

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

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

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

By amending

Montgomery County Code
Chapter 53. Taxicabs and Limousines.

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

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

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

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

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

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

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

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

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

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

- 44 (1) Operates upon any public road in the County; or
- 45 (2) On call or demand accepts or solicits passengers for
 46 transportation between points along public roads as designated by
 47 the passenger. “Taxicab” does not include a motor vehicle
 48 operated with the approval of the Washington Metropolitan Area
 49 Transit Commission on fixed routes and schedules.

50 (l) *Transfer* means:

- 51 (1) An assignment, sale, gift, conveyance or other disposition that
 52 has as its purpose or effect the transfer of the rights conferred
 53 upon the licensee by the passenger vehicle license; and
- 54 (2) If the licensee is a legal or commercial entity, includes the

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

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

65 **[53-2. Penalty for violations.**

66 (a) Except as provided in subsection (b), violations of this chapter or any
 67 regulation adopted under it are punishable as class B violations.

68 (b) Violations of section 53-48 and section 53-48A are punishable as class
 69 A violations.]

70 **[53-3. Enforcement of chapter.**

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

72 **[53-4. Chapter in addition to State law; regulations of municipalities within**
 73 **County; taxicabs from other jurisdictions.**

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

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

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

109 **[53-5. Duty of licensees generally.**

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

112 **[53-6. InspectionsCGenerally.**

113 (a) A licensee must permit all reasonable inspections by the director of
114 vehicles licensed to operate under this chapter and must permit the
115 examination of any business and dispatching records pertaining to the
116 licensee's business as may be required for the administration and
117 enforcement of this chapter. This includes all trip records required under
118 this chapter to be kept by an operator.

119 (b) A licensee or operator, when so requested by the director or any police
120 officer of the County or the State, must permit the vehicle, the passenger
121 vehicle license or the driver's identification card to be examined.

122 (c) Failure to submit to an inspection or examination under this section is
123 grounds for revocation of the passenger vehicle license or driver's
124 identification card, or both.]

125 **[53-7. SameCSemiannual inspection of mechanical condition.**

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

134 **[53-8. Licensees and operators to give notice of change of address.**

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

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

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

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

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

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

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

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

169 **[53-11. Vehicle equipment-Numbering.**

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

182 **[53-12. Same-Doors; lettering; color; special equipment.**

- 183 (a) A taxicab operated in the County must have at least 3 doors.
- 184 (b) (1) A person may not operate a taxicab that is licensed to transport
185 passengers in wheelchairs until the department approves the special
186 equipment needed to transport passengers in wheelchairs.
- 187 (2) The department must establish uniform special equipment
188 standards by regulation under method (3). Prior to adopting
189 standards under this paragraph, the department should consult

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

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

204 **[53-13. Same -Cruising lights.**

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

211 **[53-14. Same-Interior numbering and lettering.**

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

216 **[53-15. Same-Seat belts.**

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

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

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

- 232 (a) To make any change in the mechanical condition of wheels, tires and
 233 gears of any taxicab with intent to cause false registration by the meter
 234 of the fare to be charged any passenger.
- 235 (b) To make any charge for transportation other than computed by the
 236 taximeter with a security seal. The director may grant a waiver to this
 237 provision for a contract filed with the department that permits lower
 238 rates than those computed by the taximeter upon a written determination
 239 that the contract provision will not result in a significant reduction of
 240 service to the general public as provided under section 53-29.]

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

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

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

248 **[53-18. Duty to accept and convey passengers.**

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

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

265 **[53-19. Passenger receipts.**

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

269 **[53-20. Failure of passenger to pay fare.**

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

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

274 **[53-21. Trip records.**

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

280 **[53-22. Display of “off-duty” card.**

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

284 **[53-23. Operator and passengers only permitted in vehicle; exception.**

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

288 **[53-24. Maximum number of passengers.**

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

292 **[53-25. Group riding.**

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

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

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

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

310 **[53-26. Taxicab stands and call boxes-Generally.**

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

313 **[53-27. Same--Parking.**

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

319 **[53-28. Parking to solicit business.**

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

323 **[53-29. Hours of operation.**

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

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

332 **[53-30. Possession of alcoholic beverages or controlled dangerous substances by**
333 **operator prohibited.**

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

343 **[53-31. Trips to be made by most direct route.**

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

346 **[53-32. Accident reports.**

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

350 **[53-33. Responsibility of licensee as to operators.**

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

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

360 **[53-34. Taxicab associations.**

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

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

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

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

379 **[53-35. Regulations.**

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

382 **[ARTICLE II. TAXICAB LICENSE.]**383 **[53-36. Required.**

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

388 **[53-37. Taxicab services advisory committee.**

389 (a) *Creation and membership.* A taxicab services advisory committee is
390 created. Members are appointed by the County Executive and
391 confirmed by the County Council.

392 (b) *Composition.* The committee consists of 5 public members and 4
393 taxicab industry members. The County Executive should appoint the
394 members so that:

395 (1) Of the 4 taxicab industry representatives, 2 must represent
396 management and 2 must be taxicab drivers.

397 (2) Of the 2 drivers, one must be an owner-operator and one must be
398 a non-owner-operator.

399 (3) A member of the committee serves at the pleasure of the County
400 Executive.

401 (4) One member is designated as a chairperson, subject to
402 confirmation by the County Council.

403 (5) Of the public members one person must represent the
404 handicapped community.

405 (c) *Ex officio members.* A representative of the director and of the County

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

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

- 410 (1) 1 public member;
- 411 (2) 1 representative of taxi management; and
- 412 (3) 1 taxi driver (owner-driver).

413 The following members serve for a 2-year term:

- 414 (1) 2 public members; and
- 415 (2) 1 taxi driver (non-owner).

416 The following members serve for a 3-year term:

- 417 (1) 2 public members; and
- 418 (2) 1 representative of taxi management.

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

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

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

432 **[53-38. Application and fees generally.**

- 433 (a) *Application.* An application for a passenger vehicle license under this
434 article must be filed with the director in accordance with the form and
435 procedure that the director establishes. The application must be made
436 under oath. The application must contain:
- 437 (1) A statement of financial responsibility consisting of:
- 438 (A) A notarized statement by the applicant stating:
- 439 (i) The availability of unencumbered financial
440 resources sufficient to place the number of taxicabs
441 subject to passenger vehicle licenses applied for into
442 service; and
- 443 (ii) The applicant's intention to use these unencumbered
444 resources to place these taxicabs into service within
445 90 days from the date the license is granted.
- 446 (B) A certificate of insurance, or written correspondence from
447 an insurance company, stating that the applicant will be
448 able to acquire the required insurance and that the
449 insurance will not be canceled or modified without prior
450 written notice from the insurer to the department.
- 451 (2) A notarized statement by the applicant stating:
- 452 (A) That the applicant is familiar with this chapter and the
453 County taxicab regulations and that the applicant is not
454 disqualified from holding a passenger vehicle license
455 under section 53-43 of this chapter;
- 456 (B) The applicant's experience in providing service as an
457 owner or operator of a taxicab, or both;
- 458 (C) The applicant's familiarity with the geographic area to be
459 served;

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

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

490 **[53-39. Certificates to be furnished by applicant.**

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

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

497 **[53-40. Insurance required of applicants.**

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

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

509 **[53-41. One license for each taxicab.**

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

512 **[53-42. State registration required prior to issuance of certificate.**

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

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

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

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

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

- 526 (1) The applicant’s or licensee’s penal record, including all
 527 convictions, the reasons therefor and the demeanor of the
 528 applicant or licensee subsequent to any conviction. Special
 529 emphasis must be given to convictions for violations of the
 530 gaming, narcotic or alcoholic beverage laws or for crimes
 531 involving violence or sex offenses.
- 532 (2) The driver’s license history of the applicant or licensee, including
 533 whether the applicant or licensee, in previously operating in this
 534 or another jurisdiction, has had a license revoked or suspended
 535 and the reasons for the revocation or suspension.
- 536 (3) Any other facts related to the general personal history of the
 537 applicant or licensee that are relevant to a fair determination of
 538 good character for licensing under this chapter.

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

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

543 (c) *Fraud or false statements.* Any applicant or licensee who procures or
 544 attempts to procure a license by fraud, misrepresentation, false or
 545 misleading statements, evasions or suppression of material facts; or any
 546 applicant or licensee guilty of fraud, misrepresentation or false
 547 statement in the course of carrying on the taxi business.

548 (d) *Violations of County or State laws.* Any applicant or licensee whose
 549 record of violations of this chapter or other ordinances or licensing laws
 550 or regulations of the County, State or other jurisdictions indicates that a
 551 license should not be granted for the protection of the public safety,
 552 morals or welfare. If the “licensee” or “applicant,” as the term is used in
 553 this section, is other than an individual person, then the term shall
 554 include, as to partnerships, any partner and the managing agent in
 555 charge of the operation under the license; as to joint ventures, societies,
 556 associations, clubs, etc., each of the principals or officers and the
 557 managing agent in charge of the operation under the license; as to
 558 corporations, each of the directors, officers and the managing agent; and
 559 the acts of record of the directors, partners, officers or agents are the
 560 acts or record of the licensee or applicant.]

561 **[53-44. Issuance-General.**

562 (a) A passenger vehicle license may only be issued by the director:

- 563 (1) To a qualified applicant; and
 564 (2) In accordance with this chapter. An applicant is qualified if the
 565 applicant meets all requirements of this chapter and applicable
 566 regulations.

567 (b) The director must provide a licensee with:

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

595 the aggregate, 70% of the total number of those licenses under section
 596 53-44A. Other qualified applicants must be issued licenses under the
 597 lottery procedures of this article.

598 (g) Any authorized licenses originally available for issuance under section
 599 53-44A to existing fleet taxicab companies may be issued to other
 600 qualified applicants under the lottery procedures of this article after any
 601 awards to a new unaffiliated fleet company. Any authorized but
 602 unissued licenses originally available to non-fleet companies or
 603 individuals may be issued under section 53-44A after lottery procedures
 604 have been completed. After all awards, any remaining unissued licenses
 605 must be allocated in the following year in its original license category.

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

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

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

616 **[53-44A. Fleet taxicab company licenses.**

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

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

649 method (3).

650 (c) (1) If authorized licenses are available after issuance under
651 subsections (a) and (b), the director may issue up to 15 licenses under
652 this section to any qualified applicant proposing to operate as a new
653 unaffiliated fleet taxicab company during the license year. If authorized
654 licenses are not fully available from the allocation to fleet taxicab
655 companies, the director may award licenses from the allocation
656 available to fleet taxicab companies in future years subject to a
657 limitation of 45 licenses in the aggregate. The number of licenses
658 awarded from any future year allocation is in the director's sole
659 discretion. However, to the extent possible, the director should evenly
660 reduce the allocation between future years.

661 (2) An applicant proposing to operate a new unaffiliated fleet taxicab
662 company may apply when licenses are made available for
663 issuance to existing fleet taxicab companies or at any other time
664 that the director permits. Of the licenses applied for, 20 percent
665 must be for taxicabs equipped to transport wheelchair passengers.

666 (3) In determining whether or not to issue one or more licenses to the
667 applicant, the director should consider, among any other relevant
668 factors, the applicant's:

669 (A) Written business plan, including a description of all
670 ownership and management interests, levels and types of
671 service to be provided, proposed operations and driver
672 training programs, and marketing approach;

673 (B) Level of capitalization and expected operational costs;

674 (C) Experience; and

675 (D) Ability to comply with all regulatory requirements of this

676 chapter.

677 (d) The director may only issue a license under subsection (c) if the director
678 finds that:

679 (1) The applicant would not have qualified in the preceding year as a
680 fleet taxicab company; and

681 (2) The application justifies an expectation of a high level of taxicab
682 service.

683 (e) Notwithstanding any numerical limits under this article, a qualified new
684 or existing fleet taxicab company may apply for and be issued
685 additional passenger vehicle licenses in a number equal to the licenses
686 issued under this section to the company that year for taxicabs equipped
687 to transport wheelchair passengers.

688 (f) Any calculation under this section must be completed by rounding to
689 the nearest whole number. One-half must be rounded up to the next
690 whole number.

691 (g) At the written request of any applicant, the director must state, in
692 writing, the basis for any decision denying its application, in part or in
693 whole, under this section.]

694 **[53-44B. Special licenses.**

695 (a) In addition to the number of licenses available for issuance under
696 subsections 53-44(c)(1) and (c)(2), the director may issue up to 15
697 licenses to a qualified applicant or applicants, in the aggregate, to
698 provide innovative taxicab service on an experimental or permanent
699 basis, including:

700 (1) Serving segments of the population with special transportation
701 needs such as elderly citizens in up-County areas or other parts of
702 the County where appropriate;

- 703 (2) Jitney service;
- 704 (3) Peak demand; or
- 705 (4) Similar transportation services.
- 706 (b) The availability of licenses under this section must be advertised in at
707 least one newspaper for 2 consecutive weeks. Licenses must be issued
708 on a competitive basis using relevant criteria and procedures set forth in
709 this article that will best achieve a high level of taxicab service. The
710 director may establish appropriate conditions for issuance of a license
711 issued under this section and revoke the license, at any time, for
712 noncompliance.]

713 **[53-45. Issuance-Lottery procedures.**

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

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

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

759 **[53-46. Display.**

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

763 **[53-47. Duplicates.**

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

767 **[53-48. Transferability.**

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

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

772 (1) A passenger vehicle license initially issued prior to calendar year
773 1988 may be transferred at any time except within 5 years of
774 issuance or within 3 years of transfer as provided under law in
775 effect on January 1, 1988.

776 (2) The transfer of a passenger vehicle license issued after January 1,
777 1988, at any time except within 3 years of issuance or within 3
778 years of transfer.

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

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

811 that granting a waiver is likely to produce:

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

815 **[53-48A. Prohibition on certain other agreements.**

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

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

824 **[53-49. Expiration; renewal.**

825 A passenger vehicle license:

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

833 **[ARTICLE III. OPERATOR’S IDENTIFICATION CARD.]**

834 **[53-50. Required.**

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

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

841 **[53-51. Application.**

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

844 **[53-52. Applicant to furnish physician’s certificate.**

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

856 **[53-53. Applicant to furnish fingerprints and photographs.**

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

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

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

864 **[53-54. Examination of applicant.**

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

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

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

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

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

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

880 (1) Any offense involving violence;

881 (2) Any sex offense;

882 (3) Soliciting for prostitution;

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

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

887 (6) Violation of the gaming laws.

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

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

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

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

902 **[53-56. Fee.**

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

906 **[53-57. Issuance; contents.**

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

910 **[53-58. Display.**

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

914 **[53-59. Transfer prohibited.**

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

917 **[53-60. Permitting use by other persons prohibited.**

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

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

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

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

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

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

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

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

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

- 933 (1) Facts existing prior or subsequent to the issuance of a passenger
 934 vehicle license or identification card that would be cause under
 935 this chapter for refusal to issue or renew by the director;
- 936 (2) Violation of this chapter or regulations adopted under it, or of any
 937 other federal, state, or local law by the licensee or operator;
- 938 (3) Conviction of a licensee or operator of any crime of moral
 939 turpitude, including crimes of violence, sex offense, or violation
 940 of the controlled dangerous substance or gaming laws;
- 941 (4) Procurement or attempted procurement of a license or
 942 identification card by fraud, misrepresentation, false or
 943 misleading statement, or omission of material facts; or
- 944 (5) The operation, or the allowing of a taxicab to be operated, in a
 945 manner that endangers the public health, safety, or welfare.

- 946 (b) In addition to those reasons specified in subsection (a), the director may
 947 revoke or suspend the identification card of an operator if:
- 948 (1) A consistent pattern of reasonably verified complaints against the
 949 holder of an identification card is received by the department
 950 within any 12-month period or when a reasonably verified
 951 complaint involving a threat to the public health, safety, or
 952 welfare is received by the department;
- 953 (2) The operator has been convicted for operating a motor vehicle
 954 under the influence of or while intoxicated with alcohol or a
 955 controlled dangerous substance, or for reckless driving; or
- 956 (3) The operator has been convicted of failure to stop after
 957 involvement in an accident or has a traffic record which indicates
 958 an unsafe driving pattern or disregard for the motor vehicle laws
 959 of this State.
- 960 (c) A revocation or suspension under paragraph (3) of subsection (a) of this
 961 section must remain in effect pending appeal until final disposition of
 962 the criminal action.
- 963 (d) This section is in addition to any other provision of this chapter that
 964 establishes cause for the suspension or revocation of a passenger vehicle
 965 license or operator's identification card.]

966 **[53-64. Notice and opportunity for hearing.**

- 967 (a) Prior to revoking or suspending a passenger vehicle license or
 968 operator's identification card, the director must:
- 969 (1) Notify the holder of the license or identification card, as
 970 appropriate;
- 971 (2) State the reasons for the proposed action; and
- 972 (3) Provide an opportunity for a hearing to contest the proposed

- 973 action under this section.
- 974 (b) Any hearing must be held before the Chief Administrative Officer or its
975 designee.
- 976 (c) (1) The director's proposed action on a revocation or suspension is
977 final if a hearing is not requested within 10 days of notification of that
978 opportunity.
- 979 (2) If the director reasonably believes that the public health, welfare,
980 or safety is threatened by continued operation of a taxicab by a
981 licensee or operator, the director may accelerate any time
982 requirements of this article so long as reasonable due process is
983 afforded.
- 984 (d) The hearing must be conducted in accordance with the Administrative
985 Procedures Act. The Chief Administrative Officer or designee may
986 affirm, modify, or reverse a proposed action of the director.
- 987 (e) (1) Notification by personal service or certified letter to the last
988 address on file with the department is sufficient notice under this
989 section.
- 990 (2) Failure to appear at a hearing, after notice, is a waiver of the right
991 to a hearing.]

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

- 993 (a) A revocation or suspension of a passenger vehicle license or operator's
994 identification card is effective immediately upon notification by the
995 director or the Chief Administrative Officer or designee if a hearing has
996 been requested.
- 997 (b) Upon receipt of notice of a revocation or suspension, the licensee or
998 operator must, within 24 hours:
- 999 (1) Place the license or identification card in the mail, postage

- 1000 prepaid, addressed to the department; or
- 1001 (2) Physically deliver the license or identification card to the
- 1002 department.
- 1003 (c) If the department does not receive the license or identification card
- 1004 within 48 hours from the time of notification, excluding weekends or a
- 1005 legal holiday, the director or County Police may:
- 1006 (1) Remove the revoked or suspended license or identification card
- 1007 from the taxicab; or
- 1008 (2) Demand the return of the license or identification card by the
- 1009 appropriate person.]

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

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

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

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

- 1027 (b) The director's decision to deny a license or operator's identification
 1028 card may not be stayed pending appeal. Final administrative action that
 1029 revokes or suspends a license or an identification card may be stayed
 1030 pending appeal only if the court finds that the public health, safety, or
 1031 welfare will not be endangered by reissuance pending appeal.
- 1032 (c) A lottery or other license issuance procedure may proceed even though
 1033 a judicial appeal is pending from the denial of a passenger vehicle
 1034 license or the opportunity to compete for a license. Judicial modification
 1035 or reversal of a final administrative action to deny a license or the
 1036 opportunity to compete for a license does not affect the validity of other
 1037 licenses that have been properly issued under this chapter. A passenger
 1038 vehicle license may be granted if improperly denied notwithstanding the
 1039 numerical limits in section 53-44.]

ARTICLE 1. GENERAL PROVISIONS.

53-101. Definitions.

In this Chapter, unless the context indicates otherwise:

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

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

Committee means the Taxicab Services Advisory Committee.

Department means the Department of Public Works and Transportation.

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

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

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

1054 Fleet means any entity that holds in its own name 5 or more licenses.
 1055 In service means the operation of a taxicab on any roadway in the County
 1056 when the driver is not displaying an approved out of service sign or notice.
 1057 License or Taxicab License means a Passenger Vehicle License issued under
 1058 this Chapter.

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

1061 Out of service means a taxicab that:

- 1062 (1) displays a Department approved out of service sign or notice
- 1063 while being operated; or
- 1064 (2) is removed from revenue service and parked.

1065 Owner means an individual or entity that:

- 1066 (1) is listed with the state motor vehicle agency as holding legal title
- 1067 to a specific motor vehicle;
- 1068 (2) is a conditional vendee or lessee of a vehicle that is the subject of
- 1069 an agreement for conditional sale or lease, if the conditional
- 1070 vendee or lessee has assumed liability, and is authorized to pay
- 1071 judgments and accept any legal notice or service of process, with
- 1072 respect to the vehicle; or
- 1073 (3) acts as the agent of the registered owner for all purposes,
- 1074 including acceptance of liability, payment of judgments and other
- 1075 legal obligations, and receipt of any legal notice or service of
- 1076 process.

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

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

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

1081 Security seal means a lead and wire seal, or a similar device, attached to a
 1082 taximeter to secure the meter against unauthorized access, removal, or
 1083 adjustment.

1084 Security interest means any security interest, pledge, mortgage, deed of trust,
 1085 or similar encumbrance, by act or deed or by operation of law, to secure the
 1086 repayment of indebtedness incurred with respect to a licensee's taxicab
 1087 business or the acquisition of a passenger vehicle license by a licensee.

1088 Special license means a license to provide taxicab service to a population,
 1089 based on geographic location or special need, that the Director finds would be
 1090 underserved by existing taxicab service.

1091 Taxicab means a motor vehicle that:

- 1092 (1) is designed or configured to carry 7 or fewer persons, not
 1093 including the operator;
 1094 (2) is used to provide for-hire taxicab service in the County, and
 1095 (3) either:
 1096 (A) appears to be a taxicab or otherwise for hire;
 1097 (B) displays the words “taxi”, “cab”, or “taxicab” anywhere on
 1098 the vehicle;
 1099 (C) is advertised or held out to the public as a taxicab; or
 1100 (D) is used to respond to an immediate request for passenger
 1101 transportation.

1102 Taxicab Driver Identification Card or Identification (ID) Card means a card
 1103 showing that the holder has qualified to drive a taxicab in the County.

1104 Taxicab Service means carrying one or more passengers for compensation
 1105 between points chosen by the passenger:

- 1106 (1) regardless of how or when engaged, for a fare that is based on the
 1107 distance traveled, time elapsed, or both, except as expressly

1108 authorized under this Chapter; or
 1109 (2) after being engaged by hail from a street, or from a parking lot,
 1110 taxi stand, or other location where the vehicle is waiting for a
 1111 request for service.

1112 Taxicab Stand means an area marked solely for the use of taxicabs to wait for
 1113 passengers.

1114 Transfer:

1115 (1) means an assignment, sale, gift, conveyance, or other disposition
 1116 that has as its purpose or effect the transfer of the rights conferred
 1117 under this Chapter on the licensee to another person or entity; and

1118 (2) if the licensee is a business entity, includes the transfer of 50
 1119 percent or more of the stock, voting rights, membership interest,
 1120 or other ownership or controlling interest in the entity, regardless
 1121 of whether the transfer occurs as one transaction or a series of
 1122 separate transactions.

1123 **53-102. Enforcement of Chapter.**

1124 This Chapter is enforced by the Director, the County Police Department, any
 1125 other law enforcement agency, and any other County department or office assigned
 1126 by the County Executive.

1127 **53-103. Taxicab Services Advisory Committee.**

1128 (a) The County Executive must appoint, subject to confirmation by the
 1129 County Council, a Taxicab Services Advisory Committee.

1130 (b) The Committee must:

1131 (1) advise the Director in carrying out duties and functions under this
 1132 Chapter; and

1133 (2) evaluate the performance of the taxicab industry in serving
 1134 members of the population with special transportation needs,

- 1135 such as senior citizens and people with disabilities.
- 1136 (c) The Committee consists of 5 public members and 4 taxicab industry
 1137 members. The County Executive should appoint members so that:
- 1138 (1) one public member represents senior citizens, and another public
 1139 member represents people with disabilities;
- 1140 (2) two of the 4 taxicab industry representatives represent
 1141 management and 2 are taxicab drivers; and
- 1142 (3) one of the 2 drivers is an owner-driver and one is a non-owner
 1143 driver.
- 1144 (d) The Director or the Director’s representative must serve as an ex-officio
 1145 non-voting member. The Chief of the Division of Consumer Affairs in
 1146 the Department of Housing and Community Affairs, or the Chief’s
 1147 representative, must also serve as an ex-officio non-voting member.
- 1148 (e) A Committee member serves for a term of 3 years, or until a successor
 1149 is confirmed, whichever is later. A member must not serve more than 2
 1150 consecutive full terms. A person appointed to fill a vacancy serves for
 1151 the remainder of the predecessor’s term.
- 1152 (f) The Committee must annually select one public member as chair.

1153 **53-104. Regulations.**

1154 Unless otherwise specified in this Chapter, the County Executive may adopt
 1155 regulations under method (2) to administer this Chapter.

1156 **53-105. Administrative record.**

1157 The Director must keep an accurate record of every identification card and
 1158 license application for a reasonable time. The record should include all relevant
 1159 information and material pertaining to the application and any license or
 1160 identification card that is issued.

1161 **53-106. Rates.**

- 1162 (a) The County Executive must set taxicab rates by regulation to promote
 1163 the public interest after holding a public hearing and considering the
 1164 recommendations of the Committee.
- 1165 (b) To encourage ride sharing and other innovative taxicab services, the
 1166 regulation may require a licensee to accept certain payment methods
 1167 and charge rates that are not taximeter based.
- 1168 (c) The Director may approve rates other than those set in the regulations as
 1169 provided in a contract filed with the Department if the Director finds
 1170 that the alternative rates will not result in a significant reduction of
 1171 service to the general public. Any alternative rates that are higher than
 1172 the rates set by regulation under subsection (a) must also be set by
 1173 regulation.
- 1174 (d) A person must not charge for taxicab service except as allowed under
 1175 applicable regulations or subsection (c).

1176 **53-107. Fees.**

1177 The Director may charge fees set by regulation adopted under method (2) in an
 1178 amount necessary to administer this Chapter.

1179 **53-108. Taxicab stands.**

1180 The Director, by notice printed in the County Register, may designate taxicab
 1181 stands for the exclusive use of taxicabs where they are required in the public interest.

1182 **53-109. Duplicates.**

1183 Upon proof satisfactory to the Department that a license or identification card
 1184 has been lost or destroyed, the Department must issue a duplicate license or
 1185 identification card to the licensee or driver, after the licensee or driver has paid the
 1186 required fee, unless the license or identification card has been revoked or suspended
 1187 under this Chapter.

1188 **53-110. Customer service requirements.**

- 1189 (a) A regulation issued by the Executive must establish:
- 1190 (1) specific customer service requirements and minimum
- 1191 performance criteria applicable to each licensee, but which may
- 1192 vary by type of licensee;
- 1193 (2) the required submission dates for any customer service plan and
- 1194 other data that licensees must regularly submit;
- 1195 (3) the dates certain minimum levels of service and other
- 1196 performance requirements must be met; and
- 1197 (4) the consequences of failure to meet any requirements.
- 1198 The service requirements and performance criteria must focus on
- 1199 recurring problems with customer service that the Department has
- 1200 identified through customer complaints or otherwise.
- 1201 (b) These regulations must also include:
- 1202 (1) performance-based qualifications and requirements for receiving
- 1203 additional licenses under Section 53-205;
- 1204 (2) the standards and procedure by which the Director may deny or
- 1205 revoke a license if a licensee does not meet any mandatory
- 1206 customer service requirement;
- 1207 (3) defined geographic areas of service, subject to modification as
- 1208 provided in Section 53-222(b)(10), and minimum acceptable
- 1209 service parameters for each geographic area;
- 1210 (4) information required for a review or audit of performance criteria
- 1211 and data submission;
- 1212 (5) guidelines for a complaint resolution process for customer
- 1213 complaints that employs, to the extent feasible, an independent
- 1214 mediation or dispute resolution mechanism;
- 1215 (6) guidelines for procedures each fleet or association must employ

- 1216 to keep each person who calls for service informed of the status
 1217 of that person’s request;
 1218 (7) any special procedures that the Executive concludes are
 1219 necessary to assign appropriate priority to service requests from
 1220 persons with special medical needs or non-emergency travel to or
 1221 from medical facilities; and
 1222 (8) the percentage of calls for prearranged service that should be
 1223 picked up within 10 minutes, and the percentage of calls for
 1224 immediate service that should be picked up within 20 minutes.
 1225 The Executive by regulation may set a different response
 1226 standard for each type of service. “Prearranged service” is
 1227 service requested, by telephone or electronically, at least 2 hours
 1228 before the passenger is scheduled to be picked up.
 1229 (c) As a condition of receiving a license under this Chapter, each licensee
 1230 must agree that all data submitted under this Section is public
 1231 information. The Director must regularly make that information
 1232 available to the public in an annual report on taxicab service in a format
 1233 set by regulation, and in any other fashion that the Director finds will
 1234 inform the public.
 1235 (d) The Director, after consulting the Taxicab Services Advisory
 1236 Committee, may use any reasonable mechanism to collect more data
 1237 that may be used to measure and evaluate customer service
 1238 performance, including complaint data, customer surveys, and service
 1239 sampling techniques.

1240 **ARTICLE 2. TAXICAB LICENSES.**

1241 **Division 1. General License Provisions.**

1242 **53-201. Required.**

1243 (a) A person must not provide taxicab service without possessing a license
 1244 as required under this Chapter.

1245 (b) A license must be issued only to the owner of each taxicab.

1246 (c) A licensee must not operate a taxicab or provide taxicab service unless
 1247 the licensee either:

1248 (1) holds a fleet license; or

1249 (2) holds one or more individual licenses and is affiliated with an
 1250 association or a fleet.

1251 (d) A licensee must hold a license for each taxicab.

1252 **53-202. Display.**

1253 Each licensee and driver are both responsible for displaying the license
 1254 prominently in the taxicab at all times in a location that is plainly visible to
 1255 passengers.

1256 **53-203. Types of licenses; cross-ownership.**

1257 (a) A fleet or association, including any officer, director, owner, employee,
 1258 affiliate, subsidiary, or holding company, must not have any direct or
 1259 indirect ownership interest in or management control over any other
 1260 fleet or association that operates in the County.

1261 (b) An individual must not hold a license originally issued to a fleet or
 1262 association under this Chapter, and a fleet or association must not hold a
 1263 license originally issued to an individual under this Chapter, unless the
 1264 license was lawfully transferred under Section 53-204.

1265 **53-204. Transferability; security interest.**

1266 (a) Any license must not be transferred except as provided in this Chapter.

1267 (b) A license may be transferred only if:

1268 (1) the licensee notifies the Department in writing of the proposed
 1269 transfer not less than 30 days before the date of the proposed

- 1270 transfer, specifying all terms and conditions of the proposed
 1271 transfer and the identity of the proposed transferee;
 1272 (2) the Director finds that the proposed transferee meets all
 1273 requirements of this Chapter and applicable regulations; and
 1274 (3) the licensee surrenders the license when the Director approves the
 1275 transfer.
- 1276 (c) A license issued to an individual may be transferred only if the license
 1277 was not issued or transferred within the previous 3 years.
- 1278 (d) The Director must not approve the transfer to an individual of a license
 1279 issued to a fleet if:
- 1280 (1) the same fleet has already transferred more than 2 licenses to
 1281 individuals during that calendar year; or
 1282 (2) the transfer would result in individuals holding more than 30% of
 1283 the total number of licenses then in effect.
- 1284 (e) The Director must not approve a transfer of any license if the transferee
 1285 already holds, or would then hold, more than 40% of the total number of
 1286 licenses then in effect. This subsection does not prohibit the sale or
 1287 transfer of a licensee that held more than 40% of the licenses in effect
 1288 on October 1, 2004, or the sale or transfer of all or a majority of the
 1289 licenses held by that licensee.
- 1290 (f) A security interest may be created in a passenger vehicle license, subject
 1291 to the Director's approval. The Executive may by regulation attach
 1292 further conditions to the creation of a security interest, consistent with
 1293 this subsection, as necessary to avoid significant disruptions in taxi
 1294 service. The Director may approve the creation of a security interest
 1295 only if:
- 1296 (1) the licensee and, if different, the proposed holder of the security

1297 interest has notified the Director at least 30 days before the
 1298 security interest would be created of the identities of all parties to
 1299 and all terms and conditions of the security interest; and
 1300 (2) the secured party acknowledges in the security interest agreement
 1301 that:
 1302 (A) the security interest is subordinate, in all respects, to the
 1303 authority of the Director to suspend, revoke, or refuse to
 1304 renew the license under this Chapter; and
 1305 (B) any transfer of the license pursuant to a foreclosure or
 1306 execution on the security interest is not effective unless the
 1307 Director finds that the proposed transferee satisfies all
 1308 requirements of this Chapter and applicable regulations.

1309 The Director must send to the secured party, at its last address on file
 1310 with the Department, a copy of any written notice to the licensee
 1311 regarding the suspension, revocation, or refusal to renew the license.
 1312 That notice is the only notice the Director is required to provide to a
 1313 secured party of any action taken or proposed to be taken with respect to
 1314 a license.

1315 (g) A transferred license is valid for the remainder of the term of the
 1316 original license.

1317 **Division 2. Issuance, Denial, Expiration, and Renewal.**

1318 **53-205. Periodic issuance of new licenses.**

1319 (a) **Notice.** The Director may periodically issue new licenses to qualified
 1320 applicants or reissue any license that has been revoked or not renewed
 1321 under this Chapter, as provided in this Section. The Director must
 1322 advertise the availability of these licenses in at least one newspaper of
 1323 general circulation in the County for 2 consecutive weeks before

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

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

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

1336 (2) consider the performance record of each applicant in providing
 1337 taxicab service in the County or elsewhere.

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

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

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

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

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

1351 (d) **Biennial limit.** During calendar year 2005 the Director must not issue
 1352 more than 70 new licenses. In each later odd-numbered year, the
 1353 Director may issue a total number of new licenses that does not exceed
 1354 10% of the number of licenses then in effect.

1355 (e) **Additional licenses – extraordinary authority; population limit.** The
 1356 Director may issue more licenses than are authorized under subsection
 1357 (d) if the Director finds, after holding a public hearing, that additional
 1358 taxicabs are necessary to improve service to specified geographic areas
 1359 or types of taxicab users or generally to increase competition. However,
 1360 the total number of licenses issued must not exceed 1 license for each
 1361 1,000 County residents, as computed in the most recent decennial U.S.
 1362 Census or any census update published by the appropriate federal
 1363 agency.

1364 (f) **Individual limit.** Notwithstanding any other provision of this Section,
 1365 the Director must not issue more than 10 new or reissued licenses in any
 1366 2-year period to any licensee that holds or controls more than 40% of
 1367 the licenses then in effect.

1368 **53-206. License issuance; initial fee.**

1369 (a) The Director may issue a license only to a qualified applicant under this
 1370 Chapter. An applicant is qualified if the applicant:

- 1371 (1) meets all requirements of this Chapter and applicable regulations;
- 1372 and
- 1373 (2) pays the initial license fee.

1374 (b) The Executive must set the initial license fee by regulation. In setting
 1375 the amount of the fee, the Executive must consider:

- 1376 (1) the County’s interest in encouraging competition and improving
 1377 customer service;

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

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

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

- 1384 (a) a statement of financial responsibility, showing the availability of
 1385 unencumbered financial resources sufficient to place the vehicle into
 1386 service;
- 1387 (b) a certificate of insurance, a certificate of self-insurance issued by the
 1388 state motor vehicle agency, or a written statement from an insurance
 1389 company licensed to do business in Maryland certifying that:
- 1390 (1) the applicant will be able to acquire the required insurance; and
 1391 (2) the insurance will not be canceled or modified without prior
 1392 written notice from the insurer to the Department;
- 1393 (c) the applicant's past customer service record, if the applicant has
 1394 engaged in taxicab service in any jurisdiction;
- 1395 (d) a statement that the applicant is familiar with this Chapter and
 1396 applicable regulations, and is not disqualified from holding a license
 1397 under this Chapter;
- 1398 (e) the applicant's experience in providing taxicab or other transportation
 1399 service;
- 1400 (f) a description of the applicant's financial and managerial resources
 1401 available to operate and maintain the taxicab as required by law; and
- 1402 (g) the geographic areas the applicant primarily intends to serve, including
 1403 the extent of the applicant's willingness to serve areas or types of
 1404 passengers that need additional service.

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

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

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

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

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

1432 **53-210. Individual license lottery.**

- 1433 (a) If the number of applications filed by qualified individual applicants as
 1434 defined under Sections 205 and 209 equals or is less than the number of
 1435 new licenses authorized for individual use in a 2-year period, the
 1436 Director must issue a license to each qualified applicant. If the number
 1437 of applications from qualified individuals exceeds the number of new
 1438 individual licenses authorized for that period, the Director must conduct
 1439 a lottery among each group of qualified individuals with an equal
 1440 number of years' experience regularly driving a taxicab in the County to
 1441 determine the priority of issuance.
- 1442 (b) Licenses issued by lottery must be awarded under the procedures of this
 1443 Section and Section 205.
- 1444 (c) The Director may conduct a separate lottery for:
- 1445 (1) licenses for accessible taxicabs;
 - 1446 (2) other new licenses that become available; and
 - 1447 (3) any other authorized license that becomes available.
- 1448 (d) A lottery must be conducted so that each qualified applicant has an
 1449 equal probability of receiving a license, subject to the seniority ranking
 1450 required by Section 205(c).
- 1451 (e) A lottery may be conducted in 2 separate phases. Phase 1 would
 1452 determine the recipients of available individual licenses and continue
 1453 until all available licenses have been awarded. Phase 2 would create an
 1454 eligibility list for issuance of individual licenses that later become
 1455 available. The drawing in Phase 2 must continue until twice the number
 1456 of available licenses have been drawn, or a smaller number if sufficient
 1457 applicants did not apply for an individual license. The eligibility list
 1458 created under Phase 2 is valid for the remainder of the 2 year period, or

1459 until the next lottery is conducted if longer than 2 years.
 1460 (f) As licenses become available for reissuance, the Department must
 1461 notify the applicant highest on the eligibility list that a license is
 1462 available and of the applicable acceptance procedures and deadlines.
 1463 The Department must send notice by mail to the address listed by the
 1464 applicant on the application or to any updated address provided by the
 1465 applicant in writing to the Department. If the taxicab is not placed in
 1466 service within 90 days after the license is issued, the Director must
 1467 revoke the applicant's eligibility and notify the next applicant on the
 1468 eligibility list. The Director may extend the time to place a taxicab in
 1469 service to permit the taxicab to be retrofitted for use as an accessible
 1470 taxicab.

1471 **53-211. Fleet license application.**

1472 In addition to the information required in Section 53-207, each applicant for a
 1473 license issued to a fleet must:

- 1474 (a) submit evidence that the fleet provides or will be able to provide its own
 1475 centralized administrative, managerial, marketing, operational, dispatch,
 1476 and driver training services;
 1477 (b) calculate previous taxicab productivity, as measured by the number of
 1478 daily trips per taxicab or an equivalent measurement approved by the
 1479 Director, if the applicant has previously provided taxicab service in any
 1480 jurisdiction;
 1481 (c) describe the extent of the applicant's development of and participation
 1482 in innovative taxicab services;
 1483 (d) submit the number of consumer complaints involving taxicab service
 1484 provided by the applicant, by type, filed with the County or any other
 1485 government agency in the past 24 months, and the resolution of each

- 1486 complaint;
- 1487 (e) list each enforcement action involving taxicab service provided by the
- 1488 applicant or any of its drivers during the past 24 months of which the
- 1489 applicant is aware, listing the number, violations alleged, and
- 1490 disposition of each action;
- 1491 (f) submit other performance related criteria, as required by regulation;
- 1492 (g) describe all ownership and management interests relating to taxicabs of
- 1493 the applicant and any affiliated, parent, or subsidiary business entity;
- 1494 (h) specify the levels and types of service to be provided;
- 1495 (i) provide evidence of the level of capitalization and expected operating
- 1496 costs;
- 1497 (j) describe the applicant's existing or proposed hiring and training
- 1498 procedures for drivers; and
- 1499 (k) attest that the applicant has not transferred the ownership of any license
- 1500 during the previous 24 months.

1501 **53-212. Special licenses.**

- 1502 (a) In addition to the licenses regularly available for issuance, the Director
- 1503 may issue special licenses to qualified applicants to provide innovative
- 1504 taxicab service, on an experimental or permanent basis, such as:
- 1505 (1) transportation for persons with special transportation needs,
- 1506 including:
- 1507 (A) senior citizens;
- 1508 (B) people with disabilities;
- 1509 (C) citizens in up-county and rural areas; or
- 1510 (D) citizens using hospitals, senior centers, and other
- 1511 underserved locations or areas;
- 1512 (2) jitney service, which is service over a regular route on a flexible

- 1513 schedule; or
- 1514 (3) similar transportation services.
- 1515 (b) The availability of licenses under this Section must be advertised in at
 1516 least one newspaper of general circulation in the County for 2
 1517 consecutive weeks. The Director should also notify, by electronic mail
 1518 or other reasonable means, any licensee or driver who requests to be
 1519 notified of the availability of new licenses.
- 1520 (c) Licenses must be issued on a competitive basis using criteria set by
 1521 regulation that are intended to achieve a high level of taxicab service.
 1522 The Director may establish appropriate procedures, fees, and conditions
 1523 to issue a license under this Section.
- 1524 (d) The Director may revoke a license issued under this Section at any time
 1525 for noncompliance with this Chapter or failure to provide the service for
 1526 which the license was issued.
- 1527 (e) The licensee must return any license issued under this Section to the
 1528 Department:
- 1529 (1) when the vehicle is no longer eligible to provide the required
 1530 service; or
- 1531 (2) if the Director revokes the license because the service is no
 1532 longer needed or was underused during a reasonable time after
 1533 the license was issued.

1534 **53-213. Criteria to deny a license.**

1535 The Director must not issue or renew a license to any person, licensee, or
 1536 applicant:

- 1537 (a) who, within 5 years before the application is submitted, was convicted
 1538 of, pled guilty or no contest to, or was placed on probation without a
 1539 finding of guilt for, or who when the application is submitted, has a

1540 charge pending for, or who has, within 3 years before the application
 1541 was submitted, completed a sentence or period of probation based on a
 1542 charge for:

- 1543 (1) any offense involving violence or a weapon;
 1544 (2) any sex offense;
 1545 (3) soliciting for prostitution;
 1546 (4) illegal sale or use of alcoholic beverages;
 1547 (5) violation of any law governing controlled dangerous substances;
 1548 (6) violation of any gaming law;
 1549 (7) any offense involving driving under the influence of alcohol; or
 1550 (8) any act of moral turpitude;

1551 (b) who has a pattern of reasonably verifiable complaints of substandard
 1552 customer service during the previous 24 months;

1553 (c) whose traffic record of “moving” offenses for the 3 years immediately
 1554 before the application was submitted, or while licensed to drive a
 1555 taxicab, demonstrates that the applicant is not a responsible, safe, or
 1556 careful driver. This record may include eyewitness testimony of unsafe
 1557 or dangerous driving;

1558 (d) who makes a false statement or gives a false answer to obtain, or who
 1559 obtains, a license by fraud, misrepresentation, misleading statements,
 1560 evasion, or suppression of material fact;

1561 (e) who is unable to safely operate a taxicab, who may otherwise endanger
 1562 the public health, safety, or welfare, or who would be unable to fulfill
 1563 the duties of a driver as required by applicable regulation;

1564 (f) who has substantial delinquent debts to the County, State, or Federal
 1565 government; or

1566 (g) whose record of violations of this Chapter or other laws or regulations

1567 of the County, State, or any other jurisdiction indicates to the Director
 1568 that to protect public safety a license should not be issued.

1569 If a license is denied or revoked, the applicant is not eligible to reapply for 2
 1570 years, unless the Director for good cause otherwise orders.

1571 **53-214. Additional criteria to deny a license.**

1572 (a) A licensee or applicant, as those terms are used in this Section, includes
 1573 any director, officer, partner, or managing agent, and any other person
 1574 who effectively controls the operations of a licensee.

1575 (b) The Director may decline to issue or renew a license to any licensee or
 1576 applicant:

1577 (1) who has been convicted of fraud, misrepresentation, or false
 1578 statement in the course of activity in a taxicab business;

1579 (2) who, while previously operating in any jurisdiction, has had a
 1580 license or other permission to operate taxicab services revoked or
 1581 suspended because of material violation of law or substandard
 1582 performance;

1583 (3) who has failed to keep the licensed taxicab in continuous
 1584 operation as required by Section 53-227; or

1585 (4) who has not operated at the customer service levels required by
 1586 applicable regulations, or has not complied after reasonable
 1587 notice with any required safety, operational, or inspection
 1588 requirement of this Chapter.

1589 **53-215. Expiration of license.**

1590 A license expires one year after it is issued.

1591 **53-216. Renewal of license.**

1592 The Director must renew a license if the licensee:

1593 (a) is in compliance with all applicable laws and regulations, including all

1594 required safety, operational, and inspection requirements of this
 1595 Chapter;

- 1596 (b) submits a statement under oath affirming that the information and
- 1597 statements submitted with the original application have not materially
- 1598 changed, except as previously or then submitted; and
- 1599 (c) pays the required fee.

1600 **Division 3. Duties of Licensees.**

1601 **53-217. Notice of change of address.**

1602 Each licensee must notify the Department, in writing, not less than 2 business
 1603 days after changing:

- 1604 (a) a business or residential address;
- 1605 (b) a required telephone number; or
- 1606 (c) any officer, principal, partner, or managing agent, or any other person
- 1607 who effectively controls the operations of a licensee.

1608 **53-218. Quarterly accident reports.**

1609 Each licensee must submit a quarterly report detailing all accidents involving
 1610 any of its taxicabs to the Department on a form approved by the Director. The
 1611 Director may require a more frequent report.

1612 **53-219. Responsibility of licensees, affiliates, and drivers.**

- 1613 (a) A licensee must not knowingly permit any taxicab to be operated in this
- 1614 County by a person who has:
 - 1615 (1) not been authorized to operate a taxicab under this Chapter; or
 - 1616 (2) tested positive for drugs or alcohol, as defined by applicable
 - 1617 regulations, unless authorized by the Director.
- 1618 (b) Each licensee must promptly take appropriate action when the licensee
- 1619 becomes aware from any source that a driver of a taxicab for which the
- 1620 licensee holds the license or regarding which the licensee is a party to an

- 1621 affiliation agreement has not complied with all requirements of this
 1622 Chapter and the customer service standards adopted under this Chapter.
- 1623 (c) Each licensee must exercise due diligence to monitor the activities of
 1624 each driver of a taxicab for which the licensee holds the license or
 1625 regarding which the licensee is a party to an affiliation agreement to
 1626 assure that the driver complies with all requirements of this Chapter and
 1627 the customer service standards adopted under this Chapter.
- 1628 (d) Notwithstanding the legal status of any driver as an independent
 1629 contractor rather than an employee of the licensee, for the purposes of
 1630 this Chapter (and particularly the customer service standards adopted
 1631 under this Chapter) the responsibility of each licensee for the conduct
 1632 and performance of drivers under this Chapter:
- 1633 (1) applies to each driver, including affiliates of the licensee; and
 1634 (2) prevails over any inconsistent contract or other agreement
 1635 between a licensee and an affiliate or a driver.
- 1636 (e) Any contract or other operating agreement between a licensee and any
 1637 driver must:
- 1638 (1) inform the driver of:
- 1639 (A) the driver's obligation to comply with all requirements of
 1640 this Chapter and the customer service standards adopted
 1641 under this Chapter; and
- 1642 (B) the licensee's obligation to take appropriate action when
 1643 the licensee becomes aware that a driver has not complied
 1644 with any requirement or customer service standard;
- 1645 (2) empower the licensee to take appropriate action, as required in
 1646 subsection (b); and
- 1647 (3) not restrict a driver, affiliate, or taxicab owner from providing

1648 taxicab service in the County after the contract or agreement
 1649 expires or is terminated.

1650 (f) (1) Any contract or other operating agreement between a licensee
 1651 and any affiliate or driver must require both parties, at either
 1652 party's request, to participate in good faith in an independent,
 1653 third-party mediation or alternative dispute resolution process,
 1654 which may be administered by the Department or the
 1655 Department's designee.

1656 (2) A dispute is subject to the process required by this subsection if
 1657 the dispute is connected with the operation of the contract or
 1658 agreement or involves the affiliate's or driver's compliance with
 1659 any requirement of this Chapter or a customer service standard
 1660 adopted under this Chapter. The implementing regulations may
 1661 specify that certain classes of disputes are not subject to this
 1662 process.

1663 (3) The dispute resolution administrator may stay the operation of
 1664 any action taken by a party when a stay is necessary to preserve
 1665 the rights of any party.

1666 (4) This subsection does not preclude either party from taking any
 1667 other lawful action to enforce any contract or agreement.

1668 **Division 4. Additional Duties of Fleets and Associations.**

1669 **53-220. Essential requirements.**

1670 Each fleet and association must:

1671 (a) establish a management office in the County, or at another location
 1672 approved by the Director;

1673 (b) provide a communication system approved by the Director that:

1674 (1) gives the driver and fleet or association two-way dispatch

- 1675 communication; and
- 1676 (2) allows public access to request service, register complaints, and
- 1677 seek information. The communications system must allow a
- 1678 member of the public to speak to a staff member 24 hours a day,
- 1679 7 days a week;
- 1680 (c) operate under uniform colors and markings approved by the Director;
- 1681 (d) submit a customer service plan as required by applicable regulations
- 1682 that specifies how the fleet or association will achieve the plan's goals
- 1683 for safe, reliable customer service and on-time performance;
- 1684 (e) submit accurate, verifiable operating and statistical data reports as
- 1685 required under this Chapter;
- 1686 (f) provide an adequate number of taxicabs to meet service demand 24
- 1687 hours a day, 7 days a week, as defined by applicable regulations; and
- 1688 (g) comply with all requirements of this Chapter regarding the provision of
- 1689 accessible taxicabs.

1690 **53-221. Operating requirements.**

1691 Each fleet and association must:

- 1692 (a) provide its own centralized administrative, vehicle maintenance,
- 1693 customer service, complaint resolution, dispatch, management,
- 1694 marketing, operational, and driver training services located in the
- 1695 County, or at one or more other locations approved by the Director, that
- 1696 are physically separate from any other association or fleet. A fleet or
- 1697 association may obtain these services, with the approval of the Director:
- 1698 (1) from another person or entity who does not hold, or have an
- 1699 interest in, a license issued under this Chapter; or
- 1700 (2) from another fleet or association if the Director finds that joint
- 1701 operations of this type:

- 1702 (A) would promote competition and improve customer service;
 1703 and
 1704 (B) would not impair the independence of any fleet or
 1705 association;
- 1706 (b) designate one to 4 persons with managing or supervisory authority to
 1707 act on behalf of the fleet or association in all contact with the
 1708 Department; and
- 1709 (c) file with the Department, in addition to any other data required by law:
- 1710 (1) if the fleet or association is incorporated, a copy of its certificate
 1711 of incorporation, bylaws, and all other rules and regulations
 1712 relating to the organization and operation of the entity and its
 1713 membership;
- 1714 (2) if a corporation holds a license, each year by February 1 a
 1715 certificate of good standing issued by the State Department of
 1716 Assessments and Taxation; and
- 1717 (3) information on a form provided by the Department, showing, for
 1718 each taxicab, the licensee's name and address, vehicle make,
 1719 vehicle identification number and taxicab number, and other
 1720 pertinent information listed on the form. Any change in the
 1721 information required by this paragraph must be filed in writing
 1722 with the Department within 2 business days after the change.

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

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

- 1729 must:
- 1730 (1) specify the fleet or association's anticipated percentage of trips
 1731 that will achieve the applicable response time standards set under
 1732 Section 53-110(b)(8) for prearranged service requests and calls
 1733 for immediate service, or submit proposed response times for
 1734 immediate and prearranged service that are different in any
 1735 service area specified by the fleet or association. When different
 1736 response times are proposed, the plan must describe why the
 1737 differences are proposed, considering growth in a service area or
 1738 the fleet or association's willingness to serve areas that need
 1739 additional service;
- 1740 (2) include timelines to achieve the proposed standards if they will
 1741 not be met in the next year;
- 1742 (3) describe any operational changes the fleet or association intends
 1743 to implement that would result in improved service;
- 1744 (4) describe what procedures the fleet or association will employ to
 1745 keep each person who calls for service informed of the status of
 1746 that person's request;
- 1747 (5) describe any special procedures the fleet or association will use to
 1748 assign appropriate priority to service requests that involve
 1749 persons with special medical needs or non-emergency trips to or
 1750 from medical facilities;
- 1751 (6) specify the number of taxicabs needed to achieve response times,
 1752 and justify an increase in taxicab licenses, if requested, based on
 1753 public convenience and necessity;
- 1754 (7) include a phased-in plan for service improvements, particularly
 1755 noting any improvements intended to achieve better service to

- 1756 senior citizens, people with disabilities, or other underserved
 1757 populations identified by the Director;
 1758 (8) describe the fleet or association’s participation, and goals for
 1759 participation, in user-side subsidy programs;
 1760 (9) calculate the fleet’s or association’s user-side subsidy program
 1761 participation data for the previous 12 months;
 1762 (10) describe the fleet or association’s geographic areas of service,
 1763 including any planned expansion in a service area or a
 1764 willingness to serve areas that need additional service;
 1765 (11) calculate prior taxicab productivity, measured by the number of
 1766 daily trips per cab or an equivalent measurement;
 1767 (12) describe the fleet or association’s development of and
 1768 participation in innovative taxicab services;
 1769 (13) list the number of consumer complaints involving the fleet or
 1770 association, by type, filed with the County or another government
 1771 agency in the past 24 months; and
 1772 (14) list the number of enforcement actions against the fleet or
 1773 association or its drivers of which the fleet or association is
 1774 aware, started and completed during the past 24 months.
 1775 (c) Any customer service plan filed after the initial plan must show any
 1776 changes in the data included in the initial plan, and any new data
 1777 required by applicable regulations.

1778 **53-223. User-side subsidy programs -- participation.**

1779 Any fleet or association must participate in the County’s user-side subsidy
 1780 programs, as required by applicable regulations, unless the Director waives this
 1781 requirement for good cause.

1782 **Division 5. Taxicab Vehicles.**

1783 **53-224. Mechanical inspection certificate.**

1784 Before a license is issued under this Chapter, the applicant must furnish a
 1785 certificate from a state-certified inspection station in good standing that a
 1786 comprehensive inspection, performed to state standards by a licensed state inspector,
 1787 shows that the vehicle is mechanically safe. A license must not be issued if the
 1788 vehicle has been driven more than 150 miles since the inspection was performed.

1789 **53-225. Insurance required.**

1790 (a) Before the Director issues any passenger vehicle license under this
 1791 Chapter, the applicant must submit written proof of insurance or self-
 1792 insurance for the vehicle that covers bodily injury or death to any
 1793 passenger or other person, and property damage, in amounts required by
 1794 applicable regulations.

1795 (b) The insurance must be provided by an insurer licensed to do business in
 1796 the State or, alternatively, under a self insurance program approved and
 1797 administered by the state motor vehicle agency.

1798 (c) If the insurance coverage lapses at any time during the license term, the
 1799 taxicab license is automatically suspended. The licensee must
 1800 immediately notify the Department, stop operating the taxicab, and
 1801 surrender the license to the Department. The Director must promptly
 1802 reinstate the license if all required insurance coverage is documented to
 1803 the Director's satisfaction.

1804 (d) Each taxicab must contain sufficient copies of a summary of insurance
 1805 information, in a form approved by the Director, that may be given to
 1806 passengers, members of the public, and law enforcement officers. The
 1807 summary must include:

1808 (1) the name and address of the vehicle owner;

1809 (2) the vehicle's license tag number;

- 1810 (3) the name, address, office hours, and telephone number of the
 1811 insurance claims office responsible for adjusting any insurance
 1812 claim arising from use of the vehicle; and
- 1813 (4) the name, address, and telephone number of the Department and
 1814 any other government agency where complaints regarding
 1815 insurance claims handling may be filed.

1816 **53-226. State registration required.**

1817 The Director must not issue or renew a license unless the licensee has
 1818 registered the taxicab as a “class B” for-hire vehicle with the Motor Vehicle
 1819 Administration for the year in which the license is applied for, and the registration
 1820 remains valid. The licensee must notify the Department in writing not more than 2
 1821 business days after the licensee receives notice that the vehicle registration is revoked
 1822 or suspended.

1823 **53-227. Continuous operation.**

- 1824 (a) Each licensee must notify the Department in writing at any time that:
- 1825 (1) a taxicab will be or has been out of service for more than 30 days,
 1826 or
- 1827 (2) an average of more than 15% of the taxicabs whose licenses are
 1828 held by that licensee have been inactive during the previous
 1829 calendar month.
- 1830 (b) Each notice must:
- 1831 (1) explain the reasons for each period of inactivity; and
- 1832 (2) show why the Director should not revoke the license of each
 1833 inactive taxicab for lack of use.

1834 **53-228. Procedure when vehicle placed in or removed from service.**

- 1835 (a) Each licensee must notify the Department in writing at least 3 business
 1836 days before placing a taxicab in service.

- 1837 (b) Each licensee must place a taxicab in service within 90 days after a
 1838 license is approved for issuance. Issuance of the license takes effect
 1839 when the vehicle is placed in service; if the vehicle is not actually
 1840 placed in service, the license has not been issued. The Director may
 1841 extend the time to place a taxicab in service for no more than 90
 1842 additional days:
- 1843 (1) to allow a vehicle to be retrofitted for use as an accessible
 1844 taxicab; or
- 1845 (2) in the case of a fleet, to allow the fleet to buy the taxicab and
 1846 prepare it to be placed in service.
- 1847 The Director must not otherwise waive or extend this requirement.
- 1848 (c) Each licensee must notify the Department at least 3 business days
 1849 before removing a taxicab permanently from service, whether the owner
 1850 junks the vehicle, sells it, or transfers its title.
- 1851 (d) Each licensee must notify the Department if a vehicle's license plates
 1852 have been stolen or its registration or license has been suspended or
 1853 revoked. Any vehicle without a valid registration or with expired,
 1854 revoked or suspended license plates must not be used to provide taxicab
 1855 service.
- 1856 (e) When a taxicab is permanently out of service, the licensee must return
 1857 the license to the Department and must remove the meter, cruising
 1858 lights, and any other marking or sign that identifies the vehicle as a
 1859 taxicab.
- 1860 (f) Each licensee must receive the Department's approval before taking a
 1861 taxicab out of service for a period longer than 30 days. The licensee
 1862 must explain why the taxicab is out of service and list its license
 1863 number, assigned vehicle number, and registration number. If the

1864 Department finds that the licensee has good cause, as defined by
 1865 applicable regulations, to take the taxicab out of service, the Department
 1866 may approve that action. If the Department rejects the application, the
 1867 licensee must promptly reinstate the taxicab in service.

1868 (g) Any vehicle placed in service as a taxicab must not be more than 4
 1869 model years old.

1870 **53-229. Age of vehicles.**

1871 (a) A licensee must not use any vehicle that is more than 7 model years old
 1872 to provide taxicab service in the County. As used in this Chapter, the
 1873 “model year” of a vehicle is the year designated by the vehicle
 1874 manufacturer, as indicated on the vehicle or in the manufacturer’s
 1875 records. A licensee may maintain a vehicle in service until the next
 1876 December 31 after its seventh model year ends if the vehicle passes a
 1877 comprehensive safety inspection performed during the preceding
 1878 August by a state-certified inspector in good standing.

1879 (b) The Director may waive this requirement only to maintain an accessible
 1880 taxicab in service for no more than 90 days when the licensee shows
 1881 that no adequate replacement vehicle was available for purchase during
 1882 the preceding 90 days.

1883 **53-230. Maintenance and repair.**

1884 (a) Each licensee must maintain each taxicab in a clean and safe operating
 1885 condition, and properly maintain its lights, brakes, window glass, doors,
 1886 tires, fenders, paint, upholstery, and all devices and parts affecting the
 1887 vehicle’s safety, operation, or appearance.

1888 (b) Each licensee must comply with any order of the Director to
 1889 immediately remove from service any taxicab which is not in safe
 1890 operating condition, and to remove from service within 5 days any

1891 taxicab that is not clean, sanitary, and of good appearance, until all
 1892 necessary repairs and replacement of defective equipment, painting, or
 1893 cleaning has been completed.

1894 (c) Any taxicab removed from service under this Section must not be
 1895 reinstated in service until it has been inspected and approved under
 1896 procedures established by applicable regulation.

1897 **53-231. Vehicle numbering, lettering, and markings; rate chart.**

1898 (a) When a license for a taxicab is issued under this Chapter, the
 1899 Department must assign a license number to the taxicab. The licensee
 1900 (or the fleet, if the vehicle is affiliated with a fleet) must assign a vehicle
 1901 number to each taxicab. The vehicle number must be permanently
 1902 applied, plainly visible, and not less than 3 inches high, on each of the 2
 1903 sides, on each of the 2 rear door roof columns, and on the rear of each
 1904 taxicab.

1905 (b) When the Director so orders, the license number must be affixed to the
 1906 taxicab by decal or metal tag provided by the Department in a manner
 1907 approved by the Director.

1908 (c) Numbers must be assigned only in the manner designated by the
 1909 Director. A person must not remove, reassign, or change a number
 1910 from one vehicle to another without written authorization by the
 1911 Department.

1912 (d) The licensee must place lettering on the passenger side of the taxicab, in
 1913 a form and manner approved by the Director, identifying the licensee.

1914 (e) A taxicab operating in the County must have the license number, and
 1915 the name and telephone number of the fleet or association that owns or
 1916 operates it and to whom complaints can be made, prominently displayed
 1917 in the rear seat area of the taxicab with lettering and numbering at least

1918 1.5 inches high. If the operator is not the owner, as defined in Section
 1919 53-101, the name, telephone number, and business address of the owner
 1920 must similarly be prominently displayed.

1921 (f) A licensee must post a rate chart issued by the Department in the
 1922 taxicab in a location conspicuously visible to any passenger.

1923 **53-232. Doors; lettering; color; special equipment.**

1924 (a) Each taxicab operated in the County must have at least 3 doors. All
 1925 doors must operate safely.

1926 (b) A licensee or driver must not operate a taxicab unless the taxicab bears
 1927 markings in letters plainly distinguishable and not less than 3 inches
 1928 high, on each of the 2 sides of the taxicab, showing the approved name
 1929 and telephone number of the fleet or association by whom the taxicab is
 1930 owned or operated, and the word "taxicab," "taxi" or "cab."

1931 (c) All taxicabs in a fleet or association must be uniform in color.
 1932 However, the Director may approve advertising in different colors or
 1933 markings as long as the public can still readily identify taxicabs
 1934 operated by that licensee, or the use of a set of different colors and
 1935 markings to identify a specialized service provided by or geographic
 1936 area served by a fleet or association. Any color combination approved
 1937 by the Department must be reserved for the exclusive use of that fleet or
 1938 association when the fleet or association is operating taxicabs in the
 1939 County.

1940 (d) Each licensee must insure that each fleet or association uses only the
 1941 approved name of the fleet or association in advertising or listing its
 1942 service to the public.

1943 **53-233. Cruising lights.**

1944 Each taxicab must have cruising lights that operate electrically as a sign or

1945 insignia mounted on the forward portion of the roof of the taxicab. These lights must
 1946 not be used until approved by the Department. These lights must be designed so that
 1947 the vehicle can be easily identified as a taxicab.

1948 **53-234. Seat belts.**

1949 Each taxicab must have one set of seat belts for the driver and each passenger.
 1950 The seat belts must be easily accessible and in good working order.

1951 **53-235. Taxicab meters.**

1952 (a) Each taxicab must be equipped with an accurate, properly installed and
 1953 connected taximeter which has a security seal affixed by the
 1954 Department.

1955 (b) In addition to regular inspections, the Department may conduct periodic
 1956 tests of these meters. Upon successful completion of the tests, the
 1957 taximeter must be affixed with a security seal. These tests should be
 1958 scheduled in a manner that minimizes interruption of taxicab service to
 1959 the public.

1960 (c) Except as otherwise specified, the requirements for approval and
 1961 methods of testing and operation of taximeters must conform to
 1962 specifications, tolerances, and standards for taximeters set out in
 1963 national standards or established by applicable regulation.

1964 (d) A person must not alter the meter or change the mechanical condition of
 1965 wheels, tires, or gears of any taxicab with the intent to cause incorrect
 1966 registration by the meter of the fare charged to any passenger.

1967 **53-236. Inspections.**

1968 (a) Each licensee must allow the Director to make reasonable inspections of
 1969 any vehicle licensed to operate under this Chapter, and must allow the
 1970 Director to examine any business record, including any maintenance
 1971 record, in-service inquiry or dispatching record required to analyze data

1972 and enforce this Chapter, and all trip records required under this
 1973 Chapter. Maintenance record includes any record needed to establish
 1974 whether safety repairs have been made, or that reflects the mileage and
 1975 odometer readings of any vehicle.

1976 (b) On the request of any inspector or law enforcement officer, any licensee
 1977 or driver must produce any required license or identification card or a
 1978 valid driver's license.

1979 (c) Each driver must respond to an oral request within 60 minutes when any
 1980 trip record required under Section 315 is requested during a field
 1981 investigation by any inspector or law enforcement officer. Each fleet or
 1982 association must make available a direct telephone line to the
 1983 Department and the County Police Department on which the fleet or
 1984 association must transmit any record it possesses of any trip taken or
 1985 dispatched on the same or the previous day, within 60 minutes after any
 1986 inspector or law enforcement officer requests the record.

1987 (d) Each taxicab licensed under this Chapter must undergo a complete
 1988 inspection of its mechanical condition and any special equipment used
 1989 to transport persons with disabilities every 6 months at a time and place
 1990 designated by the Department. The inspection must be performed by a
 1991 licensed state inspector at a state-certified inspection station in good
 1992 standing. The Director must immediately, without holding a hearing,
 1993 suspend the license of any taxicab in an unsafe physical or mechanical
 1994 condition. The Director must immediately reinstate any unexpired
 1995 suspended license after receiving satisfactory proof that the violation or
 1996 defect has been corrected.

ARTICLE 3. TAXICAB DRIVER IDENTIFICATION CARDS.

Division 1. General Identification Card Provisions.

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

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

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

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

2004 **53-302. Display.**

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

2007 **53-303. Transferability.**

2008 An identification card must not be transferred.

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

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

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

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

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

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

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

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

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

- 2026 (2) a statement regarding whether the applicant has any criminal case
 2027 pending, has ever been convicted or plead no contest or received
 2028 probation before judgment in lieu of a conviction of a crime other
 2029 than a non-incarcerable traffic offense; the nature of each crime,
 2030 the disposition of each matter, and the name, telephone number,
 2031 and address of any parole officer or probation officer or agency
 2032 that may know of the offense or the proper completion of any
 2033 sentence, probation, or parole;
- 2034 (3) an authorization for a complete criminal background check;
- 2035 (4) a copy of the applicant's fingerprints taken by the County Police
 2036 Department or other agency approved by the Department, and
 2037 current photographs of the applicant of a size and character
 2038 required by applicable regulation;
- 2039 (5) a driver's license valid in the applicant's state of residence, and a
 2040 certified copy of the applicant's driving record for a time period
 2041 as required by applicable regulation; and
- 2042 (6) the applicant's statement under oath that all information
 2043 contained in the application is correct and complete.
- 2044 (c) (1) An applicant who has not held an identification card, or who held
 2045 a card that has expired, may apply for a short-term temporary
 2046 identification card under applicable regulations.
- 2047 (2) The Director must not issue a temporary identification card
 2048 unless the applicant has:
- 2049 (A) properly verified his or her identity;
- 2050 (B) a valid driver's license issued by Maryland or a bordering
 2051 state (including the District of Columbia);
- 2052 (C) submitted his or her driving records, as compiled by the

- 2053 appropriate state motor vehicle agency, for the previous 3
 2054 calendar years from any jurisdiction where the applicant
 2055 held a license to drive a motor vehicle;
- 2056 (D) undergone a criminal background check, conducted by the
 2057 appropriate state agency, showing that the applicant is not
 2058 disqualified because of a criminal conviction, receipt of
 2059 probation before judgment in lieu of a conviction, or
 2060 pending criminal charge from operating a taxicab; and
- 2061 (E) passed the examination required under Section 53-308.
- 2062 (3) After March 1, 2006, the Director must not issue a temporary or
 2063 annual identification card unless the applicant has shown, through
 2064 a complete criminal background check, that the applicant is not
 2065 disqualified for any reason mentioned in Section 53-309(a).
- 2066 (4) Any temporary identification card issued under this subsection
 2067 must differ conspicuously in style and color from the annual
 2068 identification card.
- 2069 (5) A temporary identification card expires on the earlier of:
- 2070 (A) 5 days after the Department receives the results of the
 2071 nationwide criminal background check; or
- 2072 (B) 90 days after the card was issued.
- 2073 (6) The holder of a temporary identification card must return it to the
 2074 Department, without further proceedings, on the earlier of:
- 2075 (A) the day the Department issues the holder an annual
 2076 identification card under this Chapter;
- 2077 (B) the 90th day after the card was issued; or
- 2078 (C) 1 day after the Department notifies the holder that the card
 2079 has expired under subsection (c)(5)(A).

2080 **53-307. Physician's certificate.**

2081 (a) Before the Director issues an identification card, including a temporary
 2082 card issued under Section 53-306(c), the applicant must furnish a
 2083 physician's certificate, issued within the previous 30 days, which
 2084 certifies that:

2085 (1) the applicant has been given a physical examination, including an
 2086 initial tuberculosis test and any other test required by applicable
 2087 regulation; and

2088 (2) the applicant is free from any communicable disease, and is not
 2089 subject to any physical or mental impairment that could:

2090 (A) adversely affect the applicant's ability to drive safely; or

2091 (B) otherwise endanger the public health, safety, or welfare.

2092 (b) As part of the renewal process, each applicant must submit another
 2093 physician's certificate containing the same information every second
 2094 year.

2095 (c) After issuing an identification card, the Director must require a driver to
 2096 furnish a physician's certificate, issued within 30 days, containing the
 2097 same information, if the Director has reason to believe that the driver
 2098 may have any physical or mental impairment that could:

2099 (1) adversely affect the driver's ability to drive safely; or

2100 (2) otherwise endanger the public health, safety, or welfare.

2101 **53-308. Examination of applicant.**

2102 Before issuing an identification card, the Director must require the applicant to
 2103 show that the applicant is able to:

2104 (a) perform the duties and responsibilities of a taxicab driver; and

2105 (b) pass an examination on knowledge of traffic laws, duties under this
 2106 Chapter, and general qualifications to operate a taxicab in the County.

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

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

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

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

2117 (2) any sex offense;

2118 (3) soliciting for prostitution;

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

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

2121 (6) violation of any gaming law;

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

2123 (8) any act of moral turpitude;

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

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

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

- 2134 (e) who is unable to safely operate a taxicab, or who may otherwise
 2135 endanger the public health, safety, or welfare, or who would be unable
 2136 to fulfill the duties of a driver as required by applicable regulation;
 2137 (f) who has substantial delinquent debts to the County, State, or Federal
 2138 government; or
 2139 (g) whose record of violations of this Chapter or other laws or regulations
 2140 of the County, State, or any other jurisdiction indicates to the Director
 2141 that to protect public safety an identification card should not be issued.
 2142 If an identification card is denied or revoked, the applicant is not eligible to
 2143 reapply for 2 years, unless the Director for good cause otherwise orders.

2144 **53-310. Expiration of identification card.**

2145 The first identification card issued to a person under this Chapter expires one
 2146 year after it is issued. Any later identification card expires 2 years after it is issued.

2147 **Division 3. Duties of Drivers.**

2148 **53-311. Taxicabs from other jurisdictions.**

- 2149 (a) This Chapter does not prohibit a driver from bringing passengers into
 2150 the County if the trip originated in a jurisdiction where the driver and
 2151 the taxicab are authorized to operate.
 2152 (b) Except to the extent expressly permitted by federal or state law, a person
 2153 who does not have a license and identification card issued by the
 2154 County must not solicit business or pick up and transport passengers in
 2155 the County unless a passenger engaged the taxicab to bring the
 2156 passenger into the County, wait for the passenger, and then take the
 2157 passenger to another location.
 2158 (c) The Director may enter into reciprocal agreements with other
 2159 jurisdictions regarding the ability of taxicabs licensed elsewhere to pick
 2160 up and carry passengers in the County.

2161 (d) Any taxicab licensed in the County must only provide trips that either
 2162 begin or end in the County, except a trip:

2163 (1) dispatched under the operational procedure of the Metropolitan
 2164 Airports Authority; or

2165 (2) provided under a contract approved by the Director and on file
 2166 with the Department.

2167 (e) Any taxicab operating under a license issued under this Chapter must
 2168 not obtain or operate under a license to provide taxicab service in any
 2169 other jurisdiction.

2170 **53-312. Notice of change of address.**

2171 Each driver must notify the Department, in writing, not less than 2 business
 2172 days after changing a business or residential address or required telephone number.

2173 **53-313. Duty to accept and convey passengers.**

2174 (a) Each driver of a taxicab must accept any passenger and convey any
 2175 passenger where directed upon dispatch or request, unless:

2176 (1) the taxicab is out of service;

2177 (2) the driver is expressly committed to another passenger, or

2178 (3) the driver is prohibited by this Chapter or another law or
 2179 regulation from accepting the passenger.

2180 (b) A driver must not refuse to transport a passenger because of the
 2181 passenger's disability, race, color, marital status, religious creed, age,
 2182 sex, national origin, sexual orientation, or geographic location.

2183 (c) A driver may refuse to transport a passenger if the driver reasonably
 2184 believes the driver's life or safety is in danger.

2185 (d) Any driver who refuses to transport a passenger must:

2186 (1) immediately report the incident and circumstances to the
 2187 dispatcher, and

2188 (2) submit a written report to the Department on a form approved by
 2189 the Director not later than 2 business days after the incident.

2190 **53-314. Passenger receipts.**

2191 A driver must give each passenger a receipt showing the name of the fleet or
 2192 association, the taxicab number, the time and place of origin and destination of each
 2193 trip, and the amount of the fare, on a form authorized by the Department, unless the
 2194 passenger declines to receive the receipt.

2195 **53-315. Trip records.**

2196 (a) Each driver must keep an original written record, for a period of 6
 2197 months, of all in-service trips on a form approved by the Department.

2198 Each in-service trip must be entered on the trip record at the point of
 2199 pickup.

2200 (b) The driver must submit trip records to the Department whenever the
 2201 Director requires.

2202 (c) Each trip record must include the date, the driver's starting and ending
 2203 time, and the taxicab's starting and ending mileage for the driver's work
 2204 day.

2205 (d) Each rest break the driver takes must be entered on the trip record.

2206 **53-316. Out of service notice.**

2207 When a taxicab is not operating, the driver must display a notice visible to the
 2208 public that the taxicab is out of service. This notice must take a form approved by
 2209 the Director.

2210 **53-317. Parking at taxicab stands.**

2211 (a) A driver must not park in a taxicab stand unless:

2212 (1) the taxicab is in service,

2213 (2) the driver is in or within 50 feet of the taxicab, and is awake, and

2214 (3) the driver is clearly visible from the taxicab and the area adjacent

2215 to it.

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

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

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

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

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

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

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

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

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

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

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

2242 the card to be used by any other person.

2243 **53-322. Hours of operation.**

2244 A full time driver must not drive a taxicab more than 12 hours during any 24-
 2245 hour period. A part-time driver must not drive a taxicab more than 4 hours during
 2246 any 24-hour period in which the driver is otherwise employed for 8 or more hours.

2247 **53-323. Driver and passengers only permitted in vehicle; exception.**

2248 When a taxicab is in service, a person other than the driver and the passengers
 2249 must not be allowed in the taxicab, except:

- 2250 (a) a person participating in a driver training program operated by the
- 2251 licensee; or
- 2252 (b) a passenger's personal care attendant.

2253 **53-324. Maximum number of passengers.**

2254 A driver must not carry more people in a taxicab than the number designated
 2255 on the license.

2256 **53-325. Group riding.**

- 2257 (a) A taxicab may be used to jointly serve passengers who have not
- 2258 previously notified the driver or dispatcher of their intention to travel
- 2259 together and whose trips either begin or end at different locations.
- 2260 (b) Each person sharing a taxicab must consent to share the ride with
- 2261 others.
- 2262 (c) A driver must not solicit other passengers en route to the destination of
- 2263 the passengers who already occupy the taxicab.
- 2264 (d) A person seeking taxicab service must not be refused service so that the
- 2265 driver may try to arrange a more profitable grouping.

2266 **ARTICLE 4. DRIVER AND PASSENGER CONDUCT.**

2267 **53-401. Alcoholic beverages; controlled dangerous substances.**

- 2268 (a) A person may transport alcoholic beverages in a taxicab only if all

2269 beverages are sealed.

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

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

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

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

2277 **ARTICLE 5. ACCESSIBILITY.**

2278 **53-501. Standards.**

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

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

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

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

2287 **53-503. Training.**

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

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

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

2296 of an accessible taxicab must respond to a call for service from a person with a
 2297 disability who uses a wheelchair or scooter and who is located in the same
 2298 geographic zone before accepting any other call. Each licensee must dispatch an
 2299 accessible taxicab to a person with a disability who uses a wheelchair or scooter
 2300 before assigning the accessible taxicab to any other passenger.

2301 **53-505. Accessible taxicab trip records.**

2302 Each driver must keep a current written record of all accessible taxicab trips on
 2303 a form approved by the Department. The driver must submit these trip records to the
 2304 licensee. The licensee must submit quarterly trip records to Department listing the
 2305 number of wheelchair and scooter users transported in each vehicle.

2306 **53-506. Number of accessible taxicab licenses.**

2307 (a) The overall number of accessible taxicab licenses must not be less than
 2308 5% of the total of available County taxicab licenses.

2309 (b) The Department must set the number of new accessible taxicab licenses
 2310 by regulation, based on past and current demand and after consulting the
 2311 Taxicab Services Advisory Committee, the Commission on People with
 2312 Disabilities, and the Department of Health and Human Services.

2313 (c) After considering the recommendations of the Taxicab Services
 2314 Advisory Committee, the Department may establish, by regulation, a
 2315 method to allow temporary replacement of accessible vehicles with
 2316 sedans.

2317 (d) Each fleet and association must provide an adequate number of
 2318 accessible taxicabs to meet service demand 24 hours per day, 7 days a
 2319 week, as required by applicable regulation.

2320 **ARTICLE 6. ENFORCEMENT.**

2321 **53-601. Duty of licensees and drivers generally.**

2322 Each licensee, passenger, and driver must comply with this Chapter and all

2323 applicable laws and regulations.

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

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

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

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

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

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

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

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

- 2345 (1) facts existing before or after the issuance of a license or
 2346 identification card would be cause under this Chapter for the
 2347 Director to refuse to issue or renew the license or card;
 2348 (2) a licensee or driver violated this Chapter or regulations adopted
 2349 under it, or any other applicable federal, state, or County law;

- 2350 (3) a licensee or driver has been convicted of any crime of moral
 2351 turpitude, including a crime of violence, sex offense, or violation
 2352 of a controlled dangerous substance or gaming law;
- 2353 (4) a licensee or driver obtained or attempted to obtain a license or
 2354 identification card by fraud, misrepresentation, false or
 2355 misleading statement, or omission of material facts; or
- 2356 (5) a licensee or driver operated a taxicab, or allowed a taxicab to be
 2357 operated, in a manner that endangered the public health, safety, or
 2358 welfare, or with a record of substandard customer service as
 2359 defined by applicable regulation.
- 2360 **(b)** In addition to the reasons specified in subsection (a), the Director may
 2361 revoke or suspend a license or identification card if:
- 2362 (1) the Department received a consistent pattern of reasonably
 2363 verified complaints against the licensee or driver within any 12
 2364 month period, or the Department received a reasonably verified
 2365 complaint involving a threat to the public health, safety, or
 2366 welfare;
- 2367 (2) the licensee or driver was convicted of, pled no contest to, or was
 2368 placed on probation before judgment for operating a motor
 2369 vehicle under the influence of or while intoxicated with alcohol
 2370 or a controlled dangerous substance, or for reckless driving; or
- 2371 (3) The licensee or driver was convicted of failure to stop after
 2372 involvement in an accident or has a driving record which
 2373 indicates an unsafe driving pattern or disregard for motor vehicle
 2374 laws.
- 2375 **(c)** A revocation or suspension under subsection (a)(3) must remain in
 2376 effect, pending appeal, until the criminal action is concluded.

- 2377 (d) This Section is in addition to any other provision of this Chapter that
 2378 establishes cause to suspend or revoke a license or identification card.
- 2379 (e) A person whose identification card has been revoked must not reapply
 2380 for another identification card for at least 2 years.
- 2381 (f) If the Director finds an immediate threat to the public safety or health,
 2382 the Director, before holding a hearing, may immediately suspend,
 2383 revoke, or deny the issuance or renewal of, a license or identification
 2384 card.

2385 **53-605. Notices of violations and actions.**

2386 In addition to any other notice required by law:

- 2387 (a) the Department must send a copy of any notice of violation issued to a
 2388 driver to the licensee of any vehicle involved in the violation, unless the
 2389 driver is also the licensee; and
- 2390 (b) each fleet or association must notify each affiliate of any action taken or
 2391 proposed action taken regarding any license held by that affiliate, or
 2392 regarding the driver of any taxicab for which the affiliate holds the
 2393 license, of which the fleet or association is aware, if the affiliate is not
 2394 otherwise required to be notified of the action or proposed action.

2395 **ARTICLE 7. HEARINGS, APPEALS, AND JUDICIAL REVIEW.**

2396 **53-701. Administrative appeal of certain denials.**

- 2397 (a) A person may appeal to the Director from a decision of the Department
 2398 refusing to issue or renew a driver identification card or license,
 2399 including the opportunity to compete for a license under the lottery
 2400 procedures of this Chapter because of a lack of qualifications.
- 2401 (b) An appeal must be filed in writing within 15 days after the Director
 2402 sends the person a written decision. If the appellant requests a hearing,
 2403 the Director must provide an opportunity for a hearing under Chapter

2404 2A.

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

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

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

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

2416 (c) The written notice must:

2417 (1) notify the recipient that the Director has found that the license or
 2418 identification card may be subject to suspension or revocation;

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

2420 (3) set a date for a hearing.

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

2425 (e) The hearing may be conducted by the Director or a hearing officer. At
 2426 the hearing, the licensee or driver may present evidence and witnesses
 2427 to refute the grounds cited by the Director to suspend or revoke the
 2428 license or identification card, and the Department and any other person
 2429 may submit relevant evidence. The administrative record compiled by
 2430 the Department under this Chapter must be made part of the hearing

2431 record. After the close of the hearing, the person who conducted the
 2432 hearing must render a decision in writing, giving the reasons for the
 2433 decision. The action taken by the Director is the Department's final
 2434 administrative action and is subject to judicial review.

2435 (f) Any person who requests a copy of the hearing transcript must pay the
 2436 cost of preparing it.

2437 (g) A licensee or driver who does not appear at the hearing waives the right
 2438 to a hearing and consents to the action that the Director proposed in the
 2439 notice. The Director may then suspend or revoke the license or
 2440 identification card as proposed in the notice.

2441 (h) A licensee or driver who does not appear at the hearing must pay the
 2442 costs of the hearing unless that person notifies the Director that he or
 2443 she will not appear at least 5 days before the scheduled hearing. Fees
 2444 and costs for hearings may be established by regulation.

2445 (i) A suspension or revocation takes effect on the earlier of the day that the
 2446 Director's written decision is delivered in person or 3 days after it is
 2447 placed in the U.S. mail, first class, postage prepaid, addressed to the last
 2448 known address of the licensee or driver. To facilitate enforcement of
 2449 this provision, the Director may require the licensee or driver to appear
 2450 at the Director's office at a specific time to receive a copy of the
 2451 decision and surrender the license or identification card. The licensee or
 2452 driver must comply with the Director's order.

2453 **53-703. When effective; surrender of license.**

2454 (a) After receiving notice of a revocation or suspension, unless otherwise
 2455 directed, the licensee or driver must, within 24 hours:

2456 (1) place the license or identification card in the mail, first class,
 2457 postage prepaid, addressed to the Department; or

2458 (2) physically deliver the License or identification card to the
 2459 Department.

2460 (b) If the Department does not receive the license or identification card
 2461 within 48 hours after notification, excluding weekends or a legal
 2462 holiday, or as directed, the licensee or driver has violated this Chapter
 2463 and, in addition to any other penalty that may be imposed, the Director
 2464 or police may:

2465 (1) remove the revoked or suspended license or identification card
 2466 from the taxicab;

2467 (2) seize the taxicab and hold it until the license or identification card
 2468 is surrendered; or

2469 (3) demand the return of the license or identification card by the
 2470 appropriate person.

2471 **53-704. Judicial review - denial, revocation, or suspension.**

2472 (a) Any person aggrieved by the denial, suspension, or revocation of a
 2473 license or identification card may apply for judicial review under the
 2474 applicable Maryland Rules of Procedure.

2475 (b) If a transcript of any administrative proceeding has not been prepared,
 2476 the appellant must pay the cost of preparing the transcript.

2477 (c) The Director's decision to deny a license or driver identification card
 2478 must not be stayed pending judicial review. Final administrative action
 2479 that revokes or suspends, or refuses to renew, a license or identification
 2480 card may be stayed pending judicial review only if the court finds, after
 2481 a full evidentiary hearing, that the public health, safety, or welfare will
 2482 not be endangered during the period of judicial review.

2483 (d) A lottery or other license issuance procedure may proceed while judicial
 2484 review of the denial of a license or the opportunity to compete for a

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

2493 (e) Any decision of the Circuit Court on an appeal under this Section may
 2494 be appealed to the Court of Special Appeals.

2495 *Approved:*

2496	<u>/s/</u>	11/18/04
Steven A. Silverman, President, County Council		Date

2497 *Approved:*

2498	<u>/s/</u>	11/29/04
Douglas M. Duncan, County Executive		Date

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

2500	<u>/s/</u>	11/30/04
Mary A. Edgar, CMC, Clerk of the Council		Date