

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-36-2010

Chapter No. 44

Proposed and Presented by Council Members Bland, Dean, Dernoga, Knotts and Olson

Introduced by Council Members Bland, Dean, Dernoga, Knotts and Olson

Co-Sponsors _____

Date of Introduction June 15, 2010

BILL

1 AN ACT concerning

2 Taxicabs and Limousines

3 For the purpose of amending provisions of the Code regulating taxicabs, amending certain
4 definitions and requirements for certificates of registration, increasing fees and otherwise relating
5 to the regulation of taxicabs.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 20. TAXICABS AND LIMOUSINES.

8 Sections 20-102, 20-102.01, 20-102.02, 20-103,
9 20-104, 20-105, 20-106, 20-107, 20-108, 20-109,
10 20-110, 20-111, 20-112, 20-145, 20-148, 20-150,
11 20-152, 20-153, 20-155, 20-156, 20-157 and 20-159,

12 The Prince George's County Code
13 (2007 Edition, 2009 Supplement).

14 BY adding:

15 Section 20-132.01
16 The Prince George's County Code
17 (2007 Edition, 2009 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 20-102, 20-102.01, 20-102.02, 20-103, 20-104, 20-105, 20-106,
20 20-107, 20-108, 20-109, 20-110, 20-111, 20-112, 20-145, 20-148, 20-150, 20-152, 20-153., 20-
21 155, 20-156, 20-157, and 20-159 of the Prince George's County Code be and the same are

1 hereby repealed and reenacted with the following amendments:

2 **SUBTITLE 20. TAXICABS AND LIMOUSINES.**

3 **DIVISION 1. GENERAL PROVISIONS.**

4 **Sec. 20-102. Definitions.**

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

8 (1) **Active Driver.** A licensed driver who has been regularly driving a taxicab in
9 Prince George's County for minimum of eight (8) months in any calendar year, as demonstrated
10 under 20-119 of the Code.

11 (1.1) **Association.** Any group of two or more holders of Certificates of Taxicab
12 Registration operating taxicabs not under common ownership but under unified control and a
13 common trade name and having a common uniform color scheme.

14 (2) **Board.** The Prince George's County Taxicab Board.

15 (3) **Certificate.** The Prince George's County Certificate of Registration granted to a
16 person, including [in the business of] a company, operating a taxicab or limousine as provided in
17 this Subtitle.

18 (4) **Certificate Holder.** Any individual or multiple owner, [association, partnership,
19 company, corporation, or other organization] that has been granted a Prince George's County
20 Certificate of Registration, as provided in this Subtitle.

21 (4.1) **Company.** Any corporation, partnership, limited liability company or other legal
22 business entity which holds a Certificate or [two or more] Certificates and operates a taxicab
23 pursuant to this Subtitle. [centralized administrative, management, and marketing services under
24 one name and having a common, uniform color scheme.]

25 (5) **Director.** The Director of Environmental Resources of Prince George's County,
26 Maryland, or designee.

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

29 (6.1) **Individual Owner.** Any individual or company which holds one Certificate of
30 Registration.

31

1 (6.2) **Law Enforcement.** Includes all law enforcement agencies authorized to
 2 enforce laws within the geographical boundaries of Prince George's County, Maryland, and those
 3 special police who have been appointed pursuant to the provisions of Title 4, Subtitle 9, Article
 4 41, Annotated Code of Maryland.

5 (6.3) **Lease.** A lease agreement or other arrangement allowing the use of a
 6 Certificate by a driver or company other than the one that has been issued in the name of a
 7 certificate holder by the Director.

8 (7) **License.** The taxicab or limousine driver's license (commonly referred to as I.D.
 9 or a Face Card) issued by the Prince George's County Department of Environmental Resources.

10 (7.1) **Licensee.** See Driver. A person licensed to drive or operate a taxicab or
 11 limousine for hire but who does not provide taxicab or limousine service with the county for at
 12 least eight (8) months in any calendar year but otherwise maintains a license.

13 (8) **Limousine.** Any motor vehicle for hire by the hour, day, or week, designed to
 14 carry ten (10) persons or more, including the driver, used for the purpose of accepting for
 15 transportation members of the public for hire between such points, along the public streets, as the
 16 passengers and the owner or operator thereof shall agree upon in writing, in advance.

17 (8.1) **Medallion.** A decal containing the number assigned by the Director used for
 18 tracking of legally authorized taxicabs and limousines operating under a certificate.

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

23 (9.1) **Multiple Owner.** Any individual or company which holds two or more
 24 Certificates of Registration.

25 (9.2) **Operator.** See Driver.

26 (10) **Personal Service.** Any service required by a passenger which necessitates the
 27 taxicab driver leaving the taxicab.

28 (10.1) **Radio Dispatch Service.** A communication system operated by a central
 29 dispatcher with a telephone answering system and/or computer that is used to receive requests
 30 for service from the general public and to communicate those requests to duly authorized taxicab

1 drivers, such dispatch service being made available on a reliable and consistent basis to both the
 2 general public and drivers [available to the public] during hours of operation.

3 (11) Sublease. A lease agreement or other arrangement in which the certificate
 4 holder's lease is assigned to a third party.

5 (12) **Taxicab.** Any passenger motor vehicle for hire (other than a vehicle operated,
 6 with approval of the Public Service Commission of Maryland or the Washington Metropolitan
 7 Area Transit Commission, between fixed termini or regular schedules) designed to carry nine (9)
 8 persons or less, including the driver, used for the purpose of accepting or soliciting for
 9 transportation members of the public for hire between such points, along the public streets, as the
 10 passenger may direct.

11 (13) **Taximeter.** See Meter.

12 (14) **Trunk.** A piece of luggage having a minimum content of three cubic feet or
 13 9" x 16" x 36".

14 (15) **Waiting Time.** Time consumed while the taxicab is waiting and available to the
 15 passenger beginning at the time of arrival at the place to which the driver has been called or time
 16 consumed for delays or stay-overs en route to the destination at the request or direction of the
 17 passenger. Waiting time shall not include time lost on account of inefficiency of the taxicab.

18 **DIVISION 1A. TAXICAB BOARD.**

19 **Sec. 20-102.01. Board composition.**

20 (a) Established and Membership.

21 (1) A Taxicab Board is hereby created. The Board shall consist of five (5) members,
 22 all of whom shall be appointed by the County Executive subject to Council confirmation
 23 pursuant to Charter. Two (2) members shall be employed in the taxicab industry, of which one
 24 such member shall be a fulltime active taxicab driver who does not own nor control more than
 25 one Certificate of Registration, and three (3) members shall be public members, broadly
 26 representative of the citizens of Prince George's County, with no pecuniary interest in any
 27 business related to this trade. On the expiration of the term of any members, the Executive shall
 28 appoint or reappoint members for terms of two (2) years. Each member shall hold office until
 29 the expiration of his term or until a successor has been duly appointed and confirmed. Any
 30 member with three (3) or more unexcused absences in any term or who is unable to fulfill the
 31 obligations of membership may be replaced upon recommendation of the Director and the Board.

1 (2) The Director or his designee shall serve as a nonvoting ex-officio member of the
2 Board.

3 (b) Officers, Procedures, and Administration.

4 (1) The Chairman of the Board shall be one of the public members and shall be
5 designated as such at the time of appointment. The Board shall elect from its members a vice-
6 chairman and secretary. In exercising its powers and duties under this Subtitle, three (3)
7 members shall constitute a quorum. The Board shall keep minutes of its proceedings and
8 meetings. All decisions of the Board shall be in written form with findings. For assistance in
9 reaching decisions, the Board may request technical assistance, advice, data or factual evidence
10 from the Department of Environmental Resources. The Board shall submit to the Executive an
11 annual report of its proceedings. This report shall be public record.

12 * * * * *

13 **Sec. 20-102.02. Board duties and responsibilities.**

14 (a) The Board shall review programs, policies, standards, regulations and procedures
15 governing the technical aspect of licensing and registration and make any recommendations to
16 the Director, County Executive and County Council.

17 (b) The Board shall develop examinations to be administered by the Department in order
18 to determine eligibility of applicants for licensing.

19 (c) The Board shall hear appeals of violation notices issued under this Subtitle and
20 decisions and actions of the Director to deny, revoke, or suspend any license or certificate
21 required by this Subtitle. Appeals shall be heard as provided under Section 20-106.

22 (d) The Board shall have reflected in its meeting minutes any proposed transfer of any
23 certificates between individual certificate holders and a partnership, company, corporation, or
24 other organization pursuant to Section 20-155.

25 **DIVISION 2. AUTHORITY.**

26 **Sec. 20-103. Administration of Subtitle.**

27 (a) The Director is hereby designated as the official of the County empowered and
28 authorized to carry out the provisions of this Subtitle. Where necessary to ensure the full force
29 and effect of the provisions of this Subtitle, law enforcement shall have the authority to enforce
30 this Subtitle.

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

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

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

13 (e) The Director shall establish a procedure for recording and resolving complaints
14 received. Records of all complaints so filed shall be made available to the public pursuant to the
15 Maryland Public Information Act.

16 **Sec. 20-104. Inspection of vehicle; right of entry; display of credentials.**

17 (a) Representatives of the Chief of Police and the Director are hereby authorized to make
18 inspections under the provisions of this Subtitle. They shall have the right at any time, after
19 identifying themselves to the driver or owner, to enter into, or upon any taxicab or limousine for
20 the purpose of ascertaining whether or not any provision of this Subtitle has been violated.
21 Refusal of the driver or owner of any such vehicle to stop the vehicle when ordered to do so by
22 such representative, or to permit any such representative to enter into the vehicle for such
23 purposes, or refusal to display the certificate, license, or any other document required under this
24 Subtitle to be carried in the vehicle, upon his demand, shall constitute a violation of this Subtitle
25 and shall be sufficient grounds for revocation, or suspension of the license or certificate.

26 (b) If, upon inspection, it is determined that the copy of the duly authorized certificate
27 carried in the vehicle does not correspond to the vehicle, the certificate holder may be deemed to
28 have violated Section 20-148(a) of this Subtitle and shall have his/her certificate revoked by the
29 Director.

30 (c) Where a company fails to maintain the appropriate certificate in a vehicle operating as
31 a taxicab or limousine and a driver is issued a citation by law enforcement officials as a result of

1 such failure, the driver shall provide a copy of the citation to the Director within fifteen (15)
 2 business days of receiving the violation. The Director shall keep a permanent record of all such
 3 citations received pursuant to this subsection.

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

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

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

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

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

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

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

13 (6) Repeated and persistent violations by the licensee or certificate holder of the
 14 Prince George's County Code, including failure to maintain a copy of a duly authorized
 15 certificate in the vehicle to which it has been assigned, repeated and persistent violations of the
 16 motor vehicle laws of Maryland or surrounding jurisdictions, or a traffic record which indicates
 17 an unsafe driving pattern;

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

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

22 (9) Conviction of the licensee or certificate holder of any criminal offense or a
 23 conviction or a plea of nolo contendere for any traffic offense involving the use of alcohol or a
 24 controlled dangerous substance;

25 (10) Procuring or attempting to procure a license or certificate by fraud,
 26 misrepresentation, false or misleading statements, or omission of material facts on an application
 27 for a license or certificate;

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

30 (A) Complaints will be investigated by the Director;

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

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

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

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

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

10 (b) Where the holder of a certificate is a corporation, the certificate may be suspended or
 11 revoked by the Director if the person convicted of any criminal offense remains for more than a
 12 period of one (1) month from the time of such conviction as an officer in the corporation or is a
 13 stockholder with more than twenty-five percent (25%) of the stock in the corporation.

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

16 (d) The violation notice or the denial, suspension or revocation of a license or certificate
 17 under this subsection shall be served on the party by personal delivery or by registered or
 18 certified mail to the last known address.

19 **Sec. 20-106. Appeals.**

20 (a) Any party aggrieved by a decision or action of the Director with respect to the issuance
 21 of a violation notice or the denial, suspension or revocation of a license or certificate pursuant to
 22 this Subtitle, shall have the right to appeal any such decision or action to the Board within ten
 23 (10) calendar days after the date of the issuance of the violation notice or such other decision or
 24 action by the Director.

25 (b) Notice of an appeal shall be filed in writing with the Director or his designee, who shall
 26 promptly forward it to the Board. Upon filing of an appeal, the provisions of subsections (f)
 27 shall be in effect.

28 (c) The Board shall hear all appeals within sixty (60) days of the filing of the appeal. At
 29 least fifteen (15) calendar days prior to the date set for the hearing, the Board shall notify all
 30 parties to the proceeding in writing of the date, time, and place set for the hearing, the subject of

1 the appeal, and the right to present testimony and to be represented by counsel. The notice shall
2 be served on the parties by personal delivery or by registered or certified mail.

3 (d) Hearings shall be public. The Board may hear any evidence which is relevant and
4 probative; strict rules of evidence shall not apply. All witnesses shall give testimony under oath
5 or affirmation.

6 (e) The Board shall issue written findings of fact and conclusions and an order affirming,
7 modifying, or setting aside the notice or licensing action within thirty (30) days after the hearing.

8 (f) Except in an emergency, as certified by the Director in writing, an appeal will
9 automatically stay any further action, but only for a period of ninety (90) days or until the Board
10 issues its written decision, whichever is less. In the case of an emergency, the Board shall make
11 every effort to provide an expedited hearing and decision if so requested by either party.

12 (g) Any party aggrieved by a decision of the Board may file an appeal in the Circuit Court
13 for Prince George's County. All appeals shall be on the record and shall be governed by the
14 Maryland Rules governing appeals from administrative agencies.

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

16 **Sec. 20-107. Application.**

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

20 (1) The applicant must have had at least one year of documented driving experience;

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

22 (3) The applicant must be able to read, write, and speak the English language, and be
23 knowledgeable of basic geographic locations in the County;

24 (4) The applicant must be a citizen of the United States, a legal permanent resident,
25 or otherwise possess a work permit issued by the appropriate government entity [United States
26 Department of Justice - Immigration and Naturalization Service] and provide documentation, as
27 required by law [the Director,]to support the same;

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

1 destinations by the shortest routes practicable; [and]

2 (6) The applicant must provide proof of having undergone a physical examination
 3 within six (6) months immediately prior to initial application for a license and must submit to a
 4 physical examination at least once [a] every two years, or more if required by the Director for
 5 cause[.]. The applicant shall [and to] submit to the Director a certificate reporting the results of
 6 such examination and signed by a licensed medical doctor. [The] A model certificate form shall
 7 be provided by the Director.

8 (7) The applicant must provide a certificate demonstrating he/she has received at least
 9 six (6) hours of training on how to operate a taxicab, including training on how to use
 10 dispatching service should such service be provided and how to maintain a proper manifest. The
 11 Director, by regulation, may establish such criteria and standards of training that may be
 12 provided to prospective taxicab drivers by duly licensed Prince George's County taxicab driver
 13 or the taxicab company for whom the licensee will drive.

14 (b) The Director shall issue fifty (50) new driver's licenses prior to September 30, 2011.
 15 After October 1, 2011, the Director shall not issue new drivers' licenses in an amount exceeding
 16 ten percent (10%) of the total number of certificates issued in the County for the calendar year.
 17 Where such licenses have been issued prior to October 1, 2011, in excess of ten percent (10%),
 18 they shall remain valid subject to the requirements of this Subtitle but no new licenses shall be
 19 issued nor shall previously-issued licenses that have lapsed be reissued until such numbers come
 20 into compliance with the ten percent (10%) of the total number of certificates issued.

21 (c) Any person found to have assisted the applicant in meeting the requirements of this
 22 section through fraudulent means, shall be guilty of a misdemeanor and on conviction is subject
 23 to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6)
 24 months, or both.

25 **Sec. 20-108. Grounds for denial.**

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

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

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

5 (3) Conviction, or plea of guilty, or plea of nolo contendere to the violation of any
6 law, any sex offense, any alcohol offense, or the illegal use, sale, or possession of a controlled
7 dangerous substance, any gambling offense, any use of a firearm or offense involving physical
8 violence, or any solicitation for prostitution;

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

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

12 (6) Whether or not the applicant is covered by diplomatic immunity;

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

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

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

22 (10) If the applicant has any outstanding fines or citations issued under a previous
23 taxicab license or certificate which are not already under appeal and which remain unpaid.

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

27 **Sec. 20-109. Expiration.**

28 A license shall be valid for [one (1)] two (2) years from date of issuance and shall be
29 renewed by the Director so long as the provisions of this Subtitle and the administrative
30 interpretations promulgated pursuant hereto have been complied with.

Sec. 20-110. Fee.

The filing fee for a new license (I.D.) shall be Two [One] Hundred Fifty [Twenty-five] Dollars (\$250.00) [(\$125.00)] and shall be nonrefundable. The bi-annual renewal fee shall be Two [One] Hundred Fifty [Twenty-five] Dollars (\$250.00) [(\$125.00)]. The fee for a duplicate license shall be Twenty-five Dollars (\$25.00).

Sec. 20-111. Changes in Status.

Within three (3) business [working] days, the licensee shall notify the Director in writing of any subsequent change in his status as shown on the application form.

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

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

(a) The [driver] owner of each taxicab or limousine shall [operate] maintain the vehicle [it] in accordance with the laws of this State, the provisions of this Subtitle and other regulations or ordinances of the County, with due regard to the safety, comfort and convenience of passengers and the general public. The driver of each taxicab or limousine shall operate it in accordance with the same laws and principles.

(b) The Director may issue a notice of violation, including the amount of the applicable fine, to any taxicab or limousine owner who permits operation of his/her vehicle where the vehicle fails to meet the requirements of the laws of this State, the provisions of this Subtitle, and other regulations or ordinances of the County. The fine for the first such violation shall be One Hundred Dollars (\$100.00), for second violation shall be Two Hundred Fifty Dollars (\$250) and for a third or any subsequent violation shall be Five Hundred Dollars (\$500). [may issue a notice of violation to any person who operates a taxicab or a limousine in violation of the provisions of this Subtitle, or who knowingly permits another person to do so.]

(c) The notice shall be mailed or delivered to the responsible party(ies) or their agents and shall state: the specifics of the violation; the amount of the fine; the actions required for compliance; a statement that the failure to comply with the notice may result in [monetary fine,] suspension or revocation of the parties' license or certificate, or other legal action; and how the person or company may appeal the violation notice.

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

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

- 4 (1) Issue a citation as provided in paragraph (f) of this Section;
- 5 (2) Revoke, suspend, or refuse to renew the license and/or certificate;
- 6 (3) Seek injunctive or other appropriate legal relief to enforce the provisions of this
7 Subtitle.

8 (f) Where the continued operation of a vehicle poses an immediate or ongoing
9 compromise to the safety of the riding public or the driver, [I]n lieu of a violation notice, the
10 Director may issue a citation pursuant to Subtitle 28, Division 3, of this Code to a person, [or]
11 persons who operates or permits others to operate a taxicab or limousine in violation of any of
12 the provisions of this Subtitle. The citation shall serve as notification to the person that he has
13 committed a civil violation and must pay to the County a monetary fine, subject to the right to
14 trial under Section 28-257 of this Code. The amount of the fine shall be Five [One] Hundred
15 Dollars (\$[1]500.00) for each violation, and each day in which the violation remains uncorrected
16 shall constitute a separate violation. In addition to the remedies provided under Section 28-258
17 of this Code, the Director may revoke or suspend the license and/or certificate of a person who
18 fails to pay the fine or request adjudication of a citation.

19 * * * * *

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

22 **Sec. 20-145. Design and equipment**

23 (a) No taxicab or limousine shall be operated or allowed to be operated unless it conforms
24 to the following requirements (exceptions applying to registered limousines are specifically
25 indicated):

26 * * * * *

27 (17) Each taxicab shall have a medallion issued by the Director displayed on the driver side
28 front panel and rear trunk for that taxicab.

29 * * * * *

**DIVISION 6. CERTIFICATE OF REGISTRATION [OF] FOR
TAXICABS AND LIMOUSINES.**

Sec. 20-148. Application for required certificate.

(a) Any owner of a taxicab or limousine, including owners who are also drivers, shall not drive or allow the same to be driven within the County, on or off-duty, unless such owner has a valid certificate for each such taxicab or limousine issued under the provisions of this Division.

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

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

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

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

(4) Each criminal conviction, guilty plea, or plea of nolo contendere of the applicant, or agents or officers of the applicant.

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

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

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

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

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

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

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

(12) For limousines, a schedule of fares.

(13) Evidence of insurance as set forth hereinafter.

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

3 (15) A Certificate of Good Standing from the State of Maryland.

4 (16) A copy of any contract, fee structure, leasing or rental rates or other operating
5 agreement between a certificate holder and driver. The certificate holder or applicant shall
6 provide to the Director within three (3) business days any change in such document provided.

7 (17) Such other information as the Director may require in order to administer these
8 regulations.

9 * * * * *

10 **Sec. 20-150. Insurance requirements.**

11 (a) Before issuing any certificate under this Subtitle, the Director shall ascertain, as to each
12 vehicle, that the owner has insurance or surety bond for the vehicle covering bodily injury or
13 death to any passenger or other person in one accident in the amount of Twenty-five Thousand
14 Dollars (\$25,000), multiple deaths or injury in one accident in the amount of Fifty Thousand
15 Dollars (\$50,000), and property damage in one accident in the amount of Ten Thousand Dollars
16 (\$10,000), or the amounts required by the financial responsibility laws of the State of Maryland,
17 whichever are higher, and further that such insurance or surety covers the full period for which
18 the vehicle is to be licensed.

19 (b) Each taxicab or limousine must contain sufficient copies of a summary of insurance
20 information, in a form approved by the Director, that may be given to passengers, members of
21 the public, and law enforcement officers. The summary must include the following information:

- 22 (1) the name and address of the vehicle owner;
- 23 (2) the vehicle's license tag number;
- 24 (3) the name, address, office hours and telephone number of the insurance claims
25 office responsible for adjusting any insurance claim arising from use of the vehicle; and
- 26 (4) the name, address, and telephone number of the Department and any other
27 governmental agency where complaints regarding insurance claims handling may be filed.

28 * * * * *

1 **Sec. 20-152. Issuance of certificate card.**

2 (a) The Director shall issue the following classes of certificates:

- 3 (i) Individual owner certificate; and
- 4 (ii) Multiple owner certificate.

5 The Director is authorized to reissue all certificates, upon renewal, in the appropriate class
6 of certificate starting October 1, 2010.

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

11 (c) The certificate issued must be held by an applicant for a minimum of three years before
12 it may be transferred in accordance with Section 20-155 of this Code.

13 (d) Any holder of a certificate acquired pursuant to the transfer provisions of this Subtitle
14 must hold the certificate a minimum of three years before it may be transferred again.

15 (e) No person, including an individual or multiple owner providing taxicab service in the
16 County, other than the person to whom it is issued shall use a certificate. The certificate shall not
17 be subleased and may only be transferred pursuant to Sec. 20-155 of the Code.

18 **Sec. 20-153. Color scheme and insignia.**

19 * * * * *

20 (d) A medallion issued by the Director and the [A] number of the certificate, except for
21 limousines, preceded by the "PG" designation shall be displayed [painted] on the [sides] driver
22 side front panel and rear trunk of the vehicle [and made clearly visible by passersby,]. The
23 certificate number shall be displayed in figures at least three (3) inches in height, and contrasting
24 in color from the background colors as follows: PG 900. [There shall be no other numbers on
25 the taxicab for identification purposes.]

26 (e) The Director shall issue a medallion in a color scheme to differentiate between an
27 individual owner certificate and multiple owner certificate required under Sec. 20-152 of this
28 Subtitle.

29 * * * * *

1 **Sec. 20-155. Transfer of certificates.**

2 (a) When the owner of a vehicle registered under these regulations has transferred the title
3 of the vehicle to a new owner, or has otherwise relinquished the use of the vehicle for hire, upon
4 sufficient proof thereof to the Director, the certificate holder may have the certificate transferred
5 to another vehicle to be used by him for hire in accordance with this Subtitle and State law, and
6 thereupon the Director, upon receipt of payment of [Twenty-five Dollars (\$25.00)] Two Hundred
7 Dollars (\$200.00), shall issue a new certificate to the owner for the replacement vehicle for the
8 balance of the registration year, provided that the replacement vehicle meets all the requirements
9 of this Subtitle.

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

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

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

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

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

19 (5) The Director has approved the proposed transfer of the certificate and the
20 transferee has paid a transfer fee to the County of [One] Two Thousand Five Hundred Dollars
21 (\$[1]2,500.00) plus all other routine fees for the issuance of a certificate; and

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

24 (7) No certificate issued in the name of an individual owner after October 1, 2010
25 shall be transferred to a multiple owner.

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

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

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

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

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

7 (a) The Director shall issue to the owner for each taxicab and for each limousine a
8 certificate containing the information required by this Subtitle. As of [~~October 1, 2000~~] October
9 1, 2010 the number of valid certificates is limited at any given time to [~~seven hundred seventy-~~
10 ~~five (775)] one thousand one hundred seventy five (1,175), of which fifteen (15) [ten (10)]
11 certificates shall be designated for taxicabs specially equipped for the transportation of
12 passengers in wheelchairs, and fifty (50) for limousines. The Director shall issue an additional
13 seventy-five (75) certificates each calendar year beginning on October 1, 2011 until October 1,
14 2016 pursuant to subsection (b) below, unless the Council, by resolution, after the annual review
15 shall reduce or eliminate the number of certificates to be issued. All certificates issued after
16 September 30, 2010 shall be individual owner certificates pursuant to Sec. 20-152(a)(i). The
17 County Council [may, by resolution] shall, annually review by July 15th, with consultation with
18 the Director and Taxicab Board, the allocation the total number of certificates by the appropriate
19 class under Sec. 20-152 of this Subtitle [increase or decrease the limit on the number of valid
20 certificates for taxicabs by no more than 10% of the total number of certificates each year for the
21 calendar years of 2002, 2003, 2004, 2005, and 2006].~~

22 (b) The Director shall maintain a list, available to the public in alphabetical order, for the
23 lottery for certificates. In any calendar year, whenever there are less than the maximum
24 permitted number of such certificates outstanding, the Director shall conduct a lottery and issue
25 certificates to those drivers chosen by the lottery. The number of certificates available in the
26 annual lottery shall equal the maximum number permitted under [~~S~~] subsection (a)[₂] above. To
27 participate in the lottery, applicants shall pay an annual fee of Twenty-five Dollars (\$25.00) and
28 complete a registration form, under oath, provided by the Department. Participation in the
29 lottery is limited to active drivers who have been licensed as drivers in the County for a period of
30 at least two [~~one~~] years and who have not been issued [~~not more than one~~] a certificate. For the
31 purpose of certificates issued on October 1, 2010 under subsection (a), the Director shall only

1 consider the period of two (2) years prior to the effective date of this Act. The certificate will be
2 issued on a provisional basis to the drivers chosen and shall be operated by that driver for at least
3 three years. Certificates cannot be subleased and may only be transferred pursuant to Sec. 20-
4 155 of this Subtitle.

5 [(c) For any business having more than ten (10) taxicabs, the Director shall restrict the
6 number of certificates issued in that business name or name of the to not more than seventy-five
7 percent (75%) of the total number of certificates issued in that business name and issued to
8 drivers associated with that business through the use of the business name or through a contract
9 which commits a major portion of the licensed taxicab's activity to operations associated with the
10 business. For the purposes of this Section, close relatives shall be defined as mother, father,
11 [and] grandparents, children and grandchildren, brothers and sisters, spouses, aunts and uncles.
12 Any business holding more than seventy-five percent (75%) of the total number of certificates
13 issued in the business name and issued to drivers associated with that business on the effective
14 date of this Act shall not have a certificate revoked because the business has more than seventy-
15 five percent (75%) of the total number of certificates; however no additional certificates shall be
16 granted until the number of certificates issued in the business name or name of the officers,
17 partners, or close relatives is less than seventy-five percent (75%) of the total number of
18 certificates issued in the business name and issued to drivers associated with that business.]

19 * * * * *
20 **Sec. 20-157. Certificate Fee.**

21 Every certificate holder shall pay an annual certificate fee to the County for each year
22 during which the certificate is to valid. The nonrefundable fee shall be in the amount of [One]
23 Two Hundred Dollars (\$[1]200) per certificate per year.

24 * * * * *
25 **Sec. 20-159. Taxicabs from other jurisdictions and other unauthorized vehicles.**

26 (a) The right of a taxicab or limousine operator, whose vehicle is duly registered in any
27 other jurisdiction of this State or in any other state or the District of Columbia, to bring a
28 passenger or passengers into this County when the trip has originated in the other jurisdiction is
29 hereby recognized. If the engagement of a taxicab has been what is known as a "waiting time"
30 agreement the passenger or passengers so brought into this County may be taken there from by
31 the same taxicab and operator, provided that the operator shall enter the facts as to the trip upon
32 his manifest and shall have included the waiting time in his charge for the trip, and that the

1 operator shall remain with the taxicab at the place of discharge of passengers until the return trip
2 is begun.

3 (b) Operators of taxicabs or limousines registered in another jurisdiction shall have no
4 rights to solicit business or transport other passengers in this County. The County Executive
5 may enter into reciprocal agreements regarding taxicab service with other jurisdictions subject to
6 County Council approval by resolution. Law enforcement authorities shall give full force and
7 effect to the provisions of this subsection by issuing a citation to all taxicabs that operate in
8 violation of these provisions. This requirement shall apply to all locations within Prince
9 George’s County where taxicab service is provided. The fine for each such violation shall be
10 One Thousand Dollars (\$1,000.00).

11 * * * * *

12 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 20-132.01 of the Prince George's County Code be and the same is
14 hereby added:

15 **SUBTITLE 20. TAXICABS AND LIMOUSINES.**

16 **DIVISION 4. VEHICLE OPERATION REQUIREMENTS; VIOLATIONS**
17 **AND FINES.**

18 **Sec. 20-132.01 County contracts and vouchers.**

19 (a) Where a taxicab association or company has obtained a County contract through which
20 it is expected to provide service to the public, the business holding the contract shall pay ninety
21 (90%) percent of the driver’s fare, if a driver timely submits reimbursement and chooses to
22 receive payment within thirty (30) days of the fare. The remaining ten (10%) percent shall be
23 remitted to the driver within 90 days of submission absent a finding, by the business holding the
24 contract, of error or fraud. If a driver timely submits reimbursement and chooses to receive
25 payment after thirty (30) days of the fare, the business holding the contract shall pay one hundred
26 (100%) percent of the driver’s fare.

27 (b) Where the rate to be charged for the provision of services to a passenger traveling by
28 voucher is disputed by the business holding the County contract, the holder of the contract may
29 request that the contract administering agency make an independent determination as to the
30 correct rate. Where the contract administering agency determines that the taxicab driver has
31 overcharged on the County contract or voucher, the holder of the contract shall be entitled to

1 reimbursement of the overcharge provided the holder of the contract previously paid the driver
2 the full amount of the original charge.

3 SECTION 3. BE IT FURTHER ENACTED that the Director shall conduct a lottery,
4 pursuant to Sec. 20-156(b) of the Subtitle, prior to September 30, 2010 for any certificate
5 outstanding by utilizing the list maintained for the calendar year 2010. The Director shall
6 maintain a separate list of eligible participants, under Sec. 20-156(b), for any lottery conducted
7 after October 1, 2010.

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

15 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect October 1, 2010.
Adopted this 13th day of July, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

VETOED:

DATE: August 5, 2010

BY: _____
Jack B. Johnson
County Executive

Veto overridden by an affirmative vote of two thirds of the Members of the full County Council on August 10, 2010.

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.