

Expedited Bill No. 53-14  
Concerning: Taxicabs - Licenses -  
Vehicle Requirements - Driver  
Identification Cards  
Revised: 07/21/2015 Draft No. 8  
Introduced: October 28, 2014  
Enacted: July 21, 2015  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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### AN EXPEDITED ACT to:

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

By amending

Montgomery County Code

Chapter 53, Taxicabs

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

By adding

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

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

1       Sec. 1. Sections 53-101, 53-103, 53-106, 53-110, 53-201, 53-203, 53-204,  
 2 53-205, 53-209, 53-211, 53-212, 53-213, 53-214, 53-215, 53-216, 53-217, 53-218,  
 3 53-219, 53-221, 53-222, 53-223, 53-224, 53-225, 53-226, 53-227, 53-228, 53-229,  
 4 53-230, 53-231, 53-232, 53-233, 53-234, 53-235, 53-306, 53-307, [[and]] 53-308,  
 5 53-309, 53-310, 53-311, 53-312, 53-313, 53-314, 53-315, 53-316, 53-317, 53-318,  
 6 53-319, 53-320, 53-321, 53-322, 53-323, 53-324, 53-503, 53-505, 53-506, 53-604,  
 7 and 53-702 are amended, and [[Section 53-204A is]] Sections 53-103A, [[and]]  
 8 53-111, and 53-204A are added, as follows:

9       **53-101. Definitions.**

10       In this Chapter, unless the context indicates otherwise:

11                               \*       \*       \*

12       *Association* means [[5 or more]] individual licensees who join together to  
 13 form a business entity to provide taxicab service utilizing a single trade name  
 14 consisting of a minimum of six licenses.

15                               \*       \*       \*

16       [[*Committee*]] Commission means the Taxicab Services [[Advisory  
 17 Committee]] Commission.

18                               \*       \*       \*

19       *Dispatch* means the traditional methods of pre-arranging vehicle-for-hire  
 20 service, including through telephone or radio.

21                               \*       \*       \*

22       *Entity* means a legally formed business organization in good standing,  
 23 including any form of sole proprietorship, limited liability company, cooperative,  
 24 corporation or partnership.

25       *Fleet* means any entity that holds in its own name [[5]] six or more licenses.

26                               \*       \*       \*

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

\* \* \*

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

\* \* \*

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

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

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

\* \* \*

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

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

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

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

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

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

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

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

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

- 89 (1) at least one public hearing;  
90 (2) solicitation of comments from stakeholders;  
91 (3) an evaluation of:  
92 (A) the economic condition of the taxicab industry; and  
93 (B) the adequacy of service rendered by the industry.

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

- 99 (1) changes to the number of licenses in circulation;  
100 (2) changes in taxicab rates set under Section 53-106;  
101 (3) changes in fees set under Section 53-107;  
102 (4) changes in insurance requirements under Section 53-225 or  
103 applicable regulation;  
104 (5) changes to the accessibility requirements under Article 5;  
105 (6) changes to the affiliation and dispatch requirements under this  
106 Chapter; and

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

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

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

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

\* \* \*

#### **53-106. Rates.**

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

\* \* \*

#### **53-110. [[Customer service requirements]] Centralized electronic dispatch system.**

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

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

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

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

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

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

136 (b) These regulations must also include:

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



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

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

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

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

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

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

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

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

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

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

(b) Maximum lease, sublicense, and affiliation rates, and other charges that a licensee may charge a driver, must be set at amounts determined by the Executive to:

(1) enable the licensee to receive adequate revenues to pay the licensee's reasonable expenses and receive a fair and reasonable rate of return on the licensee's investment; and

(2) provide drivers with an opportunity to earn a fair and reasonable income.

(c) In determining the maximum lease rates, the Executive must consider:

(1) vehicle, equipment and license costs;

(2) asset depreciation;

(3) the costs of insurance, operation and maintenance, uninsured repairs, wages and salaries, garage storage, taxes, fees, two-way dispatching and administration, as well as all other periodic expenses paid by the licensee; and

(4) any other factors that the Executive considers appropriate to further the purposes of this Chapter.

(d) The Executive must periodically review the maximum lease, sublicense, and affiliation rates, and other charges that a licensee may charge a driver, to ensure that the rates and charges are consistent with the objectives expressed in this section.

(e) The Executive may require all licensees to provide such financial information as may be reasonably necessary to establish maximum rates and charges allowed under this Section. Information submitted under this subsection is confidential and must not be disclosed to the public.

## ARTICLE 2. TAXICAB LICENSES.

**Division 1. General License Provisions.**

**53-201. Required.**

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

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

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

311 \* \* \*

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

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

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

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

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

(1) the holder of a fleet license notifies the Department in writing of the proposed grant not less than 30 days before the date of the proposed grant, specifying all terms and conditions of the proposed grant and the identity of the proposed grantee;

(2) the Director finds that the proposed grantee meets all requirements for a licensee under this Chapter and applicable regulations; and

(3) the Director approves the grant of the sublicense.

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

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

**53-204A. Sublicenses.**

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

(b) A sublicense may be granted only if:

(1) the holder of a fleet license notifies the Department in writing of the proposed grant not less than 30 days before the date of the proposed grant, specifying all terms and conditions of the proposed grant and the identity of the proposed grantee;

(2) the Director finds that the proposed grantee meets all requirements for a licensee under this Chapter and applicable regulations; and

(3) the Director approves the grant of the sublicense.

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

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

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

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

359 \* \* \*

360 (c) *Individual allocation.* Of the new or reissued licenses issued in any 2-  
 361 year period, ~~[[20%]]~~ at least 50% must be allocated to individuals who:

- 362 (1) have held a Taxicab Driver Identification Card, and have  
 363 regularly driven a taxicab in the County, during the preceding  
 364 three years;  
 365 (2) have a superior driving record, as defined by regulation; and  
 366 (3) do not already hold a license under this Chapter.

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



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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

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

(A) senior citizens;

(B) people with disabilities;

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

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

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

(3) similar transportation services.

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

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

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

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

- (1) when the vehicle is no longer eligible to provide the required service; or
- (2) if the Director revokes the license because the service is no longer needed or was underused during a reasonable time after the license was issued.

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

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

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

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

- (1) [[detailing]] details all accidents involving any of its taxicabs to the Department on a form approved by the Director; and
- (2) shows the mileage driven by the vehicle associated with each license.

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

\* \* \*

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

\* \* \*

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

480 Chapter [[and the customer service standards adopted under this  
481 Chapter]].

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

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

- 492 (1) applies to each driver, including affiliates of the licensee; and
- 493 (2) prevails over any inconsistent contract or other agreement  
494 between a licensee and an affiliate or a driver.

495 (e) Any contract or other operating agreement between a licensee and any  
496 affiliate or driver must use the applicable uniform agreement adopted  
497 by regulation under Section 53-111 and must:

- 498 (1) inform the driver of:
  - 499 (A) the driver's obligation to comply with all requirements of  
500 this Chapter [[and the customer service standards adopted  
501 under this Chapter]]; and
  - 502 (B) the licensee's obligation to take appropriate action when  
503 the licensee becomes aware that a driver has not complied  
504 with any requirement of this Chapter [[or customer service  
505 standard]];

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

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

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

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

541 (a) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

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

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

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



587 mediation of the dispute, pursuant to paragraph (3). If the parties  
588 fail to agree to mediation, either party may elect to proceed to  
589 arbitration, pursuant to paragraph (4).

590 (3) Informal or formal mediation.

591 (A) within two weeks after the internal grievance procedure  
592 has been concluded, any party requesting mediation must  
593 submit a written notice requesting mediation to all parties.

594 (B) within two weeks after such notice has been submitted, the  
595 parties may agree to an impartial person to mediate the  
596 dispute in an informal process. If the parties do not agree  
597 to informal mediation, the party requesting mediation  
598 must submit a written Request for Mediation to the  
599 American Arbitration Association (AAA). If the parties  
600 are unable to agree to mediation, either party may elect to  
601 proceed to arbitration, pursuant to paragraph (4).

602 (C) a request for mediation must contain a brief statement of  
603 the dispute, and the names and addresses and telephone  
604 numbers of each party to the dispute.

605 (D) the mediator must notify all parties of the time, date and  
606 place of the mediation.

607 (E) the costs of the mediation must be borne equally by the  
608 parties unless they agree otherwise in writing.

609 (F) the mediation conducted by AAA must be in substantial  
610 accord with the American Arbitration Association  
611 Commercial Mediation Rules, M-1 through M-17.

612 (G) the mediator may end the mediation if, in the sole  
613 discretion of the mediator, the continuation of the  
614 mediation would not be useful.

615 (H) the parties in mediation must use their best efforts to  
616 resolve the issues in controversy and the mediator may  
617 execute a written settlement agreement if agreed on by the  
618 parties but may not impose a settlement on the parties.

619 (4) Where neither the internal grievance procedure nor mediation, if  
620 attempted, has resolved the dispute, either party may submit the  
621 matter to arbitration, which is binding upon the parties. Such  
622 arbitration must be conducted as follows:

623 (A) within two weeks after the mediation process or the  
624 internal grievance procedure has been concluded, the party  
625 requesting arbitration must submit a written notice of  
626 intent to arbitrate to all parties.

627 (B) within two weeks after such notice has been submitted, an  
628 impartial person to arbitrate the dispute must be agreed  
629 upon by the parties, or, if the parties do not agree, the party  
630 requesting arbitration must submit a written request for  
631 arbitration to the (AAA) and simultaneously mail a copy  
632 of the request for arbitration to every party to the dispute.

633 (C) a request for arbitration must contain a brief statement of  
634 the dispute, and the names and addresses and telephone  
635 numbers of each party to the dispute.

636 (D) the arbitrator must notify all parties and their  
637 representatives, if any, of the time, date and place of the  
638 arbitration.

(E) the costs of the arbitration must be borne by the party which does not prevail, unless the parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if there is no prevailing party.

(F) the arbitration, whether conducted by AAA or another arbitrator chosen by the parties, must be in substantial accord with the American Arbitration Association Commercial Arbitration Rules, R-1 through R-56.

(G) the arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator, continuation of the hearing would not be useful.

(H) within two weeks after the arbitration hearing has been concluded, the arbitrator must render an award in writing, which must be binding upon the parties and which may be enforced by any court having jurisdiction over the parties.

\* \* \*

### **53-221. Operating requirements.**

Each fleet and association must:

(a) provide [[its own]] centralized administrative, vehicle maintenance, customer service, complaint resolution, dispatch, management, marketing, operational, and driver training services located in the County, or at one or more [[other]] locations approved by the Director[, that are physically separate from any other association or fleet]]. A fleet or association may obtain these services, with the approval of the Director:

(1) from another person or entity who does not hold, or have an interest in, a license issued under this Chapter; or

(2) from another fleet or association if the Director finds that joint operations of this type:

(A) would promote competition and improve customer service; and

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

\* \* \*

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

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

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

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

- (1) uses calendar-quarterly reports submitted by each fleet and association showing mileage driven by each vehicle associated with a license held by, or affiliated with, each fleet and association; and
- (2) requires average per-vehicle mileage to be at least 60% of the County-wide average for each quarter, unless the Director, by written request, waives the requirement.

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

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

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

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

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

781 \* \* \*

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

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

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

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



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

802 \* \* \*

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

804 \* \* \*

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

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

813 \* \* \*

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

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

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

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

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

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

846 \* \* \*

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

848 \* \* \*

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

- 850 (a) Each taxicab must be equipped with:

- 851           (1) an accurate, properly installed and connected taximeter which  
 852               has a security seal affixed by the Department[.]; or  
 853           (2) a reliable, independently verifiable software-based metering  
 854               system, approved by the Department.
- 855       (b) In addition to regular inspections, the Department may conduct periodic  
 856       tests of these meters or metering systems. Upon successful completion  
 857       of the tests, [the] a taximeter must be affixed with a security seal, and a  
 858       software-based metering system must be marked in a manner  
 859       acceptable to the Department. These tests should be scheduled in a  
 860       manner that minimizes interruption of taxicab service to the public.

861                               \*       \*       \*

862   **[[53-236]] 53-235. Inspections.**

863                               \*       \*       \*

- 864       (d) Each taxicab licensed under this Chapter must undergo a complete  
 865       inspection of its mechanical condition and any special equipment used  
 866       to transport persons with disabilities every [[6]] 12 months at a time and  
 867       place designated by the Department. The inspection must be performed  
 868       by a licensed state inspector at a state-certified inspection station in  
 869       good standing. The Director must immediately, without holding a  
 870       hearing, suspend the license of any taxicab in an unsafe physical or  
 871       mechanical condition. The Director must immediately reinstate any  
 872       unexpired suspended license after receiving satisfactory proof that the  
 873       violation or defect has been corrected.

874                               \*       \*       \*

875   **53-306. Application; temporary card.**

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

\* \* \*

- (c) (1) An applicant who has not held an identification card, or who held a card that has expired, may apply for a short-term temporary identification card under applicable regulations.
- (2) The Director must not issue a temporary identification card unless the applicant has:
- (A) properly verified his or her identity;
  - (B) a valid driver's license issued by Maryland or a bordering state (including the District of Columbia);
  - (C) submitted his or her driving records, as compiled by the appropriate state motor vehicle agency, for the previous ~~[[3]]~~ three calendar years from any jurisdiction where the applicant held a license to drive a motor vehicle; and
  - (D) undergone a criminal background check, conducted by the appropriate state agency, showing that the applicant is not disqualified because of a criminal conviction, receipt of probation before judgment in lieu of a conviction, or pending criminal charge from operating a taxicab[; and]
  - [(E) passed the examination required under Section 53-308].
- (3) ~~[After August 31, 2007, the]~~ The Director must not issue a temporary or annual identification card unless the applicant has shown, through a complete criminal background check, that the applicant is not disqualified for any reason mentioned in Section 53-309(a).
- (4) Any temporary identification card issued under this subsection must differ conspicuously in style and color from the annual identification card.

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

985

\* \* \*

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

987

\* \* \*

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

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

994       (b)   Any system or service used to process credit card transactions must:  
 995           (1)   be compliant with all applicable tax laws;  
 996           (2)   accept payment through any County user-side subsidy program;  
 997           and  
 998           (3)   be approved by the Director.

999

\* \* \*

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

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

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

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



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

1013 \* \* \*

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

1015 \* \* \*

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

1017 \* \* \*

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

1019 \* \* \*

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

1021 \* \* \*

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

1023 \* \* \*

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

1025 \* \* \*

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

1027 \* \* \*

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

1029 \* \* \*

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

1031 \* \* \*

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

1033 \* \* \*

1034 **53-503. Training.**

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

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

1041 \* \* \*

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

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

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

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

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

1093 \* \* \*

1094 (c) The written notice must:

- 1095 (1) notify the recipient that the Director has suspended or revoked  
 1096 the license or the identification card or found that the license or  
 1097 identification card may be subject to suspension or revocation;  
 1098 (2) specify the grounds for the Director's finding of an immediate  
 1099 suspension or revocation or proposed suspension or revocation;  
 1100 and  
 1101 (3) set a date for a hearing to determine if the Director's action or  
 1102 suggested action is appropriate.

1103 \* \* \*

1104 (g) A licensee or driver who does not appear at the hearing waives the right  
 1105 to a hearing and consents to the action that the Director proposed in the  
 1106 notice or has already taken. The Director may then suspend or revoke  
 1107 the license or identification card as proposed in the notice.

1108 (h) A licensee or driver may surrender his license or identification card in  
 1109 lieu of a hearing. A licensee or driver who surrenders his license or  
 1110 identification card waives his right to a hearing and consents to the  
 1111 action or proposed action of the Director to suspend or revoke.

1112 ~~[(h)]~~(i) A licensee or driver who does not appear at the hearing must pay  
 1113 the costs of the hearing unless that person notifies the Director that he  
 1114 or she will not appear at least ~~[[5]]~~ five days before the scheduled  
 1115 hearing. Fees and costs for hearings may be established by regulation.

1116 ~~[(i)]~~(i) A suspension or revocation takes effect on the earlier of the day  
 1117 that the Director's or hearing officer's written decision is delivered in  
 1118 person or ~~[[3]]~~ three days after it is placed in the U.S. mail, first class,

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

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

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

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

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

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

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

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

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

1159 *Approved:*

1160

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

1161 *Approved:*

1162

Isiah Leggett, County Executive Date

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

1164

Linda M. Lauer, Clerk of the Council Date

1165