

1. DEFINITIONS

CITY – The City of Fitchburg, MA

PERMIT AUTHORITY

The License Commission of the City of Fitchburg.

PLACE OF BUSINESS

An office, waiting room or garage from which the business of a taxi or livery service is conducted. A garage used solely for the storage or maintenance of taxi or livery vehicles which are not regularly operated in the City of Fitchburg shall not be considered a place of business.

PUBLIC PLACE

Public property or private property to which the public has lawful access.

TAXI VEHICLE

A passenger car, station wagon or *van of distinctive color or colors used for the transportation of persons or goods for compensation. Taxi vehicles shall be marked with the Taxi company name and telephone number.* Such vehicle does not operate on a fixed route and is hired by means of a telephone request to the taxi * company at the time transportation is needed. Payment for transportation service is made at the time of taxi service.*

LIVERY VEHICLE

A passenger car, station wagon, van *or limousine used for transporting persons and items in their possession for compensation. Livery vehicle's are not marked on its exterior with the Livery company name or number. Such vehicle does not operate on a fixed route and is hired by means of a telephone request or contract arranged in advance of the time transportation is needed. * Payment for Livery service is prearranged by contract or credit card payment. Usually payment will not be made at time of livery service.*
Vehicles used solely in connection with transportation for funerals shall not be considered livery vehicles and shall not be subject to the provisions of this Regulation.

2. TAXI COMPANY LICENSE & PERMIT REQUIREMENTS

A. APPLICABILITY OF LICENSE AND PERMIT REQUIREMENTS

A taxi or livery service shall be subject to the provisions of this Regulation if; it maintains a place of business within the City; and it advertises, in any format or medium that it provides taxi or livery service within the City.

B. TAXI OR LIVERY SERVICE LICENSE

No person or business entity shall within the City engage in any conduct, which would constitute the business of a taxi or livery service, without a Taxi or Livery Service License issued by the License Commission.* The taxi or livery company is responsible for conduct and actions of the drivers while operating the vehicles owned by the company.*

C. TAXI OR LIVERY VEHICLE PERMIT

No vehicle shall be utilized by a taxi or livery service unless such vehicle:

- (1) Is properly registered under Massachusetts law;
- (2) Is properly insured or bonded under Massachusetts law;
- (3) Has a valid Massachusetts vehicle inspection sticker;
- (4) Has been issued, by the License Commission, and displays a taxi or livery vehicle permit;
- (5) *(For Taxi's)Is conspicuously and permanently marked or identified (driver side and passenger side) with the name of the taxi company, telephone number and city. Letters will be not less than four inches high and one half inch wide.
- (6) *(For Taxi's)Is painted a color determined by the License Commission.(effective January 1, 2007)
- (7) (For Taxi's) Has affixed a rooftop light indicating that it is a taxi vehicle.
- (8) *(For Taxi and Livery Vehicles) Has affixed, on the front and rear bumper area, an identifying number of no less than 2 inches nor more than 4 inches high. The numbering sequence to be assigned specifically to individual taxi and livery vehicles by the Board of License Commissioners.
- (9) *has a vehicle permit, issued by the License Commission, affixed to the front windshield on the driver's side approx. 3" from the bottom of the windshield.

3. TAXI OR LIVERY SERVICE LICENSE

A. APPLICATION PROCESS

Each applicant for a taxi or livery service license shall make application to the License Commission upon a standard form to be developed by the License Commission. Such application form shall, at a minimum, contain: the applicant's identifying information; whether the application is for a taxi service or a livery service; the proposed location(s) to be used in the operation of the service, including place of garaging; the number and type of vehicles the applicant intends to utilize in the service; how fares will be calculated; hours and days of operation; a written description of the services to be provided under the license. Each applicant must execute a statement, in writing and under the pains and penalties of perjury, that the applicant owes no back taxes to the Commonwealth of Massachusetts or the City of Fitchburg.

Each applicant will be requested to sign an Authority for Release of Information form granting the Board permission to request full disclosure of all records including driving records, or any part thereof, concerning him/herself, from any entity whether said records are public, private or confidential in nature.

Each application must be accompanied by:

- (1) An application/license fee in the amount of \$200.
- (2) A letter of determination regarding the zoning of the property by the Building Commissioner.

- (3) A yearly renewal fee of \$45.00 per vehicle shall be assessed to each taxi or livery service license holder. A fee of \$20 shall be assessed to transfer a vehicle license from a previously licensed vehicle to a replacement vehicle.
- (4) CORI and SORI request form

B. AUTHORITY OF THE LICENSE COMMISSION

The License Commission may, within its discretion, deny, grant, amend or modify a taxi or livery service license. If granted, such license shall be subject to such conditions or restrictions as may be imposed by the License Commission. The License Commission may, for cause and after a public hearing, amend or revoke any license that has been granted.

C. FORM OF LICENSE

A License granted by the License Commission shall be issued by the Clerk on a standard form to be developed by the Commission. Such license shall specify the name of the service, effective date of the license, expiration date of the license and the conditions or restrictions as imposed by the Commission, including; the type of service, taxi or livery, the place or places of business, including place of garaging, the days and hours of service, the manner by which fares are to be determined, the amount and types of vehicles that may be utilized by the service; and, any other specific conditions or restrictions.

D. DURATION OF LICENSE.

All licenses shall expire at the close of December 31 of the year of issuance. There shall be no pro-rating of application/license fees.

E. TRANSFER OF LICENSE.

A License shall be non-transferable.

F. MODIFICATION OR AMENDMENT OF LICENSE.

A license holder may apply to the Commission for a modification or amendment of an existing License. Such application shall be submitted upon the standard application form and must be accompanied by an application fee of \$100.00.

G. MANDATORY REPORTS TO THE LICENSE COMMISSION AND AUTOMATIC SUSPENSION OF LICENSE.

The holder of a license to operate or manage a taxi or livery service must, within twenty four (24) hours of its occurrence, report, on behalf of his or her taxi or livery service, the following to the License Commission:

- (a) Any motor vehicle accident involving a vehicle utilized by the service;
- (b) The suspension or revocation of a motor vehicle registration certificate for any vehicle utilized by the service;
- (c) The cancellation of the service's motor vehicle liability insurance policy or bond.
- (d) *Suspension or revocation of the permit holder's Massachusetts Motor Vehicle Operator's License, or the suspension or revocation of the permit holder's license or right to operate in any other state.

H. SUSPENSION OF REVOCATION OF LICENSE

A license to operate or manage a taxi or livery service may be suspended or revoked after notice to the holder of such permit and a hearing before the License Commission. Suspension or revocation is authorized if the License Commission determines, according to the standard of a preponderance of the evidence the License Holder:

- (1) Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this Regulation;
- (2) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;
- (3) Is, in any jurisdiction, convicted or subject to a finding of guilty in regard to any misdemeanor offense involving: assault; assault & battery; threatening; larceny, fraud; prostitution; gaming; illegal sale or distribution of an alcoholic beverage; or a statute or regulation relative to taxi and livery services;
- (4) Has knowingly permitted the operation of a taxi or livery vehicle by a person who is not the holder of a valid license to operate a taxi or livery vehicle;
- (5) Has permitted a vehicle, without a Taxi or Livery Vehicle license, to be utilized for the transportation of passengers of a taxi or livery service;
- (6) Has knowingly permitted any taxi or livery vehicle to be used in the commission or furtherance of any criminal conduct;
- (7) Has refused to permit any inspection authorized or required by the provisions of this Regulation;
- (8) Has failed to prepare, maintain or file any report, record or notice required by the provisions of this Regulation;
- (9) Has engaged in or permitted any conduct that is prohibited by the provisions of this Regulation.

I. NOTICE OF SUSPENSION OR REVOCATION.

Upon the suspension or revocation of a license to operate or manage a taxi or livery service, the Permit Authority shall give written notice of such suspension or revocation, and the reason therefore, to the taxi or livery service by which the suspended or revoked person is employed.

J. *INSPECTION OF RECORDS

During regular business hours, the holder of the permit to operate and manage a taxi or livery service and/or the operator of a vehicle, shall make available, upon demand of a police officer or member of the License Commission all records required to be kept by a taxi or livery service. These records must be retained for a period of two years and will include:

Registry of Motor Vehicle driver records, record of accidents, daily driver logs

K. FARES

Upon request, fares and/or rates shall be made available at the office of each licensed premises.

L. **DISPLAY OF NOTICE TO PASSENGERS**

- L1. Each taxi or livery, on a form to be provided by the Permit Authority and in such manner as to be visible to all passengers, the following notice:
THIS VEHICLE IS OWNED BY: (Name, Address and Phone Number of
Taxi or Livery Service)
- L2. There shall be posted in every taxi and livery vehicle in a manner which is conspicuous at all times to all passengers a notice that states, "If you object to picking up another passenger while being transported to your destination, please inform the driver. The driver is obligated to respect your wishes and will not pick up another passenger upon your request."
(Adopted April 22, 2015)

M. **NOTICE AND ACKNOWLEDGEMENT OF REGULATION**

The License Commission shall provide each applicant for a license or permit with a copy of this Regulation. Each applicant must acknowledge, in writing, the receipt of same.

4. INSPECTION

On an annual basis (date and time to be determined by the License Commission and coordinated with the Fitchburg Police Department and the MA State Police) all vehicles registered as taxi or livery vehicles in the City of Fitchburg shall be presented for a safety inspection to determine if they comply with all MA General Laws, Board of License Commission regulations and City of Fitchburg ordinances. Taxi/Livery establishments shall receive notice of inspections thirty days in advance.

5. RANDOM DRUG AND ALCOHOL SCREENINGS

In order to be prepared to institute random drug and alcohol screenings of taxi drivers, every Taxi/Livery company in the City of Fitchburg shall hold and maintain an active account with an approved testing facility for the purposes of such drug and alcohol screenings. No license shall be issued to a Taxi/Livery company until proof of such account is submitted to the License Commission office.
(Adopted February 18, 2015)

6. Reserved for future use

7. PERMIT TO OPERATE A TAXI OR LIVERY VEHICLE (DRIVERS)

A. APPLICATION PROCESS.

Each application for a permit to operate a taxi or livery vehicle shall be submitted upon a standard form to be developed by the Permit Authority and must be accompanied by an Application/Permit non-refundable fee of \$20.00; two (2) passport size photographs of the applicant. Each application must contain a signed statement, by the holder of a license to operate a taxi or livery service, of intent to hire the applicant.

B. BACKGROUND CHECK.

Upon receipt of an application, a background check, CORI and SORI, shall be conducted of the applicant to determine if the applicant is subject to any of the conditions requiring a denial of the permit.

Each applicant will be requested to sign an Authority for Release of Information form granting the Board permission to request full disclosure of all records including driving records, or any part thereof, concerning him/herself, from any entity whether said records are public, private or confidential in nature.

C. PERMIT TO OPERATE A TAXI OR LIVERY VEHICLE

No person shall operate a taxi or livery vehicle without a valid Massachusetts Motor Vehicle Operator's License and a permit to operate a taxi or livery vehicle issued by the License Commission. The taxi or livery company is responsible for conducting periodic inspections of the driver's Massachusetts Motor Vehicle Operator's License and a permit to operate a taxi or livery vehicle. It is the companies responsibility to insure that drivers have their Massachusetts Motor Vehicle Operator's License and a permit to operate a taxi or livery vehicle in their possession while driving a taxi or livery.

The holder of a permit to operate a taxi or livery vehicle must, within twenty four (24) hours of its occurrence, report the following to the License Commission and, at the same time, surrender his or her permit:

- a) Involvement in any motor vehicle accident; whether on or off duty, which resulted in death, bodily injury or significant property damage;
- b) Being arrested, cited or charged with operating under the influence of liquor or drugs, motor vehicle homicide; operating in a race or operating in a negligent or reckless manner; any crime against a person; or, any felony offense
- c) Suspension or revocation of the permit holder's Massachusetts Motor Vehicle Operator's License, or the suspension or revocation of the permit holder's license or right to operate a motor vehicle in any other state.

D. DENIAL OF PERMIT.

The License Commission shall not issue a Permit if the applicant:

- (1) Has not fully and accurately completed the application;
- (2) Has not attained the age of eighteen (18) years;
- (3) Is not the holder of a valid Massachusetts motor vehicle operator's license authorizing the operation of passenger type motor vehicles;
- (4) *Has, in any jurisdiction during the past 5 years, been convicted of a felony or, in regard to any felony offense, has a finding of sufficient facts for a finding of guilty; (the 5 years to begin with the emancipation of criminal charges, probation, parole or jail release)
- (5) Has, in any jurisdiction, been convicted of distribution of any controlled substance;
- (6) Has, in any jurisdiction, been convicted of or subject to a finding of sufficient facts for a finding of guilty relative to a criminal offense that involved causing death or serious bodily injury in a motor vehicle accident;
- (7) Has, in any jurisdiction, during the past five years been convicted of a misdemeanor offense or, in regard to a misdemeanor offense, had a finding of sufficient facts for a finding of guilty, if said misdemeanor offense involved: assault, assault & battery; threatening; larceny; fraud; prostitution; gaming; illegal sale or distribution of an alcoholic beverage; use or possession of a controlled substance; operating a motor vehicle while under the influence of liquor or drugs; operating a motor vehicle in a race or in a negligent or reckless manner; leaving the scene of a motor vehicle accident; or refusing to stop or submit to a police officer;
- (8) Has, in any jurisdiction, during the past five years been involved in two or more at-fault motor vehicle accidents;
- (9) Has, in any jurisdiction, during the past five years been found responsible for or guilty of two or more civil or criminal violations of motor vehicle law relating to the unsafe operation of a motor vehicle; (the 5 years to begin with the emancipation of criminal charges, probation, parole or jail release)
- (10) Has, in any jurisdiction, a driving record that tends to indicate unsafe operation of motor vehicles or a disregard for motor vehicle law;
- (11) Has, within the previous five (5) years, had a permit to operate a taxi or livery vehicle revoked for any reasons listed in Section G – Suspension and Revocation of permit.
- (12) The License Commission may, upon receipt of a written request by an applicant denied a Permit under paragraphs 4, 5, and 6 of this section, hold a hearing and reconsider its denial. It shall be the applicant's burden to produce substantial evidence at the hearing that the public health, safety and welfare is furthered by reconsideration of the Commission's denial. If the License Commission finds that the applicant has sustained his burden with respect to that effect, the Commission may issue a Permit. Any Permits issued in this manner may be limited or conditioned as the Commission sees fit in the best interest of the public.
- (13) The License Commission may utilize the following discretion when necessary: The board may grant a license after making specific written findings that in light of the age and history of the particular applicant , the applicant has demonstrated a long period of sobriety; the applicant has not engaged in other criminal activity which would suggest a continued use for

intent to distribute any controlled substances; the applicant's license will provide the applicant with gainful employment. The license might be conditioned upon the applicant's willingness to submit to random drug and alcohol screens paid for by the applicant. The time, place, and manner of any to random drug and alcohol screens to be left at the discretion of the Commission.

(Revised January 22, 2014)

E. ISSUANCE AND DISPLAY OF PERMIT.

An Applicant, who is not subject to any of the conditions requiring a denial of a permit, shall be issued such permit upon a standard form to be developed by the Permit Authority. Such permit must be displayed, in a place visible to any passenger, in any taxi or livery vehicle operated by the permit holder.

F. DURATION AND VALIDITY OF PERMIT.

A permit to operate a taxi or livery vehicle shall be valid for not more than two (2) years from date of issuance. Such permit may be used to operate a taxi or livery service licensed under the provisions of the Regulation.

G. SUSPENSION OR REVOCATION OF PERMIT.

A Permit to operate a taxi or livery vehicle may be suspended or revoked after notice to the holder of such permit and a hearing before the License Commission.

Suspension or revocation is authorized if the License Commission determines, according to a standard of the evidence, that the permit holder:

- (1) Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this Regulation;
- (2) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;
- (3) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty relative to a criminal offense that involved causing death of serious injury in a motor vehicle accident;
- (4) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any misdemeanor offense involving; assault & battery; threatening; larceny; fraud, prostitution, gaming' illegal sale or distribution of an alcoholic beverage; use of possession of a controlled substance; operating a motor vehicle while under the influence of liquor or drugs; operating a motor vehicle in a race or in a negligent or reckless manner; leaving the scene of a motor vehicle accident; or, refusing to stop or submit to a police officer;
- (5) Is, in any jurisdiction, involved in an at-fault motor vehicle accident;
- (6) Is, in any jurisdiction, found responsible or guilty of any civil or criminal violation of motor vehicle law relating to the unsafe operation of a motor vehicle;
- (7) Has operated a vehicle, without a taxi or livery vehicle permit, for the transportation of passengers of a taxi or livery service;
- (8) Has, in regard to the operation of a taxi or livery vehicle, engaged in unfair, deceptive or unsafe practices;

- (9) Has knowingly operated a taxi or livery vehicle in the commission or furtherance of any criminal conduct;
- (10) Has refused to permit any inspection authorized or required by the provisions of this Regulation;
- (11) Has failed to prepare, maintain or file any report, record or notice required by the provisions of this Regulation;
- (12) Has had his or her Massachusetts Motor Vehicle Operator's License suspended or revoked;
- (13) Has been involved in a motor vehicle accident that resulted in death or serious bodily injury, unless an official of competent authority has determined that the permit holder was not at fault in the accident;
- (14) Has engaged in any conduct that is prohibited by the provisions of this Regulation;

H. NOTICE OF SUSPENSION OR REVOCATION OF PERMIT.

Upon the suspension or revocation of a permit to operate a taxi or livery vehicle, the License Commission shall give written notice of such suspension or revocation, with the reason therefore, to the holder of the permit to operate or manage a taxi or livery service by which the suspended or revoked person is employed

I. *INSPECTION OF LICENSE AND/OR PERMIT.

The holder of a permit to operate a taxi or livery vehicle shall make available, upon demand of any police officer or member of the Fitchburg License Commission their Massachusetts Driver's License and their taxi permit. Both of these items are required to be on the person while operating a taxi or livery vehicle. The operator of a taxi or livery vehicle must permit such officer or member to inspect the vehicle to determine its compliance with the provisions of this Regulation.

J. RANDOM DRUG AND ALCOHOL SCREENINGS

When a taxi driver permit is approved with conditions involving random drug and/or alcohol screenings, the taxi company for which the driver will be working is required to open an account at a drug and alcohol testing facility, approved by the License Commission, so that such random testing may be conducted at the expense of the taxi company. The regulation will not prevent the taxi company from collecting the testing fee from the taxi driver. The taxi driver applicant will execute the appropriate HIPA form to allow the taxi company to release the results to the License Commission and the employer.

(Adopted October 20, 2014)

8. GENERAL PROVISIONS

A. NOTIFICATION OF CHANGE OF ADDRESS

A License holder must give notice of any change of address, by certified mail, written notice of any such change to the License Commission.

B. NOTICE AND ACKNOWLEDGEMENT OF REGULATION

The Taxi or Livery company shall provide each driver with a copy of sections 7 and 8 this Regulation. Each applicant must acknowledge on a form, to be designed by the License Commission, the receipt of this regulation. A copy of this acknowledgement will be delivered to the License Commission before the driver permit is issued.

C. NO SMOKING

There shall be NO SMOKING in taxi/livery vehicles at any time.
(Revised May 5, 2008)