

HOUSE BILL 137

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C5

2000 Regular Session
0lr0575
CF 0lr0571

By: **Delegate Owings**

Introduced and read first time: January 18, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **For-Hire Driving Services**

3 FOR the purpose of establishing certain business and operating requirements for
4 certain passenger-for-hire driving services; requiring certain providers of
5 taxicab services licensed after a certain date to obtain certain training in a
6 manner approved by the Commission; providing for a certain assessment on
7 certain for-hire driver's license applications for certain purposes; establishing
8 the For-Hire Driving Services Enforcement Fund as a special, nonlapsing fund
9 for certain purposes; prohibiting a provider of certain for-hire driving services
10 from using a telephone or similar device while the motor vehicle is in motion;
11 providing a civil penalty for certain violations of certain for-hire driving services
12 provisions; repealing a certain penalty; defining certain terms; requiring the
13 Commission to establish a certain initial assessment for the For-Hire Driving
14 Services Enforcement Fund; and generally relating to for-hire driving services.

15 BY renumbering

16 Article - Public Utility Companies
17 Section 10-301 and the subtitle "Subtitle 3. Miscellaneous Provisions"; and
18 10-401 and 10-402 and the subtitle "Subtitle 4. Prohibitions; Penalties",
19 respectively
20 to be Section 10-401 and the subtitle "Subtitle 4. Miscellaneous Provisions"; and
21 10-501 and 10-502 and the subtitle "Subtitle 5. Prohibitions; Penalties",
22 respectively
23 Annotated Code of Maryland
24 (1998 Volume and 1999 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - Public Utility Companies
27 Section 10-101, 10-104, and 13-207
28 Annotated Code of Maryland
29 (1998 Volume and 1999 Supplement)

30 BY repealing and reenacting, without amendments,

31 Article - Public Utility Companies

1 Section 10-103
2 Annotated Code of Maryland
3 (1998 Volume and 1999 Supplement)

4 BY adding to

5 Article - Public Utility Companies
6 Section 10-112; 10-301 and 10-302 to be under the new subtitle "Subtitle 3.
7 Passenger-for-Hire Services"; and 10-503
8 Annotated Code of Maryland
9 (1998 Volume and 1999 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - Public Utility Companies
12 Section 10-501 and 10-502
13 Annotated Code of Maryland
14 (1998 Volume and 1999 Supplement)
15 (As enacted by Section 1 of this Act)

16 BY repealing

17 Article - Public Utility Companies
18 Section 13-206
19 Annotated Code of Maryland
20 (1998 Volume and 1999 Supplement)

21 Preamble

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

26 WHEREAS, For-hire driving services are critical to many citizens of the State,
27 including the elderly, members of families with low income, and the physically
28 challenged, as well as to many sectors of the State's economy, including tourism, BWI
29 Airport, and hospital organ transports; and

30 WHEREAS, Motor vehicles for hire include taxicabs, sedans, limousines, vans,
31 and any other motor vehicles for hire designed to carry 15 or fewer individuals
32 including the driver; and

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

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

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

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

6 WHEREAS, Improved regulation and oversight of for-hire driving services
7 should improve the safety and quality of service to Maryland citizens and tourists;
8 now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That Section(s) 10-301 and the subtitle "Subtitle 3. Miscellaneous
11 Provisions"; and 10-401 and 10-402 and the subtitle "Subtitle 4. Prohibitions;
12 Penalties", respectively of Article - Public Utility Companies of the Annotated Code of
13 Maryland be renumbered to be Section(s) 10-401 and the subtitle "Subtitle 4.
14 Miscellaneous Provisions"; and 10-501 and 10-502 and the subtitle "Subtitle 5.
15 Prohibitions; Penalties", respectively.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 **Article - Public Utility Companies**

19 10-101.

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

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

23 (c) "Criminal Justice Information System" has the meaning stated in Article
24 27, § 743 of the Code.

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

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

27 (2) a taxicab driver's license.

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

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

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

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

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

3 (ii) providing taxicab services.

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

5 (1) PROVIDING LIMOUSINE SERVICES; AND

6 (2) PROVIDING SEDAN SERVICES.

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

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

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

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

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

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

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

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

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

23 (III) ANY OTHER REQUEST FOR SERVICE TO BE PROVIDED WITHIN
24 30 MINUTES AFTER THE REQUEST IS MADE.

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

26 (1) a fare;

27 (2) a fee;

28 (3) a toll;

29 (4) a gratuity; and

30 (5) personal services.

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

3 (I) SEDAN AUTOMOBILE DESIGNED TO CARRY SEVEN OR FEWER
4 INDIVIDUALS, INCLUDING THE DRIVER; OR

5 (II) DESIGNED TO CARRY 15 OR FEWER INDIVIDUALS, INCLUDING
6 THE DRIVER.

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

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

11 10-103.

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

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

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

22 10-104.

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

24 (i) submit to the Commission a completed application on the form
25 that the Commission provides;

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

28 (iii) pay to the Commission an application fee set by the
29 [Commission] COMMISSION, WHICH MAY INCLUDE AN ASSESSMENT FOR THE
30 FOR-HIRE DRIVING SERVICES ENFORCEMENT FUND UNDER § 10-112 OF THIS
31 SUBTITLE;

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

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

- 1 (2) The Commission shall:
- 2 (i) require a driving record check of the applicant;
- 3 (ii) attach one of the photographs to the for-hire driver's license
4 when issued; and
- 5 (iii) file the other photograph with the for-hire driver's license
6 application in the Commission's office.
- 7 (b) (1) As part of the application for a criminal history records check, the
8 applicant shall submit to the Criminal Justice Information System Central
9 Repository:
- 10 (i) one complete set of the applicant's legible fingerprints taken on
11 forms approved by the Director of the Criminal Justice Information System Central
12 Repository; and
- 13 (ii) the fee authorized under Article 27, § 746(b)(8) of the Code for
14 access to Maryland criminal history records.
- 15 (2) (i) In response to an application for an initial criminal history
16 records check, the Criminal Justice Information System Central Repository shall
17 provide to the Commission and the applicant a printed statement of the applicant's
18 State criminal record.
- 19 (ii) If criminal history record information is reported to the
20 Criminal Justice Information System Central Repository after the date of the initial
21 criminal history records check, the Criminal Justice Information System Central
22 Repository shall provide to the Commission and the applicant or licensee a revised
23 printed statement of the applicant's or licensee's State criminal record.
- 24 (3) In accordance with regulations adopted by the Department of Public
25 Safety and Correctional Services, the Commission shall verify periodically a list of
26 licensed for-hire drivers.
- 27 (4) Information the Commission obtains from the Criminal Justice
28 Information System Central Repository under this subsection shall be:
- 29 (i) confidential and may not be disseminated; and
- 30 (ii) used only for the licensing purposes described in this title.
- 31 (5) (i) As provided by this paragraph, an applicant for a for-hire
32 driver's license or a licensee may contest the contents of a printed statement or a
33 revised printed statement issued by the Criminal Justice Information System Central
34 Repository.

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

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

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

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

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

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

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

18 (6) The Commission may use a private agency to provide a background
19 check on an applicant or licensee under this section, as determined by the
20 Commission.

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

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

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

28 (2) BEFORE THE COMMISSION ISSUES A TAXICAB DRIVER'S LICENSE TO
29 AN INDIVIDUAL WHO FIRST APPLIES FOR THE LICENSE ON OR AFTER JULY 1, 2001,
30 THE APPLICANT SHALL COMPLETE A COURSE APPROVED BY THE COMMISSION THAT
31 INSTRUCTS THE APPLICANT IN COURTESY TO PASSENGERS, LOCAL GEOGRAPHY, AND
32 TOURIST INFORMATION FOR THE JURISDICTION IN WHICH THE APPLICANT SHALL
33 PROVIDE TAXICAB SERVICES. THE COURSE SHALL INCLUDE BOTH ACADEMIC
34 TEACHING AND PRACTICAL EXPERIENCE.

35 [(d)] (E) The Commission may deny an applicant a license or suspend or
36 revoke the license of a licensee if the applicant or licensee has been convicted of a
37 crime that bears a direct relationship to the applicant's or licensee's fitness to serve
38 the public as a for-hire driver.

1 10-112.

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

3 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
4 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

8 (D) (1) THE FUND CONSISTS OF ASSESSMENTS MADE ON APPLICATIONS FOR
9 FOR-HIRE DRIVER'S LICENSES UNDER § 10-104 OF THIS SUBTITLE.

10 (2) THE COMMISSION SHALL ESTABLISH AN ASSESSMENT TO BE PAID
11 WITH EACH APPLICATION FOR A NEW OR RENEWED FOR-HIRE DRIVER'S LICENSE
12 UNDER THIS TITLE, EXCEPT FOR A LICENSE TO BE USED EXCLUSIVELY FOR:

13 (I) LIMOUSINE SERVICE; OR

14 (II) EMPLOYEE VAN TRANSPORTATION TO OR FROM A DESIGNATED
15 WORK SITE.

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

17 (E) THE FUND IS TO BE USED SOLELY FOR ENFORCEMENT ACTIVITIES OF THE
18 COMMISSION RELATING TO TAXICAB SERVICES AND SEDAN SERVICES.

19 SUBTITLE 3. PASSENGER-FOR-HIRE SERVICES.

20 10-301.

21 A PROVIDER OF SEDAN SERVICES SHALL HAVE A REGULAR PLACE OF
22 BUSINESS:

23 (1) WHERE A SUBSTANTIAL PORTION OF THE BUSINESS ACTIVITY OF
24 THE SEDAN SERVICES IS ROUTINELY CONDUCTED;

25 (2) THAT SATISFIES ALL APPLICABLE LOCAL ZONING REQUIREMENTS;

26 (3) THAT HOUSES ALL RECORDS THAT THIS TITLE REQUIRES THE
27 PROVIDER TO MAINTAIN; AND

28 (4) THAT IS EQUIPPED WITH A WORKING TELEPHONE LISTED IN THE
29 NAME OF THE PROVIDER.

30 10-302.

31 (A) A PROVIDER OF SEDAN SERVICES MAY PROVIDE THOSE SERVICES ONLY
32 ON A PREARRANGED BASIS AND STARTING AT LEAST 30 MINUTES AFTER THE
33 REQUEST FOR SERVICES IS MADE.

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

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

6 (I) MADE AVAILABLE IMMEDIATELY ON REQUEST TO THE
7 COMMISSION, AUTHORIZED LAW ENFORCEMENT PERSONNEL, AND AIRPORT
8 AUTHORITIES; AND

9 (II) MAINTAINED AT THE PROVIDER'S REGULAR PLACE OF
10 BUSINESS FOR AT LEAST 3 YEARS.

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

12 (I) AS A PAPER RECORD;

13 (II) BY MICROFILM, MICROFICHE, OR SIMILAR
14 MICROPHOTOGRAPHIC PROCESS; OR

15 (III) IN ELECTRONIC FORM.

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

22 10-501.

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

26 (b) A person who owns or is in charge of a motor vehicle may not allow the
27 motor vehicle to be used in violation of this section, § 10-109, [or § 10-209] § 10-209,
28 OR § 10-302 of this title.

29 10-502.

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

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

34 (2) IN VIOLATION OF THIS TITLE OR TITLE 9, SUBTITLE 2 OF THIS
35 ARTICLE.

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

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

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

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

10 10-503.

11 A PERSON MAY NOT PROVIDE TAXICAB SERVICES OR SEDAN SERVICES IN THE
12 STATE IN A MOTOR VEHICLE THAT IS IN MOTION WHILE OPERATING A TELEPHONE
13 THAT IS HELD BY THE DRIVER WHILE IN USE.

14 [13-206.

15 An individual who is convicted of violating a provision of this article concerning
16 taxicabs is subject to a fine not exceeding \$50 for a first offense and not exceeding
17 \$100 for each additional or subsequent offense.]

18 [13-207.] 13-206.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service
21 Commission shall establish the initial assessment of for-hire driver's license fees
22 payable to the For-Hire Driving Services Enforcement Fund under § 10-112 of the
23 Public Utility Companies Article, as enacted by this Act, at a level expected to
24 generate \$200,000 per fiscal year, starting in fiscal year 2001.

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