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ARTICLE 1. GENERAL PROVISIONS

Sec. 53-101. Definitions.

In this Chapter, unless the context indicates otherwise:

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

Association means individual licensees who join together to form a business entity to provide taxicab service utilizing a single trade name consisting of a minimum of six licenses.

Commission means the Taxicab Services Commission.

Department means the Department of Transportation.

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

Dispatch means the traditional methods of pre-arranging vehicle-for-hire service, including through telephone or radio.

Driver means an individual authorized to operate a taxicab under this Chapter and issued a Taxicab Driver Identification Card.

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

Fleet means any entity that holds in its own name six or more licenses.

In service means the operation of a taxicab on any roadway in the County when the driver is not displaying an approved out of service sign or notice.

Individual Licensee means a person or entity who has an ownership interest in no more than five licenses and who is required to either affiliate with a Fleet or an Association in order to provide Taxicab Service.

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

Licensee means an individual or fleet to whom the Director has issued a license.

Out of service means a taxicab that:

(1) displays a Department approved out of service sign or notice while being operated; or

(2) is removed from revenue service and parked.

Owner means an individual or entity that:

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

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

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

Passenger means a person who engages a taxicab for hire.

Passenger Vehicle License means a license to provide taxicab service using a specified motor vehicle.

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

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

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

Taxicab means a motor vehicle that:

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

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

(3) either:

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

(B) displays the words "taxi," "cab," or "taxicab" anywhere on the vehicle;

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

(D) is used to respond to an immediate request for passenger transportation.

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

Taxicab Service means carrying one or more passengers for compensation between points chosen by the passenger:

(1) regardless of how or when engaged, for a fare that is based on the distance traveled, time elapsed, or both, except as expressly authorized in this Chapter; or

(2) after being engaged by hail from a street, or from a parking lot, taxi stand, or other location where the vehicle is waiting for a request for service.

A person who provides for-hire transportation service without a valid license or permit from an appropriate governmental authority is a provider of illegal taxicab service irrespective of the type of vehicle used.

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

Transfer:

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

(2) if the licensee is a business entity, includes the transfer of 50 percent or more of the stock, voting rights, membership interest, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or a series of separate transactions. (2004 L.M.C., ch. 27, § 1; 2008 L.M.C., ch. 5, § 1; 2015 L.M.C., ch. 39, § 1.)

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

Sec. 53-102. Enforcement of Chapter.

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

Sec. 53-103. Taxicab Services Commission.

(a) The County Executive must appoint, subject to confirmation by the County Council, a Taxicab Services Commission.

(b) The Commission must:

(1) advise the Director in carrying out duties and functions under this Chapter;

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

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

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

(c) The Commission consists of four public members and seven taxicab industry members. The County Executive must appoint members so that:

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

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

(3) two of the four drivers are owner-drivers and two are non-owner drivers.

(d) The Director or the Director's representative and the Chair of the Council Transportation, Infrastructure, Energy and Environment Committee or the Chair's representative must serve as ex-officio non-voting members.

(e) A Commission member serves for a term of three years, or until a successor is confirmed, whichever is later. A member must not serve more than two consecutive full terms. A person appointed to fill a vacancy serves for the remainder of the predecessor's term.

(f) The Commission must annually select one public member as chair. (2004 L.M.C., ch. 27, § 1; 2005 L.M.C., ch. 26, § 1; 2015 L.M.C., ch. 39, § 1.)

Editor's note—2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or

repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 53-103A. Biennial Review of the Taxicab Industry.

(a) Between September 1 and November 15 of each even-numbered year, the Taxicab Services Commission must conduct a review of the County taxicab industry including:

(1) at least one public hearing;

(2) solicitation of comments from stakeholders;

(3) an evaluation of:

(A) the economic condition of the taxicab industry; and

(B) the adequacy of service rendered by the industry.

(b) The Commission must submit a report to the Executive and County Council not later than December 1 of the year the review is conducted, describing the status of the industry and identifying any changes to the regulation of the industry that the Commission finds necessary or desirable, including:

(1) changes to the number of licenses in circulation;

(2) changes in taxicab rates set under Section 53-106;

(3) changes in fees set under Section 53-107;

(4) changes in insurance requirements under Section 53-225 or applicable regulation;

(5) changes to the accessibility requirements under Article 5;

(6) changes to the affiliation and dispatch requirements under this Chapter; and

(7) any other changes that the Commission determines would improve the delivery of taxicab services.

(c) The review of economic condition of the industry must include consideration of taxicab rates, lease and affiliation rates, and industry fees charged to and by licensees and drivers. In reviewing the rates and fees, the Commission must consider:

(1) driver income compared to the County minimum wage; and

(2) the cost of industry-related regulatory and enforcement expenditures. (2015 L.M.C., ch. 39, § 1.)

Sec. 53-104. Regulations.

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

Sec. 53-105. Administrative record.

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

Sec. 53-106. Rates.

(a) The County Executive must set taxicab rates by regulation to promote the public interest after holding a public hearing and considering the recommendations of the Commission.

(b) To encourage ride sharing and other innovative taxicab services, the regulation may require a licensee to accept certain payment methods and charge rates that are not taximeter based.

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

(d) A person must not charge for taxicab service except as allowed under applicable regulations or subsection (c). (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-107. Fees.

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

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

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

(1) approves the resolution;

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

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

Editor's note—2005 L.M.C., ch. 37, § 2, states: Transition. The fees authorized by Section 53-107 and Section 53-206 before being amended by Section 1 of this Act, and in effect before this Act takes effect, must remain in effect until a Council resolution takes effect as provided under Section 53-107, as amended by Section 1 of this Act.

Sec. 53-108. Taxicab stands.

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

Sec. 53-109. Duplicates.

Upon proof satisfactory to the Department that a license or identification card has been lost or destroyed, the Department must issue a duplicate license or identification card to the licensee or driver, after the licensee or driver has paid the required fee, unless the license or identification card has been revoked or suspended under this Chapter. (2004 L.M.C., ch. 27, § 1.)

Sec. 53-110. Centralized electronic dispatch system.

(a) The Executive, by method (2) regulation, may approve one or more centralized electronic dispatch systems to dispatch taxicabs for trips that begin in the County through an Internet-enabled application, digital platform, or telephone dispatch system.

(b) Within six months after the approval of the first system, every taxicab driver licensed under this Chapter must use a centralized electronic dispatch system approved under this Section.

(c) A centralized electronic dispatch system approved under this Section must:

(1) offer an Application Programming Interface that allows other approved systems to dispatch all drivers using that system;

(2) dispatch the taxicab closest to the person requesting service, regardless of which system that taxicab is using;

(3) adequately protect the privacy of passengers and the security of passengers and drivers;

(4) allow only licensed taxicab drivers to use the system;

(5) maintain, and make available to the Director upon request, verifiable records, in a form prescribed by the Director, summarizing responses to requests for service made under the system;

(6) provide users with an option to see and request an accessible taxicab; and

(7) be accessible to the blind and visually impaired and the deaf and hard of hearing.

(d) A centralized electronic dispatch system approved under this Section may charge processing fees as allowed by regulation.

(e) Nothing in this Section prohibits a licensee from using or being dispatched by any other two-way dispatch system. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-111. Uniform agreements; maximum lease and affiliation rates and other charges.

(a) The Executive must establish, by method (2) regulation:

(1) uniform lease, sublicense, and affiliation agreements which must conform to the minimum requirements of Section 53-218;

(2) maximum lease, sublicense, and affiliation rates that a licensee may charge a driver; and

(3) a list of types and amounts of other charges that a licensee may charge a driver.

(b) Maximum lease, sublicense, and affiliation rates, and other charges that a licensee may charge a driver, must be set at amounts determined by the Executive to:

(1) enable the licensee to receive adequate revenues to pay the licensee's reasonable expenses and receive a fair and reasonable rate of return on the licensee's investment; and

(2) provide drivers with an opportunity to earn a fair and reasonable income.

(c) In determining the maximum lease rates, the Executive must consider:

(1) vehicle, equipment and license costs;

(2) asset depreciation;

(3) the costs of insurance, operation and maintenance, uninsured repairs, wages and salaries, garage storage, taxes, fees, two-way dispatching and administration, as well as all other periodic expenses paid by the licensee; and

(4) any other factors that the Executive considers appropriate to further the purposes of this Chapter.

(d) The Executive must periodically review the maximum lease, sublicense, and affiliation rates, and other charges that a licensee may charge a driver, to ensure that the rates and charges are consistent with the objectives expressed in this section.

(e) The Executive may require all licensees to provide such financial information as may be reasonably necessary to establish maximum rates and charges allowed under this Section. Information submitted under this subsection is confidential and must not be disclosed to the public. (2015 L.M.C., ch. 39, § 1.)

ARTICLE 2. TAXICAB LICENSES.

Division 1. General License Provisions.

Sec. 53-201. Required.

(a) A person must not provide taxicab service without possessing a license as required under this Chapter.

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

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

(1) holds a fleet license; or

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

(3) holds a sublicense granted by a holder of a fleet license under Section 53-204A and is affiliated with that fleet.

(d) A licensee must hold a license for each taxicab.

(e) A licensee must own a taxicab associated with each license. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-202. Display.

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

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

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

(b) An individual must not hold a license originally issued to a fleet or association under this Chapter, and a fleet or association must not hold a license originally issued to an individual under this Chapter, unless the license was lawfully transferred under Section 53-204.

(c) Nothing is this Section prohibits a fleet or association from providing non-taxicab for- hire driving services as defined under State law and not regulated by the County. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-204. Transferability; security interest.

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

(b) A license may be transferred only if:

(1) the license was first issued before January 1, 2015;

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

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

(4) the licensee surrenders the license when the Director approves the transfer.

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

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

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

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

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

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

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

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

(f) A fleet or individual that transfers a license must not be issued a new license for three years after the transfer of the license. (2004 L.M.C., ch. 27, § 1; 2008 L.M.C., ch. 35, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-204A. Sublicenses.

(a) The holder of a fleet license may grant a sublicense to another person under this Section.

(b) A sublicense may be granted only if:

(1) the holder of a fleet license notifies the Department in writing of the proposed grant not less than 30 days before the date of the proposed grant, specifying all terms and conditions of the proposed grant and the identity of the proposed grantee;

(2) the Director finds that the proposed grantee meets all requirements for a licensee under this Chapter and applicable regulations; and

(3) the Director approves the grant of the sublicense.

(c) The Director must not approve a grant of a sublicense if the grantee already holds, or would then hold, more than 40% of the total number of licenses then in effect.

(d) The holder of a sublicense is subject to all of the requirements of this Chapter that apply to a licensee. (2015 L.M.C., ch. 39, § 1.)

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

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

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

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

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

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

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

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

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

(3) do not already hold a license under this Chapter.

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

(d) *Biennial limit.* During calendar year 2016 the Director must not issue more than 70 new licenses. In each later even-numbered year, the Director may issue a total number of new licenses that does not exceed 10% of the number of licenses then in effect.

(e) *Additional licenses - extraordinary authority; population limit.* The Director may issue more licenses than are authorized under subsection (d) if the Director finds, after holding a public hearing, that additional taxicabs are necessary to improve service to specified geographic areas or types of taxicab users or generally to increase competition. However, the total number of licenses issued must not exceed one license for each 1,000 County residents, as computed in the most recent decennial U.S. Census or any census update published by the appropriate federal agency.

(f) *Individual limit.* Notwithstanding any other provision of this Section, the Director must not issue a new or reissued license to any licensee that holds more than 40% of the licenses then in effect. (2004 L.M.C., ch. 27 , § 1; 2006 L.M.C., ch. 32, § 1; 2015 L.M.C., ch. 39, § 1.)

Editor's note—2015 L.M.C., ch. 39, § 2, states: Not later than January 1, 2016, the Director must issue 100 new licenses following the procedures in Sections 53-205 and 53-210 as follows:

(a) 25 to individuals who do not hold a license under this Chapter, and of these, eight must be for accessible vehicles;

(b) 25 to fleets that hold fewer than 100 licenses, and of these, eight must be for accessible vehicles; and

(c) 50 accessible vehicle licenses to a driver-owned cooperative fleet that the Director determines is a qualified applicant under Chapter 53.

2015 L.M.C., ch. 39, § 3, states: If any of the 50 accessible licenses allocated to a driver-owned cooperative under Section 2 are not awarded to the cooperative by June 1,

2016, either because the Director determines that the cooperative is not a qualified applicant under Chapter 53, or because the cooperative otherwise declines to obtain them, the licenses must be issued to individuals who do not currently hold licenses under this Chapter.

2006 L.M.C., ch. 32, § 2, states: Transitional provisions; alternative criminal background check.

(a) Until September 1, 2007, notwithstanding the provisions of Section 53-306(c)(2)(D) and Section 53- 306(c)(3) to the contrary, the Director may issue a temporary identification card to an applicant for a taxicab driver identification card, before the Department receives the results of the state criminal background check required by Section 53-306, if:

(1) the applicant submitted all information necessary to process the state criminal background check required by Section 53-306 at least 10 days previously and the Department has not received the results of that background check;

(2) the applicant submits an initial criminal history background check, conducted within the previous 10 days by a third-party vendor approved by the Director;

(3) this third-party background check covers each jurisdiction in the United States where the applicant resided during the previous 5 years; and

(4) this third-party background check does not disclose any information that would disqualify the applicant from receiving an identification card under Section 53-309 (now Section 53-308).

(b) For any new passenger vehicle license issued in 2006 under County Code Section 53-205(d), as amended by Section 1 of this Act, the licensee must place the vehicle in taxi service not later than March 31, 2007.

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

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

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

(2) pays the initial license fee.

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

(1) the County's interest in encouraging competition and improving customer service;

(2) the value of the license in the private market; and

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

Editor's note—2005 L.M.C., ch. 37, § 2, states: Transition. The fees authorized by Section 53-107 and Section 53-206 before being amended by Section 1 of this Act, and in effect before this Act takes effect, must remain in effect until a Council resolution takes effect as provided under Section 53-107, as amended by Section 1 of this Act.

Sec. 53-207. License application.

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

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

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

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

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

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

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

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

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

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

Sec. 53-208. Individual licenses.

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

Sec. 53-209. Individual license application.

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

(a) specify which fleet or association the applicant will affiliate with before putting the taxicab into service;

(b) hold a valid identification card;

(c) describe the applicant's experience driving a taxicab or other commercial passenger vehicle, and the applicant's experience as a taxicab driver in the County;

(d) present evidence of the applicant's intent to drive the taxicab for 3 years, or if the applicant does not intend to personally drive the taxicab, provide the name of a driver with a valid identification card who is committed and ready to drive the taxicab on a full-time basis;

(e) specify the number and type of consumer complaints regarding taxicab service naming the applicant during the past 12 months;

(f) have a safe driving record, as defined by applicable regulations;

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

(h) list the applicant's employment during the preceding 10 years; and

(i) show that the applicant, or if the applicant does not intend to personally drive the taxicab, the driver designated under subsection (d), has provided taxicab service in the County satisfactorily for at least 12 months.

(j) attest that the applicant has not transferred any license during the previous 36 months. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-210. Individual license lottery.

(a) If the number of applications filed by qualified individual applicants as defined under Sections 205 and 209 equals or is less than the number of new licenses authorized for individual use in a 2-year period, the Director must issue a license to each qualified applicant. If the number of applicants from qualified individuals exceeds the number of new individual licenses authorized for that period, the Director must conduct a lottery

among each group of qualified individuals with an equal number of years' experience regularly driving a taxicab in the County to determine the priority of issuance.

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

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

(1) licenses for accessible taxicabs;

(2) other new licenses that become available; and

(3) any other authorized license that become available.

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

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

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

Editor's note—2015 L.M.C., ch. 39, § 2, states: Not later than January 1, 2016, the Director must issue 100 new licenses following the procedures in Sections 53-205 and 53-210 as follows:

(a) 25 to individuals who do not hold a license under this Chapter, and of these, eight must be for accessible vehicles;

(b) 25 to fleets that hold fewer than 100 licenses, and of these, eight must be for accessible vehicles; and

(c) 50 accessible vehicle licenses to a driver-owned cooperative fleet that the Director determines is a qualified applicant under Chapter 53.

2015 L.M.C., ch. 39, § 3, states: If any of the 50 accessible licenses allocated to a driver-owned cooperative under Section 2 are not awarded to the cooperative by June 1, 2016, either because the Director determines that the cooperative is not a qualified applicant under Chapter 53, or because the cooperative otherwise declines to obtain them, the licenses must be issued to individuals who do not currently hold licenses under this Chapter.

Sec. 53-211. Fleet license application.

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

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

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

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

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

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

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

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

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

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

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

(k) attest that the applicant has not transferred any license during the previous 36 months. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-212. Criteria to deny a license.

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

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

(1) any offense involving violence or a weapon;

(2) any sex offense;

(3) soliciting for prostitution;

(4) illegal sale or use of alcoholic beverages;

(5) any felony involving controlled dangerous substances;

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

(7) any act of moral turpitude;

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

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

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

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

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

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

If a license is denied or revoked, the applicant is not eligible to reapply for 2 years, unless the Director for good cause otherwise orders. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-213. Additional criteria to deny a license.

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

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

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

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

(3) who has failed to keep the licensed taxicab in continuous operation as required by Section 53-226; or

(4) who has not complied after reasonable notice with any required safety, operational, or inspection requirement of this Chapter. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1; 2016 L.M.C., ch. 7, §1.)

Sec. 53-214. Expiration of license.

A license expires one year after it is issued. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-215. Renewal of license.

The Director must renew a license if the licensee:

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

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

(c) pays the required fee. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Division 3. Duties of Licensees.

Sec. 53-216. Notice of change of address.

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

(a) a business or residential address;

(b) a required telephone number; or

(c) any officer, principal, partner, or managing agent, or any other person who effectively controls the operations of a licensee. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, §1.)

Sec. 53-217. Quarterly reports.

(a) Each licensee, or fleet or association on behalf of an affiliated individual licensee, must submit a quarterly report that:

(1) details all accidents involving any of its taxicabs to the Department on a form approved by the Director; and

(2) shows the mileage driven by the vehicle associated with each license.

(b) The Director may require a more frequent report. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-218. Responsibility of licensees, affiliates, and drivers.

(a) A licensee must not knowingly permit any taxicab to be operated in this County by a person who has:

(1) not been authorized to operate a taxicab under this Chapter; or

(2) tested positive for drugs or alcohol, as defined by applicable regulations, unless authorized by the Director.

(b) Each licensee must promptly take appropriate action when the licensee becomes aware from any source that a driver of a taxicab for which the licensee holds the license or regarding which the licensee is a party to an affiliation agreement has not complied with all requirements of this Chapter.

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

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

(1) applies to each driver, including affiliates of the licensee; and

(2) prevails over any inconsistent contract or other agreement between a licensee and an affiliate or a driver.

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

(1) inform the driver of:

(A) the driver's obligation to comply with all requirements of this Chapter; and

(B) the licensee's obligation to take appropriate action when the licensee becomes aware that a driver has not complied with any requirement of this Chapter;

(2) empower the licensee to take appropriate action, as required in subsection (b);

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

(4) not exceed a term of one year;

(5) not require a driver or affiliate to use the fleet or association system for processing credit card transactions; and

(6) not be subject to automatic renewal.

(f) A licensee must not impose on a driver or affiliate:

(1) charges totaling more than 5% of any credit card transaction; or

(2) any other charge of a type or amount other than those on the list adopted by regulation under Section 53-111. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1; 2016 L.M.C., ch. 5, § 1.)

Editor's note—2015 L.M.C., ch. 39, § 5, states: Transition. Notwithstanding the Expedited Effective Date of this Act, the following provisions, amended in Section 1, take effect on October 1, 2015:

(a) the maximum credit card processing charge under Section 53-218(f)(1);

(b) the dispute resolution requirements under Section 53-219;

(c) the deletion of the driver examination requirement under former Section 53-308 (deleted as of October 1, 2015); and

(d) the minimum liability insurance requirements under Section 53-224.

Sec. 53-219. Dispute Resolution.

(a) *Definitions.* In this Section:

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

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

(b) Each fleet or association may have a written dispute resolution procedure as part of its agreements with its affiliates or drivers, so long as such dispute resolution procedure incorporates, at a minimum, binding arbitration pursuant to the American Arbitration Association Commercial Arbitration Rules, R-1 through R-58.

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

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

(A) the aggrieved party must submit a complaint in writing to the fleet or association within 30 days from the date of the fleet or association's action,

containing a written statement of the matter in dispute and the names, addresses and telephone numbers of each party to the dispute.

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

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

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

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

(2) If the dispute is not resolved through the internal grievance procedure, both parties may agree to informal or formal mediation of the dispute, pursuant to paragraph (3). If the parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to paragraph (4).

(3) Informal or formal mediation.

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) the costs of the arbitration must be borne by the party which does not prevail, unless the parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if there is no prevailing party.

(F) the arbitration, whether conducted by AAA or another arbitrator chosen by the parties, must be in substantial accord with the American Arbitration Association Commercial Arbitration Rules, R-1 through R-56.

(G) the arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator, continuation of the hearing would not be useful.

(H) within two weeks after the arbitration hearing has been concluded, the arbitrator must render an award in writing, which must be binding upon the parties and which may be enforced by any court having jurisdiction over the parties. (2015 L.M.C., ch. 39, §1.)

Editor's note—2015 L.M.C., ch. 39, § 5, states: Transition. Notwithstanding the Expedited Effective Date of this Act, the following provisions, amended in Section 1, take effect on October 1, 2015:

(a) the maximum credit card processing charge under Section 53-218(f)(1);

(b) the dispute resolution requirements under Section 53-219;

(c) the deletion of the driver examination requirement under former Section 53-308 (deleted as of October 1, 2015); and

(d) the minimum liability insurance requirements under Section 53-224.

Division 4. Additional Duties of Fleets and Associations.

Sec. 53-220. Essential requirements.

Each fleet and association must:

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

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

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

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

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

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

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

(f) comply with all requirements of this Chapter regarding the provision of accessible taxicabs. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-221. Operating requirements.

Each fleet and association must:

(a) provide centralized administrative, vehicle maintenance, customer service, complaint resolution, dispatch, management, marketing, operational, and driver training services located in the County, or at one or more locations approved by the

Director. A fleet or association may obtain these services, with the approval of the Director:

(1) from another person or entity who does not hold, or have an interest in, a license issued under this Chapter; or

(2) from another fleet or association if the Director finds that joint operations of this type:

(A) would promote competition and improve customer service; and

(B) would not impair the independence of any fleet or association;

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

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

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

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

(3) information on a form provided by the Department, showing, for each taxicab, the licensee's name and address, vehicle make, vehicle identification number and taxicab number, and other pertinent information listed on the form. Any change in the information required by this paragraph must be filed in writing with the Department within 2 business days after the change.

(d) ensure that each taxicab affiliated with or operating under a license issued to the fleet or association places a written notice, clearly visible to passengers in the vehicle and on a form approved by the Department, that includes a statement:

(1) that the customer may choose to pay the fare using any available payment system; and

(2) identifies the available credit card processing systems approved by the Department. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, §1; 2016 L.M.C., ch. 5, §1.)

Sec. 53-222. User-side subsidy programs - participation.

(a) Any fleet or association must participate in the County's user-side subsidy programs, as required by applicable regulations.

(b) Each taxicab affiliated with, or operating under a license issued to, a fleet or association that is required to participate in a County's user-side subsidy program must be equipped to accept payment through the program. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1; 2016 L.M.C., ch. 5, §1.)

Division 5. Taxicab Vehicles.

Sec. 53-223. Mechanical inspection certificate.

Before a license is issued under this Chapter, the applicant must furnish a certificate from a state- certified inspection station in good standing that a comprehensive inspection, performed to state standards by a licensed state inspector, shows that the vehicle is mechanically safe. A license must not be issued if the vehicle has been driven more than 150 miles since the inspection was performed. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-224. Insurance required.

(a) Before the Director issues any passenger vehicle license under this Chapter, the applicant must submit written proof of insurance or self-insurance for the vehicle that covers bodily injury or death to any passenger or other person, and property damage, in the following amounts:

(1) $50,000 for bodily injury or death per person;

(2) $100,000 for bodily injury or death per accident; and

(3) $ 25,000 for property damage.

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

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

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

(1) the name and address of the vehicle owner;

(2) the vehicle's license tag number;

(3) the name, address, office hours, and telephone number of the insurance claims office responsible for adjusting any insurance claim arising from use of the vehicle; and

(4) the name, address, and telephone number of the Department and any other government agency where complaints regarding insurance claims handling may be filed. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Editor's note—2015 L.M.C., ch. 39, § 5, states: Transition. Notwithstanding the Expedited Effective Date of this Act, the following provisions, amended in Section 1, take effect on October 1, 2015:

(a) the maximum credit card processing charge under Section 53-218(f)(1);

(b) the dispute resolution requirements under Section 53-219;

(c) the deletion of the driver examination requirement under former Section 53-308 (deleted as of October 1, 2015); and

(d) the minimum liability insurance requirements under Section 53-224.

Sec. 53-225. State registration required.

The Director must not issue or renew a license unless the licensee has registered the taxicab as a "class B" for-hire vehicle with the Motor Vehicle Administration for the year in which the license is applied for, and the registration remains valid. The licensee must notify the Department in writing not more than 2 business days after the licensee receives notice that the vehicle registration is revoked or suspended. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-226. Continuous operation.

(a) Each licensee must keep each licensed taxicab in continuous operation as defined by applicable regulation.

(b) The Executive must by method (2) regulation define continuous operation using a formula that:

(1) uses calendar-quarterly reports submitted by each fleet and association showing mileage driven by each vehicle associated with a license held by, or affiliated with, each fleet and association; and

(2) requires average per-vehicle mileage to be at least 60% of the County-wide average for each quarter, unless the Director, by written request, waives the requirement.

(c) Each licensee must notify the Department in writing at any time that:

(1) a taxicab will be or has been out of service for more than 30 days; or

(2) an average of more than 15% of the taxicab whose licenses are held by that licensee have been inactive during the previous calendar month.

(d) Each notice must:

(1) explain the reasons for each period of inactivity; and

(2) show why the Director should not revoke the license of each inactive taxicab for lack of use. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-227. Procedure when vehicle placed in or removed from service.

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

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

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

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

The Director must not otherwise waive or extend this requirement.

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

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

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

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

(g) Any vehicle placed in service as a taxicab must not be more than five model years old. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-228. Age of vehicles.

(a) A licensee must not use any vehicle that is more than eight model years old to provide taxicab service in the County. As used in this Chapter, the "model year" of a vehicle is the year designated by the vehicle manufacturer, as indicated on the vehicle or in the manufacturer's records. A licensee may maintain a vehicle in service until the next December 31 after its eighth model year ends if the vehicle passes a comprehensive safety inspection performed during the preceding August by a state-certified inspector in good standing.

(b) The Director may waive this requirement only to maintain an accessible taxicab in service for no more than 90 days when the licensee shows that no adequate replacement vehicle was available for purchase during the preceding 90 days. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-229. Maintenance and repair.

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

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

(c) Any taxicab removed from service under this Section must not be reinstated in service until it has been inspected and approved under procedures established by applicable regulation. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-230. Vehicle numbering, lettering, and markings; rate chart.

(a) When a license for a taxicab is issued under this Chapter, the Department must assign a license number to the taxicab. The licensee (or the fleet, if the vehicle is affiliated with a fleet) must assign a vehicle number to each taxicab. The vehicle number must be permanently applied and plainly visible.

(b) When the Director so orders, the license number must be affixed to the taxicab by decal or metal tag provided by the Department in a manner approved by the Director.

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

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

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

(f) A licensee must post a rate chart issued by the Department in the taxicab in a location conspicuously visible to any passenger. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-231. Doors; lettering; color; special equipment.

(a) Each taxicab operated in the County must have at least 3 doors. All doors must operate safely.

(b) A licensee or driver must not operate a taxicab unless the taxicab bears markings in letters plainly distinguishable on each of the 2 sides of the taxicab, showing the approved name of the fleet or association by whom the taxicab is owned or operated.

(c) Each fleet or association must register its colors with the Department. A fleet or association may register one or more color combinations, and any fleet or association may register black as one of its colors. A fleet or association must not use colors that are similar to those of another fleet or association so that the public can readily identify taxicabs operated by that fleet or association. The Director may approve advertising in different colors or markings as long as the public can still readily identify taxicabs operated by that licensee, or the use of a set of different colors and markings to identify a specialized service provided by or geographic area served by a fleet or association. Any

color or color combination approved by the Department, other than black, must be reserved for the exclusive use of that fleet or association when the fleet or association is operating taxicabs in the County.

(d) Each licensee must insure that each fleet or association uses only the approved name of the fleet or association in advertising or listing its service to the public. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-232. Cruising lights.

Each taxicab must have cruising lights that operate electrically as a sign or insignia mounted on the forward portion of the roof of the taxicab. Cruising lights must not be used until approved by the Department. Cruising lights may be removable, but must be mounted when the vehicle is in use as a taxicab, and must be designed so that the vehicle can be easily identified as a taxicab. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-233. Seat belts.

Each taxicab must have one set of seat belts for the driver and each passenger. The seat belts must be easily accessible and in good working order. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, §1.)

Sec. 53-234. Taxicab meters.

(a) Each taxicab must be equipped with:

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

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

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

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

(d) A person must not alter the meter or change the mechanical condition of wheels, tires, or gears of any taxicab with the intent to cause incorrect registration by the meter of the fare charged to any passenger. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-235. Inspections.

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

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

(c) Each driver must respond to an oral request within 60 minutes when any trip record required under Section 53-314 is requested during a field investigation by an inspector or law enforcement officer. Each fleet or association must make available a direct telephone line to the Department and the County Police Department on which the fleet or association must transmit any record it possesses of any trip taken or dispatched on the same or the previous day, within 60 minutes after any inspector or law enforcement officer requests the record.

(d) Each taxicab licensed under this Chapter must undergo a complete inspection of its mechanical condition and any special equipment used to transport persons with disabilities every 12 months at a time and place designated by the Department. The inspection must be performed by a licensed state inspector at a state-certified inspection station in good standing. The Director must immediately, without holding a hearing, suspend the license of any taxicab in an unsafe physical or mechanical condition. The Director must immediately reinstate any unexpired suspended license after receiving satisfactory proof that the violation or defect has been corrected. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1; 2016 L.M.C., ch. 7, §1.)

ARTICLE 3. TAXICAB DRIVER IDENTIFICATION CARDS.

Division 1. General Identification Card Provisions.

Sec. 53-301. Identification Card Required.

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

(a) has a valid driver identification card; and

(b) is capable of performing all duties of a taxicab driver. (2004 L.M.C., ch. 27, § 1.)

Sec. 53-302. Display.

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

Sec. 53-303. Transferability.

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

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

Sec. 53-304. Identification card issuance.

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

Sec. 53-305. Contents of card.

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

Sec. 53-306. Application; temporary card.

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

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

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

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

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

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

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

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

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

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

(A) properly verified his or her identity;

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

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

(D) undergone a criminal background check, conducted by the appropriate state agency, showing that the applicant is not disqualified because of a criminal conviction, receipt of probation before judgment in lieu of a conviction, or pending criminal charge from operating a taxicab.

(3) The Director must not issue a temporary or annual identification card unless the applicant has shown, through a complete criminal background check, that the applicant is not disqualified for any reason mentioned in Section 53-308(a).

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

(5) A temporary identification card expires 45 days after the card was issued.

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

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

(B) the 45th day after the card was issued; or

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

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

(d) The Director may extend the expiration date of an identification card up to 60 days if:

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

(2) processing of required state or federal criminal background checks has been delayed through no fault of the applicant. (2004 L.M.C., ch. 27, § 1; 2006 L.M.C., ch. 32, § 1; 2015 L.M.C., ch. 39, § 1.)

Editor's note—2006 L.M.C., ch. 32, § 2, states: Transitional provisions; alternative criminal background check.

(a) Until September 1, 2007, notwithstanding the provisions of Section 53-306(c)(2)(D) and Section 53- 306(c)(3) to the contrary, the Director may issue a temporary identification card to an applicant for a taxicab driver identification card, before the Department receives the results of the state criminal background check required by Section 53-306, if:

(1) the applicant submitted all information necessary to process the state criminal background check required by Section 53-306 at least 10 days previously and the Department has not received the results of that background check;

(2) the applicant submits an initial criminal history background check, conducted within the previous 10 days by a third-party vendor approved by the Director;

(3) this third-party background check covers each jurisdiction in the United States where the applicant resided during the previous 5 years; and

(4) this third-party background check does not disclose any information that would disqualify the applicant from receiving an identification card under Section 53-309 (now Section 53-308).

(b) For any new passenger vehicle license issued in 2006 under County Code Section 53-205(d), as amended by Section 1 of this Act, the licensee must place the vehicle in taxi service not later than March 31, 2007.

Sec. 53-307. Physician's certificate.

(a) Before the Director issues an identification card, other than a temporary card issued under Section 53-306(c), the applicant must furnish a physician's certificate, issued within the previous 30 days, which certifies that:

(1) the applicant has been given a physical examination, including an initial tuberculosis test and any other test required by applicable regulation; and

(2) the applicant is free from any communicable disease, and is not subject to any physical or mental impairment that could:

(A) adversely affect the applicant's ability to drive safely; or

(B) otherwise endanger the public health, safety, or welfare.

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

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

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

(2) otherwise endanger the public health, safety, or welfare. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-308. Criteria to deny an identification card.

The Director must not issue or renew an identification card to any driver or applicant:

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

(1) any offense involving violence or a weapon;

(2) any sex offense;

(3) soliciting for prostitution;

(4) illegal sale or use of alcoholic beverages;

(5) any felony involving controlled dangerous substances;

(6) any offense involving driving under the influence; or

(7) any act of moral turpitude;

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

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

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

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

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

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

If an identification card is denied or revoked, the applicant is not eligible to reapply for 1 year, unless the Director for good cause otherwise orders. (2004 L.M.C., ch. 27, § 1; 2006 L.M.C., ch. 32, § 1; 2015 L.M.C., ch. 39, § 1.)

Editor's note—Former Section 53-308, Examination of applicant, established by 2004 L.M.C., ch. 27, § 1, was deleted effective October 1, 2015 by 2015 L.M.C., ch. 39, §§ 1 and 5. Former Sections 53-309 through 53-325 were renumbered as Sections 53-308 through 53-324 by 2015 L.M.C., ch. 39, § 1.

2015 L.M.C., ch. 39, § 5, states: Transition. Notwithstanding the Expedited Effective

Date of this Act, the following provisions, amended in Section 1, take effect on October 1, 2015:

(a) the maximum credit card processing charge under Section 53-218(f)(1);

(b) the dispute resolution requirements under Section 53-219;

(c) the deletion of the driver examination requirement under former Section 53-308 (deleted as of October 1, 2015); and

(d) the minimum liability insurance requirements under Section 53-224.

2006 L.M.C., ch. 32, § 2, states: Transitional provisions; alternative criminal background check.

(a) Until September 1, 2007, notwithstanding the provisions of Section 53-306(c)(2)(D) and Section 53-306(c)(3) to the contrary, the Director may issue a temporary identification card to an applicant for a taxicab driver identification card, before the Department receives the results of the state criminal background check required by Section 53-306, if:

(1) the applicant submitted all information necessary to process the state criminal background check required by Section 53-306 at least 10 days previously and the Department has not received the results of that background check;

(2) the applicant submits an initial criminal history background check, conducted within the previous 10 days by a third-party vendor approved by the Director;

(3) this third-party background check covers each jurisdiction in the United States where the applicant resided during the previous 5 years; and

(4) this third-party background check does not disclose any information that would disqualify the applicant from receiving an identification card under Section 53-309 (now Section 53-308).

(b) For any new passenger vehicle license issued in 2006 under County Code Section 53-205(d), as amended by Section 1 of this Act, the licensee must place the vehicle in taxi service not later than March 31, 2007.

Sec. 53-309. Expiration of identification card.

The first identification card issued to a person under this Chapter expires one year after it is issued. Any later identification card expires 2 years after it is issued. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Division 3. Duties of Drivers.

Sec. 53-310. Taxicabs from other jurisdictions.

(a) This Chapter does not prohibit a driver from bringing passengers into the County if the trip originated in a jurisdiction where the driver and the taxicab are authorized to operate.

(b) Except to the extent expressly permitted by federal or state law, a person who does not have a license and identification card issued by the County, but holds a license issued by another jurisdiction, must not solicit business or pick up and transport passengers in the County unless:

(1) a passenger engaged the taxicab to bring the passenger into the County, wait for the passenger, and then take the passenger to another location; or

(2) the jurisdiction from which the individual holds a license has entered into a reciprocal agreement with the Director under subsection (c) of this Section.

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

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

(1) dispatched under the operational procedure of the Metropolitan Airports Authority; or

(2) provided under a contract approved by the Director and on file with the Department.

(e) Any taxicab operating under a license issued under this Chapter must not obtain or operate under a license to provide taxicab service in any other jurisdiction. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-311. Notice of change of address.

Each driver must notify the Department, in writing, not less than 2 business days after changing a business or residential address or required telephone number. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-312. Duty to accept and convey passengers.

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

(1) the taxicab is out of service;

(2) the driver is expressly committed to another passenger, or

(3) the driver is prohibited by this Chapter or another law or regulation from accepting the passenger.

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

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

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

(1) immediately report the incident and circumstances to the dispatcher, and

(2) submit a written report to the Department on a form approved by the Director not later than 2 business days after the incident. (2004 L.M.C., ch. 27, § 1; 2007 L.M.C., ch. 18, § 1; 2015 L.M.C., ch. 39, § 1.)

Editor's note—Section 53-312 (formerly 53-313) is cited in Doe v. Montgomery County Board of Elections, 406 Md. 697, 962 A.2d 342 (2008) and Doe v. Montgomery County Board of Elections, 406 Md. 110, 956 A.2d 199 (2008).

Sec. 53-313. Passenger receipts; credit card transactions.

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

(b) A driver must accept major credit cards (including, at a minimum, Visa, MasterCard, and American Express) as a form of payment for a fare.

(c) A driver must allow a passenger to choose to pay the fare using any available payment system, including a system provided by a fleet.

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

(1) comply with all applicable tax laws;

(2) be approved by the Director;

(3) comply with PCI DSS standards;

(4) be registered to the appropriate licensee or driver with the Department; and

(5) retain records of all transactions for at least six months.

(e) A licensee or driver must allow the Director to inspect records of all credit card transactions processed using a system registered to the licensee or driver upon the Director's request. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, §1; 2016 L.M.C., ch. 5, §1.)

Sec. 53-314. Trip records.

(a) Each driver, or the fleet or association on behalf of an affiliated individual licensee, must keep a record, for a period of 6 months, of all in-service trips in a form approved by the Department. Each in-service trip must be entered on the trip record at the point of pickup.

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

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

(d) Each rest break the driver takes must be entered on the trip record. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-315. Out of service notice.

When a taxicab is not operating, the driver must display a notice visible to the public that the taxicab is out of service. This notice must take a form approved by the Director. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-316. Parking at taxicab stands.

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

(1) the taxicab is in service,

(2) the driver is in or within 50 feet of the taxicab, and is awake, and

(3) the driver is clearly visible from the taxicab and the area adjacent to it.

(b) A person must not park any vehicle other than a taxicab at a taxicab stand. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-317. Parking to solicit business.

A driver must not park in any publicly controlled parking space, whether restricted by parking meter or posted by official signs, to solicit business. However, a driver may park in a publicly controlled parking space, after paying any required fee, while waiting to receive a dispatch assignment. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-318. Trips to be made by most direct route.

A passenger may request that a driver take a specific route to the passenger's destination. Otherwise, a driver must make all trips by the most direct route from the point of pickup to the point of destination. However, the driver may suggest, and the passenger may approve, a less direct route that may take less time under the circumstances. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-319. Accident reports.

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

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

(c) The Police Department must forward any official police report of an accident involving a taxicab licensed under this Chapter to the Department when it is available to any party. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-320. Use by other persons prohibited.

A person who holds an identification card under this Chapter must not permit the card to be used by any other person. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-321. Hours of operation.

A full time driver must not drive a taxicab more than 12 hours during any 24-hour period. A part-time driver must not drive a taxicab more than 4 hours during any 24-hour period in which the driver is otherwise employed for 8 or more hours. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-322. Driver and passengers only permitted in vehicle; exception.

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

(a) a person participating in a driver training program operated by the licensee; or

(b) a passenger's personal care attendant. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-323. Maximum number of passengers.

A driver must not carry more people in a taxicab than the number designated on the license. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

Sec. 53-324. Group riding.

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

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

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

(d) A person seeking taxicab service must not be refused service so that the driver may try to arrange a more profitable grouping. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

ARTICLE 4. DRIVER AND PASSENGER CONDUCT.

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

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

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

Sec. 53-402. Smoking.

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

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

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

ARTICLE 5. ACCESSIBILITY.

Sec. 53-501. Standards.

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

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

Sec. 53-502. Interior numbering and lettering.

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

Sec. 53-503. Training.

Any licensee who transports passengers who use wheelchairs or scooters must train each driver on the special needs of persons with disabilities. The training program must be approved by the Department after consulting the Commission on People with Disabilities, the Department of Health and Human Services, and the Taxicab Services Commission. This training should be made available to any driver who is issued an identification card under this Chapter. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

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

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

Sec. 53-505. Accessible taxicab trip records.

Each driver must keep a current record of all accessible taxicab trips on a form approved by the Department. The driver must submit these trip records to the licensee. The licensee must submit quarterly trip records to Department listing the

number of wheelchair and scooter users transported in each vehicle. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

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

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

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

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

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

(e) The Department must develop a plan for increasing the number of accessible taxicabs, with a goal of having 100% accessible taxicabs in the County by 2025 unless the Director determines that goal to be impracticable. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

ARTICLE 6. ENFORCEMENT.

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

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

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

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

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

Sec. 53-603. Penalty for violations.

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

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

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

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

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

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

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

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

(5) a licensee or driver operated a taxicab, or allowed a taxicab to be operated, in a manner that endangered the public health, safety, or welfare.

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

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

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

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

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

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

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

(f) If the Director finds an immediate threat to the public safety or health, the Director, before holding a hearing, may immediately suspend, revoke, or deny the issuance or renewal of, a license or identification card. Without limiting the Director's discretion in finding an immediate threat to the public safety or health, any pending charge or conviction that would preclude the issuance or renewal of a license or identification card constitutes an immediate threat to the public safety or health. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

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

In addition to any other notice required by law:

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

(b) each fleet or association must notify each affiliate of any action taken or proposed action taken regarding any license held by that affiliate, or regarding the driver of any taxicab for which the affiliate holds the license, of which the fleet or association is aware, if the affiliate is not otherwise required to be notified of the action or proposed action. (2004 L.M.C., ch. 27, § 1.)

ARTICLE 7. HEARINGS, APPEALS, AND JUDICIAL REVIEW.

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

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

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

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

53-702. Hearing on suspension or revocation.

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

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

(c) The written notice must:

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

(2) specify the grounds for the Director's finding of an immediate suspension or revocation or proposed suspension or revocation; and

(3) set a date for a hearing to determine if the Director's action or suggested action is appropriate.

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

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

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

(g) A licensee or driver who does not appear at the hearing waives the right to a hearing and consents to the action that the Director proposed in the notice or has already

taken. The Director may then suspend or revoke the license or identification card as proposed in the notice.

(h) A licensee or driver may surrender his license or identification card in lieu of a hearing. A licensee or driver who surrenders his license or identification card waives his right to a hearing and consents to the action or proposed action of the Director to suspend or revoke.

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

(j) A suspension or revocation takes effect on the earlier of the day that the Director's or hearing officer's written decision is delivered in person or three days after it is placed in the U.S. mail, first class, postage prepaid, addressed to the last known address of the licensee or driver. To facilitate enforcement of this provision, the Director may require the licensee or driver to appear at the Director's office at a specific time to receive a copy of the decision and surrender the license or identification card. The licensee or driver must comply with the Director's order. (2004 L.M.C., ch. 27, § 1; 2015 L.M.C., ch. 39, § 1.)

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

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

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

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

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

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

(2) seize the taxicab and hold it until the license or identification card is surrendered; or

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

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

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

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

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

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

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

ARTICLE 8. TRANSPORTATION SERVICES IMPROVEMENT FUND

Sec. 53-801. Transportation Services Improvement Fund.

(a) *Definitions.* In this section:

(1) *Fund* means the Transportation Services Improvement Fund established in this Section.

(2) *Transportation Network Services* means "Transportation Network Services" as defined in § 10-101 of the Public Utilities Article of the Maryland Code.

(b) *Fund established.*

(1) There is a Transportation Services Improvement Fund created to improve the delivery of:

(A) accessible transportation services in the County;

(B) transportation for eligible senior citizens; and

(C) transportation for persons of limited income.

(2) The Fund consists of:

(A) all revenue from the surcharge imposed on transportation network services under this Section;

(B) all funds appropriated to it by the County Council; and

(C) all funds received by the Fund from any other public or private entity.

(c) *Per-ride surcharge.* There is a $0.25 surcharge on Transportation Network Services for each trip originating in the County. The surcharge must be collected as provided in §10-406 of the Public Utilities Article of the Maryland Code.

(d) *Uses of the Fund.* Disbursements from the Fund must be used to:

(1) offset the higher operational costs of accessible taxicab services for owners and operators including, but not limited to:

(A) vehicle costs associated with purchasing and retrofitting an accessible vehicle;

(B) costs associated with receiving training in providing accessible transportation services; and

(C) additional time involved in providing accessible taxicab services; or

(2) provide incentives for improving or expanding transportation options for:

(A) eligible senior citizens; or

(B) persons of limited income.

(e) *Disbursements from the Fund.* The Executive must by regulation establish the procedure for determining when and how to make distributions from the Fund to taxicab owners and operators, including setting eligibility standards, imposing conditions of reimbursement, imposing a maximum amount of reimbursement, and considering timely distribution of reimbursement to taxicab owners and operators. (2015 L.M.C., ch. 41, §1.)