
By: Delegates Boston, Cadden, Love, and Minnick

Introduced and read first time: February 3, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **For-Hire Drivers - Licensing**

3 FOR the purpose of prohibiting, with a certain exception, a person from operating a
4 motor vehicle for hire in the State unless the person holds a for-hire driver's license
5 issued by the Public Service Commission; allowing a county or municipality to elect
6 to license taxicab drivers who drive taxicabs that are based in that county or
7 municipality provided that, at a minimum, the county or municipality meets certain
8 requirements; providing that a taxicab driver who is licensed by a county or
9 municipality is not required to be licensed by the Commission; providing for the
10 application for and issuance of for-hire driver's licenses; providing for the term and
11 renewal of for-hire driver's licenses; providing for the suspension or revocation of a
12 for-hire driver's license or the imposition of a civil fine under certain circumstances;
13 prohibiting certain acts and providing penalties for the violation of the prohibition;
14 and generally relating to the licensing of for-hire drivers.

15 BY repealing and reenacting, with amendments,
16 Article 78 - Public Service Commission Law
17 Section 50A through 50K
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

20 BY adding to
21 Article 78 - Public Service Commission Law
22 Section 50A, 50B, 50N, and 50-O to be under the amended subheading "For-Hire
23 Drivers"
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 1996 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 78 - Public Service Commission Law**

2 [Taxicab] FOR-HIRE Drivers [of Baltimore City Taxicabs]

3 50A.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "FOR-HIRE DRIVER'S LICENSE" INCLUDES:

7 (1) A PASSENGER-FOR-HIRE LICENSE; AND

8 (2) A TAXICAB DRIVER'S LICENSE.

9 (C) (1) "OPERATE A MOTOR VEHICLE FOR HIRE" MEANS TO TRANSPORT OR
10 OFFER TO TRANSPORT A PASSENGER IN A MOTOR VEHICLE IN EXCHANGE FOR
11 REMUNERATION.

12 (2) "OPERATE A MOTOR VEHICLE FOR HIRE" INCLUDES:

13 (I) PROVIDING PASSENGER-FOR-HIRE SERVICES; AND

14 (II) PROVIDING TAXICAB SERVICES.

15 (D) "PROVIDE TAXICAB SERVICES" MEANS TO OPERATE A MOTOR VEHICLE
16 FOR HIRE THAT, IN ADDITION TO OTHER SERVICES:

17 (1) PICKS UP AND DISCHARGES PASSENGERS AT RANDOM OR WHO HAIL
18 THE VEHICLE FROM THE STREET;

19 (2) SOLICITS CUSTOMERS AT ANY PUBLIC OR PRIVATE TAXI STAND;
20 AND

21 (3) IS DISPATCHED TO PICK UP CUSTOMERS WHO CALL FOR A TAXICAB.

22 (E) "REMUNERATION" INCLUDES:

23 (1) A FARE;

24 (2) A FEE;

25 (3) A TOLL;

26 (4) A GRATUITY; AND

27 (5) PERSONAL SERVICES.

28 50B.

29 EXCEPT AS PROVIDED IN § 50N OF THIS ARTICLE, A PERSON MAY NOT OPERATE
30 A MOTOR VEHICLE FOR HIRE IN THE STATE UNLESS THE PERSON HOLDS A
31 FOR-HIRE DRIVER'S LICENSE ISSUED BY THE COMMISSION.

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1 [50A.] 50C.

2 (A) Application for [taxicab] A FOR-HIRE driver's license must be filed with the
3 Public Service Commission. Such application shall be on a form provided or prescribed by
4 the Commission and all information required by the form must be completed.

5 (B) THE FORM SHALL REQUIRE THE APPLICANT TO STATE WHETHER THE
6 APPLICANT IS APPLYING FOR A PASSENGER-FOR-HIRE DRIVER'S LICENSE OR A
7 TAXICAB DRIVER'S LICENSE.

8 [50B.] 50D.

9 (A) Each applicant for a FOR-HIRE driver's license must file with the application
10 two recent photographs, of a size which may be easily attached to the license, one of
11 which shall be attached to the license when issued, and the other shall be filed with the
12 application in the Public Service Commission office. Each applicant for a FOR-HIRE
13 driver's license shall be fingerprinted.

14 (B) EACH APPLICANT SHALL PAY TO THE COMMISSION AN APPLICATION FEE
15 SET BY THE COMMISSION.

16 (C) ON RECEIPT OF AN APPLICATION, THE COMMISSION SHALL REQUIRE A
17 CRIMINAL RECORD CHECK AND A DRIVING RECORD CHECK OF THE APPLICANT.

18 (D) THE COMMISSION MAY DENY AN APPLICANT A LICENSE IF THE
19 APPLICANT HAS BEEN CONVICTED OF A CRIME THAT BEARS A DIRECT
20 RELATIONSHIP TO THE APPLICANT'S FITNESS TO SERVE THE PUBLIC AS A FOR-HIRE
21 DRIVER.

22 [50C.] 50E.

23 Upon satisfactory fulfillment of all requirements [there shall be issued] AS
24 VERIFIED BY THE CRIMINAL JUSTICE INFORMATION SYSTEM, THE COMMISSION
25 SHALL ISSUE to the applicant a PASSENGER-FOR-HIRE DRIVER'S LICENSE OR A
26 taxicab driver's license, AS APPROPRIATE, which shall be in such form as the Public
27 Service Commission may direct and which shall at all times be in the driver's possession
28 when operating a [taxicab] MOTOR VEHICLE FOR HIRE. Any licensee who defaces,
29 removes or obliterates any official entry made upon the [taxicab] FOR-HIRE driver's
30 license shall be punished by the suspension or revocation of the license as hereinafter
31 provided.

32 [50D.] 50F.

33 (A) THIS SECTION APPLIES ONLY TO TAXICAB DRIVERS.

34 (B) There shall be delivered to each licensed TAXICAB driver a badge of such
35 form and style as the Public Service Commission may prescribe, with the taxicab driver
36 license number thereon, which must be constantly and conspicuously displayed [on the
37 outside of the driver's coat] IN THE INTERIOR OF A TAXICAB when THE DRIVER IS
38 engaged in operating [a] THE taxicab.

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1 [50E.] 50G.

2 [Taxicab drivers'] FOR-HIRE licenses shall be valid for a period of not less than 1
3 year nor more than 3 years, as established by the Public Service Commission, and, if not
4 suspended or revoked by the Commission, will then lapse unless renewed. The Public
5 Service Commission may renew the [taxicab] FOR-HIRE [driver] DRIVER'S license by
6 appropriate endorsement thereon. A driver in applying for a renewal of a [taxicab]
7 FOR-HIRE [driver] DRIVER'S license shall make such application, upon a form to be
8 furnished by the Public Service Commission.

9 [50F.] 50H.

10 There shall be kept by the Public Service Commission a complete record of each
11 FOR-HIRE license issued to a driver, and of all renewals, suspensions and revocations
12 thereof, which record shall be kept on file with the original application of the driver for a
13 [taxicab] FOR-HIRE [driver] DRIVER'S license.

14 [50G.] 50-I.

15 (A) THIS SECTION APPLIES ONLY TO TAXICAB DRIVERS.

16 (B) Every licensee, in addition to such other duties as may be specifically imposed
17 by this article, while driving a taxicab shall:

18 (1) Accept as passenger and convey where directed any orderly person,
19 upon request, unless previously engaged or unable or forbidden by the provisions of these
20 rules or by other valid law or regulation to do so.

21 (2) [Keep a current written record of all trips on a manifest similar to that
22 presently used and supplied by the taxicab owners and approved by the Public Service
23 Commission, to be completed at or before reaching destination] EXCEPT WHEN
24 TRANSFERRING A VEHICLE TO OR FROM REPAIR FACILITIES, HAVE IN THE
25 LICENSEE'S POSSESSION A MANIFEST THAT CONTAINS:

26 (I) THE TIME AND DATE ISSUED, THE EXPIRATION TIME, THE
27 DRIVER'S NAME AND BADGE NUMBER, AND THE CAB NUMBER;

28 (II) SPACE FOR METER READINGS AND THE CALCULATION OF
29 DRIVER INCOME; AND

30 (III) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE
31 COMMISSION.

32 (3) Report each change of residence within 72 hours to the Public Service
33 Commission.

34 (4) Answer promptly all communications and summonses received from the
35 Public Service Commission.

36 (5) [Drivers] IF working on a commission basis [must], deliver all fares
37 and all other legal charges received to the owner.

38 (6) Not operate a taxicab while the driver's taxicab or operator license is
39 suspended.

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1 (7) Not permit any other person to use badge or identification card.

2 (8) Not permit any other person to drive the taxicab and return the taxicab
3 to the owner's garage upon completion of the shift to which the driver was assigned.

4 (9) [Not, while carrying any passenger, display the flag of the taximeter in
5 such a position as to denote that such vehicle is not employed.

6 (10)] Proceed with passengers to destination by the shortest practicable route.

7 [(11)] (10) Give a receipt for fares on an authorized form when requested.

8 [(12)] (11) Not operate a taxicab for more than twelve (12) hours of any
9 continuous twenty-four (24) hour period.

10 [(13)] (12) At all times, while on duty, have displayed in the interior of the
11 taxicab, in the frame provided therefor, the identification card with photograph attached.

12 [(14)] (13) Charge only the rate of fare or charge established by law.

13 [(15)] (C) It shall be the responsibility of the driver upon having been
14 assigned to a taxicab to ascertain that the equipment in the cab is in good working order
15 and no driver shall tamper with rate cards, the meter, meter light, cable, speedometer
16 cable or any other equipment required to be in the cab by law or that registers fares and
17 charges.

18 [50H.] 50J.

19 Where it shall appear after an administrative review that by reason of the physical
20 or mental condition of the applicant or by reason of a prior criminal record that the
21 public convenience and necessity requires that an application for a license be denied, the
22 applicant shall have the right to request a hearing by the Commission and the
23 Commission may in its discretion have such hearing conducted by the [taxicab] hearing
24 officer. If after THE hearing, the Public Service Commission shall refuse to issue a license,
25 the applicant shall have the right to appeal from such refusal in the same manner as
26 appeals may now be taken from other actions of the Public Service Commission.

27 [50-I.] 50K.

28 The Commission may issue a temporary FOR-HIRE license and, IF APPLICABLE,
29 badge to an applicant for a period not exceeding thirty (30) days.

30 [50J.] 50L.

31 (a) It shall be unlawful for any person to solicit for transport, transport or agree
32 to transport any person or baggage in any vehicle for hire unless the operator thereof is
33 duly licensed by the Public Service Commission.

34 (b) It shall be unlawful for any person owning or in charge of any vehicle to
35 permit such vehicle to be used in violation of the provisions of this section.

36 (c) Drivers of taxicabs shall be required to make maximum use of service
37 communications with their switchboard operators or dispatchers in order to keep their
38 cabs available for response to calls.

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1 (d) No taxicab driver shall solicit patronage of persons assembled at the terminal
2 of any other common carrier, or at intermediate points along any established route of said
3 carrier, when such persons have so assembled for the purpose of using the service of said
4 common carrier. This rule is not intended to prohibit, or interfere with, response to any
5 call for a taxicab, made by telephone or by signal from a pedestrian.

6 (e) Taxicabs which are being operated in Baltimore City may transport passengers
7 from the city into Baltimore County and may return for the same passengers. No
8 passengers shall be solicited by the said taxicabs within the county at any time. Nothing in
9 this subheading shall serve to impede the operation of taxicabs between Baltimore City
10 and Baltimore-Washington International Airport in the manner heretofore permitted by
11 law.

12 (f) No taxicab shall carry more than the number designated on the permit card. A
13 child in arms will not be counted as a passenger. No more than one person shall occupy
14 the front seat with the driver.

15 (g) Cabs may be used to serve jointly from railroad stations or other public places
16 of special assembly not more than four (4) passengers who are bound for the same, or
17 approximately the same location, provided that no passenger who has engaged a cab shall
18 be compelled to share the vehicle with others, if unwilling to do so. Drivers shall not
19 refuse service in order to effect more profitable grouping.

20 (h) When a cab is occupied by more than one passenger bound for different
21 destinations, each passenger or party, as the case may be, shall be charged the fare
22 recorded on the meter at the time of arrival at destination except that in no event shall
23 any party or individual passenger be charged more than the fare applicable at the
24 established rates for transportation over the shortest and most direct route. Solicitation of
25 others while en route to the destination of passengers or parties, initially occupying the
26 cab, is prohibited.

27 (i) No driver of any taxicab shall operate the same recklessly, in an unsafe
28 manner, or in disregard of the public general or local laws or municipal ordinances
29 governing the operation of motor vehicles.

30 (j) Highway or bridge toll charges shall be assessed only when a passenger elects
31 to use a route where such charges occur.

32 [50K.] 50M.

33 (a) There shall be created a position of [taxicab] hearing officer. The [taxicab]
34 hearing officer shall be appointed by the Commission and serve at the pleasure of the
35 Commission. The [taxicab] hearing officer shall receive an annual salary as provided in
36 the annual State budget.

37 (b) The [taxicab] hearing officer shall be vested with the power to hold hearings
38 involving:

39 (1) Violations of this article or the Commission's rules and regulations by
40 [taxicab] FOR-HIRE drivers LICENSED BY THE COMMISSION [of Baltimore City
41 taxicabs]; and

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1 (2) Violations of this article or the Commission's rules and regulations,
2 except those relating to rates, by holders of taxicab permits in Baltimore City, Baltimore
3 County, the City of Hagerstown, and the City of Cumberland.

4 (c) The [taxicab] hearing officer shall have the right to recommend to the
5 Commission the imposition of a civil penalty as provided in § 102B of this article, the
6 suspension of the [taxicab driver] FOR-HIRE DRIVER'S license or taxicab permit for
7 such period of time that appears justified in view of the nature of the offense or to
8 recommend its revocation or both revocation and suspension. The Commission may either
9 affirm, deny or modify the recommendation of the [taxicab] hearing officer. The
10 Commission shall not be required to grant an additional hearing prior to its action on the
11 [taxicab] hearing officer's recommendation but may in its discretion hear additional
12 testimony as may be necessary.

13 (d) In the event a [taxicab] FOR-HIRE driver's license or taxicab permit shall be
14 suspended or revoked, or a civil penalty imposed, the licensee or permit holder shall have:

15 (1) The right of appeal in the same manner as appeals may now be taken
16 from other actions of the Commission; and

17 (2) The right to request rehearing in the same manner as requests for
18 rehearing may now be requested from other actions of the Commission.

19 (e) Copies of charges against [taxicab] FOR-HIRE drivers and related decision of
20 the [taxicab] hearing officer and the Commission will be furnished to the [taxicab]
21 permit holder.

22 50N.

23 (A) A COUNTY OR MUNICIPALITY MAY ELECT TO LICENSE TAXICAB DRIVERS
24 WHO DRIVE TAXICABS THAT ARE BASED IN THAT COUNTY OR MUNICIPALITY
25 PROVIDED THAT, AT A MINIMUM, THE COUNTY OR MUNICIPALITY CONDUCTS A
26 CRIMINAL RECORD CHECK AND DRIVING RECORD CHECK OF EACH APPLICANT FOR
27 A LICENSE.

28 (B) A TAXICAB DRIVER WHO IS LICENSED BY A COUNTY OR MUNICIPALITY IS
29 NOT REQUIRED TO BE LICENSED BY THE COMMISSION.

30 50-O.

31 (A) A PERSON MAY NOT OPERATE A VEHICLE THAT PROVIDES
32 PASSENGER-FOR-HIRE SERVICES IN THE STATE UNLESS THE PERSON IS LICENSED
33 AS A PASSENGER-FOR-HIRE DRIVER BY THE COMMISSION.

34 (B) A PERSON MAY NOT OPERATE A VEHICLE THAT PROVIDES TAXICAB
35 SERVICES IN THE STATE UNLESS THE PERSON IS LICENSED AS A TAXICAB DRIVER BY
36 THE COMMISSION OR A COUNTY OR MUNICIPALITY.

37 (C) SUBJECT TO THE HEARING PROVISIONS OF § 79 OF THIS ARTICLE, THE
38 COMMISSION MAY IMPOSE ON A PERSON WHO VIOLATES THIS SECTION A CIVIL
39 PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.