

SENATE BILL 552

Unofficial Copy
C5

2000 Regular Session
(01r2227)

ENROLLED BILL
-- Finance/Environmental Matters --

Introduced by **Senator Roesser**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 539

1 AN ACT concerning

2 **For-Hire Driving Services**

3 FOR the purpose of requiring certain providers of taxicab services licensed after a
4 certain date to obtain certain training in a manner approved by the Commission;
5 ~~establishing certain business and operating requirements for certain~~
6 ~~passenger for hire driving services; requiring certain providers of taxicab~~
7 ~~services licensed after a certain date to obtain certain training in a manner~~
8 ~~approved by the Commission;~~ providing for a certain assessment on certain
9 for-hire ~~driver's license applications~~ vehicle permits for certain purposes;
10 authorizing the Public Service Commission to require an applicant to obtain a
11 certain records check through the Department of Public Safety and Correctional
12 Services; requiring certain fees for certain record checks; establishing the
13 For-Hire Driving Services Enforcement Fund as a special, nonlapsing fund for
14 certain purposes; providing a civil penalty for certain violations of certain
15 for-hire driving services provisions; ~~repealing~~ clarifying and altering the
16 application of a certain penalty; defining certain terms; requiring the
17 Commission to establish a certain initial assessment for the For-Hire Driving

1 Services Enforcement Fund and providing for the uses of funds in the Fund; and
 2 generally relating to for-hire driving services.

3 **BY renumbering**

4 ~~Article - Public Utility Companies~~
 5 ~~Section 10-301 and the subtitle "Subtitle 3. Miscellaneous Provisions"; and~~
 6 ~~10-401 and 10-402 and the subtitle "Subtitle 4. Prohibitions; Penalties";~~
 7 ~~respectively~~
 8 ~~to be Section 10-401 and the subtitle "Subtitle 4. Miscellaneous Provisions"; and~~
 9 ~~10-501 and 10-502 and the subtitle "Subtitle 5. Prohibitions; Penalties";~~
 10 ~~respectively~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(1998 Volume and 1999 Supplement)~~

13 BY repealing and reenacting, with amendments,
 14 Article - Public Utility Companies
 15 Section 10-101, 10-104, 10-402, and ~~13-207~~ 13-206
 16 Annotated Code of Maryland
 17 (1998 Volume and 1999 Supplement)

18 BY repealing and reenacting, without amendments,
 19 Article - Public Utility Companies
 20 ~~Section 10-103~~ 10-102, 10-103, and 10-401
 21 Annotated Code of Maryland
 22 (1998 Volume and 1999 Supplement)

23 BY adding to
 24 Article - Public Utility Companies
 25 Section 10-112; ~~10-301 and 10-302 to be under the new subtitle "Subtitle 3.~~
 26 ~~Passenger for Hire Services"~~
 27 Annotated Code of Maryland
 28 (1998 Volume and 1999 Supplement)

29 ~~BY repealing and reenacting, with amendments,~~
 30 ~~Article - Public Utility Companies~~
 31 ~~Section 10-501 and 10-502~~
 32 ~~Annotated Code of Maryland~~
 33 ~~(1998 Volume and 1999 Supplement)~~
 34 ~~(As enacted by Section 1 of this Act)~~

35 **BY repealing**
 36 ~~Article - Public Utility Companies~~
 37 ~~Section 13-206~~
 38 ~~Annotated Code of Maryland~~

1 (~~1998 Volume and 1999 Supplement~~)

2 **Preamble**

3 ~~WHEREAS, For hire driving services represent a major component of the~~
4 ~~State's economy, with nearly 4,000 licensed taxicabs, over 1,100 sedans, 400~~
5 ~~limousines, 1,200 vans, and 1,800 buses generating more than 2,500 jobs and \$46.5~~
6 ~~million in annual job-related earnings; and~~

7 ~~WHEREAS, For hire driving services are critical to many citizens of the State,~~
8 ~~including the elderly, members of families with low income, and the physically~~
9 ~~challenged, as well as to many sectors of the State's economy, including tourism, BWI~~
10 ~~Airport, and hospital organ transports; and~~

11 ~~WHEREAS, Motor vehicles for hire include taxicabs, sedans, limousines, vans,~~
12 ~~and any other motor vehicles for hire designed to carry 15 or fewer individuals~~
13 ~~including the driver; and~~

14 ~~WHEREAS, Maryland's taxicabs alone transport an estimated 15 million~~
15 ~~passengers per year, or 60,000 passengers per week, in 24-hour service; and~~

16 ~~WHEREAS, A significant portion of the sedan services operating in Maryland~~
17 ~~appear to be doing so without proper documentation or otherwise contrary to law; and~~

18 ~~WHEREAS, Illegal operation of sedan and taxicab services puts the public,~~
19 ~~including both Maryland citizens and tourists, at risk; and~~

20 ~~WHEREAS, Tourist surveys conducted by the State show dissatisfaction with~~
21 ~~taxi driver behavior in some areas, including rudeness, overcharging, and inadequate~~
22 ~~knowledge of local events and points of interest; and~~

23 ~~WHEREAS, Improved regulation and oversight of for-hire driving services~~
24 ~~should improve the safety and quality of service to Maryland citizens and tourists;~~
25 ~~now, therefore,~~

26 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
27 ~~MARYLAND, That Section(s) 10-301 and the subtitle "Subtitle 3. Miscellaneous~~
28 ~~Provisions"; and 10-401 and 10-402 and the subtitle "Subtitle 4. Prohibitions;~~
29 ~~Penalties", respectively, of Article Public Utility Companies of the Annotated Code of~~
30 ~~Maryland be renumbered to be Section(s) 10-401 and the subtitle "Subtitle 4.~~
31 ~~Miscellaneous Provisions"; and 10-501 and 10-502 and the subtitle "Subtitle 5.~~
32 ~~Prohibitions; Penalties", respectively.~~

33 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland
34 read as follows:

Article - Public Utility Companies

10-101.

(a) In this title the following words have the meanings indicated.

(b) "Central Repository" has the meaning stated in Article 27, § 743 of the Code.

(c) "Criminal Justice Information System" has the meaning stated in Article 27, § 743 of the Code.

(d) "For-hire driver's license" includes:

(1) a passenger-for-hire license; and

(2) a taxicab driver's license.

(E) (1) "LIMOUSINE SERVICE" MEANS OPERATING A MOTOR VEHICLE FOR HIRE USING A MOTOR VEHICLE CLASSIFIED AS A CLASS Q (LIMOUSINE) VEHICLE UNDER § 13-939 OF THE TRANSPORTATION ARTICLE.

(2) "LIMOUSINE SERVICE" DOES NOT INCLUDE PROVIDING TAXICAB SERVICES OR SEDAN SERVICES.

[(e)] (F) (1) "Operate a motor vehicle for hire" means to transport or offer to transport a person in a motor vehicle in exchange for remuneration.

(2) "Operate a motor vehicle for hire" includes:

(i) providing passenger-for-hire services; and

(ii) providing taxicab services.

(G) "PROVIDE PASSENGER-FOR-HIRE SERVICES" INCLUDES:

(1) PROVIDING LIMOUSINE SERVICES; AND

(2) PROVIDING SEDAN SERVICES.

[(f)] (H) "Provide taxicab services" means to operate a motor vehicle for hire that, in addition to other services:

[(1) picks up and discharges passengers at random or who hail the vehicle from the street;

(2) solicits customers at a public or private taxi stand; and

(3) is dispatched to pick up customers who call for a taxicab]

1 (1) IS ADVERTISED OR HELD OUT TO THE PUBLIC AS A TAXICAB OR AS
2 PROVIDING TAXICAB SERVICES;

3 (2) REGARDLESS OF HOW OR WHEN ENGAGED, PROVIDES FOR-HIRE
4 SERVICE BETWEEN POINTS CHOSEN BY THE PASSENGER AND FOR A FARE THAT IS
5 BASED ON THE DISTANCE TRAVELED, THE TIME ELAPSED, OR BOTH; ~~AND~~ OR

6 (3) IS ENGAGED BY THE PASSENGER FOR SERVICE BETWEEN POINTS
7 CHOSEN BY THE PASSENGER THAT IS PROVIDED THROUGH:

8 (I) HAIL FROM THE STREET OR OTHER LOCATION; OR

9 (II) REQUEST MADE AT A TAXI STAND OR OTHER LOCATION WHERE
10 THE MOTOR VEHICLE IS STANDING AND WAITING FOR A REQUEST FOR SERVICE; ~~OR~~

11 ~~(III) ANY OTHER REQUEST FOR SERVICE TO BE PROVIDED WITHIN~~
12 ~~30 MINUTES AFTER THE REQUEST IS MADE.~~

13 [(g)] (I) "Remuneration" includes:

14 (1) a fare;

15 (2) a fee;

16 (3) a toll;

17 (4) a gratuity; and

18 (5) personal services.

19 (J) (1) "SEDAN SERVICE" MEANS OPERATING A MOTOR VEHICLE FOR HIRE
20 USING A:

21 ~~(1) SEDAN AUTOMOBILE DESIGNED TO CARRY SEVEN OR FEWER~~
22 ~~INDIVIDUALS, INCLUDING THE DRIVER; OR~~

23 ~~(2) MOTOR VEHICLE DESIGNED TO CARRY 15 OR FEWER~~
24 ~~INDIVIDUALS, INCLUDING THE DRIVER.~~

25 (2) "SEDAN SERVICE" DOES NOT INCLUDE PROVIDING TAXICAB
26 SERVICES OR LIMOUSINE SERVICES.

27 [(h)] (K) "Taxicab driver's license" means a license issued by the Commission
28 to an individual that provides taxicab services.

29 10-102.

30 (a) This subtitle supplements other law relating to the operation and licensing
31 of motor vehicles.

1 (b) This title applies to any motor vehicle used in the transportation of persons
2 in exchange for remuneration except:

3 (1) motor vehicles designed to transport more than 15 persons; and

4 (2) transportation solely provided by or on behalf of a unit of federal,
5 State, or local government, or a not-for-profit organization as identified in § 501(c)(3)
6 and (4) of the Internal Revenue Code, that requires a criminal history records check
7 and driving record check for its drivers, for clients of services including:

8 (i) aging support;

9 (ii) developmental and other disabilities;

10 (iii) kidney dialysis;

11 (iv) Medical Assistance Program;

12 (v) Head Start;

13 (vi) Welfare-to-Work;

14 (vii) mental health; and

15 (viii) job training.

16 (c) Subsection (b)(2) of this section may not be construed to limit the
17 application of this title or Title 9 of this article to a for-hire driver or other person who
18 operates a motor vehicle for hire or provides transportation of persons for hire in
19 addition to providing transportation services to clients of services listed in subsection
20 (b)(2) of this section.

21 (d) Notwithstanding subsection (b)(2) of this section:

22 (1) a not-for-profit organization that provides transportation for
23 remuneration to clients of services listed in subsection (b)(2) of this section may be
24 required to obtain a motor carrier permit under Title 9 of this article; but

25 (2) a driver employed by the not-for-profit organization may not be
26 required to obtain a for-hire driver's license or other authorization from the
27 Commission to perform transportation services solely under subsection (b)(2) of this
28 section.

29 (e) (1) A driver employed or offered employment by a governmental unit or
30 not-for-profit organization under subsection (b)(2) of this section shall apply to the
31 Criminal Justice Information System Central Repository of the Department of Public
32 Safety and Correctional Services for a State criminal history records check on or
33 before the first day of the driver's actual employment.

1 (2) As part of the application for a State criminal history records check,
2 the driver employed or offered employment by the governmental unit or
3 not-for-profit organization shall submit to the Central Repository:

4 (i) one complete set of the driver's legible fingerprints taken on a
5 form approved by the Secretary of Public Safety and Correctional Services; and

6 (ii) the fee authorized under Article 27, § 746(b)(8) of the Code for
7 access to State criminal history records.

8 (3) (i) In accordance with Article 27, §§ 742 through 755 of the Code,
9 the Central Repository shall provide a printed statement listing the driver's criminal
10 convictions to:

11 1. the governmental unit or not-for-profit organization; and

12 2. the driver.

13 (ii) If criminal history record information is reported to the
14 Criminal Justice Information System Central Repository after the date of the initial
15 criminal history records check, the Criminal Justice Information System Central
16 Repository shall provide a revised printed statement listing the driver's criminal
17 convictions to:

18 1. the governmental unit or not-for-profit organization; and

19 2. the driver.

20 (4) In accordance with regulations adopted by the Department of Public
21 Safety and Correctional Services, the governmental unit or not-for-profit
22 organization shall verify periodically a list of its drivers.

23 (5) Information the governmental unit or not-for-profit organization
24 obtains from the Central Repository under this subsection shall be:

25 (i) confidential and may not be disseminated; and

26 (ii) used only for the employment purpose authorized by this
27 section.

28 (6) In accordance with Article 27, § 752 of the Code, a driver employed by
29 a governmental unit or not-for-profit organization may challenge the contents of a
30 printed statement or revised printed statement issued by the Criminal Justice
31 Information System Central Repository.

32 (f) This subtitle does not limit the power of a political subdivision of the State
33 to adopt reasonable traffic regulations such as:

34 (1) the designation of taxicab stands; and

1 (2) the restriction or prohibition of cruising along a public street when
2 the cruising would menace the public safety or unduly congest traffic.

3 10-103.

4 (a) Except as provided in subsection (b) of this section, a person may not
5 operate a motor vehicle for hire in the State under a permit or authorization to
6 transport passengers issued by the Commission or the appropriate local authority
7 unless the person holds a for-hire driver's license issued by the Commission.

8 (b) (1) A county or municipal corporation may license taxicab drivers who
9 drive taxicabs that are based in that county or municipal corporation if, at a
10 minimum, the county or municipal corporation conducts a criminal record check and
11 driving record check of each applicant for a license.

12 (2) A taxicab driver licensed by a county or municipal corporation is not
13 required to be licensed by the Commission.

14 10-104.

15 (a) (1) An applicant for a for-hire driver's license shall:

16 (i) submit to the Commission a completed application on the form
17 that the Commission provides;

18 (ii) state on the form that the applicant is applying for a
19 passenger-for-hire driver's license or a taxicab driver's license;

20 (iii) pay to the Commission an application fee set by the
21 ~~{Commission} COMMISSION, WHICH MAY INCLUDE AN ASSESSMENT FOR THE~~
22 ~~FOR HIRE DRIVING SERVICES ENFORCEMENT FUND UNDER § 10-112 OF THIS~~
23 ~~SUBTITLE;~~

24 (iv) file with the application two recent photographs, of a size that
25 may be easily attached to the license; and

26 (v) apply to the Criminal Justice Information System Central
27 Repository of the Department of Public Safety and Correctional Services for a State
28 criminal history records check as provided in subsection (b) of this section.

29 (2) The Commission shall:

30 (i) require a driving record check of the applicant;

31 (ii) attach one of the photographs to the for-hire driver's license
32 when issued; and

33 (iii) file the other photograph with the for-hire driver's license
34 application in the Commission's office.

1 (b) (1) As part of the application for a criminal history records check, the
2 applicant shall submit to the Criminal Justice Information System Central
3 Repository:

4 (i) one complete set of the applicant's legible fingerprints taken on
5 forms approved by the Director of the Criminal Justice Information System Central
6 Repository; and

7 (ii) the fee authorized under Article 27, § 746(b)(8) of the Code for
8 access to Maryland criminal history records.

9 (2) (i) In response to an application for an initial criminal history
10 records check, the Criminal Justice Information System Central Repository shall
11 provide to the Commission and the applicant a printed statement of the applicant's
12 State criminal record.

13 (ii) If criminal history record information is reported to the
14 Criminal Justice Information System Central Repository after the date of the initial
15 criminal history records check, the Criminal Justice Information System Central
16 Repository shall provide to the Commission and the applicant or licensee a revised
17 printed statement of the applicant's or licensee's State criminal record.

18 (3) In accordance with regulations adopted by the Department of Public
19 Safety and Correctional Services, the Commission shall verify periodically a list of
20 licensed for-hire drivers.

21 (4) Information the Commission obtains from the Criminal Justice
22 Information System Central Repository under this subsection shall be:

23 (i) confidential and may not be disseminated; and

24 (ii) used only for the licensing purposes described in this title.

25 (5) (i) As provided by this paragraph, an applicant for a for-hire
26 driver's license or a licensee may contest the contents of a printed statement or a
27 revised printed statement issued by the Criminal Justice Information System Central
28 Repository.

29 (ii) To contest the contents of a printed statement or a revised
30 printed statement, an applicant or a licensee shall contact the office of the Secretary
31 of Public Safety and Correctional Services, or the Secretary's designee.

32 (iii) The Secretary of Public Safety and Correctional Services, or the
33 Secretary's designee, shall:

34 1. convene a hearing within 20 workdays, unless
35 subsequently waived by the applicant or the licensee; and

36 2. render a decision within 5 workdays after the hearing.

1 (iv) For the purposes of this paragraph, the record of a court
2 disposition or a copy of the record certified by the clerk of the court or by a judge of the
3 court in which the disposition occurred shall be conclusive evidence of the disposition.

4 (v) In a case where a pending charge is recorded, documentation
5 provided by a court to the Secretary of Public Safety and Correctional Services, or the
6 Secretary's designee, that a pending charge for a crime which has not been finally
7 adjudicated shall be conclusive evidence of the pending charge.

8 (vi) Failure of the applicant or a licensee to appear at the scheduled
9 hearing shall be considered grounds for dismissal of the contest.

10 (6) (I) ~~INSTEAD OF~~ IN ADDITION TO A STATE CRIMINAL HISTORY
11 RECORDS CHECK UNDER THIS SUBSECTION, AND SUBJECT TO ARTICLE 27, §§ 742
12 THROUGH 755 OF THE CODE, THE COMMISSION MAY REQUIRE AN APPLICANT TO
13 OBTAIN A CRIMINAL HISTORY RECORDS CHECK FROM THE FEDERAL BUREAU OF
14 INVESTIGATION, THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND
15 CORRECTIONAL SERVICES.

16 (II) AN APPLICANT WHO IS REQUIRED BY THE COMMISSION TO
17 OBTAIN A CRIMINAL HISTORY RECORDS CHECK FROM THE FEDERAL BUREAU OF
18 INVESTIGATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

19 1. APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM
20 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
21 CORRECTIONAL SERVICES FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK;

22 2. SUBMIT TO THE CRIMINAL JUSTICE INFORMATION
23 SYSTEM CENTRAL REPOSITORY ONE COMPLETE SET OF THE APPLICANT'S LEGIBLE
24 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE FEDERAL
25 BUREAU OF INVESTIGATION; AND

26 3. SUBMIT TO THE CRIMINAL JUSTICE INFORMATION
27 SYSTEM CENTRAL REPOSITORY THE MANDATORY PROCESSING FEE REQUIRED BY
28 THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
29 RECORDS CHECK.

30 (7) The Commission may use a private agency to provide a background
31 check on an applicant or licensee under this section, as determined by the
32 Commission.

33 (c) (1) After the initial printed statement has been received from the
34 Criminal Justice Information System Central Repository, the Commission shall issue
35 a passenger-for-hire driver's license or a taxicab driver's license, as appropriate, to
36 each applicant that meets the requirements of this title.

37 (2) The passenger-for-hire driver's license and the taxicab driver's
38 license shall be in the form that the Commission provides.

39 (D) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

1 (2) ~~ON OR BEFORE JULY 1, 2002, AN INDIVIDUAL APPLYING FOR A~~
 2 ~~TAXICAB LICENSE OR RENEWAL OF A TAXICAB LICENSE, SHALL SUBMIT PROOF OF~~
 3 ~~HAVING SUCCESSFULLY COMPLETED A COURSE APPROVED BY THE COMMISSION~~
 4 ~~THAT INCLUDES IN THE CURRICULUM.~~

5 (I) ~~COURTEOUS TREATMENT OF PASSENGERS;~~

6 (II) ~~GEOGRAPHY AND MAP READING FOR THE JURISDICTION IN~~
 7 ~~WHICH THE TAXICAB SERVICES WILL BE PROVIDED; AND~~

8 (III) ~~TOURIST INFORMATION FOR THE JURISDICTION IN WHICH~~
 9 ~~TAXICAB SERVICES WILL BE PROVIDED.~~

10 ~~(D)~~ (1) ~~THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.~~

11 (2) ~~BEFORE THE COMMISSION ISSUES A TAXICAB DRIVER'S LICENSE TO~~
 12 ~~AN INDIVIDUAL WHO FIRST APPLIES FOR THE LICENSE ON OR AFTER JULY 1, 2001,~~
 13 ~~THE APPLICANT SHALL COMPLETE A COURSE APPROVED BY THE COMMISSION THAT~~
 14 ~~INSTRUCTS THE APPLICANT IN COURTESY TO PASSENGERS, LOCAL GEOGRAPHY, AND~~
 15 ~~TOURIST INFORMATION FOR THE JURISDICTION IN WHICH THE APPLICANT SHALL~~
 16 ~~PROVIDE TAXICAB SERVICES. THE COURSE SHALL INCLUDE BOTH ACADEMIC~~
 17 ~~TEACHING AND PRACTICAL EXPERIENCE.~~

18 ~~((d)~~ ~~(E)~~ ~~(E)~~ The Commission may deny an applicant a license or suspend or
 19 revoke the license of a licensee if the applicant or licensee has been convicted of a
 20 crime that bears a direct relationship to the applicant's or licensee's fitness to serve
 21 the public as a for-hire driver.

22 10-112.

23 (A) THERE IS A FOR-HIRE DRIVING SERVICES ENFORCEMENT FUND.

24 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
 25 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (C) THE PURPOSE OF THE FUND IS TO PROVIDE ADEQUATE RESOURCES FOR
 27 THE COMMISSION TO ENFORCE THE REQUIREMENTS OF THIS TITLE ~~AND TITLE 9,~~
 28 ~~SUBTITLE 2 OF THIS ARTICLE~~ CONCERNING FOR-HIRE DRIVING SERVICES.

29 (D) (1) THE FUND CONSISTS OF ASSESSMENTS MADE ON ~~APPLICATIONS FOR~~
 30 ~~FOR HIRE DRIVER'S LICENSES UNDER § 10-104 OF THIS SUBTITLE PERMITS FOR~~
 31 VEHICLES REGULATED BY THE COMMISSION TO PROVIDE FOR-HIRE DRIVING
 32 SERVICES IN THE STATE.

33 (2) THE COMMISSION SHALL ESTABLISH AN ASSESSMENT NOT
 34 EXCEEDING \$40 TO BE PAID WITH EACH APPLICATION FOR A NEW OR RENEWED
 35 FOR HIRE DRIVER'S LICENSE UNDER THIS TITLE ANNUALLY WITH RESPECT TO EACH
 36 VEHICLE PERMIT TO PROVIDE FOR-HIRE DRIVING SERVICES, EXCEPT FOR A LICENSE
 37 VEHICLE PERMIT TO BE USED EXCLUSIVELY FOR:

1 (I) LIMOUSINE SERVICE; OR

2 (II) EMPLOYEE VAN TRANSPORTATION TO OR FROM A DESIGNATED
3 WORK SITE.

4 (3) ~~THE FUND MAY NOT EXCEED \$200,000 IN ANY FISCAL YEAR.~~

5 (E) THE FUND IS TO BE USED SOLELY FOR STATEWIDE ENFORCEMENT
6 ACTIVITIES OF THE COMMISSION RELATING TO TAXICAB SERVICES AND SEDAN
7 SERVICES.

8 ~~SUBTITLE 3. PASSENGER FOR HIRE SERVICES.~~

9 ~~40-301.~~

10 ~~A PROVIDER OF SEDAN SERVICES SHALL HAVE A REGULAR PLACE OF~~
11 ~~BUSINESS:~~

12 (1) ~~WHERE A SUBSTANTIAL PORTION OF THE BUSINESS ACTIVITY OF~~
13 ~~THE SEDAN SERVICES IS ROUTINELY CONDUCTED;~~

14 (2) ~~THAT SATISFIES ALL APPLICABLE LOCAL ZONING REQUIREMENTS;~~

15 (3) ~~THAT HOUSES ALL RECORDS THAT THIS TITLE REQUIRES THE~~
16 ~~PROVIDER TO MAINTAIN; AND~~

17 (4) ~~THAT IS EQUIPPED WITH A WORKING TELEPHONE LISTED IN THE~~
18 ~~NAME OF THE PROVIDER.~~

19 ~~40-302.~~

20 (A) ~~A PROVIDER OF SEDAN SERVICES MAY PROVIDE THOSE SERVICES ONLY~~
21 ~~ON A PREARRANGED BASIS AND STARTING AT LEAST 30 MINUTES AFTER THE~~
22 ~~REQUEST FOR SERVICES IS MADE.~~

23 (B) (1) ~~A PROVIDER OF SEDAN SERVICES SHALL CARRY IN EACH MOTOR~~
24 ~~VEHICLE A TRIP SHEET OR CONTRACT ORDER THAT IDENTIFIES THE NAME AND~~
25 ~~PICKUP ADDRESS OF THE PASSENGERS WHO HAVE ARRANGED FOR THE USE OF THE~~
26 ~~MOTOR VEHICLE AND THE APPROXIMATE TIME OF PICKUP.~~

27 (2) ~~THE TRIP SHEET OR CONTRACT ORDER SHALL BE:~~

28 (I) ~~MADE AVAILABLE IMMEDIATELY ON REQUEST TO THE~~
29 ~~COMMISSION, AUTHORIZED LAW ENFORCEMENT PERSONNEL, AND AIRPORT~~
30 ~~AUTHORITIES; AND~~

31 (II) ~~MAINTAINED AT THE PROVIDER'S REGULAR PLACE OF~~
32 ~~BUSINESS FOR AT LEAST 3 YEARS.~~

33 (3) ~~THE TRIP SHEET OR CONTRACT ORDER MAY BE RETAINED:~~

1 (I) ~~AS A PAPER RECORD;~~

2 (II) ~~BY MICROFILM, MICROFICHE, OR SIMILAR~~
3 ~~MICROPHOTOGRAPHIC PROCESS; OR~~

4 (III) ~~IN ELECTRONIC FORM.~~

5 ~~(C) THE FACT THAT A PROVIDER OF SEDAN SERVICES STATIONS A MOTOR~~
6 ~~VEHICLE AT AN AIRPORT, IN FRONT OF OR ACROSS FROM A HOTEL OR MOTEL, OR~~
7 ~~WITHIN 100 FEET OF A RECOGNIZED TAXI STAND IS PRIMA FACIE EVIDENCE THAT~~
8 ~~THE PROVIDER IS OPERATING IN VIOLATION OF THIS SECTION, UNLESS THE~~
9 ~~PROVIDER HAS A COMPLETED TRIP SHEET OR CONTRACT ORDER THAT RELATES TO~~
10 ~~THE PRESENCE OF THE MOTOR VEHICLE IN THAT LOCATION AT THAT TIME.~~

11 ~~40-501. 10-401.~~

12 (a) A person may not transport, solicit for transport, or agree to transport any
13 person or baggage in a motor vehicle for hire unless the operator of the motor vehicle
14 is licensed by the Commission.

15 (b) A person who owns or is in charge of a motor vehicle may not allow the
16 motor vehicle to be used in violation of this section, § 10-109, ~~for § 10-209~~ § 10-209,
17 ~~OR § 10-302~~ of this title.

18 ~~40-502. 10-402.~~

19 (a) A person may not operate a vehicle that provides passenger-for-hire
20 services in the State:

21 (1) unless the person is licensed as a passenger-for-hire driver by the
22 Commission; OR

23 (2) IN VIOLATION OF THIS TITLE OR TITLE 9, SUBTITLE 2 OF THIS
24 ARTICLE.

25 (b) A person may not operate a vehicle that provides taxicab services in the
26 State:

27 (1) unless the person is licensed as a taxicab driver by the Commission or
28 a county or municipal corporation; OR

29 (2) THAT IS UNDER THE JURISDICTION OF THE COMMISSION, IN
30 VIOLATION OF THIS TITLE.

31 (c) Subject to the hearing provisions of § 3-102(c) of this article, the
32 Commission may impose on a person who violates this section a civil penalty not
33 exceeding \$500 for each violation.

1 ~~{13-206.~~

2 An individual who is ~~convicted of violating~~ VIOLATES a provision of this article
3 concerning ~~taxicabs~~ FOR-HIRE DRIVING SERVICES is GUILTY OF A MISDEMEANOR
4 AND ON CONVICTION IS subject to a fine not exceeding \$50 for a first offense and not
5 exceeding \$100 for each additional or subsequent offense.}

6 ~~{13-207.} 13-206.~~

7 ~~A contract, assignment, or transfer in violation of this article is void.~~

8 SECTION 2. AND BE IT FURTHER ENACTED, That the For-Hire Driving
9 Services Enforcement Fund established under § 10-112 of the Public Utility
10 Companies Article, as enacted by this Act, shall be used to fund enforcement staff
11 positions, equipment, and related resources for statewide enforcement by the Public
12 Service Commission of the for-hire driving services provisions of the Public Utility
13 Companies Article under the jurisdiction of the Commission on and after the effective
14 date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service
16 Commission shall establish the initial assessment of ~~with respect to~~ for-hire driver's
17 ~~license fees~~ vehicle permits payable to the For-Hire Driving Services Enforcement
18 Fund under § 10-112 of the Public Utility Companies Article, as enacted by this Act,
19 at a level expected to generate \$200,000 per fiscal year an amount not exceeding \$40
20 for each vehicle permit, starting in fiscal year 2001.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2000.