

## MEMORANDUM

**Committee members should bring the packet and addendum from the January 26 worksession.**

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Josh Hamlin, Legislative Attorney 

SUBJECT: **Worksession:** Expedited Bill 53-14, Taxicabs – Licenses – Vehicle Requirements – Driver Identification Cards; Bill 54-14, Taxicabs – Transportation Network Service Requirements; and Bill 55-14, Taxicabs – Centralized Electronic Dispatch System.

Expedited Bill 53-14, Taxicabs – Licenses – Vehicle Requirements – Driver Identification Cards sponsored by Councilmembers Floreen, Berliner, Riemer, and then Council President Rice; Bill 54-14, Taxicabs – Transportation Network Service - Requirements, sponsored by Councilmembers Berliner and Floreen; and Bill 55-14, Taxicabs – Centralized Electronic Dispatch System, sponsored by Councilmember Riemer, were introduced on October 28, 2014. A public hearing on all three Bills was held on December 2, 2014.

**Expedited Bill 53-14** would:

- permit the holder of a fleet Passenger Vehicle License to grant a sublicense to another person;
- increase the age limits for vehicles used as taxicabs;
- amend certain requirements for color and markings of vehicles used as taxicabs;
- allow software-based meters to be used in taxicabs; and
- amend certain requirements for temporary identification cards for taxicab drivers.

**Bill 54-14** would:

- require a transportation network application company to obtain a license to operate in the County;
- require a transportation network application company and transportation network operator to meet certain registration requirements;
- require a vehicle used to provide transportation network service to meet certain standards;
- require a transportation network application company and transportation network operator to be insured; and
- require a transportation network application company and transportation network operator to meet certain accessibility standards.

**Bill 55-14** would require the County Department of Transportation (DOT) to implement a centralized electronic taxicab dispatch system, and permit the Director to require certain taxicab operators to participate in the centralized electronic taxicab dispatch system.

## **December 2, 2014 Public Hearing**

The T&E Committee held a public hearing on all three Bills on December 2, 2014. There were 30 speakers at the hearing, representing a wide range of perspectives on the issues covered in the Bills. Public hearing testimony is summarized and included in the packet for the January 26 worksession.

## **January 26, 2015 T&E Worksession**

The Committee held its first worksession on the Bills on January 26, 2015. The packet for that worksession raised a number of issues of common concern to the owners and operators of “traditional” regulated taxicabs and the TNCs and drivers that Bill 54-14 would regulate. These issues also encompass many of the amendments to existing law regulating taxicabs that are proposed in Expedited Bill 53-14. The Committee discussed the issues of insurance, fares/ratesetting, driver background checks, and began discussion of the question of licensing both TNCs and TNC drivers.

### **Issues for Committee Discussion in this Worksession**

The Committee began, but did not complete, its consideration of the licensing issue, and has yet to discuss the issues related to vehicle standards, accessibility, data and trip records, and customer service. This worksession will focus on licensing, vehicle standards, data and trip records, and customer service, as well as proposed changes to Chapter 53 received from the Coalition for a Competitive Taxicab Industry (“CCTI”) after the introduction of the Bills. The issue of accessibility of TNCs and taxicabs, the centralized digital dispatch that is the subject of Bill 55-14, and concerns raised by a number of taxicab drivers through the Montgomery County Professional Drivers Union (“MCPDU”) about their relationships with taxicab companies will be discussed at the next worksession, to be scheduled.

Circle numbers referenced up to 230 are in the January 26 packet, and circle numbers 231-258 are in the January 26 addendum.

### ***Licensing***

*Should TNOs be licensed at the County level? If so, should the number of licensed TNOs be limited, or should the number of TNOs logged on to a TNC's digital dispatch be limited?*

Bill 54-14 would require a TNC to obtain a license to operate in the County. To obtain a license, a TNC would have to supply proof that it: 1) is licensed to do business in the State; 2) has a resident agent in the County; 3) maintains a website containing certain information; and 4) has the required insurance coverage. See lines 68-84 at ©19-20 of Bill 54-14. TNOs would not be licensed separately at the County level under Bill 54-14, but would have to register with the TNC after undergoing a background check as described above. The TNC would be required to maintain and supply to the Department a current registry of TNOs and vehicles registered with the TNC. See lines 90-91 at ©20 of Bill 54-14.

The licensing scheme for taxicabs under Chapter 53 is essentially a two-tiered system, as discussed on page 3, above. Taxicab vehicles are licensed through the issuance of PVLs, and the driver identification card system is a de facto licensing of drivers.

Expedited Bill 53-14 would alter the existing law related to taxicab licensing in two key ways. The Bill would amend the existing law to allow a fleet PVL holder to grant a sublicense to a vehicle owner to provide taxicab service under the license. See lines 7-33 at ©2-3. This amendment is an effort to expand the pool of available taxicab drivers. Current law requires that a license be issued only to the owner of each taxicab. Staff recommends discussing this issue at the next worksession, where driver issues, including existing vehicle leasing agreements, will be discussed. Expedited Bill 53-14 would also adjust some of the requirements for obtaining a temporary driver identification card in an effort to shorten the time required to get qualified taxicab drivers on the road. See lines 105-180 at ©5-8.

- **Uber:** Uber requests deletion of the requirement to “provide to the Department” a current registry of TNOs and vehicles registered with the TNC. Uber asserts that this is confidential business information, and its disclosure would put the company at a competitive disadvantage. However, lack of this information would severely impair enforcement, as the Department would have no way of knowing how many TNOs and TNC vehicles are on the road, and would not have an effective way to determine if any given TNO or vehicle is registered as required under the law.
- **Lyft:** Lyft also requests an amendment to delete Bill 54-14’s requirement that the company provide a TNO and vehicle registry to the Department, for the reasons offered by Uber. As an alternative, Lyft has submitted alternative language which would: (1) require a TNC to provide within 72 hours, upon request, to the police chief or designee “information relevant to” a “formal, non-criminal complaint” regarding a TNO or vehicle; (2) permit the Department to conduct an annual audit of a TNC’s background check processes; and (3) require the County to take certain steps when responding to public records requests for records obtained from a TNC, including giving the TNC notice of the request prior to releasing any records. See ©175.
- **CCTI:** CCTI proposes to retain the TNC licensing provisions, but also to license TNOs individually (using the term “TNC License”), and provides for an initial issuance of 100 TNC Licenses in 2015, with provisions for additional issuances in future years. As an alternative to this cap on the number of TNC Licenses, CCTI has developed a technological means to limit the number of TNOs operating on a TNC app to 100 at any given time. See ©176-177. CCTI also proposes to require TNC vehicles have a “Class B” registration with the State Motor Vehicle Administration (MVA), and to subject TNOs to the same Driver Identification Card requirements as taxicab drivers.

Three key sub-issues make up the licensing question for Committee consideration: potential County licensing of TNOs; a potential cap on the number of such licenses; and the registration of TNC vehicles as “Class B” with the MVA.

*County licensing of TNOs as taxicab drivers.* State law requires all operators of motor vehicles for hire to have a for-hire driver’s license issued by the PSC, unless the operator is licensed by a county or municipal corporation as a taxicab driver, after the conduct of criminal

record and driving record checks by the county or municipal corporation. See § 10-103 of Public Utilities Article of the Maryland Code. In light of this provision, it would appear that all TNC drivers would need a PSC-issued license unless the County licenses the drivers as taxicab drivers. Such a license would require the County to conduct the background checks of the drivers.

*Limit on the number of County licenses.* As mentioned above, CCTI has requested a limit on the number of licenses issued to TNOs in 2015 to 100, or in the alternative, a system setting up a virtual queue under which no more than 100 TNOs could be on the road at any given time. In considering this sub-issue, the Committee should look to the different business models of TNCs and taxicabs. Council staff is not aware of any jurisdiction regulating TNCs that has placed a cap on the number permitted to operate. As discussed on page 7, Seattle passed a law that included a cap, but repealed it and replaced it with a law that did not include a limit on TNC vehicles.

*“Class B” registration.* The “Class B” registration in Maryland is the State’s taxicab and sedan registration. A key feature of this registration is that issuance requires an inspection by the appropriate regulatory body (in this case, the County as taxicab regulator).<sup>1</sup> Bill 54-14 does not require this registration for TNC vehicles, while CCTI requests that it be a requirement. The fact that TNC vehicles are typically private vehicles, often used as for-hire vehicles on a part-time basis warrants consideration in determining whether to require “Class B” registration.

### ***Vehicle Standards***

*Should TNC vehicles and taxicab vehicles be subject to different appearance and maintenance standards?*

Under Bill 54-14’s provisions, vehicles used to provide transportation network service would be subject to age limits and initial and annual safety inspection requirements. Each vehicle must have a manufacturer’s rated seating capacity of 8 persons or fewer, have at least 4 doors and meet all applicable federal motor vehicle safety standards for vehicles of its size, type, and proposed use; and be no more than 10 model years old at entry into service and no more than 12 model years old while in service. See lines 210-217 at ©24-25 of Bill 54-14. Additionally, a TNC must certify that each vehicle have an annual state-required safety inspection; or an initial safety inspection within 90 days before entering service by a licensed mechanic in an inspection station authorized by the State of Maryland, the District of Columbia, or the Commonwealth of Virginia to perform vehicle safety inspections, and must annually verify the safety inspection status of each vehicle after the initial verification is conducted. See lines 102-110 at ©20-21 of Bill 54-14.

Under the provisions of Chapter 53, taxicab vehicles are subject to a number of requirements. Prior to obtaining a PVL, an applicant must provide a mechanical inspection certificate from a state-certified inspection station that shows that the vehicle is mechanically safe. MCC § 53-224. Each taxicab must be registered as a “Class B” for-hire vehicle with the Maryland Motor Vehicle Administration. MCC § 53-226. Taxicabs are subject to a “continuous operation” requirement, and PVLs for inactive taxicabs may be revoked for lack of use. MCC §§

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<sup>1</sup> <http://www.mva.maryland.gov/about-mva/info/27300/27300-26T.htm#Taxi>

53-227, 53-228. A taxicab must not be more than four model years old when placed in service, and must not be more than seven model years old when used to provide taxicab service in the County. MCC §§ 53-228, 53-229. A licensee must maintain the vehicle in generally clean and safe operating condition. MCC § 53-230. Specific lettering, marking, and vehicle number display requirements apply to taxicabs, as does a uniform fleet color requirement. MCC §§ 53-231 through 233. Taxicabs must have “an accurate, properly installed and connected taximeter which has a security seal affixed by the Department.” MCC § 53-235. Each taxicab must undergo an inspection of its mechanical condition every six months at a time and place designated by the Department, and each licensee must permit reasonable inspections by the Director. MCC § 53-236.

Expedited Bill 53-14 would make a number of changes to the vehicle requirements applicable to taxicabs. It would change the age limitations on taxicabs by one year, to no more than five model years when placed in service, and no more than eight model years when in service. See lines 36-47 at ©3. It would also make the numbering, lettering, and color requirements less restrictive. See lines 49-90 at ©3-5. Finally, it would allow taxicabs, as an alternative to the current “hard” meter requirement, to be equipped with “a reliable, independently verifiable software-based metering system, approved by the Department.” See lines 91-103 at ©5. All of these changes are intended to allow currently licensed taxicabs to operate and deliver services in a manner similar to TNC vehicles.

- **Uber:** No substantive issues with the provisions of Bill 54-14.
- **Lyft:** No substantive issues with the provisions of Bill 54-14.
- **CCTI:** The CCTI proposal adopts the increase of age limits for taxicabs by one year, and proposes to limit the age of TNC vehicles to 10 years. The proposal also would require identical mechanical and maintenance standards to TNC vehicles and taxicabs.

There does not appear to be any dispute as to whether TNC vehicles should be required to have the lettering, numbering, and marking requirements applied to taxicabs. In fact, CCTI is seeking the relaxation of some of these requirements as applied to taxicabs. With regard to vehicle inspection and maintenance standards, there is some divergence in the positions of the TNCs and CCTI. As with driver background checks, it is difficult to find a clear distinction in the need or justification for different inspection, maintenance, and age standards for TNC vehicles versus taxicabs. Two characteristics of the TNC model may provide justification for different standards: (1) the fact that TNC vehicles are personal vehicles often used part-time to provide for-hire driving services may support a different age limit for the vehicles; and (2) the rating systems used by TNCs such as Uber and Lyft, that perform a sort of self-regulation that is not present in the taxicab model, may obviate the need for identical inspection standards.

### ***Data/Trip Records***

*Should TNCs and taxicabs be subject to different data reporting requirements?*

Bill 54-14 would require TNCs to provide certain information about drivers, trips, and vehicles to the Department. As mentioned previously, a TNC must maintain and provide a current registry of each TNO and vehicle registered with the TNC. Also, a TNC must maintain

any records required by the Department to enforce this Section, and as required by the Department or regulation, the TNC must transmit aggregate trip data collected by a digital dispatch or taxicab meter system to the Department for all trips. See lines 155-160 at ©22-23 of Bill 54-14.

As noted on page 3 of the packet for the January 26 worksession, taxicabs are required to compile and submit to the Department annually certain trip data. The data required is related to the number of trips, the number of vehicles, and revenue.

- **Uber:** Uber requests deletion of language allowing requirement by the Department or regulation to transmit aggregate trip data. Uber claims this data is proprietary, and that is concerned about protecting its passengers' privacy.
- **Lyft:** Lyft also objects to the required transmittal of trip data for essentially the same reasons stated by Uber.
- **CCTI:** CCTI requests eliminating requirement that licensees submit quarterly accident reports (MCC § 53-218), and the requirement for taxi drivers to keep paper trip records (MCC § 53-315), calling the requirement unnecessary with the computerized data kept by the fleets. As an alternative, CCTI proposes to codify, generally, the reporting requirement applicable to taxicabs by regulation, and also apply it to TNCs. Specifically, the CCTI proposal would require an annual report containing the following information:
  - Total number of trips requested;
  - Total number of trips serviced;
  - Total paid miles driven;
  - Total revenue from trips originating or terminating in the County;
  - Total revenue derived from Surge Pricing; and
  - Average number of vehicles providing Taxicab Service by month

It has been widely observed that the information compiled by TNCs could be of great value to governments in improving vehicle-for-hire service and transportation planning generally (©182-186). However, TNCs have been traditionally resistant to turning over trip data to regulating governments. However, recently Uber has begun sharing anonymized data concerning trips using the service (©187-188). In Boston, Uber will provide quarterly reports with trip logs showing the date and time each ride began and ended, the distance traveled and the zip codes where people were picked up and dropped off. By removing customer-identifying information, the TNCs can protect their customers' privacy, while still providing valuable information to the County. The Committee may wish to consider imposing anonymized trip data reporting requirements on TNCs similar to the reports Uber will be submitting in Boston.

With regard to CCTI's requested deletions of accident reporting and trip record-keeping requirements, it is hard to understand the public benefit of the requests. While the keeping of written records by drivers may be unnecessary based on the record-keeping practices of fleets, the requirement that trip records be kept, by the driver or by the fleet, in written or electronic form, should be retained.

### ***Customer Service***

Bill 54-14 does not impose specific customer service standards on TNCs. The rating systems utilized by TNCs function as a sort of self-regulation in that area.<sup>2</sup> The effectiveness of the ratings system is evidenced by the high levels of satisfaction expressed by TNC users.<sup>3</sup> Existing TNCs are known to be protective of their brand, with stories of drivers being deactivated because of low ratings.<sup>4</sup> In order to ensure that customer complaints are addressed in a timely manner, the Committee may wish to consider requiring a TNC to have a local office with customer service agents available by telephone or in person.

In contrast, Chapter 53 requires customer service standards for taxicabs to be set by Executive regulation. MCC § 53-110 (©189-190). Since this requirement was enacted in 2004, these regulations have not been approved. In addition, MCC § 53-222 requires each fleet and association to submit to the Director a Customer Service Plan

- **Uber:** No substantive issues with the provisions of Bill 54-14.
- **Lyft:** No substantive issues with the provisions of Bill 54-14.
- **CCTI:** CCTI proposes to eliminate the customer service requirements and customer service plan sections in their entirety.

By most accounts, TNCs have been successful in the marketplace in large part because they deliver a superior customer experience. The Committee may wish to consider whether additional customer service safeguards are necessary, or whether it is necessary to legislatively require a rating system or other sort of self-regulating mechanism. It is possible to conceive of a circumstance where TNCs are the dominant mode of for-hire transportation, and the competitive need to maintain high customer service standards wanes.

With regard to CCTI's requested deletion of the existing, though unimplemented, customer service requirements, the Committee may consider general satisfaction or dissatisfaction with taxicab service in the County. The deletion of the customer service plan requirement should be considered similarly. If existing customer service is acceptable and has reached and attained that level in the absence of the regulations, then perhaps the requirement is not necessary.

### ***CCTI Requested Changes to Chapter 53***

After the introduction of the Bills, CCTI submitted a proposed comprehensive revision of Chapter 53 (the "CCTI Draft"). For a summary of the changes, see ©259-262; the CCTI Draft is at ©263-303. The CCTI draft embodies the changes proposed in Expedited Bill 53-14 and Bill 55-14, CCTI's proposals for regulation of TNCs as described in the packet for the January 26 worksession and above, and a few other changes not proposed in any of the Bills. CCTI proposals not already discussed, or slated for discussion at the next worksession, include

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<sup>2</sup> A description of Lyft's rating system can be accessed at <https://www.lyft.com/help/article/1453135>. A brief discussion of Uber's rating system is at <http://blog.uber.com/feedback>

<sup>3</sup> There is significant dissatisfaction expressed about surge pricing, which has been addressed earlier in this memorandum. The focus of this part of the discussion is customer satisfaction with the driver and vehicle.

<sup>4</sup> See the testimony of Hal "Cory" Druskin at the public hearing on the Bills at ©96-97.

amendments pertaining to enforcement, the transfer of PVLs, the requirement that taxicabs be kept in continuous operation, and the requirement that drivers be subject to an examination to demonstrate fitness to be a taxicab driver as a condition of the issuance of a driver identification card.

### Enforcement

CCTI proposes to add the impoundment of vehicles to the penalties for violations of the Chapter. Currently, MCC § 53-603 provides that violations are Class A violations, subject to a maximum fine of \$1,000, and authorizes the Executive to establish by regulation a schedule of fines for violations. The adopted schedule of fines is in COMCOR 53.603.01 ©304-310. The impoundment provision proposed in the CCTI Draft would allow impoundment of both taxicabs and TNC vehicles being operated in violation of the law.

Impoundment is not an uncommon penalty for violation of taxicab laws. The District of Columbia routinely impounds taxicabs operating in violation of the District taxicab law. On the other hand, Prince George's County does not. In deciding whether to add impoundment as a penalty, in addition to the fines currently provided for under the law, the Committee should consider the scope of the problem and the likelihood of adding the ability to impound violators' vehicles to solve it.

Taking the second consideration first, in order for impoundment to positively impact the ability of the County to stop violations of Chapter 53, there must be dedicated resources to take advantage of this tool. There are currently two County taxicab inspectors, and they are currently responsible for cosmetic inspections of taxicabs, as well as meter inspections. Impounding vehicles would almost certainly demand more of their time than writing citations, and would also require the transport of vehicles to an impound lot. Regarding the scope of the problem, it would be appropriate to inquire of the Department as to the number of violations cited. The Committee should also keep in mind that the impact of impoundment will fall largely on drivers – taxicab companies will still presumably be entitled to lease payments from the drivers, but as long as the cars are impounded, the drivers will not be able to earn money to pay the leases. Also depending on the number and length of time the vehicles are impounded, the impoundment of County-licensed taxicabs could have the effect of taking them out of service for extended periods of time (see the discussion of the continuous use requirement, below).

### Transfer of PVLs

Under current law, all transfers of PVLs must be approved by the Director of DOT, and the law prohibits the Director from approving 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. It also prohibits the approval of the transfer of a license to an individual of a license issued to a fleet if: (1) the same fleet has already transferred more than 2 licenses to individuals during that calendar year; or (2) the transfer would result in individuals holding more than 30% of the total number of licenses then in effect. Finally, the law generally prohibits the approval of a transfer of a license if the license was issued or transferred within the previous 3 years.

The CCTI Draft includes amendments to MCC § 53-204 that would remove the above-described restrictions on the transfer of PVLs. Transfers would still be subject to the approval of the Director under the process set forth in MCC § 53-204(b) as follows:

- (b) A license may be transferred only if:
  - (1) the licensee notifies the Department in writing of the proposed transfer not less than 30 days before the date of the proposed transfer, specifying all terms and conditions of the proposed transfer and the identity of the proposed transferee;
  - (2) the Director finds that the proposed transferee meets all requirements of this Chapter and applicable regulations; and
  - (3) the licensee surrenders the license when the Director approves the transfer.

*How is the removal of restrictions on the transferability of PVLs in the public interest?*

The restrictions on the transfer of PVLs from fleets to individuals – no more than two per year, and no more than 30% of the licenses in effect to be held by individuals – are based on the two-fold rationale of preventing fleets from taking windfall profits based on the market prices of the licenses and limiting the fragmentation of the taxicab industry. The market forces in 2004, when these provisions were enacted, clearly differ from those today. Certainly, the market value of PVLs has diminished with the entry of TNCs into the marketplace, and the increasing number on individual TNC drivers may render the attempt to prevent the fragmentation of the industry an academic exercise. It should also be noted that the advocacy group representing at least some taxicab drivers when Chapter 53 was last comprehensively amended in 2004<sup>5</sup> did not support a limitation on the percentage of individual ownership of licenses. This group actually advocated for much greater individual ownership, while retaining an affiliation requirement.

The current law's restriction on a transferee holding more than 40% of the licenses in effect is a clear attempt to prevent a consolidation in the industry, leading to diminished competition and presumably less incentive to deliver quality service. Again, with the entry of TNCs to the for-hire transportation market, competition for a large, and likely growing, percentage of the rides<sup>6</sup> is essentially guaranteed, regardless of any consolidation of existing licenses. That said, if the Committee believes that it remains important to prevent consolidation, this restriction could be retained while the other restrictions are removed.

In considering this issue, the Committee should consider the impact of a centralized electronic dispatch as proposed in Bill 55-14 on the necessity to retain a fleet-based inventory of taxicabs, and may also want to inquire of the drivers as to whether they support removing the restrictions of transferability of PVLs. This issue could be further explored at the next worksession where those matters will be the primary subjects of discussion.

#### Continuous Operation

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<sup>5</sup> The group in 2004 was called Cabdrivers Allied for Better Service (CABS).

<sup>6</sup> TNCs do not compete with traditional taxicabs for street hails, or rides booked by telephone, but the number of rides booked by app-based dispatch is growing and, for a variety of reasons, will almost certainly continue to grow.

MCC § 53-227 requires that taxicabs must be kept in service continuously, as follows:

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

Further, MCC § 53-228(f) requires the following:

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

CCTI proposes the deletion of MCC § 53-227 in its entirety and the deletion of MCC § 53-228(f).

*How is the deletion of the continuous operation requirement in the public interest?*

The number of PVLs issued is intended to ensure that the number of taxicabs in operation is adequate to meet the public need for taxicab services. One of the criteria for the issuance of new licenses under MCC § 53-205 is that the issuance must "be based on public convenience and necessity, such as the need for more taxicab services in the County generally or in certain geographic areas of the County, or for certain types of passengers, as shown by such measurements as taxi utilization rates and response times . . ." Presumably, that number is based on the licenses taxicabs being in continuous operation.

To allow a licensee to hold a license for an out-of-service vehicle for an extended period would seem to compromise that intent to meet public need. Alternatively, it may be that since the entry of TNCs into the for-hire transportation market, the number of issued licenses exceed the public's need. However, if that is the case, the County under current law could revoke for lack of use and essentially "retire" the unneeded license. It is not clear to staff how the riding public would benefit in any way from the deletion of the continuous use requirement.

#### Driver Examination

Current law requires applicants for a driver identification card to pass an examination measuring certain skills necessary to provide high quality taxi service. MCC § 53-308 imposes the following requirement:

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

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

CCTI proposes the deletion of Section 53-308 in its entirety.

*How is the deletion of the driver examination in the public interest?*

The driver exam assesses an applicant's qualifications to drive a taxicab in the County, and specifically tests knowledge of traffic laws, map-reading, customer service skills such as knowledge of County geography and making change, and knowledge of Chapter 53. In the last decade, taxicabs have become increasingly GPS-enabled, and it is likely that there has been an increase in the number of fares paid by credit card. Map-reading, County geography, and change-making skills are probably less critical to providing a high level of service than they used to be. Knowledge of traffic laws and Chapter 53 have not changed in importance. If the Committee believes that it is necessary to retain some form of driver examination, it may wish to consider streamlining it to include only the most important skills. The Committee should also keep in mind that, should it require licensing of TNC drivers, it would face the question of whether they would also be subject to the examination requirement.

This packet contains:

Circle #

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CCTI Draft	263
COMCOR 53.603.01	304

## **SYNOPSIS OF CHAPTER 53 REVISIONS OFFERED BY CCTI**

In response to the three bills recently introduced by the Montgomery County Council, CCTI, the County taxi trade group, proposes a fully integrated rewrite of Chapter 53 of the Montgomery County Code. The recent developments in technology, coupled with the entry of new transportation providers that employ this technology, have challenged traditional for-hire transportation providers as well as regulators. Many of these innovations are a boon to the riding public, however, some of the new entrants have benefited from their avoidance of existing regulatory controls, creating a volatile and potentially dangerous marketplace.

In recognition of these challenges, CCTI offers a new vision of the local for-hire ground transportation market. This version of Chapter 53 attempts to simultaneously address the following issues and concerns:

- permit the entry of Transportation Network Companies (“TNCs”) into the Montgomery County taxi market
- create a licensing and regulatory framework for all providers that will permit more choice for passengers while maintaining a high level of public safety and transparency
- create a fair regulatory scheme that will treat new entrants and existing providers fairly
- create better economic opportunities for drivers
- insure that the transportation needs of the economically and physically disadvantaged will continue to be met and improved
- remove archaic and unnecessary regulations that have stifled innovation
- provide regulators and law enforcement with clearer guidance and more effective enforcement tools

Below is a brief synopsis of the changes being offered by CCTI:

1. **Liability Insurance (53-223).** CCTI proposes that all for-hire transportation providers should be treated equally and that the liability limits for such businesses be maintained at either the levels required by the Maryland Public Service Commission (50/100/25) or the highest regional limits as required by Montgomery County (100/300/25). CCTI also continues to support the requirement that all providers either carry commercial auto liability insurance through an insurance carrier registered to do business in the state or be an approved self-insurer with the Maryland Motor Vehicle Administration. CCTI believes that the hybrid method of insurance for TNC’s is confusing to the general public and potentially deceptive.

2. **Fares and Rate Setting (53-106).** One of the innovations of the new TNCs is the use of “surge” or “dynamic” pricing, a fare setting procedure that allows for rapid adaptation to existing market forces. CCTI embraces this innovation, but believes there should be limits in order to avoid price gouging and customer confusion. For passengers that do not book rides through a Digital Dispatch system or telephone application, the fares shall continue to be set by the Director based upon time and distance. All such fares shall be tracked by a meter, which may include a programmable “soft meter.” (53-232). Taxi fleets and TNCs may set their own fares, if trips are booked through a Digital Dispatch system or telephone application so long as the passenger, prior to accepting the ride, is advised of: the fare calculation method, the rate being charged, an estimated fare and whether any surge pricing escalator is being used. CCTI advocates that all surge multipliers be pre-approved by the Director who shall determine whether the surge pricing’s purpose is to address levels of service rather than to penalize the public through exorbitant fares.
3. **Driver Background Checks (53-306).** CCTI continues to advocate for all drivers to clear a criminal background check through the CJIS fingerprint system which has been proven to be an effective, efficient and inexpensive system that is used state-wide.
4. **Licensing of TNCs and TNC Operators (53-210, 53-212).** TNC Operators and their vehicles must be licensed by Montgomery County. This could be one license that encompasses both the operator and the vehicle. Each TNC Operator must affiliate with a county registered TNC. CCTI also recommends a cap on the total number of vehicles providing taxicab service, with an initial offering of 100 new licenses in 2015. Alternatively, TNCs could have a greater number of vehicles licensed provided they agree to implement a queueing system that would limit the number of vehicles operating in the county to the same limit of 100. CCTI proposes that all TNCs that wish to provide taxicab service in Montgomery County be registered. (53-212). Registration would require the TNC to provide basic contact information to the County, as well as proof that customers are being provided information concerning customer service complaints and related matters. TNCs would also be required to provide the County with a listing of operators and vehicles. TNC Operators should be licensed in the same manner as taxi operators. (53-210).
5. **Vehicle Standards.** CCTI proposes that all TNC Operators have their vehicles registered with “Class B” tags. CCTI continues to advocate for a relaxation of the vehicle marking requirements for taxis (53-228 and 229), however, TNCs need not have any identifying marking except a licensing decal or other identifier. (53-202). All for hire transportation vehicles should have a mechanical and cosmetic inspections one time per year (53-222), especially as private vehicles in the state are not required to have periodic mechanical or cosmetic inspections. All TNC and taxi

vehicles should continue to be required to have Maryland Class "B" tags. (53-224). CCTI supports the change to allow taxis to be up to eight model years old, rather than the current 7, and agrees that TNC vehicles should not be more than 10 model years old. (53-226).

6. **Accessibility for the Disabled. (53-501 et seq.).** Taxi fleets and TNCs must all provide service to the disabled community by assuring that at least 5% of the vehicles controlled must be wheel chair accessible and that no operator refuses a passenger due to disability. All operators must also participate in the user-side subsidy programs, however, CCTI suggests that TNCs may elect not to participate in the program by paying a per-passenger surcharge, to be determined by the Director, to underwrite the cost of such programs and the cost on those who participate. (53-221).
7. **Data and Trip Records (53-111).** CCTI proposes eliminating the requirement for taxi drivers to keep paper manifests. This requirement is unnecessary with the computerized data kept by the fleets. CCTI advocates eliminating many of the current reporting requirements including the abolishment of the onerous customer service reporting requirements, currently found at 53-110. In their stead, CCTI advocates a simple annual report to be filed by all taxi fleets and TNCs. The information to be reported is: 1) total number of trips requested; 2) number of trips serviced; 3) total paid miles driven; 4) total revenue miles from trips originating in the County; 5) total revenue derived from surge pricing; and average number of vehicles providing taxicab service per month.
8. **Customer Service.** CCTI advocates the elimination of the customer service reporting requirements as discussed above. CCTI supports maintaining the taxicab hotline currently in use and proposes that it be extended to the TNC's. While they currently are using their own driver rating system, nothing requires them to continue to do so or maintain their allegedly high standards. The County needs to maintain the ability to take appropriate action against drivers for serious complaints.
9. **Enforcement.** CCTI believe the current code provides inadequate enforcement measures, particularly against unlicensed operators. Unlicensed operators providing illegal taxicab service in Montgomery County, be they taxis from other jurisdictions, sedan operators or unlicensed TNCs, will have their vehicles immediately impounded. (53-603). Any additional personnel for this enforcement may be paid for with the licensing fees on TNC's and TNC Operators.
10. **Other Provisions.** CCTI recommends the elimination of the prohibition against sales of Passenger Vehicle Licenses (53-204). There should be no requirement as to the length of time an individual or fleet must hold a PVL. The current "continuous operation" provision (53-227) should be stricken to allow fleets and operators to determine how best to serve the public. The taxi driver test should be eliminated or at the very least updated and applied to both taxi drivers and TNC Operators. Taxi

Fleets should be permitted to lease their PVLs to vehicle owners to allow for more part-time operators and greater ability for owners to provide service. (53-210).

**Sec. 53-101. Definitions.**

In this Chapter, unless the context indicates otherwise:

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

*Association* means 510 or more ~~individual~~ taxicab licensees who join together to form a business entity to provide taxicab service.

~~Committee~~ means the ~~Taxicab Services Advisory Committee~~.

~~Department~~ means the Montgomery County Department of Transportation.

Digital Dispatch means the hardware and software applications and networks, including mobile phone applications, which passengers and operators use to obtain and provide taxicab service.

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

*Driver* means an individual authorized to operate a ~~taxicab~~ motor vehicle under this Chapter and issued a ~~Taxicab~~ Driver Identification Card or TNC License.

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

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

*Fleet* means any entity that holds in its own name 510 or more ~~licenses~~ PVLs.

~~In service~~ Immediate Service means the ~~operation~~ request for passenger transportation for compensation which is to occur within 30 minutes of a taxicab on any roadway in the County ~~whentime of the driver is not displaying an approved out of service sign or notice~~ request.

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

*Licensee* means an individual, entity, NC or fleet to whom the Director has issued either a PVL or a license TNC License.

*Out of service* means a taxicab that:

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

*Owner* means an individual or entity that:

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

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

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

*Passenger* means a person who engages a taxicab or TNC Vehicle for hire.

*Passenger Vehicle License ("PVL")* means a license to provide taxicab service using a specified motor vehicle.

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

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

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

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

*Surge Pricing* means an increase in a base fare that is computed by use of a multiplier to be employed by Licensees at designated times to accommodate periods where the demand for Taxicab Service is increased.

~~*Taxicab* means a motor vehicle that:~~

~~(1) is designed or configured to carry 7 or fewer persons, not including the operator;~~

~~(2) is used to provide for-hire taxicab service in the County, and;~~

~~(3) either:~~

~~(A) appears to be a taxicab or otherwise for hire;~~

~~(B) has been issued and displays the words "taxi," "cab," or "taxicab" anywhere on the vehicle; or~~  
has a valid PVL;

~~(C) (4) is advertised or held out to the public as a taxicab; or and~~

~~(D) (5) is used to respond to an immediate request permitted to provide Immediate Service for passenger transportation; for compensation.~~

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

~~*Taxicab Service* means carrying transporting 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 under this Chapter; or by Regulations;~~

~~(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 trip requested by the passenger, regardless of the method of the request, that is scheduled to occur at any time, including a request for service-Immediate Service; and~~

~~(3) where at least one terminus of the trip is located in Montgomery County.~~

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

*Transfer:*

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

(2) if the licensee is a business entity, includes the transfer of 50 percent or more of the stock, voting rights, membership interest, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or a series of separate transactions. (2004 L.M.C., ch. 27, § 1; 2008 L.M.C., ch. 5, § 1.)

~~Editor's note 2008 L.M.C., ch. 5, § 3, states: Sec. 3. Any regulation in effect when this Act takes effect that implements a function transferred to another Department or Office under Section 1 of this Act continues in effect, but any reference in any regulation to the Department from which the function was transferred must be treated as referring to the Department to which the function is transferred. The transfer of a function under this Act does not affect any right of a party to any legal proceeding begun before this Act took effect.~~

*Transportation Network Company ("TNC")* means an entity registered to do business in the State of Maryland that uses a digital dispatch network or software application to connect a passenger to persons or entities that provide ground transportation for compensation, including, but not limited to, TNC Operators.

*TNC License* means the license issued by the Department to a qualified TNC Operator.

*Transportation Network Operator ("TNC Operator")* means an individual or entity that operates a motor vehicle which:

(1) is owned or leased by the individual or entity;

(2) is used to provide ground transportation for compensation;

(3) is not a taxicab;

(4) does not provide Taxicab Service in the County, except as permitted in this Chapter;

and

(5) accepts passengers from a TNC.

*TNC Vehicle* means a motor vehicle owned by a TNC Operator which has a TNC License.

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

This Chapter is enforced by the Director, the County Police Department, any other law enforcement agency, and any other County department or office assigned by the County Executive. ~~(2004 L.M.C., ch. 27, § (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-103. Provision of Taxicab Services**

- ~~—(a) The County Executive must appoint, subject to confirmation by the County Council, a Taxicab Services Advisory Committee.~~
- ~~—(b) The Committee must:~~
  - ~~—(1) advise the Director in carrying out duties and functions under this Chapter; and~~
  - ~~—(2) evaluate the performance of the taxicab industry in serving members of the population with special transportation needs, such as senior citizens and people with disabilities.~~
- ~~—(c) The Committee consists of 5 public members and 4 taxicab industry members. The County Executive should appoint members so that:~~
  - ~~—(1) one public member represents senior citizens, and another public member represents people with disabilities;~~
  - ~~—(2) two of the 4 taxicab industry representatives represent management and 2 are taxicab drivers; and~~
  - ~~—(3) one of the 2 drivers is an owner driver and one is a non-owner driver.~~
- ~~—(d) The Director or the Director's representative must service as an ex-officio non-voting member. The Director of the Office of Consumer Protection, or the Director's representative, must also serve as an ex-officio non-voting member.~~
- ~~—(e) A Committee member serves for a term of 3 years, or until a successor is confirmed, whichever is later. A member must not serve more than 2 consecutive full terms. A person appointed to fill a vacancy serves for the remainder of the predecessor's term.~~
- ~~—(f) The Committee must annually select one public member as chair. (2004 L.M.C., ch. 27, § 1; 2005 L.M.C., ch. 26, § 1.)~~
  - a) No motor vehicle may be used to provide taxicab services in Montgomery County unless a PVL or a TNC License has been issued to that vehicle.
  - b) Registered TNCs and licensed TNC operators may perform all taxicab services, as defined herein, except no TNC Operator may obtain fares by traditional street hail, or sit at a designated taxicab stand.

**Sec. 53-104. Regulations.**

Unless otherwise specified in this Chapter, the County Executive may adopt regulations under method (2) to administer this Chapter. ~~(2004 L.M.C., ch. 27, § (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-105. Administrative record.**

The Director must keep an accurate record of every identification card and license application for a reasonable time. The record should include all relevant information and material pertaining to the application and any license or identification card that is issued. ~~(2004 L.M.C., ch. 27, § (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-106. Rates.**

- (a) ~~\_\_\_~~ The County Executive must set taxicab rates for trips other than those booked through a Digital Dispatch by a TNC, Fleet, Association or the County's centralized Dispatch system as set forth in Section 53-110. Taxi rates shall be established by regulation to promote the public interest after holding a public hearing.
- (b) Rates charged for trips scheduled through a Digital Dispatch must be filed with the Director and considering the recommendations of the Committee comply with either:
  - ~~\_\_\_~~ To encourage ride sharing ~~\_\_\_~~ (1) applicable rate regulations; or
  - ~~\_\_\_~~ (2) a time and other innovative distance or surge pricing rate set by the TNC, Fleet or Association.
- (c) If a Fleet, Association or TNC charges a rate or fare other than the metered taxicab services, the regulation may require a licensee rate, before the passenger books a vehicle the provider must disclose to accept certain payment methods the passenger:
  - ~~\_\_\_~~ (1) the fare calculation method;
  - ~~\_\_\_~~ (2) the applicable rate being charged;
  - ~~\_\_\_~~ (3) the amount and charge rates method of calculation of any surge pricing in effect; and
  - ~~\_\_\_~~ (4) the option for the passenger to receive an estimated fare.
- (d) In order to promote the public interest, the Director must approve, in advance, the multiplier(s) that are may be used in surge pricing. The Director must find that the actual purpose and effect of surge pricing is to provide more vehicles on the road to increase the level of service. Surge pricing may not taximeter based be used to limit the actual demand for trips. All Fleets, Associations and TNCs must provide the Director with data that will support the surge multipliers sought.

~~(e)~~

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

~~(d)~~

(f) A person must not charge for taxicab service except as allowed under applicable regulations or subsection (e). ~~(2004 L.M.C., ch. 27, §~~ this Section. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-107. Fees.**

(a) The Council may set, by resolution adopted after a public hearing, fees that the Director must charge to administer this Chapter.

(b) Except as provided in Section 53-206, the Council must not set fees that in the aggregate exceed the cost of administering this Chapter.

(c) A Council resolution adopted under this section takes effect if the Executive:

(1) approves the resolution;

(2) disapproves the resolution within 10 days after it is adopted and the Council readopts it by a vote of six ~~Council members~~ Council members; or

(2) does not act within 10 days after the Council adopts the resolution. ~~(2004 L.M.C., ch. 27, §~~ (2004 L.M.C., ch. 27, § 1; 2005 L.M.C., ch. 37, §2005 L.M.C., ch. 37, § 1.)

**Sec. 53-108. Taxicab stands.**

The Director, by notice printed in the County Register, may designate taxicab stands for the exclusive use of taxicabs where they are required in the public interest. ~~(2004 L.M.C., ch. 27, §~~ (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-109. Duplicates.**

Upon proof satisfactory to the Department that a license or identification card has been lost or destroyed, the Department must issue a duplicate license or identification card to the licensee or driver,

after the licensee or driver has paid the required fee, unless the license or identification card has been revoked or suspended under this Chapter. ~~(2004 L.M.C., ch. 27, § 1.) (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-110. Centralized Electronic Dispatch System.**

~~Sec. 53-110. Customer service requirements.~~

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

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

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

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

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

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

~~—(b) These regulations must also include:~~

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

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

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

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

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

~~—(6) guidelines for procedures each fleet or association must employ to keep each person who calls for service informed of the status of that person's request;~~

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

~~—(8) the percentage of calls for prearranged service that should be picked up within 10 minutes, and the percentage of calls for immediate service that should be picked up within 20 minutes. The Executive by regulation may set a different response standard for each type of service. "Prearranged service" is service requested, by telephone or electronically, at least 2 hours before the passenger is scheduled to be picked up.~~

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

~~—(d) The Director, after consulting the Taxicab Services Advisory Committee, may use any reasonable mechanism to collect more data that may be used to measure and evaluate customer service performance, including complaint data, customer surveys, and service sampling techniques. (2004 L.M.C., ch. 27, § 1.)~~

(a) The Director shall establish a centralized electronic dispatch system to dispatch taxicabs for trips that begin or end in the County through an Internet-enabled application, digital platform, or telephone dispatch system.

- (b) The Director may enter into a contract with a third-party contractor through the County procurement process to create, manage and/or operate the system.
- (c) The Director may require every Taxicab to participate in the system and may further require each Taxicab Driver to pay a reasonable dispatch fee for any trip accepted by said operator.
- (d) The system must maintain verifiable records, in a form prescribed by the Director, summarizing responses to requests for service made under the system. The Director shall have full access to all records maintained by the system.
- (e) Nothing in this Section prohibits a Taxi Driver from being affiliated with, or dispatched by, any other dispatch system.

**Sec 53-111. Annual Reports.**

All fleets, associations and TNCs must provide to the Department an annual report, due on or before August 30 of each calendar year, which shall disclose information for the previous fiscal year to include:

- (1) total number of trips requested;
- (2) total number of trips serviced;
- (3) total paid miles driven;
- (4) total revenue from trips originating or terminating in the County;
- (5) total revenue derived from surge pricing; and
- (6) average number of vehicles providing service by month.

**ARTICLE 2. TAXICAB LICENSES.**

**Division 1. General License Provisions.**

**Sec. 53-201. Required.**

(a) A person must not provide ~~taxicab service~~ Taxicab Service without possessing a license License as required under this Chapter. A TNC Operator must also be properly licensed with all applicable Maryland and regional regulatory authorities.

(b) ~~A license~~ Except as provided in subsection (c) (3), a License must be issued only to the owner of each taxicab or TNC vehicle.

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

(1) ~~holds a fleet license; or~~

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

~~(2) holds a sublicense granted by a holder of a fleet PVL and is affiliated with that fleet; or~~

~~(3) has been issued a TNC License~~

(d) A ~~licensee~~Licensee must hold a ~~license~~License for each taxicab or TNC vehicle. (2004 L.M.C., ch. 27, § 1.)

### **Sec. 53-202. Display.**

Each licensee and driver are both responsible for displaying the ~~license~~appropriate License or TNC License prominently in the ~~taxicab~~vehicle at all times in a location that is plainly visible to passengers. (2004 L.M.C., ch. 27, § 1.)

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

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

(b) An individual must not hold a ~~license~~PVL originally issued to a fleet or association under this Chapter, and a fleet or association must not hold a license originally issued to an individual under this Chapter, unless the license was lawfully transferred under Section 53-204. (2004 L.M.C., ch. 27, § 1.)

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

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

(b) A ~~license~~License may be transferred only if:

(1) the licensee notifies the Department in writing of the proposed transfer not less than 30 days before the date of the proposed transfer, specifying all terms and conditions of the proposed transfer and the identity of the proposed transferee;

(2) the Director finds that the proposed transferee meets all requirements of this Chapter and applicable regulations; and

(3) the licensee surrenders the ~~license~~License when the Director approves the transfer.

(c) ~~Except in the case of a transfer under subsection (f), a license issued to any licensee may be transferred only if the license was not issued or transferred within the previous 3 years.~~

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

~~(1) the same fleet has already transferred more than 2 licenses to individuals during that calendar year; or~~

~~—(2) the transfer would result in individuals holding more than 30% of the total number of licenses then in effect.~~

~~—Until December 31, 2009, the Director, after receiving a written request from a licensee, may waive either limit in this subsection on transferring a license issued to a fleet when the Director concludes that a waiver is necessary to avert a potential significant loss of service or to preserve or promote adequate taxicab service in all areas of the County, and the waiver will not reduce or impair competition, public welfare, and public safety. If the Director waives either limit for a fleet, the Director must at the same time waive the same limit for each other fleet so that each fleet's share of the waivers approved for all fleets is at least the 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 licensee that held more than 40% of the licenses in effect on October 1, 2004, or the sale or transfer of all or a majority of the licenses held by that licensee.~~

~~—(f) A security interest may be created in a passenger vehicle licenseLicense 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:~~

~~(1) the licensee and, if different, the proposed holder of the security interest has notified the Director at least 30 days before the security interest would be created of the identities of all parties to and all terms and conditions of the security interest; and~~

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

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

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

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

~~(gd) A transferred licenseLicense is valid for the remainder of the term of the original licenseLicense. (2004 L.M.C., ch. 27, § 1; 2008 L.M.C., ch. 35, § 1.)~~

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

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

(a) *Notice.* The Director may periodically issue new licenseLicenses to qualified applicants or reissue any licenseLicense that has been revoked or not renewed under this Chapter, as

provided in this Section. The Director must advertise the availability of these licenses in at least one newspaper of general circulation in the County for 2 consecutive weeks before accepting applications. The Director should also notify, by electronic mail or other reasonable means, any licensee or driver who requests to be notified of the availability of new or reissued licenses.

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

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

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

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

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

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

(3) do not already hold a ~~license~~PVL 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~~PVL under this subsection, the Director may allocate the remaining ~~licenses~~PVLs to individuals who already hold a ~~license~~PVL under this Chapter.

(d) *Biennial limit.* ~~During calendar year 2006~~2015 the Director ~~must not~~shall issue ~~no~~ more than ~~70 new licenses~~100 TNC Licenses. In each ~~later even~~subsequent odd-numbered year, the Director may issue a total number of new ~~licenses~~Licenses that does not exceed 10% of the number of ~~licenses~~Licenses then in effect.

~~(e) Additional licenses—extraordinary authority; population limit.~~ The Director may issue more ~~licenses than are authorized under subsection (d)~~Licenses if the Director finds, after holding a public hearing, that additional taxicabs or TNC Operators 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~~Licenses issued must not exceed 1 license for each 1,000 County residents, as computed in the most recent decennial U.S. Census or any census update published by the appropriate federal agency.

~~(f)~~ *Individual limit.* Notwithstanding any other provision of this Section, the Director must not issue more than 10 new or reissued ~~licenses~~Licenses in any 2-year period to any licensee that holds or controls more than 40% of the ~~licenses~~combined total of PVLs and TNC Licenses then in effect. (2004 L.M.C., ch. 27, § 1; 2006 L.M.C., ch. 32, § 1.)

#### **Sec. 53-206. License issuance; initial fee.**

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

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

(2) pays the initial license fee.

(b) The Council must set the initial license fee by resolution adopted under Section 53-107. In setting the amount of the fee, the Council must consider:

- (1) the County's interest in encouraging competition and improving customer service;
- (2) the value of the license in the private market; and

(3) the cost to the Department of processing applications and issuing the license.—(2004 L.M.C., ch. 27, § 1; 2005 L.M.C., ch. 37, § 1.)

— (c) The license fee set for a TNC License may be different than that for a PVL. (2004 L.M.C., ch. 27, § 1; 2005 L.M.C., ch. 37, § 1.)

### Sec. 53-207. License application.

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

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

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

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

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

(c) the applicant's past customer service record, if the applicant has engaged in taxicab or other transportation service in any jurisdiction;

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

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

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

—(g) the geographic areas the applicant primarily intends to serve, including the extent of the applicant's willingness to serve areas or types of passengers that need additional service. ( (2004 L.M.C., ch. 27, § 1.)

### Sec. 53-208. Individual licenses.

The Director must issue a ~~license~~License to each individual applicant who qualifies under this Chapter, subject to the limits and requirements in Section 205 and the procedures in Section 210. (2004 L.M.C., ch. 27, § 1.)

### Sec. 53-209. Individual license application.

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

- (a) specify which fleet, TNC or association the applicant will affiliate with before putting the ~~taxicab~~vehicle into service;
- (b) hold a valid identification card if the applicant intends to drive a Taxicab or TNC Vehicle;
- (c) describe the applicant's experience driving a ~~taxicab~~Taxicab, TNC Vehicle, or other commercial passenger vehicle, and the applicant's experience as a ~~taxicab driver~~Taxicab Driver in the County;
- ~~(d) present evidence of the applicant's intent to drive the taxicab for 3 years, or if the applicant does not intend to personally drive the taxicab, provide the name of a driver with a valid identification card who is committed and ready to drive the taxicab on a full-time basis;~~
- ~~(e)~~ (d) specify the number and type of consumer complaints regarding taxicab service naming the applicant during the past 12 months;
- (f) have a safe driving record, as defined by applicable regulations;
- (g) list the applicant's name, date of birth, current address, and any address where the applicant resided during the previous 5 years;
- (h) list the applicant's employment during the preceding 10 years; and
- (i) show that the applicant, or if the applicant does not intend to personally drive the ~~taxicab~~vehicle, the driver designated under subsection (d), has provided taxicab service in the County satisfactorily for at least 12 months. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-210. Individual licensePVL lottery.**

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

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

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

- (1) licensesPVLs for accessible taxicabs;
- (2) other new licensesPVLs that become available; and
- (3) any other authorized licensePVL that become available.

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

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

(f) As licensesPVLs become available for reissuance, the Department must notify the applicant highest on the eligibility list that a licensePVL is available and of the applicable

acceptance procedures and deadlines. The Department must send notice by mail to the address listed by the applicant on the application or to any updated address provided by the applicant in writing to the Department. If the taxicab is not placed in service within 90 days after the ~~license~~ PVL is issued, the Director must revoke the applicant's eligibility and notify the next applicant on the eligibility list. The Director may extend the time to place a taxicab in service to permit the taxicab to be retrofitted for use as an accessible taxicab. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-211. Fleet ~~license~~ PVL application.**

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

(a) submit evidence that the fleet provides or will be able to provide ~~its own centralized~~ administrative, managerial, marketing, operational, dispatch, and driver training services;

~~(b) calculate previous taxicab productivity, as measured by the number of daily trips per taxicab or an equivalent measurement approved by the Director, if the applicant has previously provided taxicab service in any jurisdiction;~~

~~(e) (b) describe the extent of the applicant's development of and participation in innovative taxicab services;~~

~~(d) (c) submit the number of consumer complaints involving taxicab service provided by the applicant, by type, filed with the County or any other government agency in the past 24 months, and the resolution of each complaint;~~

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

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

~~(g)~~

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

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

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

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

~~(k) attest that the applicant has not transferred the ownership of any license during the previous 24 months. (2004 L.M.C., ch. 27, § 1.)~~

**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. (2004 L.M.C., ch. 27, § 1.)~~

Sec. 53-212. Transportation Network Company Registration.

- (a) No Transportation Network Company (“TNC”) may provide Taxicab Services in the County without registering with the Department. The Department shall enact regulations to establish a procedure to register TNCs which shall include the disclosure of:
  - (1) The legal name, home office address, name and address of the Maryland registered agent and the County business address of the TNC;
  - (2) A current certificate of good standing issued by the Maryland Department of Assessments and Taxation;
  - (3) Proof that the TNC maintains a website that includes information including:
    - (A) a customer service telephone number and electronic mail address;
    - (B) a copy of the TNC’s zero tolerance policy on the use of alcohol and illegal drugs;
    - (C) a description of the procedure for reporting a customer service complaint or violation of the zero tolerance policy;
    - (D) the telephone number and electronic mail address for the Department’s Division of Transit Services Taxicab unit.
  - (4) Proof that all TNC Vehicles associated with the TNC have passed a mechanical inspection as required under this Chapter
  - (5) Proof that all TNC Operators has secured insurance policies required by this Chapter;
  - (6) The names, addresses of all persons and entities who will be designated as Transportation Network Company Operators; and
  - (7) The year, make, model and VIN number of all vehicles to be operated by TNC Operators in Montgomery County.
- (a)(b) Upon acceptance of its registration by the Director, the TNC shall be issued TNC Licenses for each vehicle approved for service by the Director.

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

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

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

(1) any offense involving violence or a weapon;

(2) any sex offense;

(3) soliciting for prostitution;

(4) illegal sale or use of alcoholic beverages;

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

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

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

~~(8) any act of moral turpitude;~~

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

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

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

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

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

(g) whose record of violations of this Chapter or other laws or regulations of the County, State, or any other jurisdiction indicates to the Director that to protect public safety a license should not be issued.

If a ~~license~~License is denied or revoked, the applicant is not eligible to reapply for 2 years, unless the Director for good cause otherwise orders. (2004 L.M.C., ch. 27, § 1.)

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

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

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

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

(2) who, while previously operating in any jurisdiction, has had a ~~license~~License or other permission to operate ~~taxicab~~ for-hire transportation services revoked or suspended because of material violation of law or substandard performance; or

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

~~(4) who has not operated at the customer service levels required by applicable regulations, or has not complied, after reasonable notice, with any required safety, operational, or inspection requirement of this Chapter. (2004 L.M.C., ch. 27, § 1.)~~

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

A ~~license~~License expires one year after it is issued. (2004 L.M.C., ch. 27, § 1.)

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

The Director must renew a ~~license~~License if the licensee:

(a) is in compliance with all applicable laws and regulations, including all required safety, operational, and inspection requirements of this Chapter;

(b) submits a statement under oath affirming that the information and statements submitted with the original application have not materially changed, except as previously or then submitted; and

(c) pays the required fee. (2004 L.M.C., ch. 27, § 1.)

Division 3. Duties of Licensees.

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

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

(a) a business or residential address;

(b) a required telephone number; or

(c) any officer, principal, partner, or managing agent, or any other person who effectively controls the operations of a licensee. (2004 L.M.C., ch. 27, § 1.)

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

~~Each licensee must submit a quarterly report detailing all accidents involving any of its taxicabs to the Department on a form approved by the Director. The Director may require a more frequent report. (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-219.218. Responsibility of licensees, affiliates, Licensees and drivers TNCs.**

(a) A ~~licensee~~Licensee or TNC must not knowingly permit any ~~taxicab~~motor vehicle to be operated in this County by a person who has:

- (1) not been authorized to operate a taxicab or TNC Vehicle under this Chapter; or
- (2) tested positive for drugs or alcohol, as defined by applicable regulations, unless authorized by the Director.

(b) Each ~~licensee~~Licensee and TNC must promptly take appropriate action when the ~~licensee~~Licensee or TNC becomes aware from any source that a driver of a taxicab or TNC vehicle for which the ~~licensee~~Licensee holds the license or regarding which the ~~licensee~~Licensee or TNC 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~~Licensee and TNC must exercise due diligence to monitor the activities of each driver of a taxicab or TNC Vehicle for which the ~~licensee~~Licensee holds the ~~license~~License or regarding which the ~~licensee~~Licensee or TNC 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~~person 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~~Licensee and TNC 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 or TNC and an affiliate or a driver.

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

(1) inform the driver of:

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

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

(2) empower the ~~licensee~~Licensee or TNC to take appropriate action, as required in subsection (b); and

(3) not restrict a driver, affiliate, TNC Operator or taxicab owner from providing taxicab service in the County after the contract or agreement expires or is terminated.

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

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

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

(4) This subsection does not preclude either party from taking any other lawful action to enforce any contract or agreement. (2004 L.M.C., ch. 27, § 1.)

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

##### **Sec. 53-~~220~~219. Essential requirements.**

Each fleet and association must:

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

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

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

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

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

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

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

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

(g) comply with all requirements of this Chapter regarding the provision of accessible taxicabs. (2004 L.M.C., ch. 27, § 1.)

##### **Sec. 53-~~221~~220. 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;

(b) designate one to 4 persons with managing or supervisory authority to act on behalf of the fleet or association in all contact with the Department; and

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

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

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

(+)(2) \_\_\_\_\_ information on a form provided by the Department, showing, for each taxicab, the licensee's name and address, vehicle make, vehicle identification number and taxicab number, and other pertinent information listed on the form. Any change in the information required by this paragraph must be filed in writing with the Department within 2 business days after the change. (2004 L.M.C., ch. 27, § 1.)

**Sec. 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 senior citizens, people with disabilities, or other underserved populations identified by the Directors;~~

~~—(8) describe the fleet or association's participation, and goals for participation, in user-side subsidy programs;~~

~~—(9) calculate the fleet's or association's user-side subsidy program participation data for the previous 12 months;~~

~~—(10) describe the fleet or association's geographic areas of service, including any planned expansion in a service area or a willingness to serve areas that need additional service;~~

- ~~— (11) calculate prior taxicab productivity, measured by the number of daily trips per cab or an equivalent measurement;~~
- ~~— (12) describe the fleet or association's development of and participation in innovative taxicab services;~~
- ~~— (13) list the number of consumer complaints involving the fleet or association, by type, filed with the County or another government agency in the past 24 months; and~~
- ~~— (14) list the number of enforcement actions against the fleet or association or its drivers of which the fleet or association is aware, started and completed during the past 24 months.~~
- ~~— (c) Any customer service plan filed after the initial plan must show any changes in the data included in the initial plan, and any new data required by applicable regulations. (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-223221. User-side subsidy programs - participation.**

Any ~~fleet or association~~Fleet, Association and TNC must participate in the County's user-side subsidy programs, as required by applicable regulations, unless the Director waives this requirement for good cause. TNCs and TNC Operators may elect not to participate in user-side subsidy programs by paying a surcharge in an amount to be determined under procedures established in Section 53-107. (2004 L.M.C., ch. 27, § 1.)

**Division 5. Taxicab Vehicles.**

**Sec. 53-224222. Mechanical inspection certificate.**

Before a ~~license~~License is issued under this Chapter, the applicant or operator must furnish a certificate from a Maryland state- certified inspection station in good standing that a comprehensive inspection, performed to state standards by a licensed state inspector, shows that the vehicle is mechanically safe. A license must not be issued if the vehicle has been driven more than 150 miles since the inspection was performed. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-225223. Insurance required.**

(a) Before the Director issues any ~~passenger vehicle license~~License under this Chapter, the applicant must submit written proof of insurance or self-insurance for ~~the vehicle that covers any taxicab or TNC Vehicle.~~ The insurance shall provide liability coverage for bodily injury or death to any passenger or other person, and property damage, in minimum amounts as required by applicable County regulations.

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

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

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

- (1) the name and address of the vehicle owner;
- (2) the vehicle's license tag number;
- ~~(3) the insurance company name and policy number, where applicable;~~
- (4) the name, address, office hours, and telephone number of the insurance claims office responsible for adjusting any insurance claim arising from use of the vehicle; and
- (45) the name, address, and telephone number of the Department and any other government agency where complaints regarding insurance claims handling may be filed. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-226224. State registration required.**

The Director must not issue or renew a license unless the licensee has registered the taxicab vehicle in Maryland as a "class B" for-hire vehicle with the Motor Vehicle Administration for the year in which the license is applied for, and the registration remains valid. The licensee must notify the Department in writing not more than 2 business days after the licensee receives notice that the vehicle registration is revoked or suspended. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-227. Continuous operation.**

- ~~(a) Each licensee must notify the Department in writing at any time that:~~
- ~~(1) a taxicab will be or has been out of service for more than 30 days, or~~
  - ~~(2) an average of more than 15% of the taxicab whose licenses are held by that licensee have been inactive during the previous calendar month.~~
- ~~(b) Each notice must:~~
- ~~(1) explain the reasons for each period of inactivity; and~~
  - ~~(2) show why the Director should not revoke the license of each inactive taxicab for lack of use. (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-228225. Procedure when vehicle placed in or removed from service.**

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

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

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

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

~~—The Director must not otherwise waive or extend this requirement.~~

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

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

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

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

(f) A TNC or TNC Operator must notify the Department within 5 days after replacing any approved vehicle and provide the make, model, year and VIN number of any replacement vehicle.

(g) Any vehicle placed in service as a taxicab must not be more than 4.5 model years old. (2004 L.M.C., ch. 27, § 1.)

#### **Sec. 53-~~229~~226. Age of vehicles.**

(a) ~~—(a)—~~A ~~licensee~~fleet or individual that holds a PVL must not use any vehicle that is more than 7.8 model years old to provide taxicab service in the County. As used in this Chapter, the "model year" of a vehicle is the year designated by the vehicle manufacturer, as indicated on the vehicle or in the manufacturer's records. A licensee may maintain a vehicle in service until the next December 31 after its ~~seventh~~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.

(b) ~~—(b)—~~A TNC Operator must not use any vehicle that is more than 10 model years old to provide service under this chapter.

(c) The Director may waive this requirement only to maintain an accessible taxicab in service for no more than 90 days when the licensee shows that no adequate replacement vehicle was available for purchase during the preceding 90 days. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~230~~227. Maintenance and ~~repair~~Repair.**

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

(b) Each licensee must comply with any order of the Director to immediately remove from service any ~~taxicab~~vehicle which is not in safe operating condition, and to remove from service within 5 days any ~~taxicab~~ vehicle that is not clean, sanitary, and of good appearance, until all necessary repairs and replacement of defective equipment, painting, or cleaning has been completed.

(c) Any ~~taxicab~~vehicle removed from service under this Section must not be reinstated in service until it has been inspected and approved under procedures established by applicable regulation. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~231~~228. Vehicle numbering, lettering, and markings; rate chart.**

(a) When a ~~license for a taxicab~~PVL 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. Except as specifically stated, TNC Operators' vehicles are exempt from the requirements of the 2 sides, on each of the 2 rear door roof columns, and on the rear of each taxicabthis Section.

(b) When the Director so orders, the license number must be affixed to the taxicab by decal or metal tag provided by the Department in a manner approved by the Director. All TNC Operators shall affix a decal, issued by the Department, on each vehicle in a place designated by the Director.

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

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

(e) A taxicab operating in the County must have the license number, and the name and telephone number of the fleet or association that owns or operates it and to whom complaints can be made, prominently displayed in the rear seat area of the taxicab with lettering and numbering at least 1.5 inches high. If the operator is not the owner, as defined in Section 53-101, the name, telephone number, and business address of the owner must similarly be prominently displayed.

(f) A licensee must post a rate chart issued by the Department in the taxicab in a location conspicuously visible to any passenger. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~232~~229. Doors; lettering; color; special equipment.**

(a) Each taxicab or TNC vehicle 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."~~

~~(e) All taxicabs in a fleet or association must be uniform in color. However, the~~ (c) Each fleet or association must 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 by that fleet or association. 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. ~~(2004 L.M.C., ch. 27, § 1.)~~

(e) TNC vehicles are exempt from the requirements of this section. (2004 L.M.C., ch. 27, § 1.)

#### **Sec. 53-~~233~~230. Cruising lights.**

Each taxicab ~~must~~ may, but is not required to, have cruising lights that operate electrically as a sign or insignia mounted on the forward portion of the roof of the taxicab. These lights must not be used until approved by the Department. ~~These lights must be designed so that the vehicle can be easily identified as a taxicab.~~ (2004 L.M.C., ch. 27, § 1.)

#### **Sec. 53-~~234~~231. Seat belts.**

Each taxicab and TNC Vehicle must have one set of seat belts for the driver and each passenger. The seat belts must be easily accessible and in good working order. (2004 L.M.C., ch. 27, § 1.)

#### **Sec. 53-~~235~~232. Taxicab meters.**

- (a) ~~(a)~~ Each taxicab, but not TNC vehicles, 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.

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

(d) A person must not alter the meter or change the mechanical condition of wheels, tires, or gears of any taxicab with the intent to cause incorrect registration by the meter of the fare charged to any passenger. (2004 L.M.C., ch. 27, § 1.)

### **Sec. 53-236233. Inspections.**

(a) Each licensee must allow the Director to make reasonable inspections of any vehicle licensed to operate under this Chapter, and must allow the Director to examine any business record, including any maintenance record, in-service inquiry or dispatching record required to analyze data and enforce this Chapter, and all trip records required under this Chapter. Maintenance record includes any record needed to establish whether safety repairs have been made, or that reflects the mileage and odometer readings of any vehicle.

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

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

~~—(d) Each taxicab~~ (c) Each vehicle 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~~ License of any ~~taxicab~~ vehicle 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. (2004 L.M.C., ch. 27, § 1.)

**ARTICLE 3. ~~ARTICLE 3. TAXICAB DRIVER IDENTIFICATION CARDS.~~**

**Division 1. General Identification Card Provisions.**

**Sec. 53-301. Driver Identification Card Required.**

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

- (a) has a valid Driver Identification Card; or
- (b) has a valid Maryland Public Service Commission issued driver identification card; and
- (c) ~~—(b)—~~ is capable of performing all duties of a ~~taxicab~~ driver. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-302. Display.**

Each driver must display the ~~identification~~Driver Identification card at all times prominently in the taxicab or TNC vehicle in a location that is plainly visible to passengers. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-303. Transferability.**

~~An identification~~A Driver Identification card must not be transferred. (2004 L.M.C., ch. 27, § 1.)

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

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

The Department must issue a ~~taxicab driver identification~~Driver Identification card to every driver who is qualified under this Chapter. (2004 L.M.C., ch. 27, § 1.)

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

A ~~taxicab driver identification~~Driver Identification card must contain, at a minimum, the driver's name and photograph, the card number and expiration date, and any other information the Director reasonably requires. (2004 L.M.C., ch. 27, § 1.)

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

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

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

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

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

(3) an authorization for a state and federal criminal background check to be conducted by the Criminal Justice Information System (CJIS) and the appropriate federal agency;

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

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

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

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

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

(A) properly verified his or her identity;

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

(C) submitted his or her driving records, as compiled by the appropriate state motor vehicle agency, for the previous 3 calendar years from any jurisdiction where the applicant held a license to drive a motor vehicle; 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.

(5) A temporary identification card expires ~~on~~ 45 days after the earlier of: card was issued.

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

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

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

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

(B) the ~~90<sup>th</sup>~~45<sup>th</sup> day after the card was issued; or

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

(7) By accepting a temporary identification card, the holder by operation of law waives any cause of action against the County or any officer, employee, or agency of the County for improperly issuing a license to the holder. By employing or leasing a taxicab to any person who holds a temporary identification card, a taxicab licensee by operation of law waives any cause of action against the County or any officer, employee, or agency of the County for improperly issuing a license to that person.

(d) The Director may extend the expiration date of an identification card ~~(including a temporary identification card issued under subsection (e))~~ up to 60 days if:

(1) the applicant has submitted all required documentation; and

(2) processing of required state or federal criminal background checks has been delayed through no fault of the applicant. (2004 L.M.C., ch. 27, § 1; 2006 L.M.C., ch. 32, § 1.)

### **Sec. 53-307. Physician's certificate.**

(a) Before the Director issues ~~an identification~~ a Drivers 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.

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

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

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

(2) otherwise endanger the public health, safety, or welfare. (2004 L.M.C., ch. 27, § 1.)

### **Sec. 53-308. Examination of applicant.**

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

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

~~(b) pass an examination on knowledge of traffic laws, duties under this Chapter, and general qualifications to operate a taxicab in the County. (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-309308. Criteria to deny an identification card a Driver Identification Card.**

The Director must not issue or renew ~~an identification card~~ Driver Identification Card or TNC License to any driver or applicant:

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

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

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

(c) whose driving record during the 3 years immediately before the application was submitted, demonstrates that the applicant is not a responsible, safe, or careful driver because the applicant has received more than 4 points under applicable criteria defined by the state Motor Vehicle Administration or the equivalent in another jurisdiction, or by other reasonably verifiable evidence of unsafe or dangerous driving;

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

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

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

(g) whose record of violations of this Chapter or other laws or regulations of the County, State, or any other jurisdiction indicates to the Director that to protect public safety ~~an identification card~~ Driver Identification Card or TNC License should not be issued.

If ~~an identification card~~ Driver Identification Card or TNC License is denied or revoked, the applicant is not eligible to reapply for ~~1 year~~2 years, unless the Director for good cause otherwise orders. (2004 L.M.C., ch. 27, § 1; 2006 L.M.C., ch. 32, § 1.)

**Sec. 53-310309. Expiration of ~~identification card~~ Driver Identification Card.**

~~The first identification card~~ A Driver Identification Card issued to a person under this Chapter expires ~~one year after it is issued.~~ Any later identification card expires 2 years after it is issued. (2004 L.M.C., ch. 27, § 1.)

**Division 3. Duties of Drivers.**

**Sec. 53-311310. Taxicabs from other jurisdictions.**

(a) This Chapter does not prohibit a taxi driver licensed in another jurisdiction 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 License and identification card a Driver Identification Card issued by the County must not solicit ~~business or pick up and transport passengers~~ Taxicab Services in the County ~~unless a passenger engaged the taxicab to bring the passenger into the County, wait for the passenger, and then take the passenger to another location.~~

(c) The Director may enter into reciprocal agreements with other jurisdictions regarding the ability of taxicabs licensed elsewhere to pick up and carry passengers in the County.

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

- (1) dispatched under the operational procedure of the Metropolitan Airports Authority; or
- (2) provided under a contract approved by the Director and on file with the Department.

(e) Any taxicab operating under a license PVL issued under this Chapter must not obtain or operate under a license to provide taxicab service in any other jurisdiction. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-312311. Notice of change of address.**

Each driver must notify the Department, in writing, not less than 2 business days after changing a business or residential address or required telephone number. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-313312. Duty to accept and convey passengers.**

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

- (1) the taxicab vehicle is out of service;

- (2) the driver is expressly committed to another passenger, or
- (3) the driver is prohibited by this Chapter or another law or regulation from accepting the passenger.

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

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

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

- (1) immediately report the incident and circumstances to the dispatcher, and
- (2) submit a written report to the Department on a form approved by the Director not later than 2 business days after the incident. (2004 L.M.C., ch. 27, § 1; 2007 L.M.C., ch. 18, § 1.)

**Editor's note**—Section 53-313 is cited in Doe v. Montgomery County Board of Elections, 406 Md. 697, 962 A.2d 342 (2008) and Doe v. Montgomery County Board of Elections, 406 Md. 110, 956 A.2d 199 (2008).

#### **Sec. 53-314313. Passenger receipts.**

- (a) —A taxicab 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) Each TNC or TNC Operator must provide an electronic receipt to each passenger that includes all of the information required in subsection (a) of this Section.

(2004 L.M.C., ch. 27, § 1.)

#### **Sec. 53-315. Trip records.**

- ~~—(a) Each driver must keep an original written record, for a period of 6 months, of all in-service trips on a form approved by the Department. Each in-service trip must be entered on the trip record at the point of pickup.~~
- ~~—(b) The driver must submit trip records to the Department whenever the Director requires.~~
- ~~—(c) Each trip record must include the date, the driver's starting and ending time, and the taxicab's starting and ending mileage for the driver's work day.~~
- ~~—(d) Each rest break the driver takes must be entered on the trip record. (2004 L.M.C., ch. 27, § 1.)~~

#### **Sec. 53-316314. Out of service notice.**

When a taxicab is not operating, the driver must display a notice visible to the public that the taxicab is out of service. This notice must take a form approved by the Director. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-317315. Parking at taxicab stands.**

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

- (1) the taxicab is in service,
- (2) the driver is in or within 50 feet of the taxicab, and is awake, and
- (3) the driver is clearly visible from the taxicab and the area adjacent to it.

(b) A person, including a TNC Operator, must not park any vehicle other than a taxicab at a taxicab stand. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-318316. Parking to solicit business.**

A driver must not park in any publicly controlled parking space, whether restricted by parking meter or posted by official signs, to solicit business. However, a ~~driver~~taxicab or TNC Vehicle may park in a publicly controlled parking space, after paying any required fee, while waiting to receive a dispatch assignment. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-319317. Trips to be made by most direct route.**

A passenger may request that a driver take a specific route to the passenger's destination. Otherwise, a driver must make all trips by the most direct route from the point of pickup to the point of destination. However, the driver may suggest, and the passenger may approve, a less direct route that may take less time under the circumstances. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-320318. Accident reports.**

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

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

~~(c) The Police Department must forward any official police report of an accident involving a taxicab licensed under this Chapter to the Department when it is available to any party.~~ (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-321319. Use by other persons prohibited.**

A person who holds an ~~identification card~~ Driver Identification Card under this Chapter must not permit the card to be used by any other person. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~322~~320. Hours of operation.**

A full time driver or TNC Operator must not drive a ~~taxicab~~ vehicle for hire more than 12 hours during any 24-hour period. A part-time driver must not drive a taxicab or TNC Vehicle more than 4 hours during any 24-hour period in which the driver is otherwise employed for 8 or more hours. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~323~~321. Driver and passengers only permitted in vehicle; exception.**

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

- (a) a person participating in a driver training program operated by the licensee; or
- (b) a passenger's personal care attendant. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~324~~322. Maximum number of passengers.**

A driver must not carry more people in a taxicab than the number designated on the license. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-~~325~~323. Group riding.**

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

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

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

(d) A person seeking taxicab service must not be refused service so that the driver may try to arrange a more profitable grouping. (2004 L.M.C., ch. 27, § 1.)

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

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

(a) A person may transport alcoholic beverages in a taxicab or TNC Vehicle only if all beverages are sealed.

(b) A controlled dangerous substance must not be transported in a taxicab or TNC Vehicle unless the substance was properly prescribed to the person who possesses it. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-402. Smoking.**

Smoking is prohibited in any taxicab or TNC Vehicle at all times. (2004 L.M.C., ch. 27, § 1.)

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

A person who uses a taxicab or TNC Vehicle must pay any lawful charge due before leaving the ~~taxicab~~vehicle. (2004 L.M.C., ch. 27, § 1.)

**ARTICLE 5. ACCESSIBILITY.**

**Sec. 53-501. Standards.**

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

(b) Each accessible taxicab or TNC Vehicle must conform to the Americans with Disabilities Act standards and all other applicable federal, state, and County standards. (2004 L.M.C., ch. 27, § 1.)

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

~~The licensee~~ Licensees must post any interior ~~taxicab~~ vehicle identification required under this Chapter in Braille. (2004 L.M.C., ch. 27, § 1.)

**Sec. 53-503. Training.**

Any ~~licensee~~ Licensee who transports passengers who use wheelchairs or scooters must train each driver on the special needs of persons with disabilities. The training program must be approved by the Department after consulting the Commission on People with Disabilities; and

the Department of Health and Human Services, and the ~~Taxicab Services Advisory Committee~~. This training should be made available to any driver who is issued an identification card under this Chapter. (2004 L.M.C., ch. 27, § 1.)

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

Without limiting the general duty to accept and convey passengers, the driver of an accessible taxicab must respond to a call for service from a person with a disability who uses a wheelchair or scooter and who is located in the same geographic zone before accepting any other call. ~~Each licensee~~ Each taxicab fleet, participating TNC or association must dispatch an accessible taxicab to a person with a disability who uses a wheelchair or scooter before assigning the accessible taxicab to any other passenger. (2004 L.M.C., ch. 27, § 1.)

**Sec. 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. (2004 L.M.C., ch. 27, § 1.)~~

**Sec. 53-506505. Number of accessible taxicab licenses.**

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

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

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

~~(d) Each fleet and association~~ (c) Each taxicab fleet, association and participating TNC 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. (2004 L.M.C., ch. 27, § 1.)

**ARTICLE 6. ENFORCEMENT.**

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

Each licensee, passenger, and driver must comply with this Chapter and all applicable laws and regulations. (2004 L.M.C., ch. 27, § 1.)

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

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

(b) a person must not obtain or attempt to obtain, or prevent or attempt to prevent the suspension or revocation of, a license or identification card by fraud, misrepresentation, false or misleading statement, or omission of any material fact. (2004 L.M.C., ch. 27, § 1.)

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

(a) —(a) In addition to any fine or penalty established by the Executive for a violation of this Chapter, any unlicensed vehicle that is providing Taxicab Services within the County in violation of this Chapter shall be subject to immediate impoundment.

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

(bc) The Executive, by regulation, may establish a schedule of fines for violations of this Chapter, any regulations adopted under it, or any order issued under it. Those fines may be lower than the maximum fine for a Class A violation, and once adopted, may supersede the fine otherwise imposed for a Class A violation for those provisions to which the regulation applies. (2004 L.M.C., ch. 27, § 1.)

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

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

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

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

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

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

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

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

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

(2) the licensee or driver was convicted of, pled no contest to, or was placed on probation before judgment for operating a motor vehicle under the influence of or while intoxicated with alcohol or a controlled dangerous substance, or for reckless driving; or

(3) The licensee or driver was convicted of failure to stop after involvement in an accident or has a driving record which indicates an unsafe driving pattern or disregard for motor vehicle laws.

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

(d) This Section is in addition to any other provision of this Chapter that establishes cause to suspend or revoke a license or identification card.

(e) A person whose identification card or TNC License has been revoked must not reapply for another identification card or TNC License for at least 2 years.

(f) If the Director finds an immediate threat to the public safety or health, the Director, before holding a hearing, may immediately suspend, revoke, or deny the issuance or renewal of a license or identification card. (2004 L.M.C., ch. 27, § 1.)

#### **Sec. 53-605. Notices of violations and actions.**

In addition to any other notice required by law:

(a) the Department must send a copy of any notice of violation issued to a driver to the licensee of any vehicle involved in the violation, unless the driver is also the licensee; and

(b) ~~each fleet or association~~ The Department must notify each affiliate send a notice of any action taken or proposed action taken regarding any license held by that affiliate, or regarding the driver of any violation issued to a taxicab for which driver or TNC Operator to the appropriate taxicab fleet, association or TNC and the affiliate holds the license, of which the taxicab fleet or association is aware, if the affiliate is not otherwise required to be notified of the action or proposed action or TNC shall cooperate to insure that the driver or TNC Operator has notice of such violation. (2004 L.M.C., ch. 27, § 1.)

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

#### **Sec. 53-701. Administrative appeal of certain denials.**

(a) A person may appeal to the Director from a decision of the Department refusing to issue or renew a driver identification card or license, including the opportunity to compete for a license under the lottery procedures of this Chapter because of a lack of qualifications.

(b) An appeal must be filed in writing within 15 days after the Director sends the person a written decision. If the appellant requests a hearing, the Director must provide an opportunity for a hearing under Chapter 2A.

(c) The decision of the Director under this Section is final administrative action for purposes of judicial review. (2004 L.M.C., ch. 27, § 1.)

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

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

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

(c) The written notice must:

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

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

(3) set a date for a hearing.

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

(e) The hearing may be conducted by the Director or a hearing officer. At the hearing, the licensee or driver may present evidence and witnesses to refute the grounds cited by the Director to suspend or revoke the license or identification card, and the Department and any other person may submit relevant evidence. The administrative record compiled by the Department under this Chapter must be made part of the hearing record. After the close of the hearing, the person who conducted the hearing must render a decision in writing, giving the reasons for the decision. The action taken by the Director is the Department's final administrative action and is subject to judicial review.

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

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

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

(i) A suspension or revocation takes effect on the earlier of the day that the Director's written decision is delivered in person or 3 days after it is placed in the U.S. mail, first class, postage prepaid, addressed to the last known address of the licensee or driver. To facilitate enforcement of this provision, the Director may require the licensee or driver to appear at the Director's office at a specific time to receive a copy of the decision and surrender the license or identification card. The licensee or driver must comply with the Director's order. (2004 L.M.C., ch. 27, § 1.)

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

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

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

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

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

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

(2) seize the taxicab or TNC Vehicle and hold it until the ~~license~~License or ~~identification~~Driver Identification card is surrendered; or

(3) demand the return of the ~~license~~License or ~~identification~~Driver Identification card by the appropriate person. (2004 L.M.C., ch. 27, § 1.)

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

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

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

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

(d) A lottery or other license issuance procedure may proceed while judicial review of the denial of a license or the opportunity to compete for a license is pending. Judicial modification or reversal of a final administrative action to deny a license or the opportunity to compete for a license does not affect the validity of any other license that was properly issued under this Chapter. If the court finds that a license was improperly denied, the court may order the Director to issue the license, notwithstanding any numerical limit in this Chapter on the number of licenses that can be issued. However, a license must not be issued to the appellant until all rights to judicial review have been exhausted.

(e) Any decision of the Circuit Court on an appeal under this Section may be appealed to the Court of Special Appeals. (2004 L.M.C., ch. 27, § 1.)

VERSION 4.5 1/5/2015

COMCOR - Code of Montgomery County Regulations

**CHAPTER 53. TAXICABS — REGULATIONS / MONTGOMERY COUNTY CODE  
CHAPTER 53, ARTICLE 6. ENFORCEMENT, SEC. 53-603 PENALTY FOR  
VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines**

**COMCOR 53.603.01 Taxicab Fines**

**CHAPTER 53. TAXICABS — REGULATIONS / MONTGOMERY COUNTY CODE  
CHAPTER 53, ARTICLE 6. ENFORCEMENT, SEC. 53-603 PENALTY FOR  
VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines / 53.603.01.01  
General Provisions**

**53.603.01.01 General Provisions**

53-106(d) Rates.  
\$100.00

**CHAPTER 53. TAXICABS — REGULATIONS / MONTGOMERY COUNTY CODE  
CHAPTER 53, ARTICLE 6. ENFORCEMENT, SEC. 53-603 PENALTY FOR  
VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines / 53.603.01.02  
Taxicab Licenses**

**53.603.01.02 Taxicab Licenses**

Division 1. General License Provisions.

53-201(a)(c)(d) Required.  
\$500.00

53-202 Display. \$  
50.00

53-203(a)(b) Types of Licenses; cross-ownership.  
\$500.00

53-204(a)(b)(c)(f)(g) Transferability; security interest.  
\$500.00

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

53-212(e) Special licenses.  
\$500.00

Division 3. Duties of Licensees.

53-217(a)(b)(c) Notice of Change of Address. \$

50.00

53-218 Quarterly accident reports. \$

50.00

53-219(a)(b)(c)(d)(e)(f) Responsibility of licensees, affiliates, and drivers.  
\$150.00

Division 4. Additional Duties of Fleets and Associations.

53-220(a)(b)(c)(d)(e)(f)(g) Essential requirements.  
\$150.00

53-221(a)(b)(c) Operating requirements.  
\$150.00

53-222(a)(b)(c) Customer service plan.  
\$500.00

53-223 User-side subsidy programs.  
\$500.00

Division 5. Taxicab Vehicles.

53-224 Mechanical inspection certificate. \$  
50.00

53-225 Insurance required.  
53-225(a)  
\$500.00

53-225(b)  
\$500.00

53-225(c)  
\$500.00

53-225(d) \$  
50.00

53-226 State registration required.  
\$150.00

53-227(a)(b) Continuous operation.  
\$150.00

53-228 Procedure when vehicle placed in or removed from

service.

75.00	53-228(a)	\$
\$150.00	53-228(b)	
50.00	53-228(c)	\$
\$150.00	53-228(d)	
\$500.00	53-228(e)	
50.00	53-228(f)	\$
50.00	53-228(g)	\$

53-229(a) A licensee must not use any vehicle that is more than 7 model years old unless approved by Director to maintain accessible service.

\$500.00

53-230(a)(b)(c) Maintenance and repair.  
\$100.00

53-231(a)(b)(c)(d)(e)(f) Vehicle numbering, lettering, and markings, and  
rate chart. \$ 50.00

53-232(a)(b)(c)(d) Doors, lettering, color, and special equipment.  
\$ 50.00

53-233 Cruising lights. \$  
50.00

53-234 Seat belts. \$  
50.00

53-235 Taxicab meters.

53-235(a)  
\$100.00

53-235(d)

\$500.00

53-236(a)(b)(c)(d) Inspections.  
\$100.00

**CHAPTER 53. TAXICABS — REGULATIONS / MONTGOMERY COUNTY CODE  
CHAPTER 53, ARTICLE 6. ENFORCEMENT, SEC. 53-603 PENALTY FOR  
VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines / 53.603.01.03  
Taxicab Driver Identification Cards  
53.603.01.03 Taxicab Driver Identification Cards**

Division 1. General Identification Card Provisions.

53-301 Identification Card Required.  
53-301(a)  
\$500.00  
53-301(b) \$  
75.00  
53-302 Display.  
\$100.00  
53-303 Transferability.  
\$500.00

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

53-306(c)(6)(A)(B)(C) ID card must be returned to department after expiration.  
\$ 50.00

Division 3. Duties of Drivers.

53-311(a)(b)(d)(e) Taxicabs from other jurisdictions.  
\$500.00  
53-312 Notice of change of address.  
\$ 50.00  
53-313(a)(b)(c)(d) Duty to accept and convey passengers.  
\$250.00  
53-314 Passenger a receipts.

\$ 50.00

53-315(a)(b)(c)(d) Trip records.

\$100.00

53-316 Out of service notice.  
\$ 50.00

53-317 Parking in Taxicab Stands.

53-317(a)

\$100.00

53-317(b)

\$ 50.00

53-318 Parking to solicit business.

\$ 50.00

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

\$100.00

53-320(a)(b) Accident reports.

\$ 50.00

53-321 Use by other persons prohibited.

\$500.00

53-322 Hours of operation.

\$250.00

53-323(a)(b) Driver and passengers only permitted in vehicle; exception.

\$ 75.00

53-324 Maximum number of passengers.

\$100.00

53-325(a)(b)(c)(d) Group riding.

\$ 75.00

**CHAPTER 53. TAXICABS — REGULATIONS / MONTGOMERY COUNTY CODE  
CHAPTER 53, ARTICLE 6. ENFORCEMENT, SEC. 53-603 PENALTY FOR  
VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines / 53.603.01.04  
Driver and Passenger Conduct  
53.603.01.04 Driver and Passenger Conduct**

53-401	Alcoholic beverages; controlled dangerous substances.
\$100.00	53-401(a)
\$250.00	53-401(b)
53-402	Smoking.
\$ 75.00	
53-403	Duty of passenger to pay fare.
\$100.00	

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CHAPTER 53, ARTICLE 6. ENFORCEMENT, SEC. 53-603 PENALTY FOR  
VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines / 53.603.01.05  
Accessibility  
53.603.01.05 Accessibility**

53-501(a)(b)	Standards.
\$ 50.00	
53-502	Interior numbering and lettering.
\$ 50.00	
53-503	Training.
\$ 50.00	
53-504	Duty to accept and transport persons with disabilities.
\$250.00	
53-505	Accessible taxicab trip records.
\$100.00	
53-506(d)	Number of accessible taxicab licenses.
\$100.00	

**CHAPTER 53. TAXICABS — REGULATIONS / MONTGOMERY COUNTY CODE  
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VIOLATIONS—REGULATIONS / COMCOR 53.603.01 Taxicab Fines / 53.603.01.06  
Enforcement**

**53.603.01.06 Enforcement**

53-602(a)(b)                      Obstruction and hindering of investigations; false  
statements.                      \$250.00

(Administrative History: Reg. No. 6-05 (Method 2); Orig. Dept.: Public Works and  
Transportation)