

*Clerk's note: Corrected lines 3, 654-684, 759-760, 901 and 1098-1099 to be consistent with Council action: On lines 3 and 654-684, the section reference for certain text amended by the Bill was corrected; on lines 759-760 and 1098-1099, text included in the Bill to be added was underlined; and on line 901, a paragraph reference was changed to reflect renumbering.*

**CORRECTED COPY**

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: July 31, 2015  
Effective: July 31, 2015; certain  
provisions on October 1, 2015  
Sunset Date: None  
Ch. 39, Laws of Mont. Co. 2015

**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, 53-220, 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]]

(2) meet quarterly or more frequently if requested by the County Executive or County Council or if the Chair or Commission finds it necessary;

(3) evaluate the performance of the taxicab industry in serving members of the population with special transportation needs, such as senior citizens and people with disabilities[.]; and

(4) conduct the biennial review of the taxicab industry under Section 53-104.

(c) The [[Committee]] Commission consists of [[5]] four public members and [[4]] seven taxicab industry members. The County Executive [[should]] must appoint members so that:

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

(2) [[two]] three of the [[4]] seven taxicab industry representatives represent management and [[2]] four are taxicab drivers; and

(3) [[one]] two of the [[2]] four drivers [[is an owner-driver]] are owner-drivers and [[one is a]] two are non-owner [[driver]] drivers.

(d) The Director or the Director's representative [[must service as an ex-officio non-voting member. The Director of the Office of Consumer Protection, or the Director's representative,]] and the Chair of the Council Transportation, Infrastructure, Energy and Environment Committee or the Chair's representative must [[also]] serve as [[an]] ex-officio non-voting [[member]] members.

(e) A [[Committee]] Commission member serves for a term of [[3]] three years, or until a successor is confirmed, whichever is later. A member 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

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

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

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

\* \* \*

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

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

#### **[[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.

(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.

(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.

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

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

\* \* \*

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

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

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



(d) *Biennial limit.* During calendar year ~~[[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.

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

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

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

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

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

442 \* \* \*

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

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

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

- 447 ~~[[8]]~~(7) any act of moral turpitude;

448 \* \* \*

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

450 \* \* \*

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

\* \* \*

- (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

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

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

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

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

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

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

A licensee must not impose on a driver or affiliate:

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

**53-219. Dispute Resolution.**

(a) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

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

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

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



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

590 (3) Informal or formal mediation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

654 **53-220. Essential requirements.**

655                                   \*       \*       \*

- 656           (c) operate under ~~[[uniform]]~~ colors and markings approved by the  
657                   Director;
- 658           (d) ~~[[submit a customer service plan as required by applicable regulations~~  
659                   that specifies how the fleet or association will achieve the plan's goals  
660                   for safe, reliable customer service and on-time performance;
- 661           (e)] submit accurate, verifiable operating and statistical data reports as  
662                   required under this Chapter;
- 663           ~~[[f)]~~(e) provide an adequate number of taxicabs to meet service demand 24  
664                   hours a day, 7 days a week, as defined by applicable regulations; and

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

668 Each fleet and association must:

- 676 (1) from another person or entity who does not hold, or have an  
677 interest in, a license issued under this Chapter; or
- 678 (2) from another fleet or association if the Director finds that joint  
679 operations of this type:
- 680 (A) would promote competition and improve customer  
681 service; and
- 682 (B) would not impair the independence of any fleet or  
683 association;

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

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

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

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

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

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

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

\* \* \*

**[[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



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

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

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

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

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

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

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

\* \* \*

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

\* \* \*

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

- (a) Each taxicab must be equipped with:

(1) an accurate, properly installed and connected taximeter which has a security seal affixed by the Department[.]; or

(2) a reliable, independently verifiable software-based metering system, approved by the Department.

(b) In addition to regular inspections, the Department may conduct periodic tests of these meters or metering systems. Upon successful completion of the tests, [the] a taximeter must be affixed with a security seal, and a software-based metering system must be marked in a manner acceptable to the Department. These tests should be scheduled in a manner that minimizes interruption of taxicab service to the public.

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

878

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

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

884 (A) properly verified his or her identity;

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

887 (C) submitted his or her driving records, as compiled by the  
888 appropriate state motor vehicle agency, for the previous  
889 ~~[[3]]~~ three calendar years from any jurisdiction where the  
890 applicant held a license to drive a motor vehicle; and

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

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

897 (3) [After August 31, 2007, the] The Director must not issue a  
898 temporary or annual identification card unless the applicant has  
899 shown, through a complete criminal background check, that the  
900 applicant is not disqualified for any reason mentioned in Section  
901 ~~[53-309(a)]~~ 53-308(a).

902 (4) Any temporary identification card issued under this subsection  
903 must differ conspicuously in style and color from the annual  
904 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.**

\* \* \*

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

\* \* \*

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

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

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

(1) be compliant with all applicable tax laws;

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

and

(3) be approved by the Director.

\* \* \*

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

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

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

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



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

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

\* \* \*

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

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

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

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

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

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

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

(e) The Department must develop a plan for increasing the number of 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)]~~(j) 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.

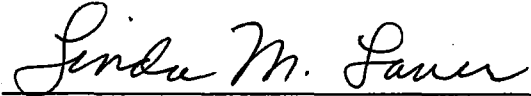
1159 *Approved:*

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

1161 *Approved:*

1162  July 31, 2015  
 \_\_\_\_\_  
 Isiah Leggett, County Executive Date

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

1164  8/5/2015  
 \_\_\_\_\_  
 Linda M. Lauer, Clerk of the Council Date

1165