

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-48-2009

Chapter No. _____

Proposed and Presented by Council Members Dernoga and Knotts

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

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 rates and otherwise
5 relating 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, 20-113, 20-116, 20-117,
11 20-119, 20-120, 20-121, 20-122, 20-123, 20-127,
12 20-132, 20-134, 20-138, 20-140, 20-142, 20-145,
13 20-148, 20-150, 20-151, 20-152, 20-153, 20-154,
14 20-155, 20-156, 20-157, 20-158, 20-159, 20-160,
15 20-160.01, 20-161, 20-164,

16 The Prince George's County Code
17 (2007 Edition, 2008 Supplement).

18 BY adding:

19 Sections 20-132.01 and 20-141.01
20 The Prince George's County Code
21 (2007 Edition, 2008 Supplement).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 2 Maryland, that Sections 20-102, 20-102.01, 20-102.02, 20-103, 20-104, 20-105, 20-106,
 3 20-107, 20-108, 20-109, 20-110, 20-111, 20-112, 20-113, 20-116, 20-117, 20-119, 20-120,
 4 20-121, 20-122, 20-123, 20-127, 20-132, 20-134, 20-138, 20-140, 20-142, 20-145, 20-148,
 5 20-150, 20-151, 20-152, 20-153, 20-154, 20-155, 20-156, 20-157, 20-158, 20-159, 20-160,
 6 20-160.01, 20-161, 20-164, of the Prince George's County Code be and the same are hereby
 7 repealed and reenacted with the following amendments:

8 **SUBTITLE 20. TAXICABS AND LIMOUSINES.**

9 **DIVISION 1. GENERAL PROVISIONS.**

10 **Sec. 20-102. Definitions.**

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

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

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

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

21 (4) **Certificate Holder.** Any individual driver, association, partnership, company,
 22 corporation, or other organization that has been granted a Prince George's County Certificate of
 23 Registration, as provided in this Subtitle.

24 (4.1) **Company.** Any business entity which holds two or more Certificates and
 25 operates centralized administrative, management, and marketing services under one name and
 26 having a common, uniform color scheme.

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

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

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

3 (7.1) **Licensee.** See Driver.

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

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

12 (9.1) **Operator.** See Driver.

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

15 (10.1) **[Radio] Dispatch Service.** A communication system operated by a central
16 dispatcher with a telephone answering system and/or computer that is used to receive requests
17 for service from the general public and to communicate those requests to duly authorized taxicab
18 drivers, such dispatch service being made available on a reliable and consistent basis to both the
19 general public and drivers [available to the public] during hours of operation.

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

26 (12) **Taximeter.** See Meter.

27 (13) **Trunk.** A piece of luggage having a minimum content of three cubic feet or
28 9" x 16" x 36".

29 (14) **Waiting Time.** Time consumed while the taxicab is waiting and available to the
30 passenger beginning at the time of arrival at the place to which the driver has been called or time

1 consumed for delays or stay-overs en route to the destination at the request or direction of the
 2 passenger. Waiting time shall not include time lost on account of inefficiency of the taxicab.

3 **DIVISION 1A. TAXICAB BOARD.**

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

5 (a) Established and Membership.

6 (1) A Taxicab Board is hereby created. The Board shall consist of [five (5)] seven (7)
 7 members, all of whom shall be appointed by the County Executive subject to Council
 8 confirmation pursuant to Charter. [~~Two (2)~~] Three (3) members shall be employed in the taxicab
 9 industry, of which two such members shall be active taxicab drivers who do not own nor control
 10 more than one Certificate of Registration. Taxicab drivers interested in appointment to the
 11 Taxicab Board shall submit their names to the Chairperson of the Board and the Director who
 12 shall maintain a list of all such interested drivers for the purpose of making the list available to
 13 the County Executive at the expiration of every Taxicab Board term. [and three (3)] Four (4)
 14 members shall be public members, broadly representative of the citizens of Prince George's
 15 County, with no pecuniary interest in any business related to this trade.

16 (2) A Board member shall serve for an initial term of two (2) years or until a
 17 successor is confirmed, whichever is later. On the expiration of the term of any members, the
 18 Executive shall appoint or reappoint members for terms of two years. No member shall serve
 19 more than two (2) consecutive full terms. Where a member of the Board has served more than 2
 20 consecutive full terms as of [insert date this language is adopted], such member shall serve the
 21 remaining of calendar year 2009 but shall not be reappointed thereafter. Each member shall hold
 22 office until the expiration of his term or until a successor has been duly appointed and confirmed.
 23 Any member with three or more unexcused absences in any term or who is unable to fulfill the
 24 obligations of membership may be replaced upon recommendation of the Director and the Board.

25 [(2)] (3) The Director or his designee shall serve as a nonvoting ex-officio member of
 26 the Board.

27 (b) Officers, Procedures, and Administration.

28 (1) The Chairman of the Board shall be one of the public members and shall be
 29 designated as such at the time of appointment. The Board shall elect from its members a vice-
 30 chairman and secretary. In exercising its powers and duties under this Subtitle, three (3)
 31 members shall constitute a quorum. The Board shall keep minutes of its proceedings and

1 meetings. All decisions of the Board shall be in written form with findings. For assistance in
 2 reaching decisions, the Board may request technical assistance, advice, data or factual evidence
 3 from the Department of Environmental Resources. The Board shall submit to the Executive an
 4 annual report of its proceedings. This report shall be public record.

5 (2) The Director shall make available to the Board such services and facilities as are
 6 necessary for the proper performance of its duties. The Board shall be subject to the County
 7 budget process and be included in the budget of the Department of Environmental Resources.
 8 The Board shall promulgate Rules of Procedure for the conduct of hearings and other duties and
 9 responsibilities, as specified in Section 20-102.02, which Rules of Procedure shall be subject to
 10 the approval of the County Executive.

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

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

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

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

20 (d) The Board shall evaluate the performance of the taxicab industry in serving the riding
 21 public on an annual basis. The review shall include an examination of taxicab company policies
 22 and practices to ensure compliance with the requirements of this Code.

23 (e) The Board shall hold hearings where a duly licensed taxicab driver alleges that a
 24 company or association has taken actions that impede or impair the driver's ability to provide
 25 consistent and reliable service to the riding public.

26 (f) The Board shall publicize and receive comment regarding the proposed transfer of any
 27 certificates between individual certificate holders and a partnership, company, corporation, or
 28 other organization pursuant to Section 20-155. Such public hearing shall take place within the
 29 45-day period as set forth in Section 20-155.

30 (g) The Board shall have the authority to establish taxicab stands at such places it deems
 31 necessary to ensure consistent and reliable taxicab service to the riding public upon proper notice

1 to the public and affected property owners. No stand shall be established which would
 2 contribute to the creation of a traffic hazard.

3 **DIVISION 2. AUTHORITY.**

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

5 (a) The Director is hereby designated as the official of the County empowered and
 6 authorized to carry out the provisions of this Subtitle. Where necessary to ensure the full force
 7 and effect of the provisions of Divisions 2, 4, and 6 of this Subtitle, law enforcement authorities
 8 shall have the authority to enforce this Subtitle.

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

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

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

21 (e) The Director shall establish a procedure for recording and resolving complaints
 22 received from members of the riding public and duly authorized taxicab drivers against any
 23 business operating as a taxicab company. Records of all complaints so filed shall be made
 24 readily available to the public upon request.

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

26 (a) Representatives of the Chief of Police and the Director are hereby authorized to make
 27 inspections under the provisions of this Subtitle. They shall have the right at any time, after
 28 identifying themselves to the driver or owner, to enter into, or upon any taxicab or limousine for
 29 the purpose of ascertaining whether or not any provision of this Subtitle has been violated.
 30 Refusal of the driver or owner of any such vehicle to stop the vehicle when ordered to do so by
 31 such representative, or to permit any such representative to enter into the vehicle for such

1 purposes, or refusal to display the certificate, license, or any other document required under this
2 Subtitle to be carried in the vehicle, upon his demand, shall constitute a violation of this Subtitle
3 and shall be sufficient grounds for revocation, or suspension of the license or certificate.

4 (b) If, upon inspection, it is determined that the copy of the duly authorized certificate
5 carried in the vehicle does not correspond to the vehicle, the certificate holder shall be deemed to
6 have violated Section 20-148(a) of this Subtitle and shall have his/her certificate revoked by the
7 Director. Where the vehicle in question is also operating under a company name, the company
8 shall be subject to immediate investigation by the Director for the purpose of determining
9 whether other certificates held by the same company require revocation pursuant to Sections 20-
10 105 or 20-148. The Director shall conduct the investigation within thirty (30) days of receiving
11 notice that a vehicle with a mismatched certificate has been identified. Notice of the violation
12 can be provided pursuant to the provisions of Section 20-104(c) but shall not be limited to the
13 conditions set forth therein. The Director shall issue a written report of his/her findings and
14 conclusions. Said findings shall be public record.

15 (c) Where a company fails to maintain the appropriate certificate in a vehicle operating as
16 a taxicab or limousine and a driver is issued a citation by law enforcement officials as a result of
17 such failure, the driver shall provide a copy of the citation to the Director within fifteen (15)
18 business days of receiving the violation. The Director shall keep a permanent record of all such
19 citations received pursuant to this subsection and shall treat all such citations as proof that the
20 certificate holder has violated Sections 20-148 and 20-105 of this Subtitle.

21 (d) Where a driver, who is not the holder of the certificate in question, receives a citation
22 from law enforcement officials stemming from a company's failure to maintain the necessary
23 taxicab operating documents in the taxicab, the holder of the certificate shall timely reimburse
24 the driver for all costs associated with the citation. The holder of the certificate shall not assess
25 any charges, fines, or administrative fees against a cab driver who requests reimbursement
26 pursuant to this subsection. Failure to comply with this subsection shall be considered a
27 violation of this Subtitle and shall be grounds to deny renewal of the certificate and to limit the
28 certificate holder's ability to obtain future certificates pursuant to Sections 20-148(b) and 20-
29 156(b).

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

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

4 (1) Failure to operate the taxicabs or limousines in such a manner as to serve the
 5 public adequately, including failure to provide taxicab drivers with reliable and consistent
 6 dispatch service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (13) Failure to maintain the company to whom the certificate was issued in good
8 standing with the State of Maryland; or

9 (14) 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 **Sec. 20-106. Appeals.**

17 (a) Any party aggrieved by a decision or action of the Director with respect to the issuance
18 of a violation notice or the denial, suspension or revocation of a license or certificate pursuant to
19 this Subtitle, shall have the right to appeal any such decision or action to the Board within ten
20 (10) calendar days after the date of [the issuance] receipt of the violation notice or such other
21 decision or action by the Director. All such violation notices or evidence of other decision or
22 action by the Director shall be provided to the aggrieved party by certified mail.

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

26 (c) The Board shall hear all appeals within sixty (60) days of the filing of the appeal. At
27 least fifteen (15) calendar days prior to the date set for the hearing, the Board shall notify all
28 parties to the proceeding in writing of the date, time, and place set for the hearing, the subject of
29 the appeal, and the right to present testimony and to be represented by counsel. The notice shall
30 be served on the parties by personal delivery or by registered or certified mail.

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

4 (e) The Board shall issue written findings of fact and conclusions and an order affirming,
 5 modifying, or setting aside the notice or licensing action within thirty (30) days after the hearing.
 6 Where the hearing at hand involves a taxicab driver, no association, partnership, company,
 7 corporation or other organization, may take any action, either direct or indirect, that impedes the
 8 driver's ability to continue providing taxicab service to the general public prior to the Board's
 9 decision. Whosoever violates this subsection shall be subject to a fine of Two Hundred Dollars
 10 (\$200.00) for every day that a driver's ability to serve the general public is compromised.

11 (f) Except in an emergency, as certified by the Director in writing, an appeal will
 12 automatically stay any further action[, but only] for a period of ninety (90) days or until the
 13 Board issues its written decision[, whichever is less]. Should the Board, in good faith, require
 14 more than thirty (30) days to issue a written decision, the protections of this subsection shall be
 15 extended accordingly. In the case of an emergency, the Board shall make every effort to provide
 16 an expedited hearing and decision if so requested by either party.

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

20 (h) Any driver aggrieved by a violation of subsection (e) shall have the right to seek
 21 redress from the offending party in the appropriate courts of this County or State.

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

23 **Sec. 20-107. Application.**

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

- 27 (1) The applicant must have had at least one year of documented driving experience;
- 28 (2) The applicant must be at least 18 years of age;
- 29 (3) The applicant must be able to read, write, and speak the English language, and be
 30 knowledgeable of basic geographic locations in the County;

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

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

10 (6) The applicant must provide proof of having undergone a physical examination
 11 within ten (10) months immediately prior to initial application for a license and must agree to
 12 submit to reexamination [a physical examination at least once a year, or more] if required by the
 13 Director for cause[.]. The applicant shall [and to] submit to the Director a certificate reporting
 14 the results of such examination and signed by a licensed medical doctor. [The] A model
 15 certificate form shall be provided by the Director for use by the applicant at his/her discretion;
 16 and [.]

17 (7) The applicant must provide a certificate demonstrating he/she has received six (6)
 18 hours of training on how to operate a taxicab, including training on how to use dispatching
 19 service should such service be provided and how to maintain a proper manifest. Such training
 20 may be provided to prospective taxicab drivers by duly licensed Prince George's County taxicab
 21 drivers or the taxicab company for whom the licensee will drive. A model certificate form shall
 22 be made available to all applicants by the Director.

23 (b) For the purpose of fostering and maintaining a sound taxicab industry subject to free
 24 market forces and living wage principles, the Director shall not issue new drivers' licenses in an
 25 amount exceeding five percent (5%) of the total number of certificates issued to all companies in
 26 the County. Where such licenses have been issued in excess of five percent (5%) prior to [insert
 27 date of adoption], all such licenses shall remain valid subject to the requirements of this Subtitle
 28 but no new licenses shall be issued nor shall previously-issued licenses that have lapsed be
 29 reissued until such numbers come into compliance with the five percent (5%) margin.

30 (c) Any person found to have assisted the applicant in meeting the requirements of this
 31 subsection through fraudulent means, shall be guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

30 Where an applicant has an appeal outstanding, the Director shall issue the applicant a temporary
31 driver's license to remain in effect until the appeal process is concluded.

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

4 **Sec. 20-109. Expiration.**

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

8 **Sec. 20-110. Fee.**

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

13 **Sec. 20-111. Changes in Status.**

14 Within [three (3)] ten (10) business [working] days, the licensee shall notify the Director in
 15 writing of any subsequent change in his status as shown on the application form.

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

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

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

24 (b) The Director shall issue a notice of violation, including the amount of the applicable
 25 fine, to any taxicab or limousine owner who permits operation of his/her vehicle where the
 26 vehicle fails to meet the requirements of the laws of this State, the provisions of this Subtitle, and
 27 other regulations or ordinances of the County. The fine for every such violation shall be One
 28 Thousand Dollars (\$1,000.00). [may issue a notice of violation to any person who operates a
 29 taxicab or a limousine in violation of the provisions of this Subtitle, or who knowingly permits
 30 another person to do so.]

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

6 (d) To protect the County's interest in maintaining a sound taxicab industry capable of
 7 providing reliable service to the riding public, any association, partnership, company,
 8 corporation, or other organization owning or controlling at least ten (10) certificates shall be
 9 required to keep ninety percent (90%) of the vehicles assigned to those certificates in proper
 10 working order pursuant to the requirements of this subtitle, at all times.

11 (e) Where an association, partnership, company, corporation, or other organization is
 12 deemed to have violated subsection (d), the business shall be given sixty (60) days to come into
 13 compliance. Where the ninety percent (90%) threshold has not been met within sixty (60) days,
 14 the certificates assigned to the inoperable vehicles shall be revoked within thirty (30) days and
 15 issued to taxicab drivers by lottery pursuant to the provisions of Section 20-156(b). This lottery
 16 shall take place within fifteen (15) days of revocation.

17 (f) Where there are not any qualified taxicab drivers registered for the lottery pursuant to
 18 the requirements of Section 20-156(e), and if the companies in the business of providing taxicab
 19 service in the County have not already met the limitation on certificate ownership set forth in
 20 Section 20-156(a), the available certificates may be issued to companies up to the limits set forth
 21 in Section 20-156(a). Any certificates not distributed shall be maintained by the County and
 22 issued to drivers who become eligible pursuant to Section 20-156(e).

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

24 (h) If a violation notice is not appealed, or is upheld upon appeal, and the person or
 25 company fails to correct the violation as required by the notice, the Director shall [may] take one
 26 or more of the following actions:

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

30 Subtitle.

1 (i) Where the continued operation of a vehicle poses an immediate or ongoing
 2 compromise to the safety of the riding public or the driver, [I]n lieu of a violation notice, the
 3 Director [may] shall issue a citation pursuant to Subtitle 28, Division 3, of this Code to a person,
 4 [or] persons, or companies who operate[s] or permit[s] others to operate a taxicab or limousine in
 5 violation of any of the provisions of this Subtitle. The citation shall serve as notification to the
 6 person that he has committed a civil violation and must pay to the County a monetary fine,
 7 subject to the right to trial under Section 28-257 of this Code. The amount of the fine shall be
 8 One [Hundred] Thousand Dollars (\$1000.00) for each violation, and each day in which the
 9 violation remains uncorrected shall constitute a separate violation. In addition to the remedies
 10 provided under Section 28-258 of this Code, the Director may revoke or suspend the license
 11 and/or certificate of a person who fails to pay the fine or request adjudication of a citation.

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

13 (a) Except as provided in Section 20-159 of this Code for taxicabs from other jurisdictions,
 14 it shall be unlawful for any person to operate a taxicab or limousine for hire within the County
 15 unless the operator holds a valid taxicab or limousine driver's license issued by the Director. The
 16 Director shall provide a thirty (30) day written notice informing the holder of the driver's license
 17 of its pending expiration. Such notice shall provide the holder of the license with the exact date
 18 of expiration, information on the renewal process including costs and penalties for failing to
 19 meet the renewal deadline, and the consequences of failing to renew.

20 (b) [Therefore, f] Failure to renew a taxicab or limousine driver's license in timely fashion
 21 is punishable by a fine of Fifty Dollars (\$50.00) [per day for each day from the date of expiration
 22 to the date the application for renewal is received by the Director]. No driver's license will be
 23 deemed lapsed if it is properly renewed and the required renewal fee is paid within fifteen (15)
 24 business days of the license having expired. If a license is not renewed during this grace period,
 25 it will be assumed abandoned. In order to obtain a taxicab or limousine driver's license after a
 26 previous license has been abandoned, the individual must reapply for a license according to the
 27 provisions of this Subtitle.

28 (c) Where a driver's license holder is unable to timely renew his/her license due to
 29 unforeseen circumstances, including but not limited to medical emergencies, family
 30 emergencies, or matters requiring travel outside of the country, upon written notice to the
 31 Director requesting an extension and setting forth the reason preventing timely renewal of the

1 license, the Director is authorized to extend the renewal period to no more than sixty (60) days.
 2 Any individual so granted an extension shall pay a Fifty Dollar (\$50.00) renewal fee.

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

4 (a) The driver shall have permanently on display at all times while on duty a copy of the
 5 original of the certificate sealed or certified by the Department of Environmental Resources,
 6 issued for the operation of the taxicab or limousine, and the driver's license with photograph, and
 7 number, clearly visible to passengers.

8 (b) Where the certificate holder fails to provide the operator of the vehicle with a
 9 certificate that is duly registered to the vehicle, the certificate holder and the company under
 10 which the vehicle is operating, shall be subject to the provisions of Sections 20-104(b) and 20-
 11 105(a)(6).

12 **Sec. 20-117. [Use of the vehicle for unlawful purposes] Unlawful use of the vehicle.**

13 (a) The owner or driver of a taxicab or limousine shall not permit such vehicle to be used
 14 for unlawful purposes, or knowingly to transport persons therein to places for such purposes.

15 (b) The owner of a vehicle bearing a taxicab color scheme and insignia shall not permit the
 16 vehicle to be operated without a duly authorized certificate on display in the vehicle at all times
 17 pursuant to Section 20-116. Operation of a vehicle bearing a taxicab color scheme and insignia
 18 without the proper documentation as required by this Subtitle, shall be deemed a violation of
 19 Sections 20-104 and 20-105.

20 **Sec. 20-119. Trip manifest.**

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

28 (b) Submission of false information on a trip manifest shall be [is a misdemeanor,]
 29 punishable by a fourteen (14) day probationary period during which time the driver will have to
 30 produce his/her manifest to the Director for inspection every seven (7) days. A reoccurring
 31 violation of this subsection shall result in a fine not to exceed[ing] Two Hundred Dollars

1 | (\$200.00) [One Thousand Dollars (\$1,000) or by imprisonment for not more than six (6)
2 | months].

3 | (c) Where a driver is found to have violated the requirements of subsection (a) more than
4 | three (3) times in a six (6) month period, the driver's license may be subject to suspension.

5 | **Sec. 20-120. Accident reports.**

6 | Within [two (2)] four (4) business [working] days after any accident involving a taxicab or
7 | limousine in which property was damaged or any person injured, the driver shall make a written
8 | report to the Director on an approved form.

9 | **Sec. 20-121. Arrest report.**

10 | Both the driver and the certificate holder shall submit a written report of all arrests
11 | involving the operation of a vehicle for hire to the Director [within two (2) working days of the
12 | arrest].

13 | **Sec. 20-122. Report changes of residence.**

14 | The driver and/or certificate holder shall submit a written report of any change of residence
15 | or business address to the Director within [two (2) working] ten (10) business days [to the
16 | Director].

17 | **Sec. 20-123. Answer communications.**

18 | The certificate holder or licensed driver shall answer promptly all written communications
19 | received from the Director or the Board. The failure to receive a certified [registered] letter
20 | which has been properly addressed and delivered, or the refusal to receive a telegram, or any
21 | other written communication sent by the Director or the Board may result in suspension or
22 | revocation of the license or certificate.

23 | **Sec. 20-127. Cruising.**

24 | Except as to a vehicle registered as a limousine, a driver is permitted to cruise on all public
25 | streets within the County, including public streets located within any public/private spaces such
26 | as, but not limited to, the public streets at National Harbor, with the intention of picking up as a
27 | passenger, a person hailing a taxicab. When cruising at night the cruising light of a taxicab shall
28 | be lighted. Cruising is not permitted by a limousine, nor by a taxicab within 500 feet of a taxicab
29 | stand.

Sec. 20-132. Rates.

(a) 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 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.)

(b) Where the County Executive has approved an emergency surcharge, the County shall provide every certificate holder with a written statement reflecting the amount of the surcharge and the reason it was adopted and shall require the certificate holder to place a copy of the notice in each taxicab in a manner to be plainly visible to any passenger therein.

Sec. 20-134. Nonpaying passengers.

A nonpaying passenger shall be transported by the driver of a taxicab only if both are in training, pursuant to Section 20-107(b) of this Subtitle, 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. 20-138. Compliance with lawful request of passenger.

A driver shall comply with the posted speed limit, traffic congestion permitting, when transporting a passenger, except that where weather or the condition of the road prohibits the driver from complying with the posted speed limit, he/she should proceed at the safest speed possible [all reasonable and lawful requests of a passenger as to the speed of travel and the route to be taken].

Sec. 20-140. Found property.

In the event personal property is left in a taxicab or limousine by a passenger, the driver shall, within two (2) business days [twenty-four (24) hours], notify the Director, giving a description of the property, the date it was found, and the time it was left in the cab and other circumstances within the knowledge of the driver. The Director shall maintain a permanent log of all such reports made, including notation as to whether the property was delivered to the Director or the cab company pending retrieval by the customer.

1 **Sec. 20-142. Smoking and use of tobacco.**

- 2 (a) A driver shall not smoke cigarette(s), cigars, or a pipe while in a taxicab or limousine.
 3 (b) A passenger shall not smoke in a taxicab or limousine.
 4 (c) All taxicabs or limousines shall display a "Smoking is Prohibited" sign at all times.
 5 (d) A violation of this Section shall be a civil violation [misdemeanor] subject to a fine not
 6 to exceed One Hundred Dollars (\$100.00) [fine].

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

9 **Sec. 20-145. Design, [and] equipment, and proper registration with the State of Maryland**
 10 **Motor Vehicle Administration.**

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

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

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

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

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

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

30 (6) The vehicle shall have operating windshield wipers and windshield washer
 31 equipment. The vehicle shall be equipped with approved safety glass in the windshield and all

1 windows. The center partition, if any, between the driver's compartment and the passenger's
2 compartment shall be of this type of glass or plastic.

3 (7) The vehicle shall have one set of operating seat belts for each passenger and the
4 driver.

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

8 (9) The vehicle shall be equipped with a meter in compliance with Section 20-102.

9 [(9)] (10) The vehicle shall be equipped with a heater sufficient to heat the interior
10 adequately in cold weather and air conditioning sufficient to cool the interior adequately during
11 hot weather, unless purchased without air conditioning prior to July 1, 2000.

12 [(10)] (11) The vehicle shall not be equipped with any lights or signal devices except
13 as allowed by the Motor Vehicle Laws for the State of Maryland, and as approved by the
14 Director.

15 [(11)] (12) The vehicle shall not be equipped with shades or curtains which can be
16 manipulated in such a way as to shield the occupants or the driver from observation, or obstruct
17 the rear view window.

18 [(12)] (13) The vehicle shall be equipped with a frame for the proper display of the
19 certificate and the license, which, except in the case of a limousine, shall face the passengers and
20 be so located as to be at all times in plain view of such passenger(s). The card frame shall be
21 subject to approval of the Director.

22 [(13)] (14) With exception of a "kick" strip not exceeding seven inches in height at the
23 bottom of doors, no upholstery covering or interior lining shall be permitted in any licensed
24 taxicab unless such upholstery or lining is made of leather or similar nonabsorbent, washable
25 material. The rear cushion shall be removable. Floor mats shall be required in all licensed
26 taxicabs and shall be made of rubber, leather, or metal chain, or a similar, nonabsorbent,
27 washable material and shall be easily removable. The provisions of this paragraph shall not
28 apply to licensed limousines.

29 [(14)] (15) The vehicle shall be kept clean and in a sanitary condition. At least once
30 every seven days, the exterior shall be washed and the interior shall be cleaned thoroughly with a
31 suitable antiseptic solution.

1 ~~[(15)]~~ (16) No taxicab which is more than ten (10) model years old, or which has
 2 traveled more than three hundred thousand (300,000) miles, whichever comes first, shall
 3 continue in service after September 1, 2001, unless an annual waiver is granted by the Director.
 4 This waiver shall be based upon a written finding that such vehicle has passed a thorough safety
 5 inspection which ensures that such vehicle is in good operating condition, and is not in any
 6 manner a detriment to the safety or convenience of any passenger or the public.

7 ~~[(16)]~~ (17) All taxicabs shall be equipped with flashing emergency lights approved by
 8 the Director.

9 (18) The vehicle shall, at all times, display an unexpired vehicle tag number duly
 10 registered to the vehicle with the State of Maryland Motor Vehicle Administration.

11 (19) The vehicle VIN and tag number shall, at all times, correspond to the information
 12 on file with the State of Maryland Motor Vehicle Administration and the certificate under which
 13 the vehicle is, or will be, operating.

14 (20) Any violation of subsections seventeen (17) through nineteen (19) shall subject
 15 the holder of the certificate to the provisions of Sections 20-104(b), 20-105, and 20-148(a).

16 (b) No hybrid vehicle duly authorized to provide for-hire services, which is more than
 17 twelve (12) model years old or which has traveled more than three hundred thousand (300,000)
 18 miles, whichever comes first, shall continue in service after **[insert date of adoption of**
 19 **language]**.

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

21 (a) The certificate holder shall insure that the taxicab or limousine is inspected at a duly
 22 licensed Maryland State inspection station, at least twice during a twelve (12) month period. An
 23 inspection shall be performed not more than six (6) months from the previous inspection.

24 (b) On an annual basis and as scheduled during the year, the Director shall inspect the
 25 condition and general maintenance of all taxicabs for conformance with the requirements of this
 26 Subtitle. The Director or his/her designee shall keep records of his/her findings and conclusions
 27 for every vehicle so inspected. At a minimum, such information shall identify every vehicle so
 28 inspected by the company name under which it is operating, the certificate number appearing on
 29 the vehicle at the time of inspection, the vehicle's tag number, the year and make of the vehicle,
 30 the vehicle's VIN, and the expiration date of the corresponding certificate. A copy of the
 31 corresponding certificate shall be attached to all such inspection records.

1 (c) If upon inspection a vehicle is found to display a certificate number that does not meet
 2 the requirements of subsection 20-153(d), the vehicle shall not pass inspection and the owner of
 3 the vehicle shall be issued an immediate fine in the amount of Two Hundred dollars (\$200.00)
 4 for every vehicle failing to meet the requirements of subsection 20-153(d).

5 (d) Where a vehicle fails to pass inspection due to non-compliance with subsection 20-
 6 153(d), the owner of the vehicle shall be given five (5) business days to bring the vehicle or
 7 vehicles into compliance. Compliance with the requirements of this subsection shall be
 8 determined upon reinspection pursuant to subsection (b). Where a vehicle owner fails to submit
 9 his/her vehicle for reinspection within five (5) business days, non-compliance shall be presumed
 10 and a One Hundred Dollar (\$100.00) fine for every day each vehicle or vehicles remain non-
 11 compliant shall be assessed by the Director. Where a vehicle or vehicles are not brought into
 12 compliance within thirty (30) days, the corresponding certificate(s) shall be revoked and issued,
 13 within thirty (30) days, by lottery pursuant to the provisions of Sections 20-156(b) and (c).

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

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

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

24 **Sec. 20-148. Application for required certificate.**

25 (a) Any owner of a taxicab or limousine, including owners who are also drivers, shall not
 26 drive or allow the same to be driven within the County, on or off-duty, unless such owner has a
 27 valid certificate for each such taxicab or limousine issued under the provisions of this Division.
 28 Any person or company who permits his/her vehicle or vehicles to be operated as a Prince
 29 George's County taxicab without a valid certificate for each such vehicle, shall have all
 30 certificates issued in his/her name or in the name of a company, partnership, corporation, or other

1 organization under his/her control, revoked. Any certificates so revoked shall be reissued by
 2 lottery pursuant to the provisions of Sections 20-156 (b) and (c).

3 (b) Application for a certificate to authorize the use of a vehicle as a taxicab or limousine
 4 shall be made under oath by the prospective certificate holder to the Director upon a form
 5 provided by the Director. Any applicant found to have provided fraudulent information or who
 6 engages in fraud in order to obtain the information or documentation necessary to meet the
 7 requirements of this subsection, shall have his/her request denied and where a certificate has
 8 already been issued, shall have such certificate revoked. The applicant shall provide the
 9 following information:

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

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

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

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

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

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

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

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

25 (9) In the case of taxicabs, [A] a description of the dispatch service that shall be used,
 26 if any. [communications system to be used, if any.]

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

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

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

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

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

6 (a) Before issuing any certificate under this Subtitle, the Director shall ascertain, as to each
7 vehicle, that the owner has insurance or surety bond for the vehicle covering [bodily injury or
8 death to] any passenger, [or] other person, including the vehicle operator, in an amount to be no
9 less than Four Hundred and Fifty Thousand Dollars (\$450,000) combined single limit for bodily
10 injury, death, and property damage [in one accident in the amount of Twenty-five Thousand
11 Dollars (\$25,000), multiple deaths or injury in one accident in the amount of Fifty Thousand
12 Dollars (\$50,000), and property damage in one accident in the amount of Ten Thousand Dollars
13 (\$10,000),] or the amounts required by the financial responsibility laws of the State of Maryland,
14 whichever are higher, and further that such insurance or surety covers the full period for which
15 the vehicle is to be licensed.

16 (b) Every certificate holder shall file with the Director a certificate of insurance or surety
17 bond evidencing he/she has met the requirements of subsection (a). Any certificate holder who
18 fails to keep in full force and effect the insurance requirements of Section 20-150 shall have
19 his/her corresponding certificate suspended pursuant to Section 20-151.

20 (c) Where certificates have been issued prior to the adoption of the requirements of
21 subsection (a), the holders of such certificates shall have twelve (12) months to come into
22 compliance. Compliance shall be demonstrated by providing the Director a certificate of
23 insurance or surety bond evidencing he/she has met the requirements of subsection (a). Failure
24 to meet the requirements of this subsection shall subject the certificate holder to the provisions of
25 Section 20-151.

26 **Sec. 20-151. Lapse of insurance.**

27 (a) If at any time for any reason the insurance or surety coverage shall lapse, the
28 certificate shall be immediately suspended without a notice of hearing and the Director shall
29 proceed immediately to obtain possession of the certificate, until the insurance or surety bond
30 requirements are fully met. If insurance is canceled, the certificate holder shall deliver or cause

1 to be delivered a copy of the cancellation notice to the Director within 48 hours after said notice
2 is received.

3 (b) In the case of companies, a fine of Three Thousand Dollars (\$3,000.00) shall be
4 assessed every time insurance or surety coverage lapses and the certificate(s) previously
5 suspended shall remain with the Director until all the requirements of this subsection have been
6 met.

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

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

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

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

16 (d) No person, including a company, other than the person to whom it is issued shall use a
17 certificate.

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

19 (a) Every vehicle other than a limousine covered by a certificate shall have a color scheme,
20 insignia and cruising light, of a design approved by the Director. Each such color scheme and
21 insignia shall be clearly distinguishable from that used by other associations or owners.

22 (b) Changes in color scheme, insignia, cruise light design, or the addition of advertising or
23 advertising devices [or bumper stickers,] shall have prior approval of the Director. Failure to
24 obtain prior approval of the Director shall result in a fine of Three Thousand Dollars (\$3,000.00)
25 for every vehicle whose color scheme, insignia, or cruise light design is changed without prior
26 approval. The provisions of this subsection shall also apply to companies which are put into
27 service using a new color scheme, insignia, or cruise light design without first obtaining the
28 Director's approval.

29 (c) All certificates assigned to vehicles operating in violation of this subsection shall be
30 immediately suspended without a notice of hearing and the Director shall proceed immediately

1 to obtain possession of the certificate until all such fines are paid and where applicable, the
 2 certificate holder comes into compliance with Section 20-148(b).

3 [(c)] (d) The name of the taxicab company, owner or association shall be clearly painted
 4 on both sides of all taxicabs in letters at least three (3) inches in height. Limousines are excepted
 5 from this requirement.

6 [(d)] (e) The number of the certificate, except for limousines, preceded by the "PG"
 7 designation shall be painted on the sides and rear of the vehicle and made clearly visible to
 8 passersby, in figures at least three (3) inches in height, and contrasting in color from the
 9 background colors as follows: PG 900. There shall be no other numbers painted on the taxicab
 10 for identification purposes and in no event may a certificate number be applied to a vehicle in the
 11 form of adhesive or otherwise removable or modifiable numbering. Where a vehicle owner fails
 12 to paint the correct certificate number on the vehicle, the owner shall be subject to the provisions
 13 of Section 20-146(c).

14 (f) Where a vehicle is found to be operating as a taxicab under a certificate number that is
 15 not duly registered to such vehicle, the owner of the vehicle shall have his/her driver's license
 16 revoked unless the owner of the vehicle can demonstrate that he/she entered into a shared
 17 ownership agreement with the holder of the certificate pursuant to Section 20-155(i). Where the
 18 owner of the vehicle and the holder of the underlying certificate are one in the same, the Director
 19 shall revoke the certificate in question.

20 (g) Any certificate so revoked shall be reissued by lottery, within thirty (30) days, pursuant
 21 to the provisions of Sections 20-156(b) and (c).

22 **Sec. 20-154. Termination of service.**

23 The certificate holder of a vehicle permanently removed from service must notify the
 24 Director of such action in writing within forty-eight (48) hours, indicating whether the owner
 25 "junks" the vehicle, sells it or transfers title to it, no longer uses it for hire, or whether the tags
 26 have been stolen, or the registration of the vehicle has been revoked by the Maryland Motor
 27 Vehicle Administration. When the vehicle is so out of service, all registration cards and other
 28 papers issued by the Director to the owner shall be returned by the owner with notice that the
 29 vehicle is out of service. The Director shall keep records of all such registration cards and other
 30 papers so returned. The certificate holder shall paint out all identifying marks and numbers
 31 indicating that the vehicle was used as a taxicab. The Director shall hold the certificate until its

1 normal expiration date, or until the holder applies for transfer of the certificate to another vehicle
 2 prior to such date and within a period of ninety (90) days. If a different vehicle is not placed in
 3 service under the certificate within ninety (90) days, the certificate [may] shall be revoked and
 4 such certificate shall, within thirty (30) days, be placed into a lottery for distribution to drivers
 5 pursuant to Section 20-156(b) and (c). The certificate holder shall notify the Director when any
 6 taxicab or limousine covered by a certificate is temporarily taken out of service for a period
 7 longer than five (5) days, explaining why the vehicle is out of service.

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

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

17 (b) No certificate issued in the name of an individual shall be transferred to a partnership,
 18 company, corporation, or other organization if such transfer would violate Section 20-156(a).

19 [(b)] (c) A certificate may be transferred between individuals, between companies, or from
 20 a company to an individual, provided that the following requirements have been met:

21 (1) The certificate holder notifies the Department and the Taxicab Board in writing of
 22 the proposed transfer at least forty-five (45) calendar days prior to the date of the proposed
 23 transfer;

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

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

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

29 (5) The Director has approved the proposed transfer of the certificate and the
 30 transferee has paid a transfer fee to the County of One Thousand Dollars (\$1,000.00) plus all
 31 other routine fees for the issuance of a certificate; and

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

3 (7) The proposed transfer does not violate the provisions of Section 20-156(a).

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

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

10 [(e)] (f) A certificate held by an individual may not be transferred to a partnership,
11 company, corporation, or other organization unless the total number of certificates held by
12 companies is below the certificate threshold found in Section 20-156(a).

13 (g) A certificate may only be transferred from one individual to another individual after the
14 original holder has held the certificate for two years. Additionally, a certificate transferred
15 between associations, partnerships, companies, corporations, other organizations or from these
16 businesses to an individual, can only take place once in any [three] two year period under any
17 provisions of this Subtitle.

18 (h) No certificate issued to an individual may be operated by a partnership, company,
19 corporation or other organization unless the individual to whom the certificate has been issued is
20 an affiliate driver with the business in question. Additionally, no certificate issued to an
21 association, partnership, company, corporation, or other organization may be operated by any
22 other company unless the certificates have been transferred to the other company pursuant to the
23 requirements of Section 20-155.

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

27 (j) Where the holder of a certificate enters into an agreement or has entered into an
28 agreement prior to [insert the date of the adoption of language], with a licensed taxicab driver
29 for the trade, sale, purchase, or exchange of a vehicle that is owned by the certificate holder and
30 where that vehicle also displays or will display the seller's certificate number, the parties shall be
31 deemed to have entered into shared control of the corresponding certificate. Any original

1 certificate holder found to have entered into shared control of a certificate, shall be deemed to
 2 have violated the transfer requirements of Section 20-155 and shall be fined Two Thousand
 3 Dollars (\$2,000.00) for every certificate so transferred but shall be entitled to retain partial
 4 ownership of the certificate.

5 (k) Any party claiming to have shared control of a certificate shall have the right to submit
 6 evidence to the Director demonstrating that he/she entered into an agreement for the trade,
 7 purchase, or exchange of a vehicle with the original certificate holder. Upon so doing, the
 8 individual shall have the option of having his/her name added to the certificate.

9 (l) No transfer of certificates shall be approved by the Director under any circumstances
 10 where such transfer would violate the provisions of Section 20-156(a). Additionally, no transfer
 11 of a certificate from an individual to a company pursuant to subsection (f) shall be approved
 12 before the Taxicab Board holds a public hearing on the proposed transfer pursuant to the
 13 provisions of Section 20-102.02.

14 (m) Nothing in the provisions of this section of this Subtitle shall prevent the parties to the
 15 transaction from seeking redress for the underlying agreement, transaction, sale, or exchange in
 16 an appropriate court of this County or State.

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

18 (a) The Director shall issue to the owner for each taxicab and for each limousine a
 19 certificate containing the information required by this Subtitle. As of [October 1, 2000] [**date of**
 20 **adoption**], the number of valid certificates is limited at any given time to [seven hundred
 21 seventy-five (775)] one thousand six-hundred and ninety-six (1,696) for taxicabs, of which forty
 22 (40) [ten (10)] certificates shall be designated for taxicabs specially equipped for the
 23 transportation of passengers in wheelchairs, and fifty (50) for limousines. Additionally, at no
 24 given time shall businesses providing taxicab service in the County be allowed to own or control,
 25 in the aggregate, more than twenty-five percent (25%) of all certificates issued County-wide.
 26 The County Council may, by resolution, increase or decrease the limit on the number of valid
 27 certificates for taxicabs by no more than 10% of the total number of certificates each year for the
 28 calendar years of [2002, 2003, 2004, 2005, and 2006] 2010, 2011, 2012, and 2013. At any time
 29 new certificates become available due to an increase in the number of valid certificates, the
 30 distribution of those certificates shall conform to the limitations set forth above except that no
 31 individual who transferred a certificate within three (3) years of [insert date of adoption of

1 language] shall be entitled to a new certificate under the provisions of this subsection, but such
2 person can seek another certificate pursuant to the requirements set forth in subsection (e).

3 (b) The Director shall maintain a list, available to the public in alphabetical order, for the
4 lottery for certificates. In any calendar year, whenever there are less than the maximum
5 permitted number of such certificates outstanding, the Director shall conduct a lottery and issue
6 certificates to those drivers chosen by the lottery. The number of certificates available in the
7 annual lottery shall [equal] not exceed the maximum number permitted under Subsection (a),
8 above. Whenever certificates are to be issued by lottery, the Director shall announce the date
9 and time of the lottery by written notice which notice shall also inform drivers of the eligibility
10 requirements for participation in the lottery. The notice shall be displayed prominently where it
11 can be viewed by drivers. Upon request, a copy of the notice shall be made available, free of
12 charge, to any driver.

13 (c) To participate in the lottery, applicants shall pay an annual fee of Twenty-five Dollars
14 (\$25.00) by January 15th of every year. No certificate shall be issued by lottery before January
15 16th. The Director shall, during the month of December of the preceding year, provide written
16 notice to drivers setting forth the eligibility requirements for participating in the lottery and the
17 deadline by which to register. The notice shall be displayed prominently where it can be viewed
18 by drivers. Upon request, a copy of the notice shall be made available, free of charge, to any
19 driver.

20 (d) Where no lottery has taken place by December 31st, the Twenty-five Dollar (\$25.00)
21 fee shall carry over as payment for the following year's lottery. However, where all available
22 certificates have been issued by December 31st, all eligible drivers interested in participating in
23 the following year's lottery must register for the lottery again by submitting the Twenty-five
24 dollar (\$25.00) fee by the January 15th deadline.

25 (e) Participation in the lottery is limited to drivers who, by the annual January 15th
26 deadline, have been licensed as active taxicab drivers in the County for a period of at least one
27 year and who have been issued not more than one certificate. Active drivers shall include only
28 those drivers who can demonstrate they have operated a taxicab during each of the preceding
29 nine (9) months. For purposes of this subsection (e), primary evidence of the operation of a
30 taxicab shall be in the form of copies of receipts for rental fees paid by the driver to the company
31 for whom he/she operated a cab, provided those receipts reflect the month and year payment was

1 made. The certificate [will be issued on a provisional basis to the drivers chosen and] shall be
 2 operated by [that] the driver for at least [three] two (2) years and in conformance with Section
 3 20-152 before the certificate can be transferred to another individual driver. Certificates cannot
 4 be subleased.

5 [(c)] (f) [For any] No association, partnership, company, corporation, or any other
 6 organization providing taxicab service in the County [business] may own or control, in the
 7 aggregate, more than twenty-five percent (25%) of the total number of certificates issued
 8 County-wide. [having more than ten (10) taxicabs,] The Director shall restrict the number of
 9 certificates issued [in that business name or name of the] to companies so as to comply with this
 10 subsection. Certificates issued in a company name or name of a company's business officers,
 11 partners, employees, contract laborers, or the close relatives of company owner(s) will be
 12 included in determining whether the twenty-five percent (25%) threshold has been met. [to not
 13 more than seventy-five percent (75%) of the total number of certificates issued in that business
 14 name and issued to drivers associated with that business through the use of the business name or
 15 through a contract which commits a major portion of the licensed taxicab's activity to operations
 16 associated with the business.] For the purposes of this sub[S]section, close relatives shall be
 17 defined as mother, father, [and] grandparents, children, [and] grandchildren, brothers and sisters,
 18 spouses, aunts and uncles.

19 (g) Any association, partnership, company, corporation, or any other organization
 20 [business] holding or controlling more than twenty-five percent (25%) [seventy-five percent
 21 (75%)] of the total number of certificates issued in the County, [business name and issued to
 22 drivers associated with that business] as of [insert date of adoption of language] [on the
 23 effective date of this Act] shall not have a certificate automatically revoked because the business
 24 owns or controls [has] more than [seventy-five percent (75%)] twenty-five (25%) percent of the
 25 total number of certificates; however, any business so found to be in violation of this subsection
 26 shall be given twelve (12) months from [insert date of adoption of language] to come into
 27 compliance.

28 (h) In no event shall additional certificates [shall] be granted to companies until the total
 29 number of certificates issued to them, in the aggregate, [in the business name or name of the
 30 officers, partners, or close relatives] is less than [seventy-five percent (75%)] twenty-five percent

1 (25%) of the total number of certificates issued in the County. [business name and issued to
 2 drivers associated with that business.]

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

4 (a) Every certificate holder shall pay an annual certificate fee to the County for [each year
 5 during which the certificate is to be valid] every certificate held. In the case of individual
 6 certificate holders, [T]the nonrefundable fee shall be in the amount of One Hundred and Twenty-
 7 five Dollars [(\$100.00)] (\$125.00) per certificate per year. In the case of companies, the
 8 nonrefundable fee shall be in the amount of Two Hundred and Twenty-five Dollars (\$225.00)
 9 per certificate per year.

10 (b) Except that certificates issued to hybrid vehicles shall be valid for two years during
 11 which time the certificate shall not be transferred to a non-hybrid vehicle. The nonrefundable bi-
 12 annual certificate fee shall be in the amount of One Hundred and Fifty Dollars (\$150.00) per
 13 certificate per year.

14 **Sec. 20-158. Renewal.**

15 All valid certificates outstanding prior to [insert date of adoption of language] [the
 16 effective date of this Act] and which have been used in conformance with the requirements of
 17 this Subtitle, shall remain valid and shall be renewed, from year to year, upon the expiration date
 18 of each such certificate by payment of the certificate fee set forth in Section 20-157 above and
 19 satisfactory completion of a renewal application form prescribed by the Director.

20 (b) Where the Director has reason to believe certificates previously issued have been
 21 operated in violation of this Subtitle, the Director shall investigate or cause to be investigated,
 22 the manner in which such certificates have been used. In so doing, the Director shall promptly
 23 post the certificate number(s) so being investigated publically along with a statement that no
 24 certificate so being investigated can be transferred during the investigatory period. A copy of the
 25 notice shall be provided to the certificate holder.

26 (c) Where a certificate issued to a company is under investigation, the company shall post
 27 a notice readily visible to all taxicab drivers, listing the certificate numbers so being investigated
 28 along with a statement that the company cannot transfer any such certificates during the
 29 investigatory period.

30 (d) No certificate shall be renewed if any of the following has occurred:

1 (1) The certificate holder has allowed the certificate to be used in or assigned to,
 2 including on a temporary basis, a vehicle not duly registered to the certificate.

3 (2) The holder of the certificate has provided use of the certificate to any person who
 4 is not a duly authorized taxicab driver or to an individual who may have been issued a driver's
 5 license pursuant to the requirements of this Code, but whose vehicle does not meet the
 6 requirements for operation as a taxicab as set forth in Section 20-145.

7 (3) A certificate holder has provided or has caused to be provided, dispatch service to
 8 an individual operating a vehicle as a for-hire vehicle where that vehicle does not meet the
 9 requirements of Section 20-145.

10 (4) A certificate holder has entered into a rental, leasing, or other agreement through
 11 which the certificate holder has permitted a partnership, company, corporation, or other
 12 organization to use any or all of the certificates it has received from the County.

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

14 (a) The right of a taxicab or limousine operator, whose vehicle is duly registered in any
 15 other jurisdiction of this State or in any other state or the District of Columbia, to bring a
 16 passenger or passengers into this County when the trip has originated in the other jurisdiction is
 17 hereby recognized. If the engagement of a taxicab has been what is known as a "waiting time"
 18 agreement the passenger or passengers so brought into this County may be taken therefrom by
 19 the same taxicab and operator, provided that the operator shall enter the facts as to the trip upon
 20 his manifest and shall have included the waiting time in his charge for the trip, and that the
 21 operator shall remain with the taxicab at the place of discharge of passengers until the return trip
 22 is begun.

23 (b) Operators of taxicabs or limousines registered in another jurisdiction shall have no
 24 rights to solicit business or transport other passengers in this County. The County Executive
 25 may enter into reciprocal agreements regarding taxicab service with other jurisdictions subject to
 26 County Council approval by resolution. Law enforcement authorities shall give full force and
 27 effect to the provisions of this subsection by issuing the necessary citations to all taxicabs that
 28 operate in violation of these provisions. This requirement shall apply to all locations within
 29 Prince George's County where taxicab service is provided, including National Harbor. The fine
 30 for each such violation shall be One Thousand Dollars (\$1,000.00).

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

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

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

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

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

16 (10) During snow emergency conditions [a Three Dollar (\$3.00)] an Eight Dollar
17 (\$8.00) per trip surcharge is imposed. Snow emergency conditions shall be determined by the
18 County Executive.

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

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

28 (d) Prior to September 1 of each odd-numbered year, the County Executive shall transmit
29 to the County Council his recommendations for any such taxicab rate adjustments.

30 (e) In order to promote and sustain quality service to individuals who travel pursuant to
31 County contracts, no individual, association, partnership, company, corporation, or other

1 organization shall deduct from any driver's fare obtained or reported pursuant to County contract
 2 (voucher) any amount of money nor shall any extra charges, including emergency surcharges, be
 3 added into the cost of the fare. Except that where the holder of the contract has reason to believe
 4 that the amount reported by the driver on the County contract (voucher) exceeds reasonable
 5 charges based upon generally accepted mileage calculations for the taxicab industry in Prince
 6 George's County, the holder of the contract may request that the Director make an independent
 7 determination as to the correct rate taking into consideration generally accepted mileage
 8 calculations. In such event, no action may be taken against the driver until the director has
 9 issued written findings of fact and his/her conclusion.

10 (f) Where the Director determines that the taxicab driver has overcharged on the County
 11 contract (voucher), the holder of the contract shall be entitled to reimbursement of the
 12 overcharge provided the holder of the contract previously paid the driver the full amount of the
 13 original charge of charges.

14 (g) Where an individual, association, partnership, company, corporation, or other
 15 organization withholds payment on a County contract (voucher) or demands repayment of a
 16 County contract (voucher) from a driver, the driver may file a complaint with the Director and
 17 may request an investigation. Upon a finding that the individual, association, partnership,
 18 company, corporation, or other organization has violated this subsection, the driver shall be
 19 entitled to immediate repayment of any monies previously withheld and may seek further redress
 20 in the proper court of this County or State.

21 **Sec. 20-160.01. Emergency Fuel Cost Surcharge.**

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

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

28 (c) The fuel cost emergency surcharge shall be [\$1.00 for each fare] determined by the
 29 County Executive based upon the cost of fuel and burden upon the industry.

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

1 (e) The fuel cost emergency surcharge may not be charged for any fare pursuant to a
2 County contract, nor may the holder of the contract recover any emergency surcharge from the
3 driver by deducting any amount of money from a fare reported pursuant to a County contract.

4 **Sec. 20-161. Meter requirements.**

5 (a) It shall be unlawful for any person to operate a taxicab, or to cause a taxicab to be
6 operated for hire, or to accept any passenger for hire, or to carry any paying passenger within the
7 County unless such vehicle shall be equipped with a taximeter which shall have been sealed by
8 the County and which shall be in operation at all times while any paying passenger is riding in
9 such taxicab. This Subsection shall not apply to a taxicab which displays a sign clearly visible
10 from outside the vehicle, reading, "Not in Service" or "Out of Service" and which taxicab is in
11 fact "Out of Service."

12 (b) The Board may recommend and the Director shall approve the types of taximeters to be
13 used on taxicabs in conformity with specifications and tolerances as set by the National Bureau
14 of Standards. The Director shall road test the taximeter for accuracy and conformity with
15 approved rates at least once each calendar year. The meter shall be sealed after testing.
16 Regulations concerning the use and maintenance of taximeters, not inconsistent with this
17 Section, as may be necessary to promote the purpose hereof, shall be promulgated by the
18 Director with recommendations from the Board.

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

21 (d) It shall be unlawful for any person:

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

24 (2) To operate any vehicle with a taximeter unsealed or not having its access port
25 intact;

26 (3) To carry passengers for hire except while operating the taximeter in accordance
27 with the provisions of this Subtitle, provided, however, that the Director may grant a waiver to
28 this provision for a contract with a government agency filed with the Department of
29 Environmental Resources that permits discounted rates or rates lower than those computed by
30 the taximeter upon a written determination by the Director that the contract provisions will not

1 result in a significant reduction of service to the general public or impact a licensee's ability to
 2 earn a living while maintaining the integrity of the contractual services;

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

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

8 (e) Any person who operates a taxicab or causes a taxicab to be operated in violation of
 9 this section, shall be subject to the provisions of Section 20-159(b).

10 **Sec. 20-164. Penalty clause.**

11 Any person, company, or corporation who violates or fails to comply with any provision of
 12 this Subtitle or who makes any false statement in connection therewith or who gives false
 13 identification shall be subject to all applicable penalties as set forth in this Subtitle, and where
 14 appropriate and upon conviction, may be found guilty of a criminal offense. [be guilty of a
 15 misdemeanor and subject, for each such violation, to a fine not exceeding One Thousand Dollars
 16 (\$1,000.00) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.]

17 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
 18 Maryland, that Sections 20-132.01 and 20-141.01 of the Prince George's County Code be and the
 19 same are hereby added:

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

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

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

24 (a) Where a taxicab association, partnership, company, corporation, or other organization
 25 has obtained a County contract through which it is expected to provide service to the public, the
 26 business holding the contract may not charge in advance nor deduct from the driver's fare, any
 27 sum of money related to such services.

28 (b) Where the rate to be charged for the provision of services to a passenger traveling by
 29 voucher is disputed by the business holding the County contract, the dispute shall be resolved
 30 pursuant to the requirements of Section 20-160(e).

Sec. 20-141.01 Operation of an association, partnership, company, corporation, or other organization.

(a) All taxicab associations, partnerships, companies, corporations, or other organizations shall ensure the business is operated in consideration of the public health, safety, and welfare of the public and drivers at all times. Additionally, no business shall operate as a Prince George's County taxicab company without first obtaining proper authorization from the appropriate Maryland State agencies in addition to meeting the requirements of Section 20-148(b).

(b) Any company operating as of [insert date language adopted] without first having met the requirements of Section 20-148(b) shall be given thirty (30) days to come into compliance. Where the Director determines upon investigation pursuant to Section 20-149 that the applicant has not met the requirements of either subsection (a) or Section 20-148(b), all certificates held or controlled by the applicant shall be subject to revocation subject to notice and hearing as set forth in this Subtitle. No certificate subject to investigation can be transferred during the investigatory period.

(c) All operating agreements used by taxicab associations, partnerships, companies, corporations, or other organizations engaged in the provision of taxicab service shall provide the option, notwithstanding taxicab drivers status as independent contractors, of independent, third-party mediation or alternative dispute resolution. A request to invoke third-party mediation or alternative dispute resolution can be made by either party and all parties must agree to participate in good faith.

(d) No company, association, partnership, corporation, or other organization holding a certificate(s), including certificates issued in the name of the business' officers, partners, employees, contract laborers, or close relatives of the business owner, is permitted to have any direct or indirect ownership interest or management control over any other taxicab association, partnership, company, corporation, or other organization providing taxicab services in Prince George's County.

(e) All businesses or entities providing dispatch service to duly authorized taxicab associations, partnerships, companies, corporations, or other organizations shall provide such services in a manner consistent with the County's goal of providing reliable dispatch service to the public and drivers at all times during hours of operation. Where a driver fails to receive reliable and consistent dispatch service, he/she may report the date, time and reason he/she was

1 taken off of dispatch to the Director within ten (10) business days. The director shall maintain a
2 permanent record of all such reports and such records shall be public record. The driver may, at
3 his/her discretion, request a hearing before the Taxicab Board pursuant to the provisions of
4 Section 20-102.02(e).

5 (f) Repeated violations of subsection (a) shall be grounds for revocation of certificates
6 issued to, or controlled by, the business. For the purposes of this subsection, violations in excess
7 of ten (10) per month, shall be deemed excessive. Upon a finding of excessive violations, in
8 his/her discretion, the Director may revoke the company's certificates or place the business on
9 probation for a period of sixty (60) days. No certificates may be transferred pursuant to the
10 transfer provisions of this Subtitle during a period of probation. Failure to remedy any violations
11 of subsection (a) during this period shall result in revocation of certificates.

12 (g) Violations of subsection (d) by a business providing dispatch service, shall result in a
13 One Thousand Dollar (\$1,000.00) fine for every incident impeding driver's ability to provide
14 reliable and consistent service to the public during hours of operation. Where the business
15 providing dispatch service can demonstrate by clear and convincing evidence that disruption,
16 including any period during which a driver was taken off of dispatch service was necessary, no
17 fine shall be imposed.

18 (h) For the purposes of subsection (f), every unsubstantiated deauthorization of a driver
19 from dispatch service, shall be deemed an individual violation no matter the length of the
20 deauthorization.

21 (i) By January 31st of every odd-numbered year, the Director shall examine or cause to be
22 examined, the business license of every cab company to which a certificate has been issued for
23 the purposes of verifying the company remains duly authorized to operate in the State of
24 Maryland. Upon determining a company's status has been deemed forfeited by the Maryland
25 Department of Assessments and Taxation, the Director shall immediately revoke all certificates
26 held by the company. Any certificates to revoked shall be distributed by lottery within thirty
27 (30) days pursuant to the provisions of Sections 20-156(b) and (c).

28 (j) No company whose status has been deemed forfeited by the State may subsequently
29 transfer its certificates to another company.

1 (k) Nothing in the provisions of this Section of this Subtitle shall be construed to prevent
2 the State of Maryland from pursuing any action against a company operating in violation of State
3 business licensing requirements.

4 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
5 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
6 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
7 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
8 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
9 Act, since the same would have been enacted without the incorporation in this Act of any such
10 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

11 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
12 calendar days after it becomes law.

Adopted this _____ day of _____, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.

* * * * *