originated in a jurisdiction where the driver and
972 the taxicab are authorized to operate.

973 (b) Except to the extent expressly permitted by federal or state law, a
974 person who does not have a license and identification card issued by
975 the County, but holds a license issued by another jurisdiction, must not
976 solicit business or pick up and transport passengers in the County
977 unless;

978 (1) a passenger engaged the taxicab to bring the passenger into the
979 County, wait for the passenger, and then take the passenger to
980 another location; or

981 (2) the jurisdiction from which the individual holds a license has
982 entered into a reciprocal agreement with the Director under
983 subsection (c) of this Section.

984 ~~[[53-312]]~~ 53-311. Notice of change of address.

985

* * *

986 **[[53-313]] 53-312. Duty to accept and convey passengers.**

987

* * *

988 **[[Sec. 53-314]] 53-313. Passenger receipts; credit card transactions.**

989 (a) A driver must give each passenger a receipt showing the name of the
 990 fleet or association, the taxicab number, the time and place of origin
 991 and destination of each trip, and the amount of the fare, on a form
 992 authorized by the Department, unless the passenger declines to receive
 993 the receipt.

994 (b) Any system or service used to process credit card transactions must:

995 (1) be compliant with all applicable tax laws;

996 (2) accept payment through any County user-side subsidy program;

997 and

998 (3) be approved by the Director.

999

* * *

1000 **[[53-315]] 53-314. Trip records.**

1001 (a) Each driver, or the fleet or association on behalf of an affiliated
 1002 individual licensee, must keep [[an original written]] a record, for a
 1003 period of six months, of all in- service trips [[on]] in a form approved
 1004 by the Department. Each in-service trip must be entered on the trip
 1005 record at the point of pickup.

1006 (b) The driver, or the fleet or association on behalf of an affiliated
 1007 individual licensee, must submit trip records to the Department
 1008 whenever the Director requires.

1009 (c) Each trip record must include the date, the driver's starting and ending
 1010 time, and the taxicab's starting and ending mileage for the driver's work
 1011 day.

1012 (d) Each rest break the driver takes must be entered on the trip record.

1013 * * *

1014 **[[53-316]] 53-315. Out of service notice.**

1015 * * *

1016 **[[53-317]] 53-316. Parking at taxicab stands.**

1017 * * *

1018 **[[53-318]] 53-317. Parking to solicit business.**

1019 * * *

1020 **[[53-319]] 53-318. Trips to be made by most direct route.**

1021 * * *

1022 **[[53-320]] 53-319. Accident reports.**

1023 * * *

1024 **[[53-321]] 53-320. Use by other persons prohibited.**

1025 * * *

1026 **[[53-322]] 53-321. Hours of operation.**

1027 * * *

1028 **[[53-323]] 53-322. Driver and passengers only permitted in vehicle; exception.**

1029 * * *

1030 **[[53-324]] 53-323. Maximum number of passengers.**

1031 * * *

1032 **[[53-325]] 53-324. Group riding.**

1033 * * *

1034 **53-503. Training.**

1035 Any licensee who transports passengers who use wheelchairs or scooters must
 1036 train each driver on the special needs of persons with disabilities. The training
 1037 program must be approved by the Department after consulting the Commission on
 1038 People with Disabilities, the Department of Health and Human Services, and the

1039 Taxicab Services [[Advisory Committee]] Commission. This training should be
 1040 made available to any driver who is issued an identification card under this Chapter.

1041 * * *

1042 **53-505. Accessible taxicab trip records.**

1043 Each driver must keep a current [[written]] record of all accessible taxicab
 1044 trips on a form approved by the Department. The driver must submit these trip
 1045 records to the licensee. The licensee must submit quarterly trip records to
 1046 Department listing the number of wheelchair and scooter users transported in each
 1047 vehicle.

1048 **53-506. Number of accessible taxicab licenses.**

- 1049 (a) The overall number of accessible taxicab licenses must not be less than
 1050 5% of the total of available County taxicab licenses.
- 1051 (b) The Department must set the number of new accessible taxicab licenses
 1052 by regulation, based on past and current demand and after consulting
 1053 the Taxicab Services [[Advisory Committee]] Commission, the
 1054 Commission on People with Disabilities, and the Department of Health
 1055 and Human Services.
- 1056 (c) After considering the recommendations of the Taxicab Services
 1057 [[Advisory Committee]] Commission, the Department may establish,
 1058 by regulation, a method to allow temporary replacement of accessible
 1059 vehicles with sedans.
- 1060 (d) Each fleet and association must provide an adequate number of
 1061 accessible taxicabs to meet service demand 24 hours per day, 7 days a
 1062 week, as required by applicable regulation.
- 1063 (e) The Department must develop a plan for increasing the number of
 1064 accessible taxicabs, with a goal of having 100% accessible taxicabs in

1065 the County by 2025 unless the Director determines that goal to be
1066 impracticable.

1067 * * *

1068 **53-604. Suspension or revocation of license or identification card.**

1069 (a) The Director may revoke or suspend any license or identification card,
1070 as appropriate, if, after notice and opportunity for a hearing, the
1071 Director finds that:

1072 * * *

1073 (3) a licensee or driver has been convicted of any crime of moral
1074 turpitude, including a crime of violence, sex offense, or
1075 [[violation of]] a felony involving a controlled dangerous
1076 substance [[or gaming law]];

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1078 (5) a licensee or driver operated a taxicab, or allowed a taxicab to be
1079 operated, in a manner that endangered the public health, safety,
1080 or welfare~~[[, or with a record of substandard customer service as~~
1081 defined by applicable regulation]].

1082 * * *

1083 (f) If the Director finds an immediate threat to the public safety or health,
1084 the Director, before holding a hearing, may immediately suspend,
1085 revoke, or deny the issuance or renewal of, a license or identification
1086 card. Without limiting the Director's discretion in finding an
1087 immediate threat to the public safety or health, any pending charge or
1088 conviction that would preclude the issuance or renewal of a license or
1089 identification card constitutes an immediate threat to the public safety
1090 or health.

1091 * * *

1092 **53-702. Hearing on suspension or revocation.**

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(c) The written notice must:

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(1) notify the recipient that the Director has suspended or revoked the license or the identification card or found that the license or identification card may be subject to suspension or revocation;

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(2) specify the grounds for the Director's finding of an immediate suspension or revocation or proposed suspension or revocation;

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and

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(3) set a date for a hearing to determine if the Director's action or suggested action is appropriate.

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(g) A licensee or driver who does not appear at the hearing waives the right to a hearing and consents to the action that the Director proposed in the notice or has already taken. The Director may then suspend or revoke the license or identification card as proposed in the notice.

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(h) A licensee or driver may surrender his license or identification card in lieu of a hearing. A licensee or driver who surrenders his license or identification card waives his right to a hearing and consents to the action or proposed action of the Director to suspend or revoke.

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~~[(h)]~~(i) A licensee or driver who does not appear at the hearing must pay the costs of the hearing unless that person notifies the Director that he or she will not appear at least ~~[[5]]~~ five days before the scheduled hearing. Fees and costs for hearings may be established by regulation.

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~~[(i)]~~(j) A suspension or revocation takes effect on the earlier of the day that the Director's or hearing officer's written decision is delivered in person or ~~[[3]]~~ three days after it is placed in the U.S. mail, first class,

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1119 postage prepaid, addressed to the last known address of the licensee or
 1120 driver. To facilitate enforcement of this provision, the Director may
 1121 require the licensee or driver to appear at the Director's office at a
 1122 specific time to receive a copy of the decision and surrender the license
 1123 or identification card. The licensee or driver must comply with the
 1124 Director's order.

1125 **Sec. 2.** [[Expiration. This Act and any regulation adopted under it expires
 1126 on January 1, 2016. Any taxicab modified as authorized by this Act may continue
 1127 to be used as modified as long as it remains in service.]] Not later than January 1,
 1128 2016, the Director must issue [[50]] 100 new licenses [[to individuals who do not
 1129 already hold a license under this Chapter]] following the procedures in Sections 53-
 1130 205 and 53-210 as follows:

- 1131 (a) 25 to individuals who do not hold a license under this Chapter, and of
 1132 these, eight must be for accessible vehicles;
- 1133 (b) 25 to fleets that hold fewer than 100 licenses, and of these, eight must
 1134 be for accessible vehicles; and
- 1135 (c) 50 accessible vehicle licenses to a driver-owned cooperative fleet that
 1136 the Director determines is a qualified applicant under Chapter 53.

1137 **Sec. 3.** [[One year after the issuance of the last license issued under Section
 1138 2, the Director must issue an additional 50 new licenses as follows:

- 1139 (a) 25 to individuals who do not already hold a license under this Chapter
 1140 following the procedures in Sections 53-205 and 53-210; and
- 1141 (b) 25 to fleets that hold 75 or fewer licenses.]] If any of the 50 accessible
 1142 licenses allocated to a driver-owned cooperative under Section 2 are not
 1143 awarded to the cooperative by June 1, 2016, either because the Director
 1144 determines that the cooperative is not a qualified applicant under
 1145 Chapter 53, or because the cooperative otherwise declines to obtain

1146 them, the licenses must be issued to individuals who do not currently
1147 hold licenses under this Chapter.

1148 **Sec. [[3]] 4. Expedited Effective Date.** The Council declares that this
1149 legislation is necessary for the immediate protection of the public interest. This Act
1150 takes effect on the date when it becomes law.

1151 **Sec. 5. Transition.** Notwithstanding the Expedited Effective Date of this
1152 Act, the following provisions, as amended in Section 1, take effect on October 1,
1153 2015:

- 1154 (a) the maximum credit card processing charge under Section 53-218(f)(1);
- 1155 (b) the dispute resolution requirements under Section 53-219;
- 1156 (c) the deletion of the driver examination requirement under former
1157 Section 53-308; and
- 1158 (d) the minimum liability insurance requirements under Section 53-224.

1159 *Approved:*

1160 George Leventhal 7/23/15
 George Leventhal, President, County Council Date

1161 *Approved:*

1162 _____
 Isiah Leggett, County Executive Date

1163 *This is a correct copy of Council action.*

1164 _____
 Linda M. Lauer, Clerk of the Council Date

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