

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**2000 Legislative Session**Bill No. CB-49-2000Chapter No. 54Proposed and Presented by Council Member HendershotIntroduced by Council Member Hendershot

Co-Sponsors _____

Date of Introduction June 27, 2000**BILL**

1 AN ACT concerning

2 Taxicabs

3 For the purpose of amending certain definitions, amending the provisions of the Code regulating
 4 taxicabs and limousines, amending the duties of the Taxicab Board, increasing rates, amending
 5 requirements for certificates of registration, changing various fees and fines, limiting the
 6 permissible age and mileage of taxicabs, and otherwise generally relating to the regulation of
 7 taxicabs and limousines.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 20. TAXICABS AND OTHER VEHICLES FOR HIRE.

10 Sections 20-101, 20-102, 20-102.01, 20-103, 20-105, 20-107,

11 20-108, 20-110, 20-112, 20-113, 20-116, 20-118, 20-119,

12 20-120, 20-122, 20-127, 20-128, 20-129, 20-132, 20-134,

13 20-141, 20-142, 20-143, 20-144, 20-145, 20-146, 20-147,

14 20-148, 20-150, 20-151, 20-152, 20-153, 20-154, 20-155,

15 20-156, 20-156.01, 20-157, 20-159, 20-160, 20-160.01,

16 and 20-161,

17 The Prince George's County Code

18 (1999 Edition).

19 BY repealing:

20 SUBTITLE 20. TAXICABS AND OTHER VEHICLES FOR HIRE.

21 Sections 20-156.02 and 20-163,

The Prince George's County Code
(1999 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 20-101, 20-102, 20-102.01, 20-103, 20-105, 20-107, 20-108, 20-110, 20-112, 20-113, 20-116, 20-118, 20-119, 20-120, 20-122, 20-127, 20-128, 20-129, 20-132, 20-134, 20-141, 20-142, 20-143, 20-144, 20-145, 20-146, 20-147, 20-148, 20-150, 20-151, 20-152, 20-153, 20-154, 20-155, 20-156, 20-156.01, 20-157, 20-159, 20-160, 20-160.01 and 20-161 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 20. TAXICABS AND [OTHER VEHICLES FOR HIRE] LIMOUSINES.

DIVISION 1. GENERAL PROVISIONS.

Sec. 20-101. Applicability.

The provisions of this Subtitle shall govern the operation for hire in Prince George's County of any [passenger carrying motor vehicle] taxicab or limousine, excepting [those] motor vehicles owned and operated by the Washington Metropolitan Area Transit Authority, and those licensed by the Public Service Commission of the State of Maryland to operate on fixed routes and schedules [and excepting any school vehicle as defined in Section 11-154 of the Transportation Article of the Annotated Code of Maryland] and except any vehicle operated by any funeral director duly licensed by the State Board of Funeral Directors and Embalmers of Maryland, and further excepting any funeral livery service licensed as such by the Department of Motor Vehicles of Maryland while said vehicle is being operated for the purpose of funeral services or transportation incidental thereto.

Sec. 20-102. Definitions.

(a) Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms shall, for the purpose of this Subtitle, have the meanings indicated in this Section[.] :

* * * * *

(4.1) Company: Any business entity which holds two or more Certificates and operates centralized administrative, management and marketing services under one name and having a common, uniform color scheme.

* * * * *

(5) **Director:** The Director of the Office of Business and Regulatory Affairs of Prince George's County, Maryland or designee.

(6) **Driver:** A person [driving] licensed to drive or operate a taxicab or limousine for hire who can also be, but is not required to be, the Certificate Holder.

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(7.1) Licensee: See Driver.

(8) **Limousine:** Any motor vehicle for hire by the hour, day, or week, designed to carry [eight] ten persons or more, including the driver, used for the purpose of accepting for transportation members of the public for hire between such points, along the public streets, as the passengers and the owner or operator thereof shall agree upon in writing, in advance.

(9) **Meter:** A mechanical or digital measuring instrument or device by which the charge for hire of a taxicab is mechanically or electronically calculated either for distance traveled or for waiting time, or both, and upon which such charge shall be indicated by means of figures.

(9.1) Operator: See Driver.

* * * * *

(10.1) Radio Dispatch: A communication system operated by a central dispatcher with a telephone answering system and/or computer available to the public during hours of operation.

(11) **Taxicab:** Any passenger motor vehicle for hire (other than a vehicle operated, with approval of the Public Service Commission of Maryland or the Washington Metropolitan Area Transit Commission, between fixed termini or regular schedules) designed to carry [seven] nine persons or less, including the driver, used for the purpose of accepting or soliciting for transportation members of the public for hire between such points, along the public streets, as the passenger may direct.

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DIVISION 1A. TAXICAB BOARD.

Sec. 20-102.01. Board composition.

(a) Established and Membership.

(1) A Taxicab Board is hereby created. The Board shall consist of five (5) members, all of whom shall be appointed by the County Executive subject to Council confirmation

pursuant to Charter. Two (2) members shall be employed in the taxicab industry, and three (3) members shall be public members, broadly representative of the citizens of Prince George's County, with no pecuniary interest in any business related to this trade. [The members of the first Board shall be appointed for the following terms: two (2) members for one year and three (3) members for two years.] On the expiration of the term of any members, the Executive shall appoint or reappoint members for terms of two years. Each member shall hold office until the expiration of his term or until a successor has been duly appointed and confirmed. Any member with three or more unexcused absences in any term or who is unable to fulfill the obligations of membership may be replaced upon recommendation of the Director and the Board.

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DIVISION 2. AUTHORITY.

Sec. 20-103. Administration of Subtitle.

(a) The Director [of the Office of Business and Regulatory Affairs] is hereby designated as the official of the County empowered and authorized to carry out the provisions of this Subtitle. [He may delegate all or any part of his authority to the Chief of the office within such department responsible for administering the provisions of this Subtitle.]

(b) The Director is hereby empowered to make administrative interpretations of the meaning of this Subtitle provided that such interpretations are consistent with the standards and purposes of this Subtitle and provided further that such interpretations are not in conflict with the laws of the State of Maryland and regulations adopted by the [Commissioner of Motor Vehicles] Motor Vehicle Administrator of the State of Maryland. All such administrative interpretations shall be promulgated, in writing, by the Director and shall be distributed by the Director to all drivers and certificate holders prior to the effective date of the administrative interpretation.

(c) The Director shall recommend to the Taxicab Board for review safety standards that are consistent with the national standards for passenger and driver safety.

(d) In conjunction with the Health Officer, the Director shall establish a procedure for the resolution of complaints concerning poor quality service or lack of service received by persons receiving no charge or reduced charge tax service under County contract.

Sec. 20-105. Revocation or suspension of license or certificate.

(a) The Director [may]shall revoke or suspend a license or certificate in case of any:

(1) Failure to operate the taxicabs or limousines in such a manner as to serve the public adequately;

(2) Failure to maintain the taxicabs or limousines in good order and repair;

(3) Failure to maintain insurance as required by this Subtitle;

(4) Failure to report any accident as required by this Subtitle;

(5) Failure to pay any fees or fines lawfully assessed under this Subtitle;

(6) Repeated and persistent violations by the licensee or certificate holder of the Prince George's County Code [or] the motor vehicle laws of Maryland or surrounding jurisdictions, or a traffic record which indicates an unsafe driving pattern;

(7) Suspension or revocation of a licensee's driver's license issued by a State, the District of Columbia, or a United States territory.

(8) Failure of the licensee to maintain the trip manifest in good order as required by Section 20-119;

[(8) Any other violation of this Subtitle by the licensee or certificate holder;]

(9) Conviction of the licensee or certificate holder of any [felony involving moral turpitude] criminal offense or a conviction or a plea of nolo contendere for any traffic offense involving the use of alcohol or a controlled dangerous substance; or

(10) [For knowingly making a false statement of material and relevant facts] Procuring or attempting to procure a license or certificate by fraud, misrepresentation, false or misleading statements, or omission of material facts on an application for a license or certificate.

(11) Repeated, persistent and/or unresolved customer complaints of poor quality service;

(A) Complaints will be investigated by the Director;

(B) The Director shall require a corrective action plan be developed within thirty (30) days of investigation;

(C) The Director shall suspend the license or certificate if not resolved within sixty (60) days; and

(D) The Director shall revoke the license or certificate for continued noncompliance; or

(12) If the applicant has repeated complaints for late response and failure to report to the consumer a reasonable excuse for the lateness.

1 (13) Any other violation of this Subtitle by the licensee or certificate holder.

2 (b) [The Director shall have the discretion to suspend a license or certificate, or both, upon
3 being notified in writing by the Police Department of Prince George's County or of any other
4 jurisdiction that the owner and/or operator has been arrested for a felony involving moral
5 turpitude.] Where the holder of a certificate is a corporation, the certificate may be suspended or
6 revoked by the Director if the person convicted of [a felony involving moral turpitude] any
7 criminal offense remains for more than a period of one (1) month from the time of such
8 conviction as an officer in the corporation or is a stockholder with more than twenty-five percent
9 (25%) of the stock in the corporation.

10 (c) The decision of the Director on a denial, suspension, or revocation is final if it is not
11 appealed pursuant to Section 20-106 of this Code.

12 **DIVISION 3. DRIVER'S LICENSE (IDENTIFICATION CARD).**

13 **Sec. 20-107. Application.**

14 (a) In order to obtain a license (I.D. Card) as a taxicab or limousine driver, the applicant
15 shall be of good moral character, of sound mind, and good physical health. In addition, the
16 applicant shall meet the following conditions:

17 (1) The applicant must have had at least one [year's] year of documented driving
18 experience;

19 (2) The applicant must be at least 18 years of age;

20 (3) The applicant must be able to read [and] , write and speak the English language,
21 [with reasonable facility] and be knowledgeable of basic geographic locations in the County;

22 (4) The applicant must be a citizen of the United States or possess a work permit
23 issued by the United States Department of Justice - Immigration and Naturalization Service and
24 provide documentation, as required by the Director, to support the same;

25 (5) The applicant must satisfactorily complete a written examination to be
26 administered by the Director and which shall demonstrate understanding of the provisions of this
27 Subtitle and applicable State regulations, and sufficient familiarity with the network of principal
28 roadways in Prince George's County and environs to enable a driver to carry passengers to their
29 destinations by the shortest routes practicable; and,

30 [(5)](6) The applicant must [agree to] submit to a physical examination at least once
31 a year, or more if required by the Director[,], for cause, and to submit to the Director a certificate

reporting the results of such examination and signed by a [registered physician] licensed medical doctor. The certificate form shall be provided by the Director.

Sec. 20-108. Grounds for denial.

(a) The Director may refuse to issue or renew a taxicab or limousine driver's license to any applicant who is not of good moral character, sound mind and good physical health or otherwise not a fit person to be licensed, in consideration of the public health, safety and welfare. In determining what factors may be hazardous to the public health, safety and welfare, the Director shall consider any one or more of the following:

(1) Repeated and persistent violations of the motor vehicle laws involving moving violations or a traffic record which indicates an unsafe driving pattern;

(2) Suspension or revocation of a driver's license issued by a state, the District of Columbia, or a United States territory;

(3) Conviction, or plea of guilty, or plea of nolo contendere to the violation of any law [involving moral turpitude, including but not limited to], any sex offense, any alcohol [or narcotics] offense, or the illegal use, sale, or possession of a controlled dangerous substance, any gambling offense, any use of a firearm or offense involving physical violence, or any solicitation for prostitution;

[(3)] (4) If the applicant is on parole or probation for a criminal or traffic offense;

[(4)] (5) If the applicant has, within three years immediately preceding the date of application, been released from any penal or correctional institution;

[(5)] (6) Whether or not the applicant is covered by diplomatic immunity;

[(6)] (7) Whether or not the applicant has had a driver's permit[, or public vehicle transportation license[, revoked in this or any other jurisdiction;

[(7)] (8) If the applicant has made a false statement to any material question upon any form required by the Director or attempts to procure or possess a license by fraud, misrepresentation, misleading statements, evasion or suppression of material facts;

[(8)] (9) If the applicant is an amputee or is subject to any other infirmity of the body or mind which, in the determination of the Health Department or a qualified medical doctor licensed in the State of Maryland, might render the applicant unfit for the safe operation of a vehicle;

(10) If the applicant has any outstanding fines or citations issued under a previous

1 taxicab license or certificate which remain unpaid.

2 (b) The above factors are not to be considered the exclusive test of qualifications. The
3 Director is empowered to consider other relevant facts which may bear on the fitness of the
4 applicant.

5 **Sec. 20-110. Fee.**

6 The filing fee for a new license (I.D.) shall be [Fifty] One Hundred Twenty-five Dollars
7 [(\$50.00)] (\$125.00) and shall be nonrefundable. The annual renewal fee shall be [Fifty] One
8 Hundred Twenty-five Dollars [(\$50.00)] (\$125.00). The fee for a duplicate license shall be
9 [Seven] Twenty-five Dollars (\$25.00).

10 **DIVISION 4. VEHICLE OPERATION REQUIREMENTS;**
11 **VIOLATIONS AND FINES.**

12 **Sec. 20-112. Violation of law and monetary fines.**

13 * * * * *

14 (d) A notice of violation may be appealed as provided in Section 20-106 of this Code.

15 (e) If a violation notice is not appealed, or is upheld upon appeal, and the person fails to
16 correct the violation as required by the notice, the Director may take one or more of the
17 following actions:

- 18 (1) Issue a citation as provided in paragraph [(e)] (f) of this Section;
- 19 (2) Revoke, suspend, or refuse to renew the [parties'] license and/or certificate;
- 20 (3) Seek injunctive or other appropriate legal relief to enforce the provisions of this

21 Subtitle.

22 (f) In lieu of a violation notice, the Director may issue a citation pursuant to Subtitle 28,
23 Division 3, of this Code to a person or persons who operates or permits others to operate a
24 taxicab or limousine in violation of any of the provisions of this Subtitle. The citation shall serve
25 as notification to the person that he has committed a civil violation and must pay to the County a
26 monetary fine, subject to [his] the right to trial under Section 28-257 of this Code. The amount
27 of the fine shall be [fifty dollars (\$50)] One Hundred Dollars (\$100.00) for each violation, and
28 each day in which the violation remains uncorrected shall constitute a separate violation. In
29 addition to the remedies provided under Section 28-258 of this Code, the Director may revoke or
30 suspend the license and/or certificate of a person who fails to pay the fine or request adjudication
31 of a citation.

Sec. 20-113. Operation without a license or while suspended.

Except as provided in Section 20-159 of this Code for taxicabs from other jurisdictions, it shall be unlawful for any person to operate a taxicab or limousine for hire within the County unless the operator holds a valid taxicab or limousine driver's license issued by the Director. Therefore, failure to renew a taxicab or limousine driver's license is punishable by a fine of \$50 per day for each day from the date of expiration to the date the application for renewal is received by the Director.

Sec. 20-116. Display; certificate and license.

The driver shall [at all times while on duty,] have permanently on display [his] at all times while on duty a copy of the original of the certificate sealed or certified by the Office of Business and Regulatory Affairs, issued for the operation of the taxicab or limousine, and the driver's license with photograph, and number, clearly visible to passengers.

Sec. 20-118. Length of driver's working day.

For purposes of this Section, any driver who is gainfully employed in any other occupation for [four (4)] eight (8) hours or more a day shall be deemed a part-time driver. In no event shall a part-time driver operate a taxicab or limousine for more than eight (8) hours in any consecutive 24-hour period. No full-time driver shall operate, nor shall certificate holders or their agents require full-time drivers to operate a taxicab or limousine for more than twelve (12) hours in any consecutive twenty-four (24) hour period.

Sec. 20-119. Trip manifest.

(a) The driver shall keep a neat [and] , legible, and current record of all trips, written in ink [on a] in a bound manifest [form] and on forms approved by the Director. The manifest shall be completed at or before reaching the destination. Such record shall be retained at least [one (1) year] three (3) years, and shall be submitted under oath for inspection to the Director [or his agents] upon request. The manifest shall contain the exact addresses or nearest intersection of points of origin and destination, time trip began and ended, number of passengers, and amount of fare, corresponding to meter reading.

(b) Submission of false information on a trip manifest is a misdemeanor, punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by imprisonment for not more than six (6) months.

Sec. 20-120. Accident reports.

Within two (2) working days after any accident involving a taxicab or limousine in which property was damaged or any person injured, the driver shall make a written report to the Director on an approved form.

Sec. 20-122. Report changes of residence.

The driver and/or certificate holder shall submit a written report of [each] any change of residence or business address within two (2) working days to the Director.

Sec. 20-127. Cruising.

Except as to a vehicle registered as a limousine, a driver is permitted to cruise with the intention of picking up as a passenger, a person hailing a taxicab. When cruising at night the cruising light of a taxicab shall be lighted. Cruising is not permitted by a limousine, nor by a taxicab within [one block] 500 feet of a [public] taxicab stand[, or the stand of a competing taxicab company].

Sec. 20-128. On call and off duty.

An "On Call" sign shall be used when a taxicab is enroute to pick up a passenger, or awaiting a passenger at a designated place in response to the request of the passenger. The sign shall be visible from the street and placed in the lower right hand corner of the front windshield or upon the right hand sun visor. A taxicab when not being operated for hire, shall display in the above manner, an "Off Duty" sign. The lettering on the sign shall be at least three(3) inches in height.

Sec. 20-129. Acceptance of passengers generally.

The driver of a taxicab shall accept as a passenger and carry where directed upon dispatch or request any orderly person[, upon request,] unless previously engaged [, or unable,] or forbidden by the provisions of this Subtitle, or by other valid law or regulation to do so. For purposes of this Section, a "disorderly person" shall mean any person who shall be acting in a disorderly manner to the disturbance of the public peace, or who shall willfully act in a disorderly manner by making loud and unseemly noises or by profanely cursing, swearing or using obscene language on or about any public place, or in or about any taxicab stand, or in or about any taxicab vehicle.

Sec. 20-132. Rates.

A schedule of rates and charges approved by the County Council shall be displayed inside

each taxicab in a manner to be plainly visible to any passenger therein. The driver shall, upon request of a passenger, give a receipt [for fares] showing the operator's name, date, the time and place of origin, destination, and the amount of the fare on an authorized form. (Fares for limousines are not regulated by the approved taxicab rates.)

Sec. 20-134. Nonpaying passengers.

A nonpaying passenger shall be transported by the driver of a taxicab only if both are in training, or if an off-duty sign is adequately displayed; provided, however, in the event a police officer requests the use of a taxicab in the performance of his official duty, then in such event, the driver shall transport said officer or assist him in any way possible. When a taxicab is in service, no persons other than the driver and passengers are allowed in the taxicab.

Sec. 20-141. [Excessive noise.] Driver's conduct and appearance.

(a) Loud conversation, yelling, or calls to and from drivers of taxicabs or limousines is prohibited. The sounding of horn or other mechanical devices for purposes other than lawful traffic signals is prohibited.

(b) Drivers shall refrain from the use of profane, loud, insulting or derogatory language towards passengers and shall generally treat all passengers with dignity and respect.

(c) Drivers shall present a neat and clean appearance at all times while on duty and shall maintain good personal hygiene.

(d) Repeated violations of this Section shall be grounds for suspension or revocation of a license.

Sec. 20-142. Smoking and [offensive] use of tobacco.

(a) A driver shall not smoke cigarette(s), cigars, or a pipe while [a passenger is being carried] in a taxicab or limousine [unless specifically consented to by the passenger].

(b) A passenger shall not smoke in a taxicab or limousine [unless specifically consented to by the driver and other passengers].

(c) [On any] All taxicabs or limousines [wherein smoking is prohibited] shall display a "Smoking is Prohibited" sign at all times [there shall be notice of such prohibition conspicuous to prospective passengers].

(d) A violation of this section shall be a misdemeanor subject to a [twenty-five dollar (\$25.00)] One Hundred Dollar (\$100.00) fine.

Sec. 20-143. Alcohol and [narcotics or synthetic drugs.] controlled dangerous substances.

(a) At no time while on duty shall the driver of a taxicab [or limousine] use or possess alcoholic beverages, [narcotics] controlled dangerous substances, or other habit-forming drugs. The transportation of alcoholic beverages [other than those] in possession of a paying passenger is [prohibited] permitted provided that the alcoholic beverages are transported in the trunk of the vehicle. Transportation of narcotic drugs for delivery that are prescribed by a licensed medical doctor [for medical purposes] is allowed in the custody of the driver if the driver obtains a receipt upon delivery, such receipt to include the signature of the recipient and the identification of the drugs. If the intended recipient refuses to sign the receipt, the driver shall refuse delivery and shall notify the Police Department as soon as possible and give possession of the narcotic drug to the police.

(b) Any driver convicted of a traffic related offense involving the use of alcohol or a controlled dangerous substance, whether on or off duty, shall be subject to an immediate suspension or revocation of his license.

(c) Passengers shall not use alcoholic beverages or controlled dangerous substances or other habit forming drugs while being transported in a taxicab.

(d) A limousine operator and passengers may possess alcohol for consumption by the passengers.

Sec. 20-144. [Breathalyzer test] Alcohol or controlled dangerous substance testing.

(a) A driver must submit to a [breathalyzer] test if the Director [or his authorized agent] or a police officer has reasonable grounds to believe that the driver has been or is drinking alcoholic beverages or has used or is using a controlled dangerous substance while on duty. The failure to submit to a [breathalyzer] test shall be sufficient grounds for suspension or revocation of a license.

(b) The Director may authorize the initiation of random drug testing of drivers of taxicabs and limousines. Any driver who fails to submit to random drug testing may be subject to the immediate suspension or revocation of license.

**DIVISION 5. VEHICLE DESIGN, EQUIPMENT,
MAINTENANCE, AND INSPECTION.**

Sec. 20-145. Design and equipment.

(a) No taxicab or limousine shall be operated or allowed to be operated unless it conforms

1 to the following requirements (exceptions applying to registered limousines are specifically
2 indicated):

3 (1) The vehicle shall be either of the built-for-the-purpose, or of the closed or sedan
4 type, and shall be equipped with at least four doors. Passenger doors must be so constructed that
5 they will remain securely fastened during normal operation, but may be readily opened by a
6 passenger in case of emergency.

7 (2) The vehicle shall be constructed and maintained so as to provide for the safety of
8 the travelling public, and continuous operation with minimum noise and vibration. It shall be
9 structurally sound as to all its parts, and shall not have missing, broken, or cracked fenders or
10 bumpers or glass.

11 (3) The vehicle shall be painted to give reasonable protection to its surface, and in a
12 color scheme approved by the Director as set forth in Section 20-153 of this Code.

13 (4) The vehicle shall be equipped with an engine adequate to enable it to operate
14 effectively and efficiently.

15 (5) The vehicle shall be equipped with a jack and safe tires, including a spare tire,
16 with sufficient tread in accordance with the State of Maryland Motor Vehicle Administration
17 vehicle inspection standards. In no case shall the required tires have a tread depth of less than
18 three thirty-seconds of an inch.

19 (6) The vehicle shall have [adequate] operating windshield wipers and windshield
20 washer equipment. The vehicle shall be equipped with approved safety glass in the windshield
21 and all windows. The center partition, if any, between the driver's compartment and the
22 passenger's compartment shall be of this type of glass or plastic.

23 (7) The vehicle shall have one set of operating seat belts for [the] each passenger[s]
24 and the driver.

25 (8) The vehicle shall be equipped with a standard speedometer, properly installed,
26 maintained in good working order and exposed to view. No vehicle shall be operated in service
27 if the speedometer is out of repair or disconnected.

28 (9) The vehicle shall be equipped with a heater sufficient to heat the interior
29 adequately in cold weather and air conditioning sufficient to cool the interior adequately during
30 hot weather unless purchased without air conditioning prior to July 1, 2000.

31 (10) The vehicle shall not be equipped with any lights or signal devices except as

1 allowed by the Motor Vehicle Laws for the State of Maryland, and as approved by the Director.

2 (11) The vehicle shall not be equipped with shades or curtains which can be
3 manipulated in such a way as to shield the occupants or the driver from observation, or obstruct
4 the rear view window.

5 (12) The vehicle shall be equipped with a frame for the proper display of the certificate
6 and the license, which, except in the case of a limousine, shall face the passengers and be so
7 located as to be at all times in plain view of such passenger(s). The card frame shall be subject
8 to approval of the Director.

9 (13) With exception of a "kick" strip not exceeding seven inches in height at the
10 bottom of doors, no upholstery covering or interior lining shall be permitted in any licensed
11 taxicab unless such upholstery [shall be,] or lining [shall be] is made of leather or similar
12 nonabsorbent, washable material. The rear cushion shall be removable. [No floor mat] Floor
13 mats shall be [permitted] required in [any] all licensed taxicabs [unless it] and shall be made of
14 rubber, leather, or metal chain, or a similar, nonabsorbent, washable material and shall be easily
15 removable. The provisions of this paragraph shall not apply to licensed limousines.

16 (14) The vehicle shall be kept clean and in a sanitary condition. At least once every
17 seven days, the exterior shall be washed and the interior shall be cleaned thoroughly with a
18 suitable antiseptic solution.

19 (15) No taxicab which is more than ten (10) model years old, or which has traveled
20 more than three hundred thousand (300,000) miles, whichever comes first, shall continue in
21 service after September 1, 2001, unless an annual waiver is granted by the Director. This waiver
22 shall be based upon a written finding that such vehicle has passed a thorough safety inspection
23 which ensures that such vehicle is in good operating condition, and is not in any manner a
24 detriment to the safety or convenience of any passenger or the public.

25 (16) All taxicabs shall be equipped with flashing emergency lights approved by the
26 Director.

27 **Sec. 20-146. Maintenance and inspection.**

28 (a) The certificate holder shall insure that the taxicab or limousine [shall be] is inspected at
29 a duly licensed Maryland state inspection station, at least twice during a twelve (12) month
30 period. An inspection shall be performed not more than six (6) months from the previous
31 inspection.

(b) [The inspection shall include all items which are normally required prior to transfer of title of a used motor vehicle under the provisions of the Transportation Article of the Annotated Code of Maryland. The certificate holder shall deliver to the Director a report signed by an authorized vehicle inspector certifying the results of the inspection. The original and follow-up copies of the motor vehicle inspection form shall be submitted to the Office of Business and Regulatory Affairs along with the certificate of inspection from the authorized State inspection agency. If any such vehicle is found to be in an unsafe condition, the certificate holder shall immediately remove the vehicle from service until it is certified satisfactory by an authorized State inspector. The certificate holder shall deliver the certificate to the Director when the inspection report indicates that the vehicle is unsafe.] On an annual basis and as scheduled during the year, the Director shall inspect the condition and general maintenance of all taxicabs for conformance with the requirements of this Subtitle.

(c) If a taxicab or limousine is found to be unclean or unfit at any time, but otherwise in safe condition, the Director [shall] may give the [owner and] driver and certificate holder a reasonable time to remedy the condition, after which the Director[’s agent] shall reinspect the vehicle. [Repeated v] Violations of [the] cleanliness or maintenance requirements or failure to submit vehicle for inspection or reinspection shall be cause [of] for [suspending] suspension or revocation of the certificate.

(d) The certificate holder shall ensure that every taxicab satisfactorily passes an emissions control test administered by the State of Maryland or an authorized test station on a biennial basis.

Sec. 20-147. Record of service.

It shall be the responsibility of each certificate holder to maintain a daily record indicating the vehicle number, driver's name and the time the vehicle is in service. Where a vehicle is operated by more than one driver, the record must identify each driver and his time in and out of service. This record shall be maintained in the respective company or association office for inspection for a period of [thirty (30) days] six months. The record of service shall be produced to the Director upon demand and at the time of any scheduled inspections.

DIVISION 6. REGISTRATION OF TAXICABS AND LIMOUSINES.

Sec. 20-148. Application for required certificate.

(a) Any owner of a taxicab or limousine, including owners who are also [operators]

1 drivers, shall not [operate] drive or allow the same to be [operated] driven within the County, on
 2 or off-duty, unless such owner has a valid certificate for each such taxicab or limousine issued
 3 under the provisions of this Division.

4 (b) Application for a certificate to authorize the use of a vehicle as a taxicab or limousine
 5 shall be made under oath by the prospective certificate holder to the Director upon a form
 6 provided by the Director. The applicant shall provide the following information:

7 (1) The full name and the home and business address and telephone numbers of the
 8 applicant. If the applicant [be] is a corporation, a certified copy of the articles of incorporation
 9 shall be provided.

10 (2) The trade name and the telephone number(s) under which the applicant does, or
 11 proposes to do, business.

12 (3) [The] A sworn statement of the financial status and responsibility of the applicant
 13 including evidence of [his] the ability to acquire and maintain the vehicle(s) for which the
 14 certificates and registration authority is sought.

15 (4) Each criminal conviction, guilty plea, or plea of nolo contendere of the applicant,
 16 or [his] agents or officers of the applicant.

17 (5) The names of all drivers, their license numbers, and home addresses.

18 (6) The ownership, seating capacity, design and proposed color scheme, and make
 19 and serial number of each vehicle.

20 (7) The make and number of each meter in each vehicle, excepting limousines.

21 (8) The nature and location of depots, terminals, and garages to be used, if any.

22 (9) A description of the communications system to be used, if any.

23 (10) The specific experience of the applicant in the transportation of passengers for
 24 hire.

25 (11) Description of service(s) to be rendered, including time(s) of operation.

26 (12) For limousines, a schedule of fares.

27 (13) Evidence of insurance as set forth hereinafter.

28 (14) A copy of the Maryland Motor Vehicle Administration vehicle registration
 29 indicating new certificate holder as owner of the taxicab.

30 (15) Such other information as the Director may require in order to administer these
 31 regulations.

Sec. 20-150. Insurance requirements.

Before issuing any certificate under this Subtitle, the Director shall ascertain as to each vehicle, that the owner has insurance or surety bond for the vehicle covering bodily injury, or death to any passenger or other person in one accident in the amount of \$25,000, multiple deaths or injury in one accident in the amount of \$50,000, and property damage in one accident in the amount of \$10,000, or the amounts required by the financial responsibility laws of the State of Maryland, whichever are higher, and further that such insurance or surety covers the full period for which the vehicle is to be licensed.

Sec. 20-151. Lapse of insurance.

If at any time for any reason the insurance or surety coverage shall lapse, the certificate shall be immediately suspended without a notice of hearing and the Director shall proceed immediately to obtain possession of the certificate, until the insurance or surety bond requirements are fully met. If insurance is [cancelled] canceled, the certificate holder shall deliver or cause to be delivered a copy of the cancellation notice to the Director within 48 hours after said notice is received.

Sec. 20-152. Issuance of certificate card.

(a) If the application is approved, the Director shall, for each vehicle, issue a certificate which shall be valid for one year. The certificate remains the property of Prince George's County, and must be returned to the County immediately upon final removal of the vehicle from service unless otherwise transferred under Section 20-155 of this Code.

(b) [The certificate for a limousine shall be clearly inscribed with the word "Limousine."] The certificate issued must be held by an applicant for a minimum of three years before it may be transferred in accordance with Section 20-155 of this Code.

(c) [The certificate for a taxicab shall be clearly inscribed with the word "Taxicab."] Any holder of a certificate acquired pursuant to the transfer provisions of this Subtitle must hold the certificate a minimum of three years before it may be transferred again.

(d) No person other than the person to whom it is issued[,] shall use a certificate.[: provided, however, in the case of death or disability of the person to whom said certificate is issued, then, in such event, the certificate may be reissued to the [widow] surviving spouse of the certificate holder or to an adult child of the certificate holder, otherwise qualified under this Subtitle.]

Sec. 20-153. Color scheme and insignia.

* * * * *

(d) The number of the certificate, except for limousines, preceded by the "PG" designation shall be painted on the sides and rear of the vehicle and made clearly visible to passersby, in figures at least three (3) inches in height, and contrasting in color from the background colors as follows: PG 900. There shall be no other numbers painted on the taxicab for identification purposes.

Sec. 20-154. Termination of service.

The certificate holder of a vehicle permanently removed from service must notify the Director of such action in writing within forty-eight (48) hours, indicating whether the owner "junks" the vehicle, sells it or transfers title to it, no longer uses it for hire, or whether the tags have been stolen, or the registration of the vehicle has been revoked by the [Commissioner of Motor Vehicles] Maryland Motor Vehicle Administration. When the vehicle is so out of service, all registration cards and other papers issued by the Director to the owner shall be returned by the owner with notice that the vehicle is out of service. The certificate holder shall paint out all identifying marks and numbers indicating that the vehicle was used as a taxicab. The Director shall hold the certificate until its normal expiration date, or until the holder applies for transfer of the certificate to another vehicle prior to such date and within a period of ninety (90) days. If a vehicle is not placed in service under the certificate within ninety (90) days, the certificate may be revoked. The certificate holder shall notify the Director when any taxicab or limousine covered by a certificate is temporarily taken out of service for a period longer than five (5) days, explaining why the vehicle is out of service.

Sec. 20-155. Transfer of certificates.

(a) When the owner of a vehicle registered under these regulations has transferred the title of the vehicle to a new owner, or has otherwise relinquished the use of the vehicle for hire, upon sufficient proof thereof to the Director, the certificate holder may have the certificate transferred to another vehicle to be used by him for hire in accordance with this Subtitle and State law, and thereupon the Director, upon receipt of payment of [fifteen dollars (\$15.00)] Twenty-five Dollars (\$25.00), shall issue a new certificate to the owner for the replacement vehicle for the balance of the registration year, provided that the replacement vehicle meets all the requirements of this Subtitle.

(b) A certificate may be transferred, provided that the following requirements have been met:

(1) The certificate holder notifies the Department in writing of the proposed transfer at least 45 calendar days prior to the date of the proposed transfer;

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

(3) The transferee satisfies all of the requirements of this Subtitle;

(4) The certificate is not under suspension or revocation or under appeal from a suspension or revocation and does not have any outstanding fines, fees or penalties;

(5) The Director has approved the proposed transfer of the certificate and the transferee has paid a transfer fee to the County of One Thousand Dollars (\$1,000) plus all other routine fees for the issuance of a certificate; and

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

(c) In those cases where the individual certificate holder wishes to transfer a certificate to a company or a corporate entity entirely owned by the certificate holder and his immediate family, there shall be no transfer fees involved except for the full annual certificate fee which shall be paid at the time of the transfer.

(d) The transferred certificate shall be reissued for a period of one year and any previously paid annual certificate fee shall not be refunded.

(e) A certificate may only be transferred once in any three year period under any provisions of this Subtitle.

(f) Any company or corporate entity which transfers a certificate or certificates by sale by its owner or owners shall pay fees associated with the transfer provisions in proportion to the number of certificates held and the percentage change of company ownership.

Sec. 20-156. Limitation on number of certificates.

(a) The Director shall issue to the owner for each taxicab and for each limousine a certificate containing the information required by this Subtitle. [The Director shall limit] As of October 1, 2000, the number of valid certificates is limited at any given time to seven hundred seventy-five [(700)](775) for taxicabs, ten (10) for taxicabs specially equipped for the transportation of passengers in wheelchairs, and fifty (50) for limousines. The County Council

1 may by resolution increase or decrease the limit on the number of valid certificates for taxicabs
 2 by no more than 10% of the total number of certificates each year for the calendar years of 2002,
 3 2003, 2004, 2005, and 2006.

4 (b) The Director shall maintain a list, available to the public in [chronological] alphabetical
 5 order, [of applicants] for the lottery for certificates. [and, whenever there are less than the
 6 maximum permitted number of such certificates outstanding shall issue certificates to bring the
 7 number outstanding up to the maximum permitted number to qualified applicants on the list who
 8 have had an application pending for the longest period of time. Applicants on the list shall
 9 request the Director in writing during the months of January and July of each year to continue
 10 their names on the list; otherwise their names shall be removed from the Director's list and their
 11 applications shall be considered withdrawn.] In any calendar year, whenever there are less than
 12 the maximum permitted number of such certificates outstanding, the Director shall conduct a
 13 lottery and issue certificates to those drivers chosen by the lottery. The number of certificates
 14 available in the annual lottery shall equal the maximum number permitted under Subsection (a),
 15 above. To participate, applicants shall pay an annual fee of Twenty-five Dollars (\$25.00).
 16 Participation in the lottery is limited to drivers who have been licensed as drivers in the County
 17 for a period of at least one year and who have been issued not more than one certificate. The
 18 certificate will be issued on a provisional basis to the drivers chosen and shall be operated by that
 19 driver for at least three years. Certificates cannot be subleased.

20 (c) For any business having more than ten (10) taxicabs, the Director shall restrict the
 21 number of certificates issued in that business name or name of the officers, partners, or close
 22 relatives to not more than seventy-five percent (75%) of the total number of certificates issued in
 23 that business name and issued to drivers associated with that business through the use of the
 24 business name or through a contract which commits a major portion of the licensed taxicab's
 25 activity to operations associated with the business. For the purposes of this Section, close
 26 relatives shall be defined as mother, father, and grandparents, children and grandchildren,
 27 brothers and sisters, spouses, aunts and uncles. Any business holding more than seventy-five
 28 percent (75%) of the total number of certificates issued in the business name and issued to
 29 drivers associated with that business on the effective date of this Act shall not have a certificate
 30 revoked because the business has more than seventy-five percent (75%) of the total number of
 31 certificates; however, no additional certificates shall be granted until the number of certificates

1 issued in the business name or name of the officers, partners, or close relatives is less than
 2 seventy-five percent (75%) of the total number of certificates issued in the business name and
 3 issued to drivers associated with that business.

4 **Sec. 20-156.01. Required service to County.**

5 (a) More than ninety percent (90%) of the trips of each driver's working calendar day in
 6 any vehicle for which a certificate is issued pursuant to Section 20-156 must be to or from
 7 locations within Prince George's County.

8 (b) In order for a certificate to be renewed, the certificate holder must demonstrate that the
 9 vehicle for which the certificate has been issued and any replacement vehicle to which the
 10 certificate has been reassigned have been driven for a combined total of 26,000 miles in the
 11 previous twelve months.

12 **Sec. 20-157. Certificate fee.**

13 Every certificate holder shall pay an annual certificate fee to the [Director] County for each
 14 year [or part thereof] during which the certificate is to be valid. The nonrefundable fee shall be
 15 in the amount of [seventy-five dollars (\$75.00) for each vehicle of the certificate holder] One
 16 Hundred Dollars (\$100.00) per certificate per year.

17 **Sec. 20-159. Taxicabs from other jurisdictions.**

18 The right of a taxicab or limousine operator, [who, when his] whose vehicle is duly
 19 registered in any other [County] jurisdiction of this State or in any other state or the District of
 20 Columbia, [or Virginia], to bring a passenger or passengers into this County when the trip has
 21 originated in the other jurisdiction, is hereby recognized. If the engagement of a taxicab has
 22 been what is known as a "waiting time" agreement the passenger or passengers so brought into
 23 this County may be taken therefrom by the same taxicab and operator, provided that the operator
 24 shall enter the facts as to the trip upon his manifest and shall have included the waiting time in
 25 his charge for the trip, and that the operator shall remain with the taxicab at the place of
 26 discharge of passengers until the return trip is begun. Operators of taxicabs or limousines
 27 registered in another jurisdiction shall have no rights to solicit business or transport other
 28 passengers in this County. The County Executive may enter into reciprocal agreements
 29 regarding taxicab service with other jurisdictions subject to County Council approval by
 30 resolution.

DIVISION 7. RATES AND METERS.

Sec. 20-160. Rates.

(a) Regular Taxicab Rates. The regular rates to be charged by taxicab drivers are as follows:

(1) One Dollar and Fifty [Twenty] Cents [(\$1.20)](\$1.50) up to the first one-seventh (1/7) of a mile or part thereof traveled. A One Dollar (\$1.00) per trip surcharge is imposed on any trip that originates between the hours of 8:00 P.M. and 6:00 A.M.

(2) Twenty-five Cents [(\$.20)](\$.25) for each additional one-seventh (1/7) of a mile or part thereof.

(3) One Dollar (\$1.00) for each additional passenger traveling to any point; provided, however, that one child less than six (6) years old traveling with an adult, and senior citizens aged sixty (60) and over and attendants providing physical assistance to handicapped individuals shall not be charged. The driver shall have the right to require proof of age from senior citizens.

(4) In addition to the mileage charge, there shall be a time charge for any time that the vehicle is stopped or operating at a speed of under twelve (12) miles per hour at a rate of Twenty Cents (\$.20) for each sixty (60) seconds.

(5) Pets may be transported at the discretion of the driver; provided, however, that the driver shall transport any assistance dog or any licensed guide dog for the handicapped free of charge.

(6) At the discretion of the driver, an appropriate fare can be demanded before departure.

(7) A service charge of One Dollar (\$1.00) shall be levied by the taxicab driver for any personal service rendered by the driver. However, there shall be no personal service charge levied on any person who is confined to a wheelchair, or is aged sixty (60) and over, or [who is blind] physically handicapped. There shall be no personal service charge for the removal and carrying of luggage or the use of the trunk of the taxicab, provided the passenger is [disabled] physically handicapped.

(8) The charge for the hiring of a taxicab and driver shall be [Twelve] Fifteen Dollars [(\$12.00)] \$15.00 per hour plus mileage.

(9) No fee shall be charged for transporting hand-carried luggage or packages. The charge for using the trunk of the taxicab shall be One Dollar (\$1.00) in addition to all other fares.

(10) During snow emergency conditions a Three Dollar (\$3.00) per trip surcharge is imposed. Snow emergency conditions shall be determined by the [Prince George's County Police Department] County Executive.

(b) Limousine Rates. A limousine duly registered under the provisions of this Subtitle shall carry passengers at rates set forth in an agreement with users.

(c) On or before July 1 of each year, the [Board] Director shall [review all available data] perform a rate survey and submit recommendations to the County Executive for taxicab rate adjustments. The [Board's] Director's review shall take into account any information relative to proposed rate adjustments submitted by representatives of the taxicab industry on or before May 1 of each year. Information submitted by representatives of the taxicab industry should compare current cost of taxicab operations prior to the adoption of the last rate adjustment and shall contain information as to the current profitability of the taxicab industry.

(d) [Subsequent to the County Executive's receipt of information submitted by the Board,] Prior to September 1 of each odd numbered year, the County Executive [may] shall transmit to the County Council his recommendations for any such taxicab rate adjustments.

Sec. 20-160.01. Emergency fuel cost surcharge.

(a) If the County Executive finds that the average retail price of regular gasoline fuel in the region has exceeded the price of \$1.45 per gallon, the County Executive shall declare a Fuel Cost Emergency and shall authorize the Director of Business and Regulatory Affairs to establish a Fuel Cost Emergency Surcharge.

(b) During the emergency the Director shall set an amount which shall be charged per trip in addition to the rates established in Section 20-160 of the Code.

(c) The fuel cost emergency surcharge shall be \$1.00 for each fare.

(d) The fuel cost emergency surcharge may not be charged to any person who is sixty years (60) and over.

(e) The fuel cost emergency surcharge may not be charged for any fare pursuant to a County contract.

Sec. 20-161. Meter requirements.

* * * * *

(b) The Board may recommend and the Director shall approve the types of taximeters to be used on taxicabs in conformity with specifications and tolerances as set by [Title 11, Agriculture

Article, Annotated Code of Maryland] the National Bureau of Standards. The Director [or his agent] shall road test the taximeter for accuracy and conformity with approved rates, at least [twice] once each calendar year[, except that in the year in which the taxicab is placed in operation, or taken out of operation, one of these tests may be waived]. The meter shall be sealed after testing. Regulations concerning the use and maintenance of taximeters, not inconsistent with this Section, as may be necessary to promote the purpose hereof, shall be promulgated by the Director with recommendations from the Board.

(c) Taximeters must register the fare upon illuminated counters plainly visible to a passenger.

(d) It shall be unlawful for any person:

(1) To use any taximeter until the same shall have been inspected, found to be accurately set to operate at approved rates, and sealed by a County Inspector;

(2) To operate any vehicle with a taximeter unsealed or not having its [cover gear] access port intact;

(3) To carry passengers for hire except while operating the taximeter in accordance with the provisions of this Subtitle, provided, however, that the Director may grant a waiver to this provision for a contract with a government agency filed with the Office of Business and Regulatory Affairs that permits discounted rates or rates lower than those computed by the taximeter upon a written determination by the Director that the contract provisions will not result in a significant reduction of service to the general public or impact a licensee's ability to earn a living while maintaining the integrity of the contractual services;

(4) To make any charge for the transportation of a passenger other than as provided under this Subtitle; or

(5) To make any change in the mechanical, electrical, or electronic condition of [wheels, tires, or gears of] a taxicab or its meter with intent to cause false registration by the meter of the fare to be charged a passenger.

SECTION 2. BE IT FURTHER ENACTED that Sections 20-156.02 and 20-163 are hereby repealed:

SUBTITLE 20. TAXICABS AND OTHER VEHICLES FOR HIRE.

DIVISION 6. REGISTRATON OF TAXICABS AND LIMOUSINES.

Sec. 20-156.02. [Limited certificates; Special Taxicab Districts] Reserved.

SECTION 3. BE IT FURTHER ENACTED that the Director shall annually request from the Chief of Police a report of all incidents involving taxicabs and the disposition of each incident.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of July, 2000.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.