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.

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. Inspections Generally.]

(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. Semiannual 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.]
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.]


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.]

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.]

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

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

A taxicab for which a passenger vehicle license has been issued under this chapter must be equipped, while in service, with an accurate, properly installed and connected taximeter which has a security seal affixed by the Maryland Department of Agriculture. Periodic tests of these meters will be made. 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. Except as otherwise specified, the requirements for approval and methods of testing and operation of taximeters must conform to specifications, tolerances and regulations for taximeters as set out in the National Bureau of Standards Handbook 44, or as may be established by executive regulation adopted by the County Executive under method (3). It is unlawful and cause for revocation or suspension of identification card or passenger vehicle license for any person:

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

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

**[53-17. Rates.]**

The County Executive must establish taxicab rates, by executive regulations 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.]


(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.]

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:
   1. **(A)** A notarized statement by the applicant stating:
      1. **(i)** The availability of unencumbered financial resources sufficient to place the number of taxicabs subject to passenger vehicle licenses applied for into service; and
      2. **(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.
   2. **(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:
   1. **(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;
   2. **(B)** The applicant’s experience in providing service as an owner or operator of a taxicab, or both;
   3. **(C)** The applicant’s familiarity with the geographic area to be served;
(D) The applicant's willingness and ability to properly maintain the taxicab to be placed in service in a clean and safe operating condition;

(E) The applicant's existing or proposed hiring and training procedures for drivers of any taxicabs to be placed in service; and

(F) Evidence of ability to provide call response service as shown by accessibility to a 24-hour/day taxicab dispatch service.

(3) Any additional verification of financial resources or other information required by the department, including a certified financial statement.

(4) A financial security instrument such as a bond or letter of credit, as may be required by regulation.

(b) A licensee must provide the department with written notice of any additional or changed information to that provided under this section. Notification to the department must occur within 10 days of the discovery of the additional information or change in information by the licensee.

(c) Application fee. An application fee, not to exceed an amount necessary to administer the requirements of this chapter, must be established by executive regulation under method (3). The fee must be paid with the application. The director may refund all or part of an application fee, in accordance with regulation, if an applicant does not receive a passenger vehicle license.

(d) Issuance and renewal fees. A fee, not to exceed an amount necessary to 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
applicant or licensee has registered the taxicab as a “class B” for-hire vehicle with the Motor Vehicle Administration for the current year in which the application for license is made and the registration remains valid. The applicant or licensee must provide the department with written notice of any revocation or suspension of the registration of the taxicab as a “class B” for-hire vehicle within 48 hours of the revocation or suspension.

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

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

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

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

2. The driver’s license history of the applicant or licensee, including whether the applicant or licensee, in previously operating in this or another jurisdiction, has had a license revoked or suspended and the reasons for the revocation or suspension.

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

(b) **Indebted to State or County.** Any applicant or licensee indebted or 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:
(1) A passenger vehicle license containing that information required by law or regulation; and

(2) An assigned number to the licensee's taxicab.

(c) In addition to the number of passenger vehicle licenses authorized and issued on January 1, 1988, the director may issue each year in calendar years 1988, 1989 and 1990:

(1) 50 new passenger vehicle licenses;

(2) 3 new passenger vehicle licenses for taxicabs equipped to transport wheelchair passengers issued under the lottery procedures of this article; and

(3) Up to 15 passenger vehicle licenses for innovative taxicab services under section 53-44B.

(d) For purposes of yearly license allocations under subsection (c), a license will be counted in the calendar year of issuance, irrespective of the applicable license year.

(e) (1) The director may increase the number of passenger vehicle licenses authorized under subsection (c)(2) for taxicabs equipped to transport wheelchair passengers or subsection (c)(3) for innovative taxicab services serving a segment of the population with special needs if the director determines that there is sufficient need.

(2) The director may issue passenger vehicle licenses in excess of the annual limitations under subsection (c)(3) up to the 3-year aggregate limit of 45 licenses. However, issuance of these licenses may not exceed 25 licenses in one year.

(f) The number of passenger vehicle licenses available for issuance under subsection (c)(1) of this section must be allocated so that qualified 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
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.

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.

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.

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.

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;
(2) Passenger vehicle licenses that become available under sections 53-44(f); and

(3) Any other authorized passenger vehicle licenses that may become available during a calendar year.

(d) A lottery must be conducted:

(1) In a random manner;

(2) So that a qualified applicant has an equal probability of winning a license on each draw regardless of the number of applications that the applicant has requested and qualified; and

(3) So that an applicant does not receive more licenses than the number for which the applicant applied.

(e) A lottery may be conducted in 2 separate phases. Phase One determines the recipients of available passenger vehicle licenses and continues until all available licenses have been awarded. Phase Two determines an eligibility list for issuance of passenger vehicle licenses that may become subsequently available and applies to those applicants not receiving the number of licenses applied for under Phase One. The drawing in Phase Two continues until all applicants appear on the eligibility list for the number of licenses for which they applied. The eligibility list is terminated annually.

(f) As passenger vehicle licenses become available for reissue, the applicant highest on the eligibility list must be notified by the department that a passenger vehicle license is available and of the appropriate acceptance procedures and deadline. Notice must be sent by mail to the address listed by the applicant on the application. If the taxicab is not placed in service in a timely manner as specified in the 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.]


(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.
(4) The transfer of the passenger vehicle license to a member of the
licensee's immediate family. Immediate family consists of a
spouse, parents, children and siblings.

(5) A licensee may have the passenger vehicle license for a retired
taxicab reissued for another vehicle which is to be used by the
licensee as a taxicab.

(c) Procedures. A transfer of a passenger vehicle license permitted under
subsection (b) may occur only if:

(1) The licensee notifies the department in writing of the proposed
transfer at least 20 business days prior to the date of the proposed
transfer;

(2) Notification includes the terms and conditions of the proposed
transfer and the name of the proposed transferee;

(3) The transferee satisfies all of the requirements of this chapter and
applicable regulations;

(4) The director has approved the proposed transfer of the passenger
vehicle license;

(5) The licensee has surrendered the existing passenger vehicle
license; and

(6) The transferee has assumed any debts and other obligations of the
transferor related to its taxicab business.

(d) Issuance. A new passenger vehicle license must be issued to the
approved transferee upon satisfaction of the requirements of subsection
(c) for the unexpired term of the original passenger vehicle license.

(e) Waiver. Except for a proposed transfer between a new unaffiliated fleet
taxicab company and another fleet taxicab company, the director may
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:

1. Personally operates the taxicab authorized by the license;
2. Operates as a fleet taxicab company; or
3. Operates as a taxicab company or association with uniform markings and colors.

[53-49. Expiration; renewal.]

A passenger vehicle license:

1. Expires one year from the date of issuance at 12:00 p.m.
2. 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.]


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

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

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

(a) *Bad moral character.* Any person who is not of good moral character. In determining good moral character, a criminal record, if any, and the applicant's license and traffic record in this or other jurisdictions must be considered. Special emphasis in reaching a decision on moral character must be given to any convictions for crimes of violence, sex offense, violations of the gaming laws, or violations of controlled dangerous substances or alcoholic beverage laws.

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

1. Any offense involving violence;
2. Any sex offense;
3. Soliciting for prostitution;
4. Illegal sale or use of alcoholic beverages, particularly when driving;
5. Violation of any laws governing controlled dangerous substances; or
6. Violation of the gaming laws.

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

(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.]


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

[53-61. Duplicates.

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


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

[ARTICLE IV. DISCIPLINARY PROCEDURES AND APPEAL.]

[53-63. Grounds for revocation or suspension.

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

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

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

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

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

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

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.

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.]

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
action under this section.

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

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

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

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

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

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

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

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

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

(1) Place the license or identification card in the mail, postage
prepaid, addressed to the department; or

(2) Physically deliver the license or identification card to the department.

(c) If the department does not receive the license or identification card within 48 hours from the time of notification, excluding weekends or a legal holiday, the director or County Police may:

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

(2) Demand the return of the license or identification card by the appropriate person.


(a) A person may appeal to the director from a decision denying an operator’s identification card or a 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 requested in writing by an applicant within 10 days of receipt of a written decision from the department. If requested, the director must provide an opportunity for a hearing in accordance with the Administrative Procedures Act and other procedures set forth in section 53-64.

(c) The decision of the director under this section constitutes final administrative action for purposes of judicial review.

§ 53-67. Appeal from denial, revocation, or suspension.

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

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.


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

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

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

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

Out of service means a taxicab that:

1. displays a Department approved out of service sign or notice while being operated; or
2. is removed from revenue service and parked.

Owner means an individual or entity that:

1. is listed with the state motor vehicle agency as holding legal title to a specific motor vehicle;
2. is a conditional vendee or lessee of a vehicle that is the subject of an agreement for conditional sale or lease, if the conditional vendee or lessee has assumed liability, and is authorized to pay judgments and accept any legal notice or service of process, with respect to the vehicle; or
3. acts as the agent of the registered owner for all purposes, including acceptance of liability, payment of judgments and other legal obligations, and receipt of any legal notice or service of process.

Passenger means a person who engages a taxicab for hire.

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

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.


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.
(a) A regulation issued by the Executive must establish:

1. Specific customer service requirements and minimum performance criteria applicable to each licensee, but which may vary by type of licensee;
2. The required submission dates for any customer service plan and other data that licensees must regularly submit;
3. The dates certain minimum levels of service and other performance requirements must be met; and
4. The consequences of failure to meet any requirements.

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

(b) These regulations must also include:

1. Performance-based qualifications and requirements for receiving additional licenses under Section 53-205;
2. The standards and procedure by which the Director may deny or revoke a license if a licensee does not meet any mandatory customer service requirement;
3. Defined geographic areas of service, subject to modification as provided in Section 53-222(b)(10), and minimum acceptable service parameters for each geographic area;
4. Information required for a review or audit of performance criteria and data submission;
5. Guidelines for a complaint resolution process for customer complaints that employs, to the extent feasible, an independent mediation or dispute resolution mechanism;
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.


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
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 Charter; 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 Charter 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 Charter, 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
accepting applications. 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 or reissued licenses.

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

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

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

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

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

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

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

In deciding among individuals who qualify under this subsection, the
Director must rank them by the number of years that each individual has
regularly driven a taxicab in the County. If a sufficient number of
qualified individuals do not apply for a license under this subsection, the
Director may allocate the remaining licenses to individuals who already
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: population 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.
the value of the license in the private market: and

the cost to the Department of processing applications and issuing
the license.

53-207. License application.

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

(a) a statement of financial responsibility, showing the availability of
unencumbered financial resources sufficient to place the vehicle into
service;

(b) a certificate of insurance, a certificate of self-insurance issued by the
state motor vehicle agency, or a written statement from an insurance
company licensed to do business in Maryland certifying that:

(1) the applicant will be able to acquire the required insurance; and

(2) the insurance will not be canceled or modified without prior
written notice from the insurer to the Department;

(c) the applicant’s past customer service record, if the applicant has
engaged in taxicab service in any jurisdiction;

(d) a statement that the applicant is familiar with this Chapter and
applicable regulations, and is not disqualified from holding a license
under this Chapter;

(e) the applicant’s experience in providing taxicab or other transportation
service;

(f) a description of the applicant’s financial and managerial resources
available to operate and maintain the taxicab as required by law; and

(g) the geographic areas the applicant primarily intends to serve, including
the extent of the applicant’s willingness to serve areas or types of
passengers that need additional service.
53-208. Individual licenses.

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

53-209. Individual license application.

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

(a) specify which fleet or association the applicant will affiliate with before putting the taxicab into service;

(b) hold a valid identification card;

(c) describe the applicant’s experience driving a taxicab or other commercial passenger vehicle, and the applicant’s experience as a taxicab driver in the County;

(d) present evidence of the applicant’s intent to drive the taxicab for 3 years, or if the applicant does not intend to personally drive the taxicab, provide the name of a driver with a valid identification card who is committed and ready to drive the taxicab on a full-time basis;

(e) specify the number and type of consumer complaints regarding taxicab service naming the applicant during the past 12 months;

(f) have a safe driving record as defined by applicable regulations;

(g) list the applicant’s name, date of birth, current address, and any address where the applicant resided during the previous 5 years;

(h) list the applicant’s employment during the preceding 10 years; and

(i) show that the applicant, or if the applicant does not intend to personally drive the taxicab, the driver designated under subsection (d), has provided taxicab service in the County satisfactorily for at least 12 months.

(a) If the number of applications filed by qualified individual applicants as defined under Sections 205 and 209 equals or is less than the number of new licenses authorized for individual use in a 2-year period, the Director must issue a license to each qualified applicant. If the number of applications from qualified individuals exceeds the number of new individual licenses authorized for that period, the Director must conduct a lottery among each group of qualified individuals with an equal number of years’ experience regularly driving a taxicab in the County to determine the priority of issuance.

(b) Licenses issued by lottery must be awarded under the procedures of this Section and Section 205.

(c) The Director may conduct a separate lottery for:

(1) licenses for accessible taxicabs;

(2) other new licenses that become available; and

(3) any other authorized license that becomes available.

(d) A lottery must be conducted so that each qualified applicant has an equal probability of receiving a license, subject to the seniority ranking required by Section 205(c).

(e) A lottery may be conducted in 2 separate phases. Phase 1 would determine the recipients of available individual licenses and continue until all available licenses have been awarded. Phase 2 would create an eligibility list for issuance of individual licenses that later become available. The drawing in Phase 2 must continue until twice the number of available licenses have been drawn, or a smaller number if sufficient applicants did not apply for an individual license. The eligibility list created under Phase 2 is valid for the remainder of the 2 year period.
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
complaint:

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

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

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

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

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

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

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

53-212. Special licenses.

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

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

(A) senior citizens;

(B) people with disabilities;

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

(D) citizens using hospitals, senior centers, and other underserved locations or areas;

(2) jitney service, which is service over a regular route on a flexible
(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
charge pending for, or who has, within 3 years before the application
was submitted, completed a sentence or period of probation based on a
charge for:

(1) any offense involving violence or a weapon;
(2) any sex offense;
(3) soliciting for prostitution;
(4) illegal sale or use of alcoholic beverages;
(5) violation of any law governing controlled dangerous substances;
(6) violation of any gaming law;
(7) any offense involving driving under the influence of alcohol; or
(8) any act of moral turpitude:

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

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

(d) who makes a false statement or gives a false answer to obtain, or who
obtains, a license by fraud, misrepresentation, misleading statements,
evasion, or suppression of material fact;

(e) who is unable to safely operate a taxicab, 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 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.


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.


(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.

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.

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 Chapter or a customer service standard adopted under this Chapter. The implementing regulations may specify that certain classes of disputes are not subject to this process.

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.

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.

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:
would promote competition and improve customer service:

and

(B) would not impair the independence of any fleet or association;

(b) designate one to four persons with managing or supervisory authority to act on behalf of the fleet or association in all contact with the Department; and

(c) file with the Department, in addition to any other data required by law:

(1) if the fleet or association is incorporated, a copy of its certificate of incorporation, bylaws, and all other rules and regulations relating to the organization and operation of the entity and its membership;

(2) if a corporation holds a license, each year by February 1 a certificate of good standing issued by the State Department of Assessments and Taxation; and

(3) information on a form provided by the Department, showing, for each taxicab, the licensee’s name and address, vehicle make, vehicle identification number and taxicab number, and other pertinent information listed on the form. Any change in the information required by this paragraph must be filed in writing with the Department within 2 business days after the change.


(a) Each fleet and association is responsible for providing timely, safe, reliable quality taxicab service. To that end, each fleet and association must submit to the Director a customer service plan as required by Section 53-110 and applicable regulations.

(b) At a minimum, each fleet and association’s initial customer service plan
must:

1. specify the fleet or association’s anticipated percentage of trips that will achieve the applicable response time standards set under Section 53-110(h)(8) for prearranged service requests and calls for immediate service, or submit proposed response times for immediate and prearranged service that are different in any service area specified by the fleet or association. When different response times are proposed, the plan must describe why the differences are proposed, considering growth in a service area or the fleet or association’s willingness to serve areas that need additional service;

2. include timelines to achieve the proposed standards if they will not be met in the next year;

3. describe any operational changes the fleet or association intends to implement that would result in improved service;

4. describe what procedures the fleet or association will employ to keep each person who calls for service informed of the status of that person’s request;

5. describe any special procedures the fleet or association will use to assign appropriate priority to service requests that involve persons with special medical needs or non-emergency trips to or from medical facilities;

6. specify the number of taxicabs needed to achieve response times, and justify an increase in taxicab licenses, if requested, based on public convenience and necessity;

7. include a phased-in plan for service improvements, particularly noting any improvements intended to achieve better service to
Describe the fleet or association's participation in user-side subsidy programs.

Calculate the fleet's or association's user-side subsidy participation data for the previous 12 months.

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.

Calculate prior taxicab productivity, measured by the number of daily trips per cab or an equivalent measurement.

Describe the fleet or association's development of and participation in innovative taxicab services.

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

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.

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.

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.
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.

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.

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.

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.

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.

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.

1999 53-301. Identification Card Required.

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

(a) has a valid driver identification card; and

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

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53-302. Display.

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

53-303. Transferability.

An identification card must not be transferred.

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


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

53-305. Contents of Card.

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


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

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

(1) the applicant’s name, date of birth, current address, and any 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
appropriate state motor vehicle agency. for the previous 3 calendar years from any jurisdiction where the applicant held a license to drive a motor vehicle:

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

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

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

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

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

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

(B) 90 days after the card was issued.

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

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

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

(C) 1 day after the Department notifies the holder that the card has expired under subsection (c)(5)(A).
80 **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.
53-309. Criteria to deny an identification card.

The Director must not issue or renew an identification card to any driver 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 charge pending for, or who has, within 3 years before the application was submitted, completed a sentence or period of probation based on a charge for:

(1) any offense involving violence or a weapon;

(2) any sex offense;

(3) soliciting for prostitution;

(4) illegal sale or use of alcoholic beverages;

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

(6) violation of any gaming law;

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

(8) any act of moral turpitude;

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

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

(d) who makes a false statement or gives a false answer to obtain, or who obtains, an identification card by fraud, misrepresentation, misleading 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) Except 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.

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
to it.

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

53-318, Parking to solicit business.

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

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

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

53-320, Accident reports.

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

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

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

53-321, Use by other persons prohibited.

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
bottles are sealed.

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

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

53-403. Duty of passenger to pay fare.

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

ARTICLE 5. ACCESSIBILITY.

53-501. Standards.

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

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

53-502. Interior numbering and lettering.

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

53-503. Training.

Any licensee who transports passengers who use wheelchairs or scooters must train each driver on the special needs of persons with disabilities. The training program must be approved by the Department after consulting 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 any driver who is issued an identification card under this Chapter.

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

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.


Each licensee, passenger, and driver must comply with this Chapter and all
applicable laws and regulations.


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

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

53-603. Penalty for violations.

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

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

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

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

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

(2) a licensee or driver violated this Chapter or regulations adopted under it, or any other applicable federal, state, or County law;
(3) a licensee or driver has been convicted of any crime of moral
turnitude, including a crime of violence, sex offense, or violation
of a controlled dangerous substance or gaming law;

(4) a licensee or driver obtained or attempted to obtain a license or
identification card by fraud, misrepresentation, false or
misleading statement, or omission of material facts; or

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

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

(1) the Department received a consistent pattern of reasonably
verified complaints against the licensee or driver within any 12
month period, or the Department received a reasonably verified
complaint involving a threat to the public health, safety, or
welfare;

(2) the licensee or driver was convicted of, pled no contest to, or was
placed on probation before judgment 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 licensee or driver was convicted of failure to stop after
involvement in an accident or has a driving record which
indicates an unsafe driving pattern or disregard for motor vehicle
laws.

(c) A revocation or suspension under subsection (a)(3) must remain in
effect, pending appeal, until the criminal action is concluded.
This Section is in addition to any other provision of this Chapter that establishes cause to suspend or revoke a license or identification card.

A person whose identification card has been revoked must not reapply for another identification card for at least 2 years.

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.


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

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

Service on the licensee or driver by mail is effective 7 calendar days after mailing under this Section.

The written notice must:

1. notify the recipient that the Director has found that the license or identification card may be subject to suspension or revocation;
2. specify the grounds for the Director’s finding; and
3. set a date for a hearing.

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

The hearing may be conducted by the Director or a hearing officer. At the hearing, the licensee or driver may present evidence and witnesses to refute the grounds cited by the Director to suspend or revoke the license or identification card, and the Department and any other person may submit relevant evidence. The administrative record compiled by 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
licensure is pending. 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 any other license that was properly issued under this Chapter. If the court finds that a license was improperly denied, the court may order the Director to issue the license, notwithstanding any numerical limit in this Chapter on the number of licenses that can be issued. However, a license must not be issued to the applicant until all rights to judicial review have been exhausted.

(e) Any decision of the Circuit Court on an appeal under this Section may be appealed to the Court of Special Appeals.

Approved:

Steven A. Silverman, President, County Council

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, CMQ, Clerk of the Council