

Bill No. 14-04
Concerning: Taxicabs – Amendments
Revised: 11-16-04 Draft No. 15
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Executive: November 29, 2004
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Ch. 27, Laws of Mont. Co. 2004

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to revise and generally amend the law governing the licensing and regulation of taxicabs.

By amending

Montgomery County Code
Chapter 53. Taxicabs and Limousines.

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

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. Chapter 53 is amended as follows:

Chapter 53. Taxicabs and Limousines.

[ARTICLE I. IN GENERAL.]

[53-1. Definitions.

In this Chapter, unless the context indicates otherwise:

- (a) *Department* means the Department of Public Works and Transportation.
- (b) *Director* means the Director of the Department or the Director's designee.
- (c) *Fleet taxicab company* means a business entity, however formed, created to transport passengers for compensation by taxicab that:
 - (1) Is required to obtain and qualifies for a passenger vehicle license in this County;
 - (2) Owns or has operational control over 5 or more taxicabs for use in the County;
 - (3) Provides its own centralized administrative, managerial, marketing, operational, and driver training services in the County that are physically separate from any other fleet taxicab company;
 - (4) Maintains its own department approved:
 - (A) Two-way radio communication system operated by a central dispatcher with a telephone answering service available to the taxicab riding public during its hours of operation; or
 - (B) Reasonably comparable public access system; and
 - (5) Provides uniform colors and markings for its taxicabs.
- (d) *Identification card* means a card issued by the Director permitting an operator to drive a taxicab in the County.
- (e) *Licensee* means a person owning a taxicab that has a passenger vehicle

license. It includes any principal, partner, Director, officer or managing agent.

(f) *Operator* means a person authorized to drive a taxicab under this Chapter.

(g) *Passenger* means a person engaging a taxicab for hire.

(h) *Passenger vehicle license* means a license issued by the Director allowing a vehicle to be operated as a taxicab in the County.

(i) *Seat belt* means any belt, strap, harness, or similar device used to protect passengers in a motor vehicle, that meets the current standards of the Society of Automotive Engineers or other standards of the Motor Vehicle Administration.

(j) *Security seal* means a lead and wire seal or similar device, attached to a taximeter by the Maryland Department of Agriculture for the protection of the taximeter against unauthorized access, removal, or adjustment.

(k) *Taxicab* means a passenger motor vehicle, for hire, designed to carry 7 persons or less, including the operator that:

(1) Operates upon any public road in the County; or

(2) On call or demand accepts or solicits passengers for transportation between points along public roads as designated by the passenger. "Taxicab" does not include a motor vehicle operated with the approval of the Washington Metropolitan Area Transit Commission on fixed routes and schedules.

(l) *Transfer* means:

(1) An assignment, sale, gift, conveyance or other disposition that has as its purpose or effect the transfer of the rights conferred upon the licensee by the passenger vehicle license; and .

(2) If the licensee is a legal or commercial entity, includes the

transfer of 50 percent or more of the stock, voting rights, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or is an aggregate of separate transactions.

- (m) *Unaffiliated fleet taxicab company* means a fleet taxicab company, including any officer, director, owner, employee, affiliate, subsidiary, and holding company, that does not have any direct or indirect ownership interest in or management control over another fleet taxicab company in the County and in which no other fleet taxicab company has an ownership interest or management control.]

[53-2. Penalty for violations.

- (a) Except as provided in subsection (b), violations of this chapter or any regulation adopted under it are punishable as class B violations.
- (b) Violations of section 53-48 and section 53-48A are punishable as class A violations.]

[53-3. Enforcement of chapter.

This chapter is enforced by the director and the County Police.]

[53-4. Chapter in addition to State law; regulations of municipalities within County; taxicabs from other jurisdictions.

- (a) This chapter is in addition to and not in substitution for any laws of the state relating to the operation and licensing of motor vehicles. This chapter does not limit the rights of owners or operators of taxicabs, who are duly registered in any other county of this State or in any other state or the District of Columbia or the City of Takoma Park, to bring passengers into this County or into any other area of this County when the trip originated in such other jurisdiction. If the engagement of the taxicab has been for what is known as "waiting time," the passengers so

brought into this County or into any other area of this County may be taken therefrom by the same taxicab and operator, but owners and operators of taxicabs registered or licensed in the City of Takoma Park or in any other jurisdiction have no other right to solicit business or transport passengers in this County or in any other area of this County. The director may enter into reciprocal agreements with other jurisdictions, including the City of Takoma Park.

- (b) Those taxicabs licensed by the City of Takoma Park and which have been granted the authorization described below may pick up passengers at any County address other than a Takoma Park or Langley Park address only if the destination of such passengers is within the jurisdiction which such taxicab is licensed to serve; provided, that taxicabs licensed by the City of Takoma Park may pick up passengers within the area east of Georgia Avenue and south of Colesville Road for transportation to a destination which lies within the same area. Authorization to provide the foregoing taxicab services shall be issued by the department to that number of taxicabs licensed by the City of Takoma Park which does not exceed the number of taxicabs licensed by that jurisdiction as of March 27, 1974; provided, that (1) the taxicab for which such authorization is sought is shown to be in compliance with standards of operating safety equal or comparable to the standards which govern taxicab operations in this County, and (2) the City of Takoma Park has, by lawful action of appropriate authority, authorized taxicabs which hold passenger vehicle licenses issued by the County to pick up passengers within that portion of the corporate limits of the City of Takoma Park which lies within the County, without limitation as to destination.]

[53-5. Duty of licensees generally.

A licensee must comply with this chapter and all laws and regulations applicable to the operation of the licensee's taxicab business in the County or State.]

[53-6. InspectionsCGenerally.

- (a) A licensee must permit all reasonable inspections by the director of vehicles licensed to operate under this chapter and must permit the examination of any business and dispatching records pertaining to the licensee's business as may be required for the administration and enforcement of this chapter. This includes all trip records required under this chapter to be kept by an operator.
- (b) A licensee or operator, when so requested by the director or any police officer of the County or the State, must permit the vehicle, the passenger vehicle license or the driver's identification card to be examined.
- (c) Failure to submit to an inspection or examination under this section is grounds for revocation of the passenger vehicle license or driver's identification card, or both.]

[53-7. SameCSemiannual inspection of mechanical condition.

Each taxicab operating in the County and licensed under this chapter must undergo a complete inspection of the general mechanical condition of the taxicab and any special equipment used to transport persons in wheelchairs every 6 months at such time and place as is designated by the department. Any taxicab found to be in an unsafe physical or mechanical condition or the condition of which violates any law must have its passenger vehicle license suspended. The director must immediately reinstate any unexpired and suspended license upon satisfactory proof that the violation of law or physical or mechanical defect has been corrected.]

[53-8. Licensees and operators to give notice of change of address.

A licensee or operator who changes a business or residential address must

136 notify the department of the change in writing within 48 hours from the change.
137 Changes in officers, principals, partners or managing agents of a licensee must be
138 reported in writing to the department within 48 hours of the change.]

139 **[53-9. Procedure when vehicle placed in or removed from service.**

140 A licensee must notify the department in writing, within 48 hours, of any
141 taxicab which is to be placed in or removed permanently from service. A taxicab
142 authorized by a passenger vehicle license must be placed in service within 6 months
143 of issuance. When removing a taxicab permanently from service, notification must be
144 made whether the owner junks the vehicle, sells it, or transfers title to it; whether it is
145 no longer used as a taxicab; or whether the tags have been stolen or the registration of
146 the vehicle has been revoked by the Motor Vehicle Administration. The passenger
147 vehicle license issued by the department to the licensee must be returned by the
148 licensee to the department with the notice that the taxicab is out of service.

149 The licensee must notify the department immediately when any taxicab is
150 temporarily taken out of service for a period longer than 48 hours, explaining why
151 the vehicle is out of service and giving its license number, assigned department
152 number and registration number.]

153 **[53-10. Retirement of vehicles; maintenance and repair.**

154 A taxicab that is more than 6 model years old or which has traveled more than
155 200,000 miles, whichever comes first, must not continue in service. A waiver may be
156 granted by the director for taxicabs which are more than 6 model years old or have
157 traveled more than 200,000 miles, or both, upon a written finding that the vehicle has
158 passed a thorough safety inspection conducted in accordance with rules or
159 regulations established by the County Executive under this chapter. A licensee must
160 maintain its taxicab in a clean and safe operating condition and maintain lights,
161 brakes, window glass, doors, tires, fenders, paint, upholstery and all devices and parts
162 affecting the operation or appearance of the vehicle in good condition. A licensee

must comply with the orders of the director or other authorized agents of the County to immediately remove any taxicab which is not in safe operating condition or clean, sanitary and of good appearance from public service until repairs and replacement of defective equipment, painting or cleaning have been completed. These taxicabs must not be placed back in service until inspected and approved by the director or inspected in accordance with procedures established by the director.]

[53-11. Vehicle equipment-Numbering.

The department, at the time that a licensee is granted a license for any taxicab under the provisions of this chapter must assign a department number to the taxicab. The number so assigned must be placed in permanent paint, plainly distinguishable and not less than 3 inches high, on each of the 2 sides, on each of the 2 rear door roof columns, and on the rear of each taxicab. In addition, when the director so determines, the number must be affixed to the taxicab by decal or metal tag provided by the department in the manner determined by the director. Numbers must be assigned only in the manner designated by the director; and no removal, reassignment, or change in number from one vehicle to another may be made by any person without written authorization from the department. Unauthorized removal or change of such number is cause for revocation or suspension of a license or all licenses of a licensee or for other penalty as provided in this chapter.]

[53-12. Same-Doors; lettering; color; special equipment.

(a) A taxicab operated in the County must have at least 3 doors.

(b) (1) A person may not operate a taxicab that is licensed to transport passengers in wheelchairs until the department approves the special equipment needed to transport passengers in wheelchairs.

(2) The department must establish uniform special equipment standards by regulation under method (3). Prior to adopting standards under this paragraph, the department should consult

with the Taxicab Services Advisory Committee, Commission on Handicapped Individuals, and interested members of the taxicab industry that are not represented on the Advisory Committee.

- (c) Each taxicab must be lettered in letters plainly distinguishable and not less than 3 inches high, in permanent paint on each of the 2 sides of the taxicab, to show the name and telephone number of the company, individual or association by whom the taxicab is owned or operated, and the word "taxicab," "taxi" or "cab." All taxicabs owned and operated by a company, individual or association must be uniform as to color. Color combinations approved by the department must be for the exclusive use of the company, association or corporation during the period within which the company, association or corporation is operating taxicabs within the County. Independently owned and operated cabs may be solid color with lettering as approved by the department.]

[53-13. Same -Cruising lights.

A taxicab must have cruising lights approved by the department that operate electrically as a sign or insignia mounted on the top of the forward portion of the taxicab. The light must be of such a design as to identify the vehicle as a taxicab operated by a particular individual, company, association or corporation. Taxicabs in associations, companies and corporations must have uniform distinguishable cruising lights approved by the director.]

[53-14. Same-Interior numbering and lettering.

A taxicab operating in the County must have its taxicab number and the name and telephone number of the company, association or individual by whom the taxicab is owned or operated prominently displayed in the rear seat area of the taxicab with distinguishable lettering and numbering at least 2 inches high.]

[53-15. Same-Seat belts.

217 All taxicabs must have one set of seat belts for each passenger in the taxicab.
 218 The seat belts must be easily accessible and in good working order.]

219 **[53-16. Same-Taximeters.**

220 A taxicab for which a passenger vehicle license has been issued under this
 221 chapter must be equipped, while in service, with an accurate, properly installed and
 222 connected taximeter which has a security seal affixed by the Maryland Department of
 223 Agriculture. Periodic tests of these meters will be made. Upon successful completion
 224 of the tests, the taximeter must be affixed with a security seal. These tests should be
 225 scheduled in a manner that minimizes interruption of taxicab service to the public.
 226 Except as otherwise specified, the requirements for approval and methods of testing
 227 and operation of taximeters must conform to specifications, tolerances and
 228 regulations for taximeters as set out in the National Bureau of Standards Handbook
 229 44, or as may be established by executive regulation adopted by the County
 230 Executive under method (3). It is unlawful and cause for revocation or suspension of
 231 identification card or passenger vehicle license for any person:

232 (a) To make any change in the mechanical condition of wheels, tires and
 233 gears of any taxicab with intent to cause false registration by the meter
 234 of the fare to be charged any passenger.

235 (b) To make any charge for transportation other than computed by the
 236 taximeter with a security seal. The director may grant a waiver to this
 237 provision for a contract filed with the department that permits lower
 238 rates than those computed by the taximeter upon a written determination
 239 that the contract provision will not result in a significant reduction of
 240 service to the general public as provided under section 53-29.]

241 **[53-17. Rates.**

242 The County Executive must establish taxicab rates, by executive regulations
 243 adopted under method (3) of section 2A-15 of this Code, as is in the public interest

after public notice and hearing and after giving consideration to the recommendations of the Taxicab Services Advisory Committee. Notwithstanding any other law, to encourage ridesharing and other innovative taxicab services, the regulations may provide for payment methods that are not taximeter based.]

[53-18. Duty to accept and convey passengers.

(a) An operator of a taxicab must accept any passenger and convey any passenger where directed upon dispatch or request, unless the cab has an "Off Duty" card displayed or unless the operator is previously engaged or unable or prohibited by this Chapter or by other laws or regulations to do so. Without limiting the general duty to respond set forth in this subsection, the operator of a taxicab licensed and equipped to transport handicapped persons in a wheelchair must respond to a call for service for a handicapped person when reasonably possible to do so. Failure to respond is a ground for disciplinary action under Article IV.

(b) A licensee licensed to transport passengers in wheelchairs must provide training to each of its operators on the special needs of persons with disabilities. A training program must be developed by the Department, in consultation with the Commission on People with Disabilities, the Department of Health and Human Services, and the Taxicab Services Advisory Committee. This training should be made available to all operators issued an identification card under this Chapter.]

[53-19. Passenger receipts.

A taxicab operator must give a receipt showing the operator's name, the time and place of origin and destination of each trip and the amount of the fare, on an authorized form, when requested to do so by a passenger.]

[53-20. Failure of passenger to pay fare.

A person who hires a taxicab under any agreement, express or implied, to pay

for the use of such vehicle a sum of money based wholly or in part upon the distance such taxicab travels while so used, must not fail or refuse to pay any lawful charge due the operator.]

[53-21. Trip records.

An operator of a taxicab, while driving the taxicab for business purposes, must keep a current written record of all trips on a form approved by the department. All trips must be entered on the trip record at the point of pickup. A licensee licensed to transport passengers in wheelchairs must submit to the department quarterly trip records showing the number of passengers in wheelchairs the licensee transported.]

[53-22. Display of "off-duty" card.

A taxicab, when not being operated for hire, must display, in the front window, a card with the words "Off Duty" 3 inches high printed on it so as to be visible to the general public.]

[53-23. Operator and passengers only permitted in vehicle; exception.

When a taxicab is in service, no person other than the operator and passengers is allowed in the taxicab, except a person participating in a driver training program maintained by the licensee.]

[53-24. Maximum number of passengers.

An operator may not carry more persons in a taxicab, including the operator, than the number designated as its seating capacity in the application for a passenger vehicle license, or more passengers than designated on the passenger vehicle license.]

[53-25. Group riding.

(a) A taxicab may be used to serve jointly passengers who have not previously notified the operator or dispatcher of their intention to travel together and whose trips either originate or terminate at different locations.

(b) A taxicab operator may accept as additional passengers those persons

who flag or signal the operator along the public right-of-way if the proposed route of travel for such additional passengers does not increase the fare for those passengers already occupying the taxicab. However, each passenger must consent to sharing the taxicab with others. This section does not authorize solicitation of passengers en route to the destination of the person or party occupying the taxicab. A person seeking taxicab service must not be refused service in order that the driver may try to effect more profitable grouping.

- (c) The County Executive must establish a method by executive regulations adopted under method (3) of section 2A-15 of this Code, to allocate the fare among passengers sharing a ride as authorized under this section in a manner that will encourage shared riding.]

[53-26. Taxicab stands and call boxes-Generally.

The director may provide for taxicab stands and call boxes in the County when they are required in the public interest.]

[53-27. Same--Parking.

A taxicab operator may not park in a public taxicab stand unless it is available for hire and its operator is awake and within plain view of the vehicle. The operator may not be further than 50 feet from the vehicle. An operator must not occupy any taxicab in a public taxicab stand other than that of which the individual is the operator.]

[53-28. Parking to solicit business.

It is unlawful for any taxicab operator in the County to park in any public controlled parking space, whether controlled by parking meter or posted by official signs, to solicit business.]

[53-29. Hours of operation.

The director must establish by regulation reasonable hours of operation that a

licensee must make its vehicle available for hire. A full-time operator must not operate a taxicab more than 12 hours in any 24-hour period. A part-time operator must not operate a taxicab more than 4 hours in the same 24-hour period in which the operator is otherwise employed for at least 8 hours. Any licensee who knowingly permits an operator to violate the provisions of this section or any operator who violates the provisions of this section may have the licensee's passenger vehicle license or the operator's identification card revoked or suspended, as appropriate.]

[53-30. Possession of alcoholic beverages or controlled dangerous substances by operator prohibited.]

It is unlawful and cause for revocation or suspension of the identification card for any operator, while operating a taxicab, either on or off duty, to have in the operator's possession any controlled dangerous substance, or to possess, or allow a passenger to possess, alcoholic beverages in the passenger compartment of the taxicab. Alcoholic beverages may only be transported in a taxicab in the trunk of the vehicle while the taxicab is being operated in an off-duty capacity. Any licensee who knowingly permits an operator to violate the provisions of this section may have the license for the specific vehicle or all licenses held by the licensee revoked or suspended.]

[53-31. Trips to be made by most direct route.]

Except as otherwise specifically provided in this chapter, all trips by taxicabs shall be made by the most direct route from point of pickup to point of destination.]

[53-32. Accident reports.]

An operator of a taxicab must report in writing to the department within 48 hours any accident involving his vehicle if any property was damaged or any person injured.]

[53-33. Responsibility of licensee as to operators.]

A licensee of a taxicab must not permit any of its vehicles to be operated in

this County if the operator of the taxicab has not complied with all the requirements of this chapter. A licensee must not permit or allow any of its taxicabs to be operated on duty in this County if the operator does not have within the vehicle the operator's properly displayed identification card as required by this chapter. It is the responsibility of the licensee to supervise and control the operation of the licensee's taxicabs so that an unauthorized person does not operate those vehicles. Violation of this section may result in the revocation of all passenger vehicle licenses held by the licensee.]

[53-34. Taxicab associations.

(a) A taxicab association is defined as a group of taxicab licensees organized for the purpose of common benefit as regards operation, color scheme, and insignia.

(b) An association must file with the department, in addition to any other data required by law:

(1) If incorporated, a copy of the certificate of incorporation, bylaws, and other rules and regulations relating to the organization and operation of the association and its membership. Incorporated taxicab associations which possess passenger vehicle licenses must submit by February 1 of each calendar year to the department a certificate of good standing issued by the Maryland State Department of Assessments and Taxation.

(2) Information on forms provided by the department, showing, for each cab, the licensee's name and address, cab make, serial number and taxicab number, and other pertinent information described on the forms. Any changes in the data or information required by this paragraph must be filed in writing with the department within 48 hours of the change.]

[53-35. Regulations.

Unless otherwise indicated in this chapter, the County Executive may adopt regulations under method (2) to administer this chapter.]

[ARTICLE II. TAXICAB LICENSE.]

[53-36. Required.

A person must not operate a taxicab, or any owner or lessee of a taxicab must not permit a taxicab to be operated, within the County, on or off duty, unless a valid passenger vehicle license has been issued for the vehicle and is prominently displayed in the taxicab.]

[53-37. Taxicab services advisory committee.

- (a) *Creation and membership.* A taxicab services advisory committee is created. Members are appointed by the County Executive and confirmed by the County Council.
- (b) *Composition.* The committee consists of 5 public members and 4 taxicab industry members. The County Executive should appoint the members so that:
 - (1) Of the 4 taxicab industry representatives, 2 must represent management and 2 must be taxicab drivers.
 - (2) Of the 2 drivers, one must be an owner-operator and one must be a non-owner-operator.
 - (3) A member of the committee serves at the pleasure of the County Executive.
 - (4) One member is designated as a chairperson, subject to confirmation by the County Council.
 - (5) Of the public members one person must represent the handicapped community.
- (c) *Ex officio members.* A representative of the director and of the County

Attorney must serve as ex officio nonvoting members of the committee.

(d) *Term.* A committee member serves for a period of 3 years. In order to stagger the terms of membership when the advisory committee is first formed, the following members serve for a one-year term:

- (1) 1 public member;
- (2) 1 representative of taxi management; and
- (3) 1 taxi driver (owner-driver).

The following members serve for a 2-year term:

- (1) 2 public members; and
- (2) 1 taxi driver (non-owner).

The following members serve for a 3-year term:

- (1) 2 public members; and
- (2) 1 representative of taxi management.

Once an initial term is served, a member must not serve more than an additional 2 consecutive full terms.

(e) *Functions and duties.* The committee performs those functions and discharges those duties concerning taxicab services in Montgomery County that are stated in this chapter or by regulations adopted by the County Executive. The committee advises the director in carrying out the duties and functions prescribed by this chapter and evaluates the performance of the taxicab industry in serving segments of the population with special transportation needs such as the handicapped or the elderly.

(f) *Administrative support.* The County Executive must furnish the committee with office space, filing facilities, and clerical and secretarial services as needed.]

[53-38. Application and fees generally.

(a) *Application.* An application for a passenger vehicle license under this article must be filed with the director in accordance with the form and procedure that the director establishes. The application must be made under oath. The application must contain:

(1) A statement of financial responsibility consisting of:

(A) A notarized statement by the applicant stating:

(i) The availability of unencumbered financial resources sufficient to place the number of taxicabs subject to passenger vehicle licenses applied for into service; and

(ii) The applicant's intention to use these unencumbered resources to place these taxicabs into service within 90 days from the date the license is granted.

(B) A certificate of insurance, or written correspondence from an insurance company, stating that the applicant will be able to acquire the required insurance and that the insurance will not be canceled or modified without prior written notice from the insurer to the department.

(2) A notarized statement by the applicant stating:

(A) That the applicant is familiar with this chapter and the County taxicab regulations and that the applicant is not disqualified from holding a passenger vehicle license under section 53-43 of this chapter;

(B) The applicant's experience in providing service as an owner or operator of a taxicab, or both;

(C) The applicant's familiarity with the geographic area to be served;

- 460 (D) The applicant's willingness and ability to properly
 461 maintain the taxicab to be placed in service in a clean and
 462 safe operating condition;
- 463 (E) The applicant's existing or proposed hiring and training
 464 procedures for drivers of any taxicabs to be placed in
 465 service; and
- 466 (F) Evidence of ability to provide call response service as
 467 shown by accessibility to a 24-hour/day taxicab dispatch
 468 service.
- 469 (3) Any additional verification of financial resources or other
 470 information required by the department, including a certified
 471 financial statement.
- 472 (4) A financial security instrument such as a bond or letter of credit,
 473 as may be required by regulation.
- 474 (b) A licensee must provide the department with written notice of any
 475 additional or changed information to that provided under this section.
 476 Notification to the department must occur within 10 days of the
 477 discovery of the additional information or change in information by the
 478 licensee.
- 479 (c) *Application fee.* An application fee, not to exceed an amount necessary
 480 to administer the requirements of this chapter, must be established by
 481 executive regulation under method (3). The fee must be paid with the
 482 application. The director may refund all or part of an application fee, in
 483 accordance with regulation, if an applicant does not receive a passenger
 484 vehicle license.
- 485 (d) *Issuance and renewal fees.* A fee, not to exceed an amount necessary to
 486 administer the requirements of this chapter as established by executive

regulation under method (3), must be paid by each successful applicant upon issuance to that applicant of a passenger vehicle license, and by each holder annually for renewal of a passenger vehicle license.]

[53-39. Certificates to be furnished by applicant.

A license must not be issued under this article until the applicant furnishes the director the following certificates:

- (a) A certificate from the County-designated inspection station that the vehicle is mechanically safe.
- (b) A certificate from the Maryland Department of Agriculture that the taxicab meter has been tested and approved.]

[53-40. Insurance required of applicants.

Before issuing any passenger vehicle license under this article, the department must ascertain as to each vehicle license that the owner has insurance or surety for the vehicle covering bodily injury or death to any passenger or other person, and property damage, in the amounts required by regulations adopted by the County Executive under method (3) and that the insurance or surety covers the full period for which the vehicle is to be licensed.

If at any time, the insurance or surety coverage lapses during the license year, the licensee must immediately notify the department and the license must be immediately suspended without notice or hearing. The director must immediately obtain possession of the license and must not reissue it until the insurance or surety requirements are fully met.]

[53-41. One license for each taxicab.

A licensee is entitled to only one passenger vehicle license for each taxicab qualified under this article.]

[53-42. State registration required prior to issuance of certificate.

The director must not issue or renew a passenger vehicle license unless the

514 applicant or licensee has registered the taxicab as a "class B" for-hire vehicle with the
 515 Motor Vehicle Administration for the current year in which the application for
 516 license is made and the registration remains valid. The applicant or licensee must
 517 provide the department with written notice of any revocation or suspension of the
 518 registration of the taxicab as a "class B" for-hire vehicle within 48 hours of the
 519 revocation or suspension.]

520 **[53-43. Criteria for denial, issuance, or renewal of a passenger vehicle license.**

521 The department must not issue or renew a passenger vehicle license to any of
 522 the following:

523 (a) *Bad moral character.* Any licensee or applicant who is not of good
 524 moral character. In determining good moral character, the following
 525 must be considered:

526 (1) The applicant's or licensee's penal record, including all
 527 convictions, the reasons therefor and the demeanor of the
 528 applicant or licensee subsequent to any conviction. Special
 529 emphasis must be given to convictions for violations of the
 530 gaming, narcotic or alcoholic beverage laws or for crimes
 531 involving violence or sex offenses.

532 (2) The driver's license history of the applicant or licensee, including
 533 whether the applicant or licensee, in previously operating in this
 534 or another jurisdiction, has had a license revoked or suspended
 535 and the reasons for the revocation or suspension.

536 (3) Any other facts related to the general personal history of the
 537 applicant or licensee that are relevant to a fair determination of
 538 good character for licensing under this chapter.

539 (b) *Indebted to State or County.* Any applicant or licensee indebted or
 540 obligated to any town or city, the County or the State, in connection

with the operation of or the property used for the taxicab business,
except for taxes for the current taxable year.

- (c) *Fraud or false statements.* Any applicant or licensee who procures or attempts to procure a license by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts; or any applicant or licensee guilty of fraud, misrepresentation or false statement in the course of carrying on the taxi business.
- (d) *Violations of County or State laws.* Any applicant or licensee whose record of violations of this chapter or other ordinances or licensing laws or regulations of the County, State or other jurisdictions indicates that a license should not be granted for the protection of the public safety, morals or welfare. If the "licensee" or "applicant," as the term is used in this section, is other than an individual person, then the term shall include, as to partnerships, any partner and the managing agent in charge of the operation under the license; as to joint ventures, societies, associations, clubs, etc., each of the principals or officers and the managing agent in charge of the operation under the license; as to corporations, each of the directors, officers and the managing agent; and the acts of record of the directors, partners, officers or agents are the acts or record of the licensee or applicant.]

[53-44. Issuance-General.

- (a) A passenger vehicle license may only be issued by the director:
 - (1) To a qualified applicant; and
 - (2) In accordance with this chapter. An applicant is qualified if the applicant meets all requirements of this chapter and applicable regulations.
- (b) The director must provide a licensee with:

- 568 (1) A passenger vehicle license containing that information required
 569 by law or regulation; and
- 570 (2) An assigned number to the licensee's taxicab.
- 571 (c) In addition to the number of passenger vehicle licenses authorized and
 572 issued on January 1, 1988, the director may issue each year in calendar
 573 years 1988, 1989 and 1990:
- 574 (1) 50 new passenger vehicle licenses;
- 575 (2) 3 new passenger vehicle licenses for taxicabs equipped to
 576 transport wheelchair passengers issued under the lottery
 577 procedures of this article; and
- 578 (3) Up to 15 passenger vehicle licenses for innovative taxicab
 579 services under section 53-44B.
- 580 (d) For purposes of yearly license allocations under subsection (c), a license
 581 will be counted in the calendar year of issuance, irrespective of the
 582 applicable license year.
- 583 (e) (1) The director may increase the number of passenger vehicle
 584 licenses authorized under subsection (c)(2) for taxicabs equipped to
 585 transport wheelchair passengers or subsection (c)(3) for innovative
 586 taxicab services serving a segment of the population with special needs
 587 if the director determines that there is sufficient need.
- 588 (2) The director may issue passenger vehicle licenses in excess of the
 589 annual limitations under subsection (c)(3) up to the 3-year
 590 aggregate limit of 45 licenses. However, issuance of these
 591 licenses may not exceed 25 licenses in one year.
- 592 (f) The number of passenger vehicle licenses available for issuance under
 593 subsection (c)(1) of this section must be allocated so that qualified
 594 existing and new unaffiliated fleet taxicab companies may be issued, in

the aggregate, 70% of the total number of those licenses under section 53-44A. Other qualified applicants must be issued licenses under the lottery procedures of this article.

(g) Any authorized licenses originally available for issuance under section 53-44A to existing fleet taxicab companies may be issued to other qualified applicants under the lottery procedures of this article after any awards to a new unaffiliated fleet company. Any authorized but unissued licenses originally available to non-fleet companies or individuals may be issued under section 53-44A after lottery procedures have been completed. After all awards, any remaining unissued licenses must be allocated in the following year in its original license category.

(h) An applicant for a license for a taxicab equipped to transport passengers in wheelchairs must submit a separate application under section 53-38.

(i) Notice of available passenger vehicle licenses must be published in a newspaper of general circulation.

(j) Unless approved by the director for good cause, the taxicab authorized by a passenger vehicle license must be placed in continuous operation, in accordance with this chapter, or the license is forfeited. A break in service for more than 5 consecutive days is a violation of this subsection.]

[53-44A. Fleet taxicab company licenses.

(a) A fleet taxicab company may apply for and be issued not more than 10 available passenger vehicle licenses each year. Of the licenses applied for, 20 percent must be for taxicabs equipped to transport wheelchair passengers. In determining the number of licenses, if any, to issue to an applicant under this section, the director should consider:

- (1) The applicant's financial and managerial resources to operate and maintain the taxicab in conformance with this chapter, given the number of licenses applied for and the current number of taxicabs in the company's fleet;
 - (2) Geographic areas of service, including the existence of growth in a service area or a willingness to serve in areas that need additional taxi service;
 - (3) The past record of calls not served;
 - (4) Taxicab productivity, as measured by the number of daily trips per cab and trips per shift, as well as response time;
 - (5) Development of and participation in innovative taxi services, including "call n' ride" and ridesharing programs;
 - (6) Driver training programs;
 - (7) Age, quality and maintenance record of existing taxis;
 - (8) Relative number of validated consumer complaints in the previous year;
 - (9) The number and seriousness of any enforcement actions against the applicant or its drivers; and
 - (10) Other similar performance related criteria, as provided by regulation.
- (b) If available licenses are insufficient to satisfy requests from applicants that qualify for a license under subsection (a), the director must establish a comparative ranking system using criteria set forth in this section. In issuing licenses under this subsection, the director must utilize a ranking system that will promote high-quality taxi service and a viable and competitive taxi industry. Any comparative ranking system must be established, in advance of license issuance, by regulation under

method (3).

- (c) (1) If authorized licenses are available after issuance under subsections (a) and (b), the director may issue up to 15 licenses under this section to any qualified applicant proposing to operate as a new unaffiliated fleet taxicab company during the license year. If authorized licenses are not fully available from the allocation to fleet taxicab companies, the director may award licenses from the allocation available to fleet taxicab companies in future years subject to a limitation of 45 licenses in the aggregate. The number of licenses awarded from any future year allocation is in the director's sole discretion. However, to the extent possible, the director should evenly reduce the allocation between future years.
- (2) An applicant proposing to operate a new unaffiliated fleet taxicab company may apply when licenses are made available for issuance to existing fleet taxicab companies or at any other time that the director permits. Of the licenses applied for, 20 percent must be for taxicabs equipped to transport wheelchair passengers.
- (3) In determining whether or not to issue one or more licenses to the applicant, the director should consider, among any other relevant factors, the applicant's:
- (A) Written business plan, including a description of all ownership and management interests, levels and types of service to be provided, proposed operations and driver training programs, and marketing approach;
 - (B) Level of capitalization and expected operational costs;
 - (C) Experience; and
 - (D) Ability to comply with all regulatory requirements of this

chapter.

- (d) The director may only issue a license under subsection (c) if the director finds that:
 - (1) The applicant would not have qualified in the preceding year as a fleet taxicab company; and
 - (2) The application justifies an expectation of a high level of taxicab service.
- (e) Notwithstanding any numerical limits under this article, a qualified new or existing fleet taxicab company may apply for and be issued additional passenger vehicle licenses in a number equal to the licenses issued under this section to the company that year for taxicabs equipped to transport wheelchair passengers.
- (f) Any calculation under this section must be completed by rounding to the nearest whole number. One-half must be rounded up to the next whole number.
- (g) At the written request of any applicant, the director must state, in writing, the basis for any decision denying its application, in part or in whole, under this section.]

[53-44B. Special licenses.

- (a) In addition to the number of licenses available for issuance under subsections 53-44(c)(1) and (c)(2), the director may issue up to 15 licenses to a qualified applicant or applicants, in the aggregate, to provide innovative taxicab service on an experimental or permanent basis, including:
 - (1) Serving segments of the population with special transportation needs such as elderly citizens in up-County areas or other parts of the County where appropriate;

- (2) Jitney service;
- (3) Peak demand; or
- (4) Similar transportation services.

(b) The availability of licenses under this section must be advertised in at least one newspaper for 2 consecutive weeks. Licenses must be issued on a competitive basis using relevant criteria and procedures set forth in this article that will best achieve a high level of taxicab service. The director may establish appropriate conditions for issuance of a license issued under this section and revoke the license, at any time, for noncompliance.]

[53-45. Issuance-Lottery procedures.

- (a) If the number of applications filed by all qualified individual or non-fleet applicants equals or is less than the number of authorized passenger vehicle licenses for a calendar year that are available under section 53-44, the director must issue to each qualified applicant the number of licenses requested. If the number of applications from all qualified individual or non-fleet applicants exceeds the number of available and authorized passenger vehicle licenses for a calendar year, the director must conduct a lottery to determine the priority of issuance.
- (b)
 - (1) Licenses issued by lottery must be awarded under the procedures of this section.
 - (2) An existing or new fleet taxicab company may not participate in the lottery required under section 53-44(e).
- (c) A separate lottery must be conducted by the director to determine the issuance of:
 - (1) Passenger vehicle licenses for taxicabs equipped to transport wheelchair passengers;

- 730 (2) Passenger vehicle licenses that become available under sections
731 53-44(f); and
- 732 (3) Any other authorized passenger vehicle licenses that may become
733 available during a calendar year.
- 734 (d) A lottery must be conducted:
- 735 (1) In a random manner;
- 736 (2) So that a qualified applicant has an equal probability of winning a
737 license on each draw regardless of the number of applications
738 that the applicant has requested and qualified; and
- 739 (3) So that an applicant does not receive more licenses than the
740 number for which the applicant applied.
- 741 (e) A lottery may be conducted in 2 separate phases. Phase One determines
742 the recipients of available passenger vehicle licenses and continues until
743 all available licenses have been awarded. Phase Two determines an
744 eligibility list for issuance of passenger vehicle licenses that may
745 become subsequently available and applies to those applicants not
746 receiving the number of licenses applied for under Phase One. The
747 drawing in Phase Two continues until all applicants appear on the
748 eligibility list for the number of licenses for which they applied. The
749 eligibility list is terminated annually.
- 750 (f) As passenger vehicle licenses become available for reissue, the
751 applicant highest on the eligibility list must be notified by the
752 department that a passenger vehicle license is available and of the
753 appropriate acceptance procedures and deadline. Notice must be sent by
754 mail to the address listed by the applicant on the application. If the
755 taxicab is not placed in service in a timely manner as specified in the
/56 executive regulation, an applicant's eligibility is terminated. The

department must then give notice to the next applicant on the eligibility list.]

[53-46. Display.

A passenger vehicle issued under this article must be prominently displayed at all times in the taxicab for which it is issued in a manner that is plainly visible to the passengers.]

[53-47. Duplicates.

Upon proof satisfactory to the department that a passenger vehicle license has been lost or destroyed, the department must issue a duplicate license certificate to the licensee upon payment of a fee of \$1.00.]

[53-48. Transferability.

(a) *Limitations on transfers.* Except as provided in subsection (b), the transfer of a passenger vehicle license is prohibited.

(b) *Permissible transfers.* Subject to the requirements of subsection (c), the following transfers of a passenger vehicle license are permissible:

(1) A passenger vehicle license initially issued prior to calendar year 1988 may be transferred at any time except within 5 years of issuance or within 3 years of transfer as provided under law in effect on January 1, 1988.

(2) The transfer of a passenger vehicle license issued after January 1, 1988, at any time except within 3 years of issuance or within 3 years of transfer.

(3) The transfer to a successor entity in a reorganization if the ownership interests, control, and management of the reorganized entity are the same as the original entity and the reorganized entity assumes responsibility for the debts and obligations of the original entity.

- 784 (4) The transfer of the passenger vehicle license to a member of the
785 licensee's immediate family. Immediate family consists of a
786 spouse, parents, children and siblings.
- 787 (5) A licensee may have the passenger vehicle license for a retired
788 taxicab reissued for another vehicle which is to be used by the
789 licensee as a taxicab.
- 790 (c) *Procedures.* A transfer of a passenger vehicle license permitted under
791 subsection (b) may occur only if:
- 792 (1) The licensee notifies the department in writing of the proposed
793 transfer at least 20 business days prior to the date of the proposed
794 transfer;
- 795 (2) Notification includes the terms and conditions of the proposed
796 transfer and the name of the proposed transferee;
- 797 (3) The transferee satisfies all of the requirements of this chapter and
798 applicable regulations;
- 799 (4) The director has approved the proposed transfer of the passenger
800 vehicle license;
- 801 (5) The licensee has surrendered the existing passenger vehicle
802 license; and
- 803 (6) The transferee has assumed any debts and other obligations of the
804 transferor related to its taxicab business.
- 805 (d) *Issuance.* A new passenger vehicle license must be issued to the
806 approved transferee upon satisfaction of the requirements of subsection
807 (c) for the unexpired term of the original passenger vehicle license.
- 808 (e) *Waiver.* Except for a proposed transfer between a new unaffiliated fleet
809 taxicab company and another fleet taxicab company, the director may
810 waive any prohibition against transferability if the director is satisfied

that granting a waiver is likely to produce:

- (1) More effective competition; and
- (2) Based on the business plan of the transferee, an improved level of taxicab service for consumers in the County.]

[53-48A. Prohibition on certain other agreements.

In addition to any prohibition under section 53-48 against the transfer of a new passenger vehicle license issued after January 1, 1988, a licensee may not enter into a contract which requires or provides for remuneration or other consideration for operation of a taxicab authorized by a license unless the licensee:

- (a) Personally operates the taxicab authorized by the license;
- (b) Operates as a fleet taxicab company; or
- (c) Operates as a taxicab company or association with uniform markings and colors.]

[53-49. Expiration; renewal.

A passenger vehicle license:

- (a) Expires one year from the date of issuance at 12:00 p.m.
- (b) May be renewed annually if the licensee:
 - (1) Submits a notarized statement from the licensee affirming that there are no changes in the information and statements submitted with the original application except as have been previously or are being presently submitted; and
 - (2) Otherwise complies with this chapter and applicable regulations.]

[ARTICLE III. OPERATOR'S IDENTIFICATION CARD.]

[53-50. Required.

A person must not operate any taxicab on duty in the County unless the person has a valid identification card issued under this article. Operation of any taxicab by a person without a valid identification card on a "for hire" basis or without prominent

display visible to the public of an "off duty" sign as provided in section 53-22 is cause for revocation of the passenger vehicle license and identification card of the operator [responsible for such] of the taxicab.]

[53-51. Application.

An applicant for an identification card under this article must file with the department a written application, under oath, in the form required by the director.]

[53-52. Applicant to furnish physician's certificate.

Before the issuance of an operator's identification card under this article, the department must require the applicant for the identification card to furnish a current physician's certificate, certifying that the applicant has been given a physical examination and is not subject to any physical or mental impairment that could adversely affect the applicant's ability to drive safely or otherwise endanger the public health, safety, or welfare. The department may, after the issuance of such identification card, require an operator to furnish such a physician's certificate, bearing a current date, if the director has reason to believe that the operator may be suffering from a physical or mental impairment that could adversely affect the operator's ability to drive safely or otherwise endanger the public health, safety, or welfare.]

[53-53. Applicant to furnish fingerprints and photographs.

Before issuing an operator's identification card, the department must require the applicant to furnish:

(a) A copy of the applicant's fingerprints which must be taken by the County Police Department in Rockville, Maryland, without charge to the applicant.

(b) Four (4) photographs of the applicant of a size and character to be prescribed by the department, consisting of 3 front and 1 side view.]

[53-54. Examination of applicant.

865 The department may require, prior to the issuance of a card under this article,
 866 that the applicant pass an examination on knowledge of traffic laws, duties under this
 867 chapter, and general qualifications to operate a taxicab within the County.]

868 **[53-55. Criteria for denying issuance or renewal of an identification card.**

869 The director must not issue or renew identification cards to operate taxicabs to
 870 any of the following persons:

871 (a) *Bad moral character.* Any person who is not of good moral character.

872 In determining good moral character, a criminal record, if any, and the
 873 applicant's license and traffic record in this or other jurisdictions must
 874 be considered. Special emphasis in reaching a decision on moral
 875 character must be given to any convictions for crimes of violence, sex
 876 offense, violations of the gaming laws, or violations of controlled
 877 dangerous substances or alcoholic beverage laws.

878 (b) *Penal record.* Any person who has, within 3 years immediately
 879 preceding the date of the application, been convicted of:

880 (1) Any offense involving violence;

881 (2) Any sex offense;

882 (3) Soliciting for prostitution;

883 (4) Illegal sale or use of alcoholic beverages, particularly when
 884 driving;

885 (5) Violation of any laws governing controlled dangerous
 886 substances; or

887 (6) Violation of the gaming laws.

888 (c) *Traffic record.* Any person whose traffic record of "moving" offenses
 889 for the 3-year period immediately preceding the date of application
 890 demonstrates that the applicant is not a safe or careful driver.

891 (d) *False statements.* Any person who makes a false statement to any

question upon any form required by the department or who attempts to procure or procures an identification card by fraud, misrepresentation, misleading statements, evasion or suppression of material facts. The person may reapply for an identification card at the expiration of 6 months from the date of denial or sooner at the discretion of the director.

- (e) *Physical or mental condition.* Any person who is physically or mentally impaired to the extent that there is a likelihood that the applicant is unfit to safely operate a taxicab or who may otherwise endanger the public health, safety, or welfare.]

[53-56. Fee.

The fee for an identification card under this article must not exceed an amount necessary to administer the requirement of the chapter as established by executive regulation under method (3).]

[53-57. Issuance; contents.

The department must issue to every operator who is qualified under this article an identification card containing the operator's name, number of identification card and photograph.]

[53-58. Display.

The operator's identification card must be prominently displayed at all times in the taxicab which the holder of such card is operating and in a manner that is plainly visible to the passengers.]

[53-59. Transfer prohibited.

An identification card issued under this article must not be transferred or assigned.]

[53-60. Permitting use by other persons prohibited.

A person holding an identification card under this article must not permit the

919 use of the person's identification card by any other person.]

920 **[53-61. Duplicates.**

921 Upon proof satisfactory to the department that an identification card issued
922 under this article has been lost or destroyed, the department must issue a duplicate
923 card to the operator upon payment of a fee as established by executive regulation.]

924 **[53-62. Expiration.**

925 Each identification card issued under this article expires one year from the date
926 of issuance.]

927 **[ARTICLE IV. DISCIPLINARY PROCEDURES AND APPEAL.]**

928 **[53-63. Grounds for revocation or suspension.**

929 (a) The director may revoke or suspend any or all of the passenger vehicle
930 licenses held by a licensee or an identification card of an operator, as
931 appropriate, if, after notice and opportunity for a hearing, the director
932 finds:

933 (1) Facts existing prior or subsequent to the issuance of a passenger
934 vehicle license or identification card that would be cause under
935 this chapter for refusal to issue or renew by the director;

936 (2) Violation of this chapter or regulations adopted under it, or of any
937 other federal, state, or local law by the licensee or operator;

938 (3) Conviction of a licensee or operator of any crime of moral
939 turpitude, including crimes of violence, sex offense, or violation
940 of the controlled dangerous substance or gaming laws;

941 (4) Procurement or attempted procurement of a license or
942 identification card by fraud, misrepresentation, false or
943 misleading statement, or omission of material facts; or

944 (5) The operation, or the allowing of a taxicab to be operated, in a
945 manner that endangers the public health, safety, or welfare.

(b) In addition to those reasons specified in subsection (a), the director may revoke or suspend the identification card of an operator if:

- (1) A consistent pattern of reasonably verified complaints against the holder of an identification card is received by the department within any 12-month period or when a reasonably verified complaint involving a threat to the public health, safety, or welfare is received by the department;
- (2) The operator has been convicted for operating a motor vehicle under the influence of or while intoxicated with alcohol or a controlled dangerous substance, or for reckless driving; or
- (3) The operator has been convicted of failure to stop after involvement in an accident or has a traffic record which indicates an unsafe driving pattern or disregard for the motor vehicle laws of this State.

(c) A revocation or suspension under paragraph (3) of subsection (a) of this section must remain in effect pending appeal until final disposition of the criminal action.

(d) This section is in addition to any other provision of this chapter that establishes cause for the suspension or revocation of a passenger vehicle license or operator's identification card.]

[53-64. Notice and opportunity for hearing.

(a) Prior to revoking or suspending a passenger vehicle license or operator's identification card, the director must:

- (1) Notify the holder of the license or identification card, as appropriate;
- (2) State the reasons for the proposed action; and
- (3) Provide an opportunity for a hearing to contest the proposed

973 action under this section.

974 (b) Any hearing must be held before the Chief Administrative Officer or its
975 designee.

976 (c) (1) The director's proposed action on a revocation or suspension is
977 final if a hearing is not requested within 10 days of notification of that
978 opportunity.

979 (2) If the director reasonably believes that the public health, welfare,
980 or safety is threatened by continued operation of a taxicab by a
981 licensee or operator, the director may accelerate any time
982 requirements of this article so long as reasonable due process is
983 afforded.

984 (d) The hearing must be conducted in accordance with the Administrative
985 Procedures Act. The Chief Administrative Officer or designee may
986 affirm, modify, or reverse a proposed action of the director.

987 (e) (1) Notification by personal service or certified letter to the last
988 address on file with the department is sufficient notice under this
989 section.

990 (2) Failure to appear at a hearing, after notice, is a waiver of the right
991 to a hearing.]

992 **[53-65. When effective; surrender of license.**

993 (a) A revocation or suspension of a passenger vehicle license or operator's
994 identification card is effective immediately upon notification by the
995 director or the Chief Administrative Officer or designee if a hearing has
996 been requested.

997 (b) Upon receipt of notice of a revocation or suspension, the licensee or
998 operator must, within 24 hours:

999 (1) Place the license or identification card in the mail, postage

- 700 prepaid, addressed to the department; or
- 1001 (2) Physically deliver the license or identification card to the
- 1002 department.
- 1003 (c) If the department does not receive the license or identification card
- 1004 within 48 hours from the time of notification, excluding weekends or a
- 1005 legal holiday, the director or County Police may:
- 1006 (1) Remove the revoked or suspended license or identification card
- 1007 from the taxicab; or
- 1008 (2) Demand the return of the license or identification card by the
- 1009 appropriate person.]

1010 **[53-66. Administrative appeal License and identification card issuance.**

- 1011 (a) A person may appeal to the director from a decision denying an
- 1012 operator's identification card or a license, including the opportunity to
- 1013 compete for a license under the lottery procedures of this chapter
- 1014 because of a lack of qualifications.
- 1015 (b) An appeal must be requested in writing by an applicant within 10 days
- 1016 of receipt of a written decision from the department. If requested, the
- 1017 director must provide an opportunity for a hearing in accordance with
- 1018 the Administrative Procedures Act and other procedures set forth in
- 1019 section 53-64.
- 1020 (c) The decision of the director under this section constitutes final
- 1021 administrative action for purposes of judicial review.]

1022 **[53-67. Appeal from denial, revocation, or suspension.**

- 1023 (a) Any person aggrieved by the denial, suspension, or revocation of any
- 1024 passenger vehicle license or operator's identification card may appeal a
- 1025 final administrative action to the Circuit Court for Montgomery County
- 1026 in accordance with the "B" Rules of the Maryland Rules of Procedure.

(b) The director's decision to deny a license or operator's identification card may not be stayed pending appeal. Final administrative action that revokes or suspends a license or an identification card may be stayed pending appeal only if the court finds that the public health, safety, or welfare will not be endangered by reissuance pending appeal.

(c) A lottery or other license issuance procedure may proceed even though a judicial appeal is pending from the denial of a passenger vehicle license or the opportunity to compete for a license. Judicial modification or reversal of a final administrative action to deny a license or the opportunity to compete for a license does not affect the validity of other licenses that have been properly issued under this chapter. A passenger vehicle license may be granted if improperly denied notwithstanding the numerical limits in section 53-44.]

ARTICLE 1. GENERAL PROVISIONS.

53-101. Definitions.

In this Chapter, unless the context indicates otherwise:

Accessible taxicab means a taxicab that the Department has authorized to transport passengers with disabilities.

Association means 5 or more individual licensees who join together to form a business entity to provide taxicab service.

Committee means the Taxicab Services Advisory Committee.

Department means the Department of Public Works and Transportation.

Director means the Director of the Department or the Director's designee.

Driver means an individual authorized to operate a taxicab under this Chapter and issued a Taxicab Driver Identification Card.

Entity means a legally formed business organization in good standing, including any form of corporation or partnership.

1054 Fleet means any entity that holds in its own name 5 or more licenses.

1055 In service means the operation of a taxicab on any roadway in the County
 1056 when the driver is not displaying an approved out of service sign or notice.

1057 License or Taxicab License means a Passenger Vehicle License issued under
 1058 this Chapter.

1059 Licensee means an individual or fleet to whom the Director has issued a
 1060 license.

1061 Out of service means a taxicab that:

1062 (1) displays a Department approved out of service sign or notice
 1063 while being operated: or

1064 (2) is removed from revenue service and parked.

1065 Owner means an individual or entity that:

1066 (1) is listed with the state motor vehicle agency as holding legal title
 1067 to a specific motor vehicle;

1068 (2) is a conditional vendee or lessee of a vehicle that is the subject of
 1069 an agreement for conditional sale or lease. if the conditional
 1070 vendee or lessee has assumed liability. and is authorized to pay
 1071 judgments and accept any legal notice or service of process. with
 1072 respect to the vehicle: or

1073 (3) acts as the agent of the registered owner for all purposes.
 1074 including acceptance of liability. payment of judgments and other
 1075 legal obligations. and receipt of any legal notice or service of
 1076 process.

1077 Passenger means a person who engages a taxicab for hire.

1078 Passenger Vehicle License means a license to provide taxicab service using a
 1079 specified motor vehicle.

1080 Seat belt means a seat belt as defined in State law.

Security seal means a lead and wire seal, or a similar device, attached to a taximeter to secure the meter against unauthorized access, removal, or adjustment.

Security interest means any security interest, pledge, mortgage, deed of trust, or similar encumbrance, by act or deed or by operation of law, to secure the repayment of indebtedness incurred with respect to a licensee's taxicab business or the acquisition of a passenger vehicle license by a licensee.

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

Taxicab means a motor vehicle that:

- (1) is designed or configured to carry 7 or fewer persons, not including the operator;
- (2) is used to provide for-hire taxicab service in the County, and
- (3) either:
 - (A) appears to be a taxicab or otherwise for hire;
 - (B) displays the words "taxi", "cab", or "taxicab" anywhere on the vehicle;
 - (C) is advertised or held out to the public as a taxicab; or
 - (D) is used to respond to an immediate request for passenger transportation.

Taxicab Driver Identification Card or Identification (ID) Card means a card showing that the holder has qualified to drive a taxicab in the County.

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

- (1) regardless of how or when engaged, for a fare that is based on the distance traveled, time elapsed, or both, except as expressly

authorized under this Chapter; or

- (2) after being engaged by hail from a street, or from a parking lot, taxi stand, or other location where the vehicle is waiting for a request for service.

Taxicab Stand means an area marked solely for the use of taxicabs to wait for passengers.

Transfer:

- (1) means an assignment, sale, gift, conveyance, or other disposition that has as its purpose or effect the transfer of the rights conferred under this Chapter on the licensee to another person or entity; and
- (2) if the licensee is a business entity, includes the transfer of 50 percent or more of the stock, voting rights, membership interest, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or a series of separate transactions.

53-102. Enforcement of Chapter.

This Chapter is enforced by the Director, the County Police Department, any other law enforcement agency, and any other County department or office assigned by the County Executive.

53-103. Taxicab Services Advisory Committee.

- (a) The County Executive must appoint, subject to confirmation by the County Council, a Taxicab Services Advisory Committee.
- (b) The Committee must:
- (1) advise the Director in carrying out duties and functions under this Chapter; and
- (2) evaluate the performance of the taxicab industry in serving members of the population with special transportation needs,

such as senior citizens and people with disabilities.

(c) The Committee consists of 5 public members and 4 taxicab industry members. The County Executive should appoint members so that:

(1) one public member represents senior citizens, and another public member represents people with disabilities;

(2) two of the 4 taxicab industry representatives represent management and 2 are taxicab drivers; and

(3) one of the 2 drivers is an owner-driver and one is a non-owner driver.

(d) The Director or the Director's representative must serve as an ex-officio non-voting member. The Chief of the Division of Consumer Affairs in the Department of Housing and Community Affairs, or the Chief's representative, must also serve as an ex-officio non-voting member.

(e) A Committee member serves for a term of 3 years, or until a successor is confirmed, whichever is later. A member must not serve more than 2 consecutive full terms. A person appointed to fill a vacancy serves for the remainder of the predecessor's term.

(f) The Committee must annually select one public member as chair.

53-104. Regulations.

Unless otherwise specified in this Chapter, the County Executive may adopt regulations under method (2) to administer this Chapter.

53-105. Administrative record.

The Director must keep an accurate record of every identification card and license application for a reasonable time. The record should include all relevant information and material pertaining to the application and any license or identification card that is issued.

53-106. Rates.

(a) The County Executive must set taxicab rates by regulation to promote the public interest after holding a public hearing and considering the recommendations of the Committee.

(b) To encourage ride sharing and other innovative taxicab services, the regulation may require a licensee to accept certain payment methods and charge rates that are not taximeter based.

(c) The Director may approve rates other than those set in the regulations as provided in a contract filed with the Department if the Director finds that the alternative rates will not result in a significant reduction of service to the general public. Any alternative rates that are higher than the rates set by regulation under subsection (a) must also be set by regulation.

(d) A person must not charge for taxicab service except as allowed under applicable regulations or subsection (c).

53-107. Fees.

The Director may charge fees set by regulation adopted under method (2) in an amount necessary to administer this Chapter.

53-108. Taxicab stands.

The Director, by notice printed in the County Register, may designate taxicab stands for the exclusive use of taxicabs where they are required in the public interest.

53-109. Duplicates.

Upon proof satisfactory to the Department that a license or identification card has been lost or destroyed the Department must issue a duplicate license or identification card to the licensee or driver, after the licensee or driver has paid the required fee, unless the license or identification card has been revoked or suspended under this Chapter.

53-110. Customer service requirements.

1189 (a) A regulation issued by the Executive must establish:
 1190 (1) specific customer service requirements and minimum
 1191 performance criteria applicable to each licensee, but which may
 1192 vary by type of licensee;

1193 (2) the required submission dates for any customer service plan and
 1194 other data that licensees must regularly submit;

1195 (3) the dates certain minimum levels of service and other
 1196 performance requirements must be met; and

1197 (4) the consequences of failure to meet any requirements.

1198 The service requirements and performance criteria must focus on
 1199 recurring problems with customer service that the Department has
 1200 identified through customer complaints or otherwise.

1201 (b) These regulations must also include:

1202 (1) performance-based qualifications and requirements for receiving
 1203 additional licenses under Section 53-205;

1204 (2) the standards and procedure by which the Director may deny or
 1205 revoke a license if a licensee does not meet any mandatory
 1206 customer service requirement;

1207 (3) defined geographic areas of service, subject to modification as
 1208 provided in Section 53-222(h)(10), and minimum acceptable
 1209 service parameters for each geographic area;

1210 (4) information required for a review or audit of performance criteria
 1211 and data submission;

1212 (5) guidelines for a complaint resolution process for customer
 1213 complaints that employs, to the extent feasible, an independent
 1214 mediation or dispute resolution mechanism;

1215 (6) guidelines for procedures each fleet or association must employ

to keep each person who calls for service informed of the status of that person's request:

(7) any special procedures that the Executive concludes are necessary to assign appropriate priority to service requests from persons with special medical needs or non-emergency travel to or from medical facilities; and

(8) the percentage of calls for prearranged service that should be picked up within 10 minutes, and the percentage of calls for immediate service that should be picked up within 20 minutes.

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

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

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

ARTICLE 2. TAXICAB LICENSES.

Division 1. General License Provisions.

53-201. Required.

(a) A person must not provide taxicab service without possessing a license as required under this Chapter.

(b) A license must be issued only to the owner of each taxicab.

(c) A licensee must not operate a taxicab or provide taxicab service unless the licensee either:

(1) holds a fleet license; or

(2) holds one or more individual licenses and is affiliated with an association or a fleet.

(d) A licensee must hold a license for each taxicab.

53-202. Display.

Each licensee and driver are both responsible for displaying the license prominently in the taxicab at all times in a location that is plainly visible to passengers.

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

(a) A fleet or association, including any officer, director, owner, employee, affiliate, subsidiary, or holding company, must not have any direct or indirect ownership interest in or management control over any other fleet or association that operates in the County.

(b) An individual must not hold a license originally issued to a fleet or association under this Chapter, and a fleet or association must not hold a license originally issued to an individual under this Chapter, unless the license was lawfully transferred under Section 53-204.

53-204. Transferability: security interest.

(a) Any license must not be transferred except as provided in this Chapter.

(b) A license may be transferred only if:

(1) the licensee notifies the Department in writing of the proposed transfer not less than 30 days before the date of the proposed

transfer, specifying all terms and conditions of the proposed transfer and the identity of the proposed transferee:

- (2) the Director finds that the proposed transferee meets all requirements of this Chapter and applicable regulations; and
- (3) the licensee surrenders the license when the Director approves the transfer.

(c) A license issued to an individual may be transferred only if the license was not issued or transferred within the previous 3 years.

(d) The Director must not approve the transfer to an individual of a license issued to a fleet if:

- (1) the same fleet has already transferred more than 2 licenses to individuals during that calendar year; or
- (2) the transfer would result in individuals holding more than 30% of the total number of licenses then in effect.

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

(f) A security interest may be created in a passenger vehicle license, subject to the Director's approval. The Executive may by regulation attach further conditions to the creation of a security interest, consistent with this subsection, as necessary to avoid significant disruptions in taxi service. The Director may approve the creation of a security interest only if:

- (1) the licensee and, if different, the proposed holder of the security

interest has notified the Director at least 30 days before the security interest would be created of the identities of all parties to and all terms and conditions of the security interest: and

(2) the secured party acknowledges in the security interest agreement that:

(A) the security interest is subordinate, in all respects, to the authority of the Director to suspend, revoke, or refuse to renew the license under this Chapter: and

(B) any transfer of the license pursuant to a foreclosure or execution on the security interest is not effective unless the Director finds that the proposed transferee satisfies all requirements of this Chapter and applicable regulations.

The Director must send to the secured party, at its last address on file with the Department, a copy of any written notice to the licensee regarding the suspension, revocation, or refusal to renew the license. That notice is the only notice the Director is required to provide to a secured party of any action taken or proposed to be taken with respect to a license.

(g) A transferred license is valid for the remainder of the term of the original license.

Division 2. Issuance, Denial, Expiration, and Renewal.

53-205. Periodic issuance of new licenses.

(a) Notice. The Director may periodically issue new licenses to qualified applicants or reissue any license that has been revoked or not renewed under this Chapter, as provided in this Section. The Director must advertise the availability of these licenses in at least one newspaper of general circulation in the County for 2 consecutive weeks before

1324 accenting applications. The Director should also notify by electronic
 1325 mail or other reasonable means any licensee or driver who requests to
 1326 be notified of the availability of new or reissued licenses.

1327 (b) Criteria. The Director may issue new or reissued licenses to qualified
 1328 applicants, including existing licensees and persons who do not then
 1329 hold licenses, who meet criteria defined by regulation which promote
 1330 competition and further the purposes of this Chapter. The criteria must:

1331 (1) be based on public convenience and necessity, such as the need
 1332 for more taxicab service in the County generally or in certain
 1333 geographic areas of the County, or for certain types of
 1334 passengers, as shown by such measurements as taxi utilization
 1335 rates and response times; and

1336 (2) consider the performance record of each applicant in providing
 37 taxicab service in the County or elsewhere.

1338 (c) Individual allocation. Of the new or reissued licenses issued in any 2-
 1339 year period, 20% must be allocated to individuals who:

1340 (1) have held a Taxicab Driver Identification Card, and have
 1341 regularly driven a taxicab in the County, during the preceding 3
 1342 years;

1343 (2) have a superior driving record, as defined by regulation; and

1344 (3) do not already hold a license under this Chapter.

1345 In deciding among individuals who qualify under this subsection, the
 1346 Director must rank them by the number of years that each individual has
 1347 regularly driven a taxicab in the County. If a sufficient number of
 1348 qualified individuals do not apply for a license under this subsection, the
 1349 Director may allocate the remaining licenses to individuals who already
 1350 hold a license under this Chapter.

(d) *Biennial limit.* During calendar year 2005 the Director must not issue more than 70 new licenses. In each later odd-numbered year, the Director may issue a total number of new licenses that does not exceed 10% of the number of licenses then in effect.

(e) *Additional licenses – extraordinary authority: nonulation limit.* The Director may issue more licenses than are authorized under subsection (d) if the Director finds, after holding a public hearing, that additional taxicabs are necessary to improve service to specified geographic areas or types of taxicab users or generally to increase competition. However, the total number of licenses issued must not exceed 1 license for each 1,000 County residents, as computed in the most recent decennial U.S. Census or any census update published by the appropriate federal agency.

(f) *Individual limit.* Notwithstanding any other provision of this Section, the Director must not issue more than 10 new or reissued licenses in any 2-year period to any licensee that holds or controls more than 40% of the licenses then in effect.

53-206. License issuance: initial fee.

(a) The Director may issue a license only to a qualified applicant under this Chapter. An applicant is qualified if the applicant:

(1) meets all requirements of this Chapter and applicable regulations;
and

(2) pays the initial license fee.

(b) The Executive must set the initial license fee by regulation. In setting the amount of the fee, the Executive must consider:

(1) the County's interest in encouraging competition and improving customer service;

- 1378 (2) the value of the license in the private market: and
 1379 (3) the cost to the Department of processing applications and issuing
 1380 the license.

1381 **53-207. License application.**

1382 A person may obtain a license by applying to the Director on a form provided
 1383 by the Department that, at a minimum, requires the applicant to provide:

- 1384 (a) a statement of financial responsibility, showing the availability of
 1385 unencumbered financial resources sufficient to place the vehicle into
 1386 service;
- 1387 (b) a certificate of insurance, a certificate of self-insurance issued by the
 1388 state motor vehicle agency, or a written statement from an insurance
 1389 company licensed to do business in Maryland certifying that:
- 1390 (1) the applicant will be able to acquire the required insurance: and
 91 (2) the insurance will not be canceled or modified without prior
 1392 written notice from the insurer to the Department;
- 1393 (c) the applicant's past customer service record, if the applicant has
 1394 engaged in taxicab service in any jurisdiction;
- 1395 (d) a statement that the applicant is familiar with this Chapter and
 1396 applicable regulations, and is not disqualified from holding a license
 1397 under this Chapter;
- 1398 (e) the applicant's experience in providing taxicab or other transportation
 1399 service;
- 1400 (f) a description of the applicant's financial and managerial resources
 1401 available to operate and maintain the taxicab as required by law: and
- 1402 (g) the geographic areas the applicant primarily intends to serve, including
 1403 the extent of the applicant's willingness to serve areas or types of
 1404 passengers that need additional service.

1405 **53-208. Individual licenses.**

1406 The Director must issue a license to each individual applicant who qualifies
 1407 under this Chapter subject to the limits and requirements in Section 205 and the
 1408 procedures in Section 210.

1409 **53-209. Individual license application.**

1410 In addition to the information required in Section 53-207, each applicant for a
 1411 license to be issued under Section 53-205(c) or otherwise to an individual must:

- 1412 (a) specify which fleet or association the applicant will affiliate with before
 1413 putting the taxicab into service;
- 1414 (b) hold a valid identification card;
- 1415 (c) describe the applicant's experience driving a taxicab or other
 1416 commercial passenger vehicle, and the applicant's experience as a
 1417 taxicab driver in the County;
- 1418 (d) present evidence of the applicant's intent to drive the taxicab for 3
 1419 years, or if the applicant does not intend to personally drive the taxicab,
 1420 provide the name of a driver with a valid identification card who is
 1421 committed and ready to drive the taxicab on a full-time basis;
- 1422 (e) specify the number and type of consumer complaints regarding taxicab
 1423 service naming the applicant during the past 12 months;
- 1424 (f) have a safe driving record as defined by applicable regulations;
- 1425 (g) list the applicant's name, date of birth, current address, and any address
 1426 where the applicant resided during the previous 5 years;
- 1427 (h) list the applicant's employment during the preceding 10 years; and
- 1428 (i) show that the applicant, or if the applicant does not intend to personally
 1429 drive the taxicab, the driver designated under subsection (d), has
 1430 provided taxicab service in the County satisfactorily for at least 12
 1431 months.

32 **53-210. Individual license lottery.**

- 1433 (a) If the number of applications filed by qualified individual applicants as
 1434 defined under Sections 205 and 209 equals or is less than the number of
 1435 new licenses authorized for individual use in a 2-year period, the
 1436 Director must issue a license to each qualified applicant. If the number
 1437 of applications from qualified individuals exceeds the number of new
 1438 individual licenses authorized for that period, the Director must conduct
 1439 a lottery among each group of qualified individuals with an equal
 1440 number of years' experience regularly driving a taxicab in the County to
 1441 determine the priority of issuance.
- 1442 (b) Licenses issued by lottery must be awarded under the procedures of this
 1443 Section and Section 205.
- 1444 (c) The Director may conduct a separate lottery for:
 45 (1) licenses for accessible taxicabs:
 1446 (2) other new licenses that become available: and
 1447 (3) any other authorized license that becomes available.
- 1448 (d) A lottery must be conducted so that each qualified applicant has an
 1449 equal probability of receiving a license, subject to the seniority ranking
 1450 required by Section 205(c).
- 1451 (e) A lottery may be conducted in 2 separate phases. Phase 1 would
 1452 determine the recipients of available individual licenses and continue
 1453 until all available licenses have been awarded. Phase 2 would create an
 1454 eligibility list for issuance of individual licenses that later become
 1455 available. The drawing in Phase 2 must continue until twice the number
 1456 of available licenses have been drawn, or a smaller number if sufficient
 1457 applicants did not apply for an individual license. The eligibility list
 458 created under Phase 2 is valid for the remainder of the 2 year period, or

until the next lottery is conducted if longer than 2 years.

- (f) As licenses become available for reissuance, the Department must notify the applicant highest on the eligibility list that a license is available and of the applicable acceptance procedures and deadlines. The Department must send notice by mail to the address listed by the applicant on the application or to any updated address provided by the applicant in writing to the Department. If the taxicab is not placed in service within 90 days after the license is issued, the Director must revoke the applicant's eligibility and notify the next applicant on the eligibility list. The Director may extend the time to place a taxicab in service to permit the taxicab to be retrofitted for use as an accessible taxicab.

53-211. Fleet license application.

In addition to the information required in Section 53-207, each applicant for a license issued to a fleet must:

- (a) submit evidence that the fleet provides or will be able to provide its own centralized administrative, managerial, marketing, operational, dispatch, and driver training services;
- (b) calculate previous taxicab productivity, as measured by the number of daily trips per taxicab or an equivalent measurement approved by the Director, if the applicant has previously provided taxicab service in any jurisdiction;
- (c) describe the extent of the applicant's development of and participation in innovative taxicab services;
- (d) submit the number of consumer complaints involving taxicab service provided by the applicant, by type, filed with the County or any other government agency in the past 24 months, and the resolution of each

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complaint:

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(e) list each enforcement action involving taxicab service provided by the
 1488 applicant or any of its drivers during the past 24 months of which the
 1489 applicant is aware, listing the number, violations alleged, and
 1490 disposition of each action;

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(f) submit other performance related criteria, as required by regulation:

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(g) describe all ownership and management interests relating to taxicabs of
 1493 the applicant and any affiliated parent or subsidiary business entity;

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(h) specify the levels and types of service to be provided:

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(i) provide evidence of the level of capitalization and expected operating
 1496 costs;

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(j) describe the applicant's existing or proposed hiring and training
 1498 procedures for drivers; and

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(k) attest that the applicant has not transferred the ownership of any license
 1500 during the previous 24 months.

1501

53-212. Special licenses.

1502

(a) In addition to the licenses regularly available for issuance, the Director
 1503 may issue special licenses to qualified applicants to provide innovative
 1504 taxicab service, on an experimental or permanent basis, such as:

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(1) transportation for persons with special transportation needs,
 1506 including:

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(A) senior citizens;

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(B) people with disabilities;

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

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(D) citizens using hospitals, senior centers, and other

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underserved locations or areas;

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(2) jitney service which is service over a regular route on a flexible

schedule; or

(3) similar transportation services.

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

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

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

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

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

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

53-213. Criteria to deny a license.

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

(a) who, within 5 years before the application is submitted, was convicted of, pled guilty or no contest to, or was placed on probation without a finding of guilt for, or who when the application is submitted, has a

- 40 charge pending for or who has, within 3 years before the application
 1541 was submitted, completed a sentence or period of probation based on a
 1542 charge for:
- 1543 (1) any offense involving violence or a weapon;
 - 1544 (2) any sex offense;
 - 1545 (3) soliciting for prostitution;
 - 1546 (4) illegal sale or use of alcoholic beverages;
 - 1547 (5) violation of any law governing controlled dangerous substances;
 - 1548 (6) violation of any gaming law;
 - 1549 (7) any offense involving driving under the influence of alcohol; or
 - 1550 (8) any act of moral turpitude:
- 1551 (b) who has a pattern of reasonably verifiable complaints of substandard
 1552 customer service during the previous 24 months;
- 53 (c) whose traffic record of "moving" offenses for the 3 years immediately
 1554 before the application was submitted, or while licensed to drive a
 1555 taxicab, demonstrates that the applicant is not a responsible, safe, or
 1556 careful driver. This record may include eyewitness testimony of unsafe
 1557 or dangerous driving;
- 1558 (d) who makes a false statement or gives a false answer to obtain, or who
 1559 obtains, a license by fraud, misrepresentation, misleading statements,
 1560 evasion, or suppression of material fact;
- 1561 (e) who is unable to safely operate a taxicab, who may otherwise endanger
 1562 the public health, safety, or welfare, or who would be unable to fulfill
 1563 the duties of a driver as required by applicable regulation;
- 1564 (f) who has substantial delinquent debts to the County, State, or Federal
 1565 government; or
- 566 (g) whose record of violations of this Chapter or other laws or regulations

of the County, State, or any other jurisdiction indicates to the Director
that to protect public safety a license should not be issued.

If a license is denied or revoked, the applicant is not eligible to reapply for 2
years, unless the Director for good cause otherwise orders.

53-214. Additional criteria to deny a license.

(a) A licensee or applicant, as those terms are used in this Section, includes
any director, officer, partner, or managing agent, and any other person
who effectively controls the operations of a licensee.

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

(1) who has been convicted of fraud, misrepresentation, or false
statement in the course of activity in a taxicab business:

(2) who, while previously operating in any jurisdiction, has had a
license or other permission to operate taxicab services revoked or
suspended because of material violation of law or substandard
performance:

(3) who has failed to keep the licensed taxicab in continuous
operation as required by Section 53-227: or

(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.

53-215. Expiration of license.

A license expires one year after it is issued.

53-216. Renewal of license.

The Director must renew a license if the licensee:

(a) is in compliance with all applicable laws and regulations, including all

required safety, operational, and inspection requirements of this
Chapter;

- (b) submits a statement under oath affirming that the information and
statements submitted with the original application have not materially
changed. except as previously or then submitted: and
- (c) pays the required fee.

Division 3. Duties of Licensees.

53-217. Notice of change of address.

Each licensee must notify the Department in writing, not less than 2 business
days after changing:

- (a) a business or residential address;
- (b) a required telephone number; or
- (c) any officer, principal, partner, or managing agent, or any other person
who effectively controls the operations of a licensee.

53-218. Quarterly accident reports.

Each licensee must submit a quarterly report detailing all accidents involving
any of its taxicabs to the Department on a form approved by the Director. The
Director may require a more frequent report.

53-219. Responsibility of licensees, affiliates, and drivers.

- (a) A licensee must not knowingly permit any taxicab to be operated in this
County by a person who has:
 - (1) not been authorized to operate a taxicab under this Chapter; or
 - (2) tested positive for drugs or alcohol, as defined by applicable
regulations, unless authorized by the Director.
- (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 Chapter and the customer service standards adopted under this Chapter.

(c) Each licensee must exercise due diligence to monitor the activities of each driver of a taxicab for which the licensee holds the license or regarding which the licensee is a party to an affiliation agreement to assure that the driver complies with all requirements of this Chapter and the customer service standards adopted under this Chapter.

(d) Notwithstanding the legal status of any driver as an independent contractor rather than an employee of the licensee, for the purposes of this Chapter (and particularly the customer service standards adopted under this Chapter) the responsibility of each licensee for the conduct and performance of drivers under this Chapter:

(1) applies to each driver, including affiliates of the licensee; and

(2) prevails over any inconsistent contract or other agreement between a licensee and an affiliate or a driver.

(e) Any contract or other operating agreement between a licensee and any driver must:

(1) inform the driver of:

(A) the driver's obligation to comply with all requirements of this Chapter and the customer service standards adopted under this Chapter; and

(B) the licensee's obligation to take appropriate action when the licensee becomes aware that a driver has not complied with any requirement or customer service standard;

(2) empower the licensee to take appropriate action, as required in subsection (h); and

(3) not restrict a driver, affiliate, or taxicab owner from providing

taxicab service in the County after the contract or agreement expires or is terminated.

- (f) (1) Any contract or other operating agreement between a licensee and any affiliate or driver must require both parties, at either party's request, to participate in good faith in an independent, third-party mediation or alternative dispute resolution process, which may be administered by the Department or the Department's designee.
- (2) A dispute is subject to the process required by this subsection if the dispute is connected with the operation of the contract or agreement or involves the affiliate's or driver's compliance with any requirement of this Charter or a customer service standard adopted under this Charter. The implementing regulations may specify that certain classes of disputes are not subject to this process.
- (3) The dispute resolution administrator may stay the operation of any action taken by a party when a stay is necessary to preserve the rights of any party.
- (4) This subsection does not preclude either party from taking any other lawful action to enforce any contract or agreement.

Division 4. Additional Duties of Fleets and Associations.

53-220. Essential requirements.

Each fleet and association must:

- (a) establish a management office in the County, or at another location approved by the Director:
- (b) provide a communication system approved by the Director that:
- (1) gives the driver and fleet or association two-way dispatch

communication: and

- (2) allows public access to request service, register complaints, and
seek information. The communications system must allow a
member of the public to speak to a staff member 24 hours a day,
7 days a week;

(c) operate under uniform colors and markings approved by the Director;

(d) submit a customer service plan as required by applicable regulations
that specifies how the fleet or association will achieve the plan's goals
for safe, reliable customer service and on-time performance;

(e) submit accurate, verifiable operating and statistical data reports as
required under this Chapter;

(f) provide an adequate number of taxicabs to meet service demand 24
hours a day, 7 days a week, as defined by applicable regulations; and

(g) comply with all requirements of this Chapter regarding the provision of
accessible taxicabs.

53-221. Operating requirements.

Each fleet and association must:

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

- 02 (A) would promote competition and improve customer service:
 1703 and
 1704 (B) would not impair the independence of any fleet or
 1705 association;
 1706 (b) designate one to 4 persons with managing or supervisory authority to
 1707 act on behalf of the fleet or association in all contact with the
 1708 Department: and
 1709 (c) file with the Department in addition to any other data required by law:
 1710 (1) if the fleet or association is incorporated, a copy of its certificate
 1711 of incorporation, bylaws, and all other rules and regulations
 1712 relating to the organization and operation of the entity and its
 1713 membership:
 1714 (2) if a corporation holds a license, each year by February 1 a
 15 certificate of good standing issued by the State Department of
 1716 Assessments and Taxation: and
 1717 (3) information on a form provided by the Department, showing, for
 1718 each taxicab, the licensee's name and address, vehicle make,
 1719 vehicle identification number and taxicab number, and other
 1720 pertinent information listed on the form. Any change in the
 1721 information required by this paragraph must be filed in writing
 1722 with the Department within 2 business days after the change.

1723 **53-222. Customer Service Plan.**

- 1724 (a) Each fleet and association is responsible for providing timely, safe,
 1725 reliable quality taxicab service. To that end, each fleet and association
 1726 must submit to the Director a customer service plan as required by
 1727 Section 53-110 and applicable regulations.
 1728 (b) At a minimum, each fleet and association's initial customer service plan

1729 must:

- 1730 (1) specify the fleet or association's anticipated percentage of trips
 1731 that will achieve the applicable response time standards set under
 1732 Section 53-110(h)(8) for prearranged service requests and calls
 1733 for immediate service, or submit proposed response times for
 1734 immediate and prearranged service that are different in any
 1735 service area specified by the fleet or association. When different
 1736 response times are proposed, the plan must describe why the
 1737 differences are proposed, considering growth in a service area or
 1738 the fleet or association's willingness to serve areas that need
 1739 additional service;
- 1740 (2) include timelines to achieve the proposed standards if they will
 1741 not be met in the next year;
- 1742 (3) describe any operational changes the fleet or association intends
 1743 to implement that would result in improved service;
- 1744 (4) describe what procedures the fleet or association will employ to
 1745 keep each person who calls for service informed of the status of
 1746 that person's request;
- 1747 (5) describe any special procedures the fleet or association will use to
 1748 assign appropriate priority to service requests that involve
 1749 persons with special medical needs or non-emergency trips to or
 1750 from medical facilities;
- 1751 (6) specify the number of taxicabs needed to achieve response times,
 1752 and justify an increase in taxicab licenses, if requested, based on
 1753 public convenience and necessity;
- 1754 (7) include a phased-in plan for service improvements, particularly
 1755 noting any improvements intended to achieve better service to

senior citizens, people with disabilities, or other underserved populations identified by the Director:

- (8) describe the fleet or association's participation, and goals for participation, in user-side subsidy programs;
- (9) calculate the fleet's or association's user-side subsidy program participation data for the previous 12 months;
- (10) describe the fleet or association's geographic areas of service, including any planned expansion in a service area or a willingness to serve areas that need additional service;
- (11) calculate prior taxicab productivity, measured by the number of daily trips per cab or an equivalent measurement;
- (12) describe the fleet or association's development of and participation in innovative taxicab services;
- (13) list the number of consumer complaints involving the fleet or association, by type, filed with the County or another government agency in the past 24 months; and
- (14) list the number of enforcement actions against the fleet or association or its drivers of which the fleet or association is aware, started and completed during the past 24 months.

- (c) Any customer service plan filed after the initial plan must show any changes in the data included in the initial plan, and any new data required by applicable regulations.

53-223. User-side subsidy programs -- participation.

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

Division 5. Taxicab Vehicles.

53-224. Mechanical inspection certificate.

Before a license is issued under this Chapter, the applicant must furnish a certificate from a state-certified inspection station in good standing that a comprehensive inspection performed to state standards by a licensed state inspector shows that the vehicle is mechanically safe. A license must not be issued if the vehicle has been driven more than 150 miles since the inspection was performed.

53-225. Insurance required.

- (a) Before the Director issues any passenger vehicle license under this Chapter, the applicant must submit written proof of insurance or self-insurance for the vehicle that covers bodily injury or death to any passenger or other person, and property damage, in amounts required by applicable regulations.
- (b) The insurance must be provided by an insurer licensed to do business in the State or, alternatively, under a self insurance program approved and administered by the state motor vehicle agency.
- (c) If the insurance coverage lapses at any time during the license term, the taxicab license is automatically suspended. The licensee must immediately notify the Department, stop operating the taxicab, and surrender the license to the Department. The Director must promptly reinstate the license if all required insurance coverage is documented to the Director's satisfaction.
- (d) Each taxicab must contain sufficient copies of a summary of insurance information, in a form approved by the Director, that may be given to passengers, members of the public, and law enforcement officers. The summary must include:
 - (1) the name and address of the vehicle owner;
 - (2) the vehicle's license tag number;

(3) the name, address, office hours, and telephone number of the insurance claims office responsible for adjusting any insurance claim arising from use of the vehicle; and

(4) the name, address, and telephone number of the Department and any other government agency where complaints regarding insurance claims handling may be filed.

53-226. State registration required.

The Director must not issue or renew a license unless the licensee has registered the taxicab as a "class B" for-hire vehicle with the Motor Vehicle Administration for the year in which the license is applied for, and the registration remains valid. The licensee must notify the Department in writing not more than 2 business days after the licensee receives notice that the vehicle registration is revoked or suspended.

53-227. Continuous operation.

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

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

(b) Each notice must:

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

53-228. Procedure when vehicle placed in or removed from service.

(a) Each licensee must notify the Department in writing at least 3 business days before placing a taxicab in service.

(b) Each licensee must place a taxicab in service within 90 days after a license is approved for issuance. Issuance of the license takes effect when the vehicle is placed in service: if the vehicle is not actually placed in service, the license has not been issued. The Director may extend the time to place a taxicab in service for no more than 90 additional days:

(1) to allow a vehicle to be retrofitted for use as an accessible taxicab; or

(2) in the case of a fleet, to allow the fleet to buy the taxicab and prepare it to be placed in service.

The Director must not otherwise waive or extend this requirement.

(c) Each licensee must notify the Department at least 3 business days before removing a taxicab permanently from service, whether the owner junks the vehicle, sells it, or transfers its title.

(d) Each licensee must notify the Department if a vehicle's license plates have been stolen or its registration or license has been suspended or revoked. Any vehicle without a valid registration or with expired, revoked or suspended license plates must not be used to provide taxicab service.

(e) When a taxicab is permanently out of service, the licensee must return the license to the Department and must remove the meter, cruising lights, and any other marking or sign that identifies the vehicle as a taxicab.

(f) Each licensee must receive the Department's approval before taking a taxicab out of service for a period longer than 30 days. The licensee must explain why the taxicab is out of service and list its license number, assigned vehicle number, and registration number. If the

Department finds that the licensee has good cause as defined by applicable regulations, to take the taxicab out of service, the Department may approve that action. If the Department rejects the application, the licensee must promptly reinstate the taxicab in service.

- (g) Any vehicle placed in service as a taxicab must not be more than 4 model years old.

53-229. Age of vehicles.

- (a) A licensee must not use any vehicle that is more than 7 model years old to provide taxicab service in the County. As used in this Chapter, the "model year" of a vehicle is the year designated by the vehicle manufacturer, as indicated on the vehicle or in the manufacturer's records. A licensee may maintain a vehicle in service until the next December 31 after its seventh model year ends if the vehicle passes a comprehensive safety inspection performed during the preceding August by a state-certified inspector in good standing.

- (b) The Director may waive this requirement only to maintain an accessible taxicab in service for no more than 90 days when the licensee shows that no adequate replacement vehicle was available for purchase during the preceding 90 days.

53-230. Maintenance and repair.

- (a) Each licensee must maintain each taxicab in a clean and safe operating condition, and properly maintain its lights, brakes, window glass, doors, tires, fenders, paint, upholstery, and all devices and parts affecting the vehicle's safety, operation or appearance.
- (b) Each licensee must comply with any order of the Director to immediately remove from service any taxicab which is not in safe operating condition, and to remove from service within 5 days any

taxicab that is not clean, sanitary, and of good appearance, until all
 necessary repairs and replacement of defective equipment, painting, or
cleaning has been completed.

- (c) Any taxicab removed from service under this Section must not be
reinstated in service until it has been inspected and approved under
procedures established by applicable regulation.

53-231. Vehicle numbering, lettering, and markings: rate chart.

- (a) When a license for a taxicab is issued under this Chapter, the
Department must assign a license number to the taxicab. The licensee
(or the fleet, if the vehicle is affiliated with a fleet) must assign a vehicle
number to each taxicab. The vehicle number must be permanently
applied, plainly visible, and not less than 3 inches high, on each of the 2
sides, on each of the 2 rear door roof columns, and on the rear of each
taxicab.
- (b) When the Director so orders, the license number must be affixed to the
taxicab by decal or metal tag provided by the Department in a manner
approved by the Director.
- (c) Numbers must be assigned only in the manner designated by the
Director. A person must not remove, reassign, or change a number
from one vehicle to another without written authorization by the
Department.
- (d) The licensee must place lettering on the passenger side of the taxicab, in
a form and manner approved by the Director, identifying the licensee.
- (e) A taxicab operating in the County must have the license number, and
the name and telephone number of the fleet or association that owns or
operates it and to whom complaints can be made, prominently displayed
in the rear seat area of the taxicab with lettering and numbering at least

1.5 inches high. If the operator is not the owner, as defined in Section 53-101, the name, telephone number, and business address of the owner must similarly be prominently displayed.

- (f) A licensee must post a rate chart issued by the Department in the taxicab in a location conspicuously visible to any passenger.

53-232. Doors; lettering; color; special equipment.

- (a) Each taxicab operated in the County must have at least 3 doors. All doors must operate safely.

- (b) A licensee or driver must not operate a taxicab unless the taxicab bears markings in letters plainly distinguishable and not less than 3 inches high, on each of the 2 sides of the taxicab, showing the approved name and telephone number of the fleet or association by whom the taxicab is owned or operated, and the word "taxicab," "taxi" or "cab."

- (c) All taxicabs in a fleet or association must be uniform in color.

However, the Director may approve advertising in different colors or markings as long as the public can still readily identify taxicabs operated by that licensee, or the use of a set of different colors and markings to identify a specialized service provided by or geographic area served by a fleet or association. Any color combination approved by the Department must be reserved for the exclusive use of that fleet or association when the fleet or association is operating taxicabs in the County.

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

53-233. Cruising lights.

Each taxicab must have cruising lights that operate electrically as a sign or

insignia mounted on the forward portion of the roof of the taxicab. These lights must not be used until approved by the Department. These lights must be designed so that the vehicle can be easily identified as a taxicab.

53-234. Seat belts.

Each taxicab must have one set of seat belts for the driver and each passenger. The seat belts must be easily accessible and in good working order.

53-235. Taxicab meters.

(a) Each taxicab must be equipped with an accurate, properly installed and connected taximeter which has a security seal affixed by the Department.

(b) In addition to regular inspections, the Department may conduct periodic tests of these meters. Upon successful completion of the tests, the taximeter must be affixed with a security seal. These tests should be scheduled in a manner that minimizes interruption of taxicab service to the public.

(c) Except as otherwise specified, the requirements for approval and methods of testing and operation of taximeters must conform to specifications, tolerances, and standards for taximeters set out in national standards or established by applicable regulation.

(d) A person must not alter the meter or change the mechanical condition of wheels, tires, or gears of any taxicab with the intent to cause incorrect registration by the meter of the fare charged to any passenger.

53-236. Inspections.

(a) Each licensee must allow the Director to make reasonable inspections of any vehicle licensed to operate under this Chapter, and must allow the Director to examine any business record, including any maintenance record, in-service inquiry or dispatching record required to analyze data

and enforce this Chapter, and all trip records required under this Chapter. Maintenance record includes any record needed to establish whether safety repairs have been made, or that reflects the mileage and odometer readings of any vehicle.

(b) On the request of any inspector or law enforcement officer, any licensee or driver must produce any required license or identification card or a valid driver's license.

(c) Each driver must respond to an oral request within 60 minutes when any trip record required under Section 315 is requested during a field investigation by any inspector or law enforcement officer. Each fleet or association must make available a direct telephone line to the Department and the County Police Department on which the fleet or association must transmit any record it possesses of any trip taken or dispatched on the same or the previous day, within 60 minutes after any inspector or law enforcement officer requests the record.

(d) Each taxicab licensed under this Chapter must undergo a complete inspection of its mechanical condition and any special equipment used to transport persons with disabilities every 6 months at a time and place designated by the Department. The inspection must be performed by a licensed state inspector at a state-certified inspection station in good standing. The Director must immediately, without holding a hearing, suspend the license of any taxicab in an unsafe physical or mechanical condition. The Director must immediately reinstate any unexpired suspended license after receiving satisfactory proof that the violation or defect has been corrected.

ARTICLE 3. TAXICAB DRIVER IDENTIFICATION CARDS.

Division 1. General Identification Card Provisions.

1999 **53-301. Identification Card Required.**

2000 An individual must not operate a taxicab, or allow another individual to
 2001 operate a taxicab, unless that individual:

2002 (a) has a valid driver identification card; and

2003 (b) is capable of performing all duties of a taxicab driver.

2004 **53-302. Display.**

2005 Each driver must display the identification card at all times prominently in the
 2006 taxicab in a location that is plainly visible to passengers.

2007 **53-303. Transferability.**

2008 An identification card must not be transferred.

2009 **Division 2. Issuance, Denial, Expiration, and Renewal.**

2010 **53-304. Identification card issuance.**

2011 The Department must issue a taxicab driver identification card to every driver
 2012 who is qualified under this Chapter.

2013 **53-305. Contents of card.**

2014 A taxicab driver identification card must contain, at a minimum, the driver's
 2015 name and photograph, the card number and expiration date, and any other
 2016 information the Director reasonably requires.

2017 **53-306. Application: temporary card.**

2018 (a) A person who holds or who has held a valid identification card must
 2019 apply for a renewal card not less than 30 days before the current card
 2020 expires.

2021 (b) Under procedures established by regulation, a person may obtain an
 2022 identification card by applying to the Director on a form provided by the
 2023 Department that at a minimum requires the person to provide:

2024 (1) the applicant's name, date of birth, current address, and any
 2025 address where the applicant resided during the past 5 years;

(2) a statement regarding whether the applicant has any criminal case pending, has ever been convicted or plead no contest or received probation before judgment in lieu of a conviction of a crime other than a non-incarcerable traffic offense; the nature of each crime, the disposition of each matter, and the name, telephone number, and address of any parole officer or probation officer or agency that may know of the offense or the proper completion of any sentence, probation, or parole;

(3) an authorization for a complete criminal background check;

(4) a copy of the applicant's fingerprints taken by the County Police Department or other agency approved by the Department, and current photographs of the applicant of a size and character required by applicable regulation;

(5) a driver's license valid in the applicant's state of residence, and a certified copy of the applicant's driving record for a time period as required by applicable regulation; and

(6) the applicant's statement under oath that all information contained in the application is correct and complete.

(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.

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

(A) properly verified his or her identity;

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

(C) submitted his or her driving records, as compiled by the

2053 appropriate state motor vehicle agency for the previous 3
 2054 calendar years from any jurisdiction where the applicant
 2055 held a license to drive a motor vehicle:

2056 (D) undergone a criminal background check conducted by the
 2057 appropriate state agency showing that the applicant is not
 2058 disqualified because of a criminal conviction, receipt of
 2059 probation before judgment in lieu of a conviction, or
 2060 pending criminal charge from operating a taxicab; and

2061 (E) passed the examination required under Section 53-308.

2062 (3) After March 1, 2006, the Director must not issue a temporary or
 2063 annual identification card unless the applicant has shown, through
 2064 a complete criminal background check, that the applicant is not
 2065 disqualified for any reason mentioned in Section 53-309(a).

2066 (4) Any temporary identification card issued under this subsection
 2067 must differ conspicuously in style and color from the annual
 2068 identification card.

2069 (5) A temporary identification card expires on the earlier of:

2070 (A) 5 days after the Department receives the results of the
 2071 nationwide criminal background check; or

2072 (B) 90 days after the card was issued.

2073 (6) The holder of a temporary identification card must return it to the
 2074 Department, without further proceedings, on the earlier of:

2075 (A) the day the Department issues the holder an annual
 2076 identification card under this Chapter;

2077 (B) the 90th day after the card was issued; or

2078 (C) 1 day after the Department notifies the holder that the card
 2079 has expired under subsection (c)(5)(A).

53-307. Physician's certificate.

(a) Before the Director issues an identification card, including a temporary card issued under Section 53-306(c), the applicant must furnish a physician's certificate, issued within the previous 30 days, which certifies that:

(1) the applicant has been given a physical examination, including an initial tuberculosis test and any other test required by applicable regulation: and

(2) the applicant is free from any communicable disease, and is not subject to any physical or mental impairment that could:

(A) adversely affect the applicant's ability to drive safely; or

(B) otherwise endanger the public health, safety, or welfare.

(b) As part of the renewal process, each applicant must submit another physician's certificate containing the same information every second year.

(c) After issuing an identification card, the Director must require a driver to furnish a physician's certificate, issued within 30 days, containing the same information, if the Director has reason to believe that the driver may have any physical or mental impairment that could:

(1) adversely affect the driver's ability to drive safely; or

(2) otherwise endanger the public health, safety, or welfare.

53-308. Examination of applicant.

Before issuing an identification card, the Director must require the applicant to show that the applicant is able to:

(a) perform the duties and responsibilities of a taxicab driver; and

(b) pass an examination on knowledge of traffic laws, duties under this Chapter, and general qualifications to operate a taxicab in the County.

2107 **53-309. Criteria to deny an identification card.**

2108 The Director must not issue or renew an identification card to any driver or
 2109 applicant:

2110 (a) who, within 5 years before the application is submitted, was convicted
 2111 of, pled guilty or no contest to, or was placed on probation without a
 2112 finding of guilt for, or who when the application is submitted, has a
 2113 charge pending for, or who has, within 3 years before the application
 2114 was submitted, completed a sentence or period of probation based on a
 2115 charge for:

2116 (1) any offense involving violence or a weapon;

2117 (2) any sex offense;

2118 (3) soliciting for prostitution;

2119 (4) illegal sale or use of alcoholic beverages;

2120 (5) violation of any law governing controlled dangerous substances;

2121 (6) violation of any gaming law;

2122 (7) any offense involving driving under the influence; or

2123 (8) any act of moral turpitude;

2124 (b) who has a pattern of reasonably verifiable complaints of substandard
 2125 customer service during the previous 24 months;

2126 (c) whose traffic record of "moving" offenses for the 3 years immediately
 2127 before the application was submitted, or while licensed to drive a
 2128 taxicab, demonstrates that the applicant is not a responsible, safe, or
 2129 careful driver. This record may include eyewitness testimony of unsafe
 2130 or dangerous driving;

2131 (d) who makes a false statement or gives a false answer to obtain, or who
 2132 obtains, an identification card by fraud, misrepresentation, misleading
 2133 statements, evasion, or suppression of material fact;

- (e) who is unable to safely operate a taxicab, or who may otherwise endanger the public health, safety, or welfare, or who would be unable to fulfill the duties of a driver as required by applicable regulation;
- (f) who has substantial delinquent debts to the County, State, or Federal government: or
- (g) whose record of violations of this Chapter or other laws or regulations of the County, State, or any other jurisdiction indicates to the Director that to protect public safety an identification card should not be issued.
- If an identification card is denied or revoked, the applicant is not eligible to reapply for 2 years, unless the Director for good cause otherwise orders.

53-310. Expiration of identification card.

The first identification card issued to a person under this Chapter expires one year after it is issued. Any later identification card expires 2 years after it is issued.

Division 3. Duties of Drivers.

53-311. Taxicabs from other jurisdictions.

- (a) This Chapter does not prohibit a driver from bringing passengers into the County if the trip originated in a jurisdiction where the driver and the taxicab are authorized to operate.
- (b) Excent to the extent expressly permitted by federal or state law, a person who does not have a license and identification card issued by the County must not solicit business or pick up and transport passengers in the County unless a passenger engaged the taxicab to bring the passenger into the County, wait for the passenger, and then take the passenger to another location.
- (c) The Director may enter into reciprocal agreements with other jurisdictions regarding the ability of taxicabs licensed elsewhere to pick up and carry passengers in the County.

(d) Any taxicab licensed in the County must only provide trips that either begin or end in the County, except a trip:

(1) dispatched under the operational procedure of the Metropolitan Airports Authority; or

(2) provided under a contract approved by the Director and on file with the Department.

(e) Any taxicab operating under a license issued under this Chapter must not obtain or operate under a license to provide taxicab service in any other jurisdiction.

53-312. Notice of change of address.

Each driver must notify the Department, in writing, not less than 2 business days after changing a business or residential address or required telephone number.

53-313. Duty to accept and convey passengers.

(a) Each driver of a taxicab must accept any passenger and convey any passenger where directed upon dispatch or request, unless:

(1) the taxicab is out of service;

(2) the driver is expressly committed to another passenger, or

(3) the driver is prohibited by this Chapter or another law or regulation from accepting the passenger.

(b) A driver must not refuse to transport a passenger because of the passenger's disability, race, color, marital status, religious creed, age, sex, national origin, sexual orientation, or geographic location.

(c) A driver may refuse to transport a passenger if the driver reasonably believes the driver's life or safety is in danger.

(d) Any driver who refuses to transport a passenger must:

(1) immediately report the incident and circumstances to the dispatcher, and

- (2) submit a written report to the Department on a form approved by the Director not later than 2 business days after the incident.

53-314. Passenger receipts.

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

53-315. Trip records.

- (a) Each driver must keep an original written record, for a period of 6 months, of all in-service trips on a form approved by the Department. Each in-service trip must be entered on the trip record at the point of pickup.
- (b) The driver must submit trip records to the Department whenever the Director requires.
- (c) Each trip record must include the date, the driver's starting and ending time, and the taxicab's starting and ending mileage for the driver's work day.
- (d) Each rest break the driver takes must be entered on the trip record.

53-316. Out of service notice.

When a taxicab is not operating, the driver must display a notice visible to the public that the taxicab is out of service. This notice must take a form approved by the Director.

53-317. Parking at taxicab stands.

- (a) A driver must not park in a taxicab stand unless:
- (1) the taxicab is in service,
 - (2) the driver is in or within 50 feet of the taxicab, and is awake, and
 - (3) the driver is clearly visible from the taxicab and the area adjacent

2215 to it.

2216 (b) A person must not park any vehicle other than a taxicab at a taxicab
 2217 stand.

2218 **53-318. Parking to solicit business.**

2219 A driver must not park in any publicly controlled parking space, whether
 2220 restricted by parking meter or posted by official signs, to solicit business. However,
 2221 a driver may park in a publicly controlled parking space, after paying any required
 2222 fee, while waiting to receive a dispatch assignment.

2223 **53-319. Trips to be made by most direct route.**

2224 A passenger may request that a driver take a specific route to the passenger's
 2225 destination. Otherwise, a driver must make all trips by the most direct route from the
 2226 point of pickup to the point of destination. However, the driver may suggest, and the
 2227 passenger may approve, a less direct route that may take less time under the
 2228 circumstances.

2229 **53-320. Accident reports.**

2230 (a) Each driver must submit to the licensee not more than 24 hours after the
 2231 accident a written report of any accident involving an in-service taxicab
 2232 operated by the driver if any property was damaged or any person was
 2233 injured.

2234 (b) The report must include the driver's name; driver's identification card
 2235 number; taxicab number; date, location, time, and description of the
 2236 accident; and whether a police report was filed.

2237 (c) The Police Department must forward any official police report of an
 2238 accident involving a taxicab licensed under this Chapter to the
 2239 Department when it is available to any party.

2240 **53-321. Use by other persons prohibited.**

2241 A person who holds an identification card under this Chapter must not permit

the card to be used by any other person.

53-322. Hours of operation.

A full time driver must not drive a taxicab more than 12 hours during any 24-hour period. A part-time driver must not drive a taxicab more than 4 hours during any 24-hour period in which the driver is otherwise employed for 8 or more hours.

53-323. Driver and passengers only permitted in vehicle; exception.

When a taxicab is in service, a person other than the driver and the passengers must not be allowed in the taxicab, except:

(a) a person participating in a driver training program operated by the licensee; or

(b) a passenger's personal care attendant.

53-324. Maximum number of passengers.

A driver must not carry more people in a taxicab than the number designated on the license.

53-325. Group riding.

(a) A taxicab may be used to jointly serve passengers who have not previously notified the driver or dispatcher of their intention to travel together and whose trips either begin or end at different locations.

(b) Each person sharing a taxicab must consent to share the ride with others.

(c) A driver must not solicit other passengers en route to the destination of the passengers who already occupy the taxicab.

(d) A person seeking taxicab service must not be refused service so that the driver may try to arrange a more profitable grouping.

ARTICLE 4. DRIVER AND PASSENGER CONDUCT.

53-401. Alcoholic beverages; controlled dangerous substances.

(a) A person may transport alcoholic beverages in a taxicab only if all

2269 beverages are sealed.

2270 (b) A controlled dangerous substance must not be transported in a taxicab
 2271 unless the substance was properly prescribed to the person who
 2272 possesses it.

2273 **53-402. Smoking.** Smoking is prohibited in any taxicab at all times.

2274 **53-403. Duty of passenger to pay fare.**

2275 A person who uses a taxicab must pay any lawful charge due before leaving
 2276 the taxicab.

2277 **ARTICLE 5. ACCESSIBILITY.**

2278 **53-501. Standards.**

2279 (a) A person must not operate an accessible taxicab until the Department
 2280 approves the special equipment required by applicable regulations.

2281 (b) Each accessible taxicab must conform to the Americans with
 2282 Disabilities Act standards and all other applicable federal, state, and
 2283 County standards.

2284 **53-502. Interior numbering and lettering.**

2285 The licensee must post any interior taxicab vehicle identification required
 2286 under this Chapter in Braille.

2287 **53-503. Training.**

2288 Any licensee who transports passengers who use wheelchairs or scooters must
 2289 train each driver on the special needs of persons with disabilities. The training
 2290 program must be approved by the Department after consulting the Commission on
 2291 People with Disabilities, the Department of Health and Human Services, and the
 2292 Taxicab Services Advisory Committee. This training should be made available to
 2293 any driver who is issued an identification card under this Chapter.

2294 **53-504. Duty to accept and transport persons with disabilities.**

2295 Without limiting the general duty to accept and convey passengers, the driver

of an accessible taxicab must respond to a call for service from a person with a disability who uses a wheelchair or scooter and who is located in the same geographic zone before accepting any other call. Each licensee must dispatch an accessible taxicab to a person with a disability who uses a wheelchair or scooter before assigning the accessible taxicab to any other passenger.

53-505. Accessible taxicab trip records.

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

53-506. Number of accessible taxicab licenses.

- (a) The overall number of accessible taxicab licenses must not be less than 5% of the total of available County taxicab licenses.
- (b) The Department must set the number of new accessible taxicab licenses by regulation, based on past and current demand and after consulting the Taxicab Services Advisory Committee, the Commission on People with Disabilities, and the Department of Health and Human Services.
- (c) After considering the recommendations of the Taxicab Services Advisory Committee, the Department may establish, by regulation, a method to allow temporary replacement of accessible vehicles with sedans.
- (d) Each fleet and association must provide an adequate number of accessible taxicabs to meet service demand 24 hours per day, 7 days a week, as required by applicable regulation.

ARTICLE 6. ENFORCEMENT.

53-601. Duty of licensees and drivers generally.

Each licensee, passenger, and driver must comply with this Chapter and all

2323 applicable laws and regulations.

2324 **53-602. Obstruction and hindering of investigations: false statements.**

2325 (a) A person must not obstruct or hinder an official investigation being
2326 conducted by any inspector, enforcement agent, or law enforcement
2327 officer.

2328 (b) A person must not obtain or attempt to obtain, or prevent or attempt to
2329 prevent the suspension or revocation of, a license or identification card
2330 by fraud, misrepresentation, false or misleading statement, or omission
2331 of any material fact.

2332 **53-603. Penalty for violations.**

2333 (a) Any violation of this Chapter or regulations adopted under it, or any
2334 violation of an order of the Director, is a Class A violation.

2335 (b) The Executive, by regulation, may establish a schedule of fines for
2336 violations of this Chapter, any regulations adopted under it, or any order
2337 issued under it. Those fines may be lower than the maximum fine for a
2338 Class A violation, and once adopted, may supersede the fine otherwise
2339 imposed for a Class A violation for those provisions to which the
2340 regulation applies.

2341 **53-604. Suspension or revocation of license or identification card.**

2342 (a) The Director may revoke or suspend any license or identification card,
2343 as appropriate, if, after notice and opportunity for a hearing, the Director
2344 finds that:

2345 (1) facts existing before or after the issuance of a license or
2346 identification card would be cause under this Chapter for the
2347 Director to refuse to issue or renew the license or card;

2348 (2) a licensee or driver violated this Chapter or regulations adopted
2349 under it, or any other applicable federal, state, or County law;

- 2350 (3) a licensee or driver has been convicted of any crime of moral
 2351 turnitude, including a crime of violence, sex offense, or violation
 2352 of a controlled dangerous substance or gaming law;
- 2353 (4) a licensee or driver obtained or attempted to obtain a license or
 2354 identification card by fraud, misrepresentation, false or
 2355 misleading statement, or omission of material facts; or
- 2356 (5) a licensee or driver operated a taxicab, or allowed a taxicab to be
 2357 operated, in a manner that endangered the public health, safety, or
 2358 welfare, or with a record of substandard customer service as
 2359 defined by applicable regulation.

2360 (b) In addition to the reasons specified in subsection (a), the Director may
 2361 revoke or suspend a license or identification card if:

- 2362 (1) the Department received a consistent pattern of reasonably
 63 verified complaints against the licensee or driver within any 12
 2364 month period, or the Department received a reasonably verified
 2365 complaint involving a threat to the public health, safety, or
 2366 welfare;
- 2367 (2) the licensee or driver was convicted of, pled no contest to, or was
 2368 placed on probation before judgment for operating a motor
 2369 vehicle under the influence of or while intoxicated with alcohol
 2370 or a controlled dangerous substance, or for reckless driving; or
- 2371 (3) The licensee or driver was convicted of failure to stop after
 2372 involvement in an accident or has a driving record which
 2373 indicates an unsafe driving pattern or disregard for motor vehicle
 2374 laws.

2375 (c) A revocation or suspension under subsection (a)(3) must remain in
 2376 effect, pending appeal, until the criminal action is concluded.

- (d) This Section is in addition to any other provision of this Chapter that establishes cause to suspend or revoke a license or identification card.
- (e) A person whose identification card has been revoked must not reapply for another identification card for at least 2 years.
- (f) If the Director finds an immediate threat to the public safety or health, the Director, before holding a hearing, may immediately suspend, revoke, or deny the issuance or renewal of, a license or identification card.

53-605. Notices of violations and actions.

In addition to any other notice required by law:

- (a) the Department must send a copy of any notice of violation issued to a driver to the licensee of any vehicle involved in the violation, unless the driver is also the licensee; and
- (b) each fleet or association must notify each affiliate of any action taken or proposed action taken regarding any license held by that affiliate, or regarding the driver of any taxicab for which the affiliate holds the license, of which the fleet or association is aware, if the affiliate is not otherwise required to be notified of the action or proposed action.

ARTICLE 7. HEARINGS, APPEALS, AND JUDICIAL REVIEW.

53-701. Administrative appeal of certain denials.

- (a) A person may appeal to the Director from a decision of the Department refusing to issue or renew a driver identification card or license, including the opportunity to compete for a license under the lottery procedures of this Chapter because of a lack of qualifications.
- (b) An appeal must be filed in writing within 15 days after the Director sends the person a written decision. If the appellant requests a hearing, the Director must provide an opportunity for a hearing under Chapter

'04 2A.

2405 (c) The decision of the Director under this Section is final administrative
 2406 action for purposes of judicial review.

2407 **53-702. Hearing on suspension or revocation.**

2408 (a) Upon determining that one or more grounds for suspension or
 2409 revocation of a license or identification card exist, the Director must
 2410 serve a written notice on the licensee or driver, as appropriate, in person
 2411 or by U.S. mail, first class, postage prepaid, addressed to the licensee's
 2412 or driver's last known address as maintained in the licensee's or driver's
 2413 file.

2414 (b) Service on the licensee or driver by mail is effective 7 calendar days
 2415 after mailing under this Section.

2416 (c) The written notice must:

17 (1) notify the recipient that the Director has found that the license or
 2418 identification card may be subject to suspension or revocation:

2419 (2) specify the grounds for the Director's finding; and

2420 (3) set a date for a hearing.

2421 (d) The Director must set a hearing date as required by Chapter 2A unless
 2422 the licensee or driver and the Director agree to an earlier date, in which
 2423 case other filing deadlines may be shortened to expedite a hearing
 2424 without prejudicing either the appellant or the Department.

2425 (e) The hearing may be conducted by the Director or a hearing officer. At
 2426 the hearing, the licensee or driver may present evidence and witnesses
 2427 to refute the grounds cited by the Director to suspend or revoke the
 2428 license or identification card, and the Department and any other person
 2429 may submit relevant evidence. The administrative record compiled by
 ,30 the Department under this Chapter must be made part of the hearing

record. After the close of the hearing, the person who conducted the hearing must render a decision in writing, giving the reasons for the decision. The action taken by the Director is the Department's final administrative action and is subject to judicial review.

(f) Any person who requests a copy of the hearing transcript must pay the cost of preparing it.

(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. The Director may then suspend or revoke the license or identification card as proposed in the notice.

(h) 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 days before the scheduled hearing. Fees and costs for hearings may be established by regulation.

(i) A suspension or revocation takes effect on the earlier of the day that the Director's written decision is delivered in person or 3 days after it is placed in the U.S. mail, first class, postage prepaid, addressed to the last known address of the licensee or driver. To facilitate enforcement of this provision, the Director may require the licensee or driver to appear at the Director's office at a specific time to receive a copy of the decision and surrender the license or identification card. The licensee or driver must comply with the Director's order.

53-703. When effective: surrender of license.

(a) After receiving notice of a revocation or suspension, unless otherwise directed, the licensee or driver must, within 24 hours:

(1) place the license or identification card in the mail, first class, postage prepaid, addressed to the Department; or

(2) physically deliver the License or identification card to the
Department.

(b) If the Department does not receive the license or identification card
within 48 hours after notification, excluding weekends or a legal
holiday, or as directed, the licensee or driver has violated this Chapter
and, in addition to any other penalty that may be imposed, the Director
or police may:

(1) remove the revoked or suspended license or identification card
from the taxicab;

(2) seize the taxicab and hold it until the license or identification card
is surrendered; or

(3) demand the return of the license or identification card by the
appropriate person.

53-704. Judicial review - denial, revocation, or suspension.

(a) Any person aggrieved by the denial, suspension, or revocation of a
license or identification card may apply for judicial review under the
applicable Maryland Rules of Procedure.


(b) If a transcript of any administrative proceeding has not been prepared,
the appellant must pay the cost of preparing the transcript.

(c) The Director's decision to deny a license or driver identification card
must not be stayed pending judicial review. Final administrative action
that revokes or suspends, or refuses to renew, a license or identification
card may be stayed pending judicial review only if the court finds, after
a full evidentiary hearing, that the public health, safety, or welfare will
not be endangered during the period of judicial review.

(d) A lottery or other license issuance procedure may proceed while judicial
review of the denial of a license or the opportunity to compete for a

2485 license is pending. Judicial modification or reversal of a final
 2486 administrative action to deny a license or the opportunity to compete for
 2487 a license does not affect the validity of any other license that was
 2488 properly issued under this Chapter. If the court finds that a license was
 2489 improperly denied, the court may order the Director to issue the license,
 2490 notwithstanding any numerical limit in this Chapter on the number of
 2491 licenses that can be issued. However, a license must not be issued to the
 2492 appellant until all rights to judicial review have been exhausted.
 2493 (e) Any decision of the Circuit Court on an appeal under this Section may
 2494 be appealed to the Court of Special Appeals.

2495 *Approved:*

2496 
 Steven A. Silverman, President, County Council

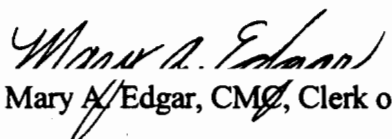
11/18/04
 Date

2497 *Approved:*

2498 
 Douglas M. Duncan, County Executive

11/24/04
 Date

2499 *This is a correct copy of Council action.*

2500 
 Mary A. Edgar, CMO, Clerk of the Council

November 30, 2004
 Date