
By: **Senator Roesser**
Introduced and read first time: February 4, 2000
Assigned to: Finance

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; providing a civil penalty for certain violations of certain
10 for-hire driving services provisions; repealing a certain penalty; defining certain
11 terms; requiring the Commission to establish a certain initial assessment for the
12 For-Hire Driving Services Enforcement Fund; and generally relating to for-hire
13 driving services.

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

24 BY repealing and reenacting, with amendments,
25 Article - Public Utility Companies
26 Section 10-101, 10-104, and 13-207
27 Annotated Code of Maryland
28 (1998 Volume and 1999 Supplement)

29 BY repealing and reenacting, without amendments,
30 Article - Public Utility Companies
31 Section 10-103

1 Annotated Code of Maryland
2 (1998 Volume and 1999 Supplement)

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

9 BY repealing and reenacting, with amendments,
10 Article - Public Utility Companies
11 Section 10-501 and 10-502
12 Annotated Code of Maryland
13 (1998 Volume and 1999 Supplement)
14 (As enacted by Section 1 of this Act)

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

20 Preamble

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

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

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

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

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

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

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

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

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

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

16 **Article - Public Utility Companies**

17 10-101.

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

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

21 (c) "Criminal Justice Information System" has the meaning stated in Article
22 27, § 743 of the Code.

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

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

25 (2) a taxicab driver's license.

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

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

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

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

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

1 (ii) providing taxicab services.

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

3 (1) PROVIDING LIMOUSINE SERVICES; AND

4 (2) PROVIDING SEDAN SERVICES.

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

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

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

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

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

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

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

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

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

21 (III) ANY OTHER REQUEST FOR SERVICE TO BE PROVIDED WITHIN
22 30 MINUTES AFTER THE REQUEST IS MADE.

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

24 (1) a fare;

25 (2) a fee;

26 (3) a toll;

27 (4) a gratuity; and

28 (5) personal services.

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

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

3 (II) DESIGNED TO CARRY 15 OR FEWER INDIVIDUALS, INCLUDING
4 THE DRIVER.

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

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

9 10-103.

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

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

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

20 10-104.

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

22 (i) submit to the Commission a completed application on the form
23 that the Commission provides;

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

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

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

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

35 (2) The Commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

36 10-112.

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

1 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
2 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

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

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

11 (I) LIMOUSINE SERVICE; OR

12 (II) EMPLOYEE VAN TRANSPORTATION TO OR FROM A DESIGNATED
13 WORK SITE.

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

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

17 SUBTITLE 3. PASSENGER-FOR-HIRE SERVICES.

18 10-301.

19 A PROVIDER OF SEDAN SERVICES SHALL HAVE A REGULAR PLACE OF
20 BUSINESS:

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

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

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

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

28 10-302.

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

32 (B) (1) A PROVIDER OF SEDAN SERVICES SHALL CARRY IN EACH MOTOR
33 VEHICLE A TRIP SHEET OR CONTRACT ORDER THAT IDENTIFIES THE NAME AND

1 PICKUP ADDRESS OF THE PASSENGERS WHO HAVE ARRANGED FOR THE USE OF THE
2 MOTOR VEHICLE AND THE APPROXIMATE TIME OF PICKUP.

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

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

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

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

10 (I) AS A PAPER RECORD;

11 (II) BY MICROFILM, MICROFICHE, OR SIMILAR
12 MICROPHOTOGRAPHIC PROCESS; OR

13 (III) IN ELECTRONIC FORM.

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

20 10-501.

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

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

27 10-502.

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

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

32 (2) IN VIOLATION OF THIS TITLE OR TITLE 9, SUBTITLE 2 OF THIS
33 ARTICLE.

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

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

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

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

8 [13-206.

9 An individual who is convicted of violating a provision of this article concerning
10 taxicabs is subject to a fine not exceeding \$50 for a first offense and not exceeding
11 \$100 for each additional or subsequent offense.]

12 [13-207.] 13-206.

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

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

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