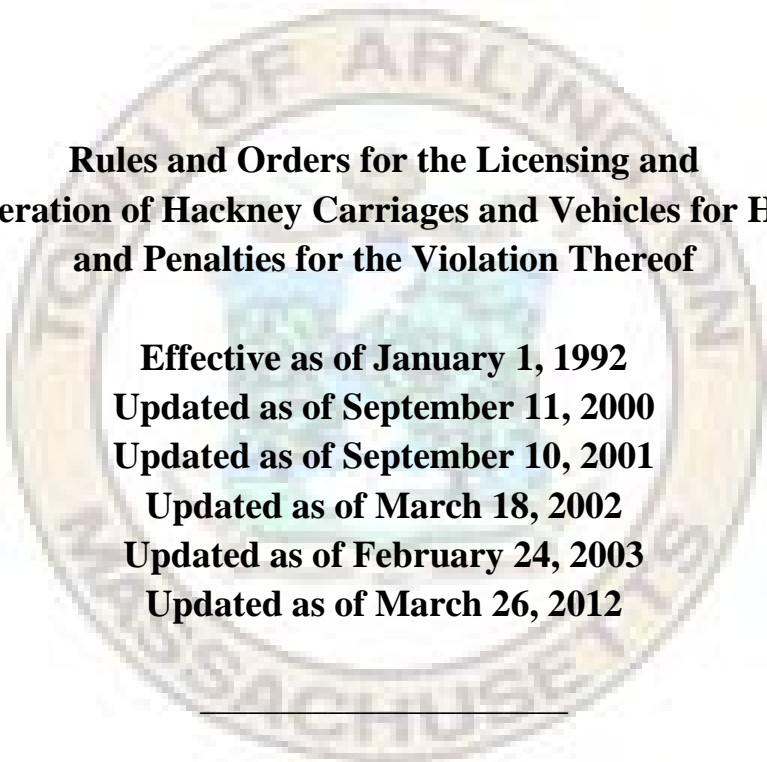


TOWN OF ARLINGTON



**Rules and Orders for the Licensing and
Operation of Hackney Carriages and Vehicles for Hire
and Penalties for the Violation Thereof**

Effective as of January 1, 1992

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OFFICE OF THE SELECT BOARD

Hackney Carriage/Taxi Services

A. *License Requirements*

As provided in M.G.L. Chapter 40, Section 22, the Select Board is the Licensing Board for persons providing hackney carriage or taxi services. Such licenses shall expire on the 30th day of April each year and shall not be transferred without the consent of the Licensing Board.

1. Definitions

- a. The **licensing Board** is the Select Board.
- b. A **hackney carriage or taxi** (herein after called a taxi or taxi cab) is a passenger vehicle equipped with a taximeter that is used to convey passengers or goods for hire and does not operate over a fixed route or between fixed and regular termini but is hired via solicitation from a person at a taxi stand or on a public or private way or by telephone request within the Town of Arlington.
- c. A **taxi business operator's permit**, as used in these Rules and Orders, is authorization to operate a business providing taxi service within the Town of Arlington.
- d. A **hackney driver's license**, as used in these Rules and Orders, is authorization to drive a taxi within the Town of Arlington.
- e. A **manifest** is a daily record prepared and maintained by a hackney driver showing, for each trip, time and place of origin, destination, number of passengers, and fare.
- f. A **medallion** is a durable numbered marker that is provided under the authority of the Licensing Board to identify vehicles licensed to operate as taxi cabs within the Town of Arlington and affixed in plain sight on the exterior of the vehicle as directed by the Chief of Police or his designee.
- g. A **taximeter** is an instrument by which the charge for hire of a taxi is calculated automatically for distance travelled or for waiting time or for both, and which conspicuously displays said charge by figures.
- h. A **public taxi stand** is a portion of a public way designated by the Licensing Board where operators of taxi cabs may park their vehicles and solicit passengers for hire. Public taxi stands in

Arlington are available for use only by taxi cabs bearing approved medallions issued by the Chief of Police or his designee.

- i. A **taxi business operator** is a permit-holder or applicant who operates or intends to operate a business providing taxi services in the Town of Arlington through hackney drivers working under the authority of the business.
- j. A **hackney driver** is a licensee or applicant who intends to drive a taxi cab under the authority of a taxi business operator.

2. Permit Requirements - Taxi Business Operators

If the Licensing Board finds that public convenience and necessity warrant the issuance of additional permits to operate a taxi business within the Town of Arlington and that the applicant is fit, willing, and able to provide such service in a safe and satisfactory manner, the Licensing Board may issue a permit to any applicant. Such a permit may not be transferred without the written consent of the Licensing Board. Neither the right to operate a taxi business nor the right to drive taxi vehicles shall be assigned, leased, sold, bartered, or otherwise transferred without the approval of the Select Board. Failure of any licensee or permittee to comply with restrictions against transfer may result in disciplinary action, up to and including revocation of license or permit, in accordance with these Rules and Orders.

To obtain a permit for operating a taxi business, an applicant must:

- (1) Be of suitable character and legally residing in the United States;
- (2) Be at least 21 years of age;
- (3) Have a valid current driver's license from the Massachusetts Registry of Motor Vehicles and have held that license for at least 12 months;
- (4) Have a demonstrated ability to comprehend English;
- (5) Have no apparent or known addictions to the use of intoxicating liquor or narcotic drugs;
- (6) Not be a Sex Offender as defined in Section 178C of M.G.L. c. 6;
- (7) Have no conviction record or adjudication for the commission in the past five years of:
 - (a) felony;

- (b) violent crime as defined in M.G.L. c. 140 Section 121;
 - (c) possession with intent to distribute or trafficking of a controlled substance as defined in Massachusetts General Laws Ch. 94C, Section 1;
 - (d) violation of any law regarding the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which imprisonment may be imposed;
 - (e) violation of any law regarding alcohol for which a term of imprisonment may be imposed;
 - (f) sexual misconduct (M.G.L. c. 272); or
 - (g) driving under the influence of drugs or alcohol (M.G.L. c. 90, Sec. 24)
- (8) Have no conviction record or adjudication for the commission in the past three years of a misdemeanor involving motor vehicle operation, including but not limited to:
- (a) first offense of operating under the influence of drugs or alcohol (M.G.L. c. 90, Sec. 24);
 - (b) operating to endanger (M.G.L. c. 90, Sec. 24);
 - (c) leaving the scene of an accident causing personal injury (M.G.L. c. 90, Sec. 24); or
 - (d) failure to pay outstanding parking violations (M.G.L. c. 90, Sec. 20A ½)
- (9) Within the previous year, have no more than three citations for violations of motor vehicle laws for which there has been a conviction or a finding of responsibility.

3. License Requirements - Hackney Drivers

The designee of the Chief of Police may issue a non-transferable hackney driver's license to any applicant who meets the requirements set forth below. Neither the right to operate a taxi business nor the right to drive taxi vehicles shall be assigned, leased, sold, bartered, or otherwise transferred without the approval of the Select Board. Failure of any licensee or permittee to

comply with restrictions against transfer may result in disciplinary action, up to and including revocation of license or permit, in accordance with these Rules and Orders.

- (1) Is of suitable character and legally residing in the United States;
- (2) Is at least 21 years of age;
- (3) Has a valid current driver's license from the Massachusetts Registry of Motor Vehicles and has held that license for at least 12 months;
- (4) Has a demonstrated ability to comprehend English;
- (5) Has no apparent or known addictions to the use of intoxicating liquor or narcotic drugs;
- (6) Is not a Sex Offender as defined in Section 178C of M.G.L. c. 6;
- (7) Has no conviction record or adjudication for the commission in the past five years of:
 - (a) felony;
 - (b) violent crime as defined in M.G.L. c. 140 Section 121;
 - (c) possession with intent to distribute or trafficking of a controlled substance as defined in Massachusetts General Laws Ch. 94C, Section 1;
 - (d) violation of any law regarding the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which imprisonment may be imposed;
 - (e) violation of any law regarding alcohol for which a term of imprisonment may be imposed;
 - (f) sexual misconduct (M.G.L. c. 272); or
 - (g) driving under the influence of drugs or alcohol (M.G.L. c. 90, Sec. 24)
- (8) Has no conviction record or adjudication for the commission in the past three years of a misdemeanor involving motor vehicle operation, including but not limited to:

- (a) first offense of operating under the influence of drugs or alcohol (M.G.L. c. 90, Sec. 24);
 - (b) operating to endanger (M.G.L. c. 90, Sec. 24);
 - (c) leaving the scene of an accident causing personal injury (M.G.L. c. 90, Sec. 24); or
 - (d) failure to pay outstanding parking violations (M.G.L. c. 90, Sec. 20A ½)
- (9) Within the previous year, has no more than three citations for violations of motor vehicle laws for which there has been a conviction or a finding of responsibility.

3. Application Procedures

A. Taxi Business Operator Permit

Every party, whether an individual or a corporation or a partnership or a sole proprietorship, intending to do business providing taxi services for hire in the Town of Arlington shall apply to the Licensing Board for a taxi business operator's permit.

Applicants must complete the following procedures:

1. Complete the application form. Taxi business operator permit applicants must provide the name of each driver providing taxi services under the authority of that business. Each such driver must complete a separate application process with the Chief of Police or his designee, as described herein.
2. Include with this application form the following items.
 - a. The name and home address of the applicant and copy of current Massachusetts driver's license.
 - b. Full description of all unsatisfied civil judgments against the applicant or any of its drivers which involve motor vehicle accidents.
 - c. The experience of the applicant in the transportation of passengers for hire.

- d. Explanation of why public convenience and necessity warrant the granting of the requested license.
 - e. A list of all vehicles to be used in the exercise of the license, including make, model, year, license plate number, and vehicle identification number (VIN) and the place of garaging for each vehicle.
 - f. The color scheme or insignia to be used to designate the taxicabs of the applicant.
 - g. A legal ad for publication.
 - h. If the applicant is a corporation, a copy of the corporation's Certificate or Articles of Organization. If the applicant is an individual doing business under a name other than his or her own, a copy of a current Business Certificate on file with the Town Clerk.
 - i. Any necessary release for criminal offender or sex offender record information, including any additional fee for criminal history review.
 - j. The filing fee check payable to the Town of Arlington. The filing fee is set by the Licensing Board and is subject to change on an annual basis.
 - k. Such further information as the Licensing Board of the Town of Arlington may require.
3. No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Licensing Board.

B. Hackney Driver's License Application

Every individual intending to drive a taxi cab within the Town of Arlington shall apply to the Chief of Police or his designee for a hackney driver's license.

Applicants must complete the following procedures:

1. Complete the application form, including the following items:

- a. The name and home address of the applicant and copy of current Massachusetts driver's license.
 - b. Full description of all unsatisfied civil judgments against the applicant or any of its drivers which involve motor vehicle accidents.
 - c. The experience of the applicant in the transportation of passengers for hire.
 - d. Any necessary release for criminal offender or sex offender record information, including any additional fee for criminal history review.
 - e. The filing fee check payable to the Town of Arlington. The filing fee is set by the Chief of Police and is subject to change on an annual basis.
 - f. Two passport-sized photographs, clearly showing the applicant's face; and
 - g. Such further information as the Chief of Police may require.
2. Submit the completed application form, filing fee, and all additional information to the Chief of Police or his designee.
 3. Denial of an application for a hackney driver's license may be appealed in writing to the Chief of Police.

B. Medallion Requirements

No vehicle may be operated as a taxi cab within the Town of Arlington that does not carry a valid and current taxi medallion. Up to 42 taxi medallions (or one per thousand population, whichever number is higher) may be in use at any time. Medallions must be renewed on an annual basis. Medallions may not be transferred from one vehicle to another without prior written approval of the Select Board, the Chief of Police or his designee, and the Sealer of Weights and Measures. When a vehicle is taken out of service as a taxi, the medallion must be removed and surrendered to the Chief of Police or his designee. The Chief of Police shall set fees for initial issuance and renewal of medallions, which fees shall be subject to change on an annual basis.

1. Condition of Vehicles

- a. An owner shall not operate nor allow to be operated any taxi unless the vehicle is structurally and mechanically sound, operates with a minimum of noise and vibration, and has no cracks or breaks in the vehicle body, windows, doors, trim, and grill.

- b. All doors of the vehicle must open easily from the inside.
- c. The interior seats of the vehicle must function properly and be in good condition.
- d. The vehicle must include properly functioning seat belts for all passengers and the driver.
- e. The owner must clean, repair, and maintain the vehicle in good condition, as determined by annual or random inspections by the Arlington Police Department.
- f. If a vehicle must be removed from service for repairs, and the vehicle remains out of service for a period longer than 90 consecutive days, the owner must notify the Licensing Board and provide a date by which the vehicle will return to service. Keeping a vehicle out of service for repairs longer than longer than 90 days may result in the suspension or revocation of the hackney driver's or business operator's license or medallion for said vehicle.
- g. To ensure public safety, the Chief of Police or his designee may suspend the medallion or right to operate of any taxi vehicle and declare that vehicle to be "out of service" until its defects are remedied. The owner of the vehicle may appeal an "out of service" status to the Licensing Board. The medallion will remain suspended during the pendency of the appeal unless the Chief of Police or his designee certifies in writing that the defects have been remedied. The Chief of Police or his designee will keep a list of all medallions, by number, that are suspended.
- h. Repeated failure to maintain regular operation, operability, or reasonable cleanliness of vehicles shall be grounds for suspension or revocation of the medallion and/or associated hackney driver's license or taxi business operator's permit.
- i. All vehicles must be properly registered with the Commonwealth of Massachusetts and have valid and current state inspection stickers.

2. Vehicle Inspection

- a. The Chief of Police or his designee shall verify the good operating condition and cleanliness of each taxi prior to issuance and renewal of the medallion for such operations.
- b. The Chief of Police or his designee may conduct random inspections of taxi vehicles at reasonable intervals for the purpose of verifying continued compliance with these Rules and Orders. Application for and acceptance of authorization to operate under these Rules and Orders shall constitute consent to such inspection.

3. Insurance

- a. No license shall be issued for the operation of a taxi vehicle until the owner of such vehicle shall file with the Licensing Board a certificate of insurance, issued by an insurance company authorized to do business in the Commonwealth of Massachusetts, certifying that liability insurance in at least the state-mandated amount of \$20,000 per person, \$40,000 per accident, and \$5,000 property damage placed upon each vehicle sought to be licensed for these purposes.
- b. In addition to the above minimum insurance requirements, each certificate of insurance shall include evidence that the insurance in place is appropriate for the use of the insured vehicle as a taxi vehicle.
- c. Upon request for renewal of a hackney driver's or business operator's license, the licensee shall present evidence of liability insurance coverage for a period of one year to cover the subject vehicle(s).

C. Operating Requirements

1. Appearance and Conduct of Drivers

- a. Driver of a taxi vehicle shall be neat and clean in appearance.
- b. Drivers shall not smoke a cigar, cigarette, pipe, or other product.
- c. Drivers while on duty shall not be impaired or consume intoxicating beverages or controlled substances. Taxi business operators shall not permit impaired drivers to work.
- d. Hackney drivers must display licenses prominently to passengers at all times during operation of taxis.
- e. Any property left behind by a passenger shall be delivered to a "lost and found" area maintained by the owner of the taxi vehicle. The owner shall make every effort to return lost property to the rightful owner. Upon request, any hackney driver will search the taxi vehicle for lost property.

2. Transportation of Passengers

- a. No person in charge of a taxi shall unreasonably refuse to carry a passenger for hire.
- b. Reasonable grounds for refusing transportation to a passenger include the following:

- (1) The driver already is dispatched on another call or the vehicle is in transit for repair.
 - (2) All seats in the vehicle are occupied.
 - (3) The prospective passenger is noisy or disorderly or intoxicated, unless the driver is transporting said person directly to a place the driver has reason to believe is the person's place of residence, or when the driver is directed by the Arlington Police Department to transport the person.
 - (4) The driver has reason to believe the person is sick with a contagious disease or the person must be transported on a stretcher.
 - (5) Providing transportation would result in assisting in the commission of a crime.
- c. At his or her discretion, a driver may accept or refuse a call when a person is escorting an animal, other than properly harnessed and controlled service animal. Persons accompanied by service animals shall not be refused transport, nor shall they be charged extra for the animal. However, a driver who is allergic to animals may refuse such a call with a medical report from a physician on file with the business operator and the Licensing Board specifying the nature and severity of the allergy. If such driver is unknowingly dispatched to pick up a passenger with a service animal, said driver must inform the waiting passenger of his or her allergy and secure another taxi for the passenger before departing.
 - d. All persons engaged in the taxicab business in the Town of Arlington operating under these Rules and Orders shall render an over-all service to the public desiring to use taxicabs. Business operators shall maintain central places of business and keep the same open twenty-four hours a day, if required by the Licensing Board, for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for service inside the corporate limits of Arlington as soon as they are able and, if said services cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before said call can be answered and give the reason therefore. Any business operator who fails or refuses to accept a call anywhere in the corporate limits of Arlington when such operator has available cabs shall be considered in violation of these Rules and Orders.
 - e. No driver shall sit in the rear seat of a taxi cab nor permit anyone other than a passenger to sit there.
 - f. No driver shall allow any person other than a licensed trainee driver to sit in the front seat except when the taxi is fully occupied by passengers who have hired the taxi and there is a legitimate need to use the front seat.

- g. No driver shall permit any passenger to ride upon any fender, dash, top floor, steps, or running board of any type on the taxi vehicle.
- h. Manifests for the transportation of passengers shall be kept for a period of one calendar year from the date of service and shall be available for inspection upon request by the Chief of Police or his designee.
- i. No driver of an engaged taxi vehicle shall permit any other passenger to ride in the vehicle without the prior consent of the person hiring the vehicle.

3. Taximeters

Every taxi cab shall have installed a taximeter that is officially approved and sealed by the Sealer of Weights and Measures.

- a. The Chief of Police or his designee shall verify, during initial and annual inspections, that the taximeter remains sealed and in good order after said approval.
- b. The taximeter shall be visible to passengers. After sundown, the face of the taximeter shall be made continuously and clearly visible to the passenger by suitable illumination.
- c. Said taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.
- d. No licensee shall operate taxi with an unsealed meter or a broken seal. The business operator or driver will report any such problems to the Chief of Police or his designee and to the Sealer of Weights and Measures for retesting and sealing. Failure to comply with this regulation shall make the owner or driver subject to the penalties as provided by Massachusetts General Laws Chapter 98, Sections 45 and 55.
- e. No licensee shall tamper or attempt to repair a taximeter or any seal, cable, connection, or part thereof, or to make any change in the vehicle that would affect the operation of the taximeter.
- f. Each taximeter shall have thereon a flag or other device such as an electronic device to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag, or activate the electronic device (except in cases of flat rate fare) of such taximeter into a non-recording position at the termination of each trip.

4. Taxi Stands

- a. The Licensing Board may designate places on public ways as Taxi Stands and may make it a condition of a license that a taxi shall occupy the taxi stand designated for its use from time to time but shall occupy no other stand.
- b. A driver must remain with the taxi cab at all times while it is at a Taxi Stand.

5. Fares for Taxi Cabs

- a. The driver of a taxi cab shall display on the inside of the vehicle, in clear view of a passenger, a card indicating the current rate of fare.
- b. Except as otherwise provided herein, no hackney driver or taxi business operator shall charge more than the following rates for the provision of taxi services:

| | |
|---------------------|----------|
| meter drop | \$ 1.90 |
| each mile | \$ 4.00 |
| hourly waiting time | \$ 28.00 |

Senior citizens, upon showing valid proof of age, shall be entitled to a 20% discount from the rates set forth herein if no other discount applies.

- c. Taxi cab owners may set a standard rate for transportation to prominent places outside the Town limits, such as airports, hotels, or hospitals, as long as these rates are posted within the taxi cabs in a position clearly visible to passengers.
- d. Immediately upon taking on a passenger, the hackney driver shall place the taximeter in recording position and shall keep the taximeter in recording position as long as the taxi cab is engaged, unless the driver and passenger have reached a mutual agreement beforehand on the rate to be charged.
- e. All tolls shall be paid by the passenger unless the driver and passenger have previously agreed otherwise.
- f. The driver of any taxi vehicle shall upon demand by the passenger render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number, medallion number, amount of meter reading or charges and date of transaction.

D. License Renewal, Suspension, or Revocation

- 1. Immediate Suspension.** Where necessary to ensure public safety, the Licensing Board or the Arlington Police Department under the authority of the Licensing Board may immediately suspend the license of a hackney driver. Following suspension, the Licensing Board will promptly hold a hearing where it will determine the length of the suspension, or lift the suspension, or revoke the hackney driver's right to drive such vehicles in Arlington.
- 2. Suspension or Revocation After Notice and Hearing.** After notice to any licensed hackney driver or permitted taxi business operator, the Licensing Board or the Arlington Police Department under the authority of the Licensing Board may hold a hearing to determine whether the licensee or permit-holder is or has been in violation of any these Rules and Orders or any provision of Town Bylaws or state or federal law. If, after such hearing, the Licensing Board finds that violations have occurred, the Licensing Board may issue a decision suspending the license or permit, imposing additional conditions on the license or permit, or revoking the license or permit.
- 3. Suspension/Revocation of Massachusetts Driver's License.** If a licensed hackney driver's or permitted taxi business operator's Massachusetts Driver's License is suspended or revoked for any reason, the licensee or permit-holder must surrender his or her license or permit to the Licensing Board or the Arlington Police Department under the authority of the Licensing Board. The Board or the Department may, at its discretion, reinstate the license or permit after the suspension or revocation of the state driver's license is lifted.
- 4. Cessation of Operation.** When a licensee or permit-holder ceases employment or operation under these Rules and Orders, the licensee or permit-holder must surrender his or her license to the Licensing Board.
- 5. Annual Renewals.** All taxi business operators' and hackney drivers' licenses expire annually. All medallions expire annually.

E. Miscellaneous Provisions

- 1. Penalties for Violation.** In addition to other penalties recited herein, any person violating any of these Rules and Orders shall forfeit and pay a fine not exceeding fifty (50) dollars for each offense payable to the Town of Arlington.

2. **Severability.** Each of the provisions of these Rules and Orders are severable and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

