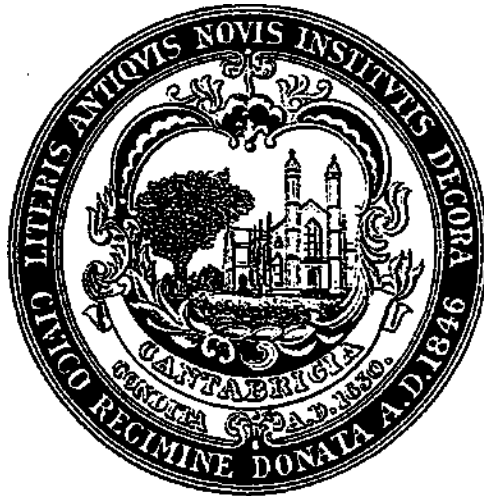


BOARD OF LICENSE COMMISSIONERS

HACKNEY RULES & REGULATIONS ("HACKNEY RULES")



*Amended and Adopted on June 19, 2017 by the
2017 Board of License Commissioners:*

Nicole Murati Ferrer, License Commission Chair
Brent B. Larrabee, Police Commissioner
Gerard Mahoney, Fire Chief

RULE 1 – DEFINITIONS

- 1.1** An “Accessibility Medallion” is a Medallion issued by the License Commission which is to be used with a Hackney Carriage for providing accessible transportation.
- 1.2** A “Hackney Carriage” is a vehicle used, or to be used, for the conveyance of persons for hire from any point of origin within the City of Cambridge to any other location, **except:** a street railway car or a trackless trolley vehicle within the meaning of G. L. c. 163, § 2; a jitney or special bus, or a livery service; or a vehicle operated as a Personal Transportation Network Vehicle pursuant to 540 CMR 2.05.
- 1.3** A “Hackney Driver’s License” is a license granted by the License Commission to an individual to operate a Hackney Carriage.
- 1.4** A “Licensed Hackney Driver” is an individual, also referred to as a “Hackney Driver,” granted a Hackney Driver’s License to operate a Hackney Carriage by the License Commission.
- 1.5** The “License Commission” (or “Commission”) is the Board of License Commissioners granted power by Chapter 95 of the Acts of 1922 to grant licenses to individuals to operate Hackney Carriages under the authority of Section 22 of Chapter 40 of the General Laws and granted power by Chapter 122 of the Acts of 1930 and to grant licenses to the owners of motor vehicles for the letting out of motor vehicles for hire, however computed or determined.
- 1.6** A “Meter” or “Taximeter” is a device in a Hackney Carriage used to calculate the amount charged for any trip conducted by a Hackney Carriage.
- 1.7** A “Special Stand” is a location where a vehicle required to be licensed as a Hackney Carriage can wait the arrival of either a passenger or of a message to pick up a passenger elsewhere.
- 1.8** A “Hackney Carriage License,” (also known as a “Medallion,”) is the plaque issued by the License Commission to identify a Hackney Carriage which has been inspected and licensed to do business as a Hackney Carriage in the City of Cambridge, and is affixed to a Hackney Carriage to which it is assigned by the License Commission.

RULE 2 – SCOPE

- 2.1** The rules and regulations contained herein supersede all former Hackney Carriage rules and regulations issued by the Board of License Commissioners.

2.2 The provisions of the Public Transportation Ordinance, Chapter 5.20 and the Vehicle Trip Reduction Ordinance, Chapter 10.17 of the Cambridge Municipal Code, are hereby incorporated by reference and made a part hereof.

2.3 These Rules and Regulations apply to all Hackney Carriages, Hackney Drivers and Medallion owners operating within the City of Cambridge and any other that must be licensed by the License Commission.

2.4 If any article, section or subsection contained herein is held invalid or unconstitutional by a Court of competent jurisdiction, the remaining provisions of these Rules and Regulations shall remain valid and enforceable. These Rules and Regulations are subject to changes, amendments, and deletions at any time by the License Commission.

RULE 3 – GENERAL PROVISIONS

3.3 It is the responsibility of Medallion owners and Hackney Drivers to notify the License Commission as to any changes of their contact information, driving record, or criminal record. Such notification shall be made in writing to the License Commission and within three (3) business days of any such change.

3.4 Medallion owners and Hackney Drivers shall respond to any request for information from the License Commission and/or its agents/designees within the time prescribed in such a request. If not time is prescribed in the request, a response must be provided no later than twenty (20) calendar days from the date of the request.

3.5 When any person subject to the Rules and Regulations herein is called to appear before the License Commission or any of its agents, that person shall comply and appear, including, but not limited to, being called to appear for offering a Hackney Carriage for inspection by the License Commission or its agents/designees. Failure to comply with this rule may result in suspension or revocation of the person(s) Hackney Driver's License or related/owned Medallion.

3.6 No Medallion owner, employee of a Medallion owner, or Hackney Driver may hinder a police or License Commission investigation.

3.8 Hackney Carriages and all devices therein used to conduct the business of transportation for hire, are subject to inspection at any time by the License Commission, its designees, Hackney Officers or any Cambridge Police Officer, and/or any employee of the Weights and Measures Department of the City of Cambridge.

RULE 4 – DISCIPLINE

4.1 Any violations of any applicable law, the Rules and Regulations herein, License Commission directive, or orders or directives from a Hackney Officer, Cambridge Police Officer, or agent/designee of the License Commission, may result in:

- (A) Suspension, conditioning, or revocation of the Hackney Driver's license;
- (B) Suspension, conditioning, or revocation of the Medallion;
- (C) Civil fines of up to \$300.00 per violation; and/or
- (D) Criminal charges or penalties.

4.2 The License Commission may add conditions to suspend or revoke any Hackney Driver's License or Medallion, for good cause shown following notice and a hearing.

4.3 The License Commission may assess a fine of up to \$300.00 for each violation of these Rules and Regulations and each day's violation shall constitute a separate offense.

4.4 Hackney Officers and any Cambridge Police Officer may seize or suspend a Medallion or Hackney Driver's License if he or she believes there has been a violation of any law or these Rules and Regulation that threatens public safety.

4.5 Any Medallion owner or Hackney Driver aggrieved by an inspection, or action taken by a License Commission designee, may appeal such a decision or action to the License Commission.

RULE 11 – MEDALLIONS

11.1 Every person, whether an individual, corporation, partnership or other legal entity intending to operate a vehicle in the City of Cambridge as a Hackney Carriage shall obtain a Medallion issued and authorized by the License Commission.

11.2 A Medallion shall be valid for a term of twelve (12) months from May 1, of any given year, through April 30 of the next year. Medallions can be applied for at any time, but always expire on April 30th. Medallions may be renewed annually subject to the sole discretion of the License Commission.

11.3 No motor vehicle will be issued or granted a renewal of a Medallion to operate as a Hackney Carriage without:(a) a valid certificate of registration issued by the Massachusetts Registry of Motor Vehicles; and (b) documentation that the motor vehicle has passed the annual Massachusetts Safety and Emissions Inspection.

11.4 The failure of Medallion owner and/or Hackney Driver to pay any excise, state, municipal or federal taxes and/or municipal fines, may impede the issuance or renewal of a

Medallion or Hackney Driver's License and/or may result in the suspension or revocation of a Medallion or Hackney Driver's License after a hearing before the License Commission.

11.5 A Medallion shall not be sold, assigned or transferred without the Medallion owner obtaining the prior written authorization of the License Commission.

11.6 No sale, transfer or assignment of a Medallion shall be approved unless the Hackney Carriage for which the Medallion will be used has been submitted to the License Commission or its agent/designee for inspection.

11.7 If a Hackney Carriage is not being sold, assigned or transferred with a Medallion, the Medallion owner shall remove any markings designating on the Hackney Carriage for which it has been used as a licensed Hackney Carriage as prescribed in Article VIII, Rule 2.

11.8 If a Hackney Carriage is junked or totaled, and will no longer be using the Medallion with the Hackney Carriage, the Medallion owner shall submit documentation of the same to the License Commission within seven (7) days.

11.9 The seller or buyer of a medallion shall not restrict future sale, transfer or assignment of said Medallion.

11.10 If a Medallion is lost or destroyed, the Medallion owner must immediately provide written notice to the License Commission. Upon such notice, the License Commission may grant written authorization to the Medallion owner to operate the Hackney Carriage until a determination has been made as to whether to issue a replacement Medallion. If the issuance of a replacement Medallion is authorized by the License Commission, a fee may be charged for its issuance.

11.11 A Medallion owner shall not lease a Medallion to another person without first obtaining written approval from the License Commission.

11.12 Any person seeking to lease a Medallion to another person shall seek approval from the License Commission of any potential lessees. Any proposed lessor of a Medallion shall provide the License Commission with the names of all proposed lessees, dates of birth, home/business addresses, emails and phone numbers, and any other information sought by the License Commission.

(A) The License Commission may, in its sole discretion, deny any request to lease a Medallion.

(B) Proposed lessees shall be subject to all the licensing requirements set forth in these rules and regulations.

(C) Potential lessees must subject themselves to a Criminal Offender Record

Information and driving record check in addition to any other requirements set forth in these rules and regulations.

(D) The approval of a lease may be done during the administrative session of a meeting of the License Commission or referred to a hearing to consider approval of the same by the License Commission.

11.13 The lessor/owner of the Medallion shall be responsible for any lessee's actions and/or the operation of the Hackney Carriage associated with the Medallion. Any violation of these rules and regulations committed by the lessee of the leased Medallion may result in the immediate temporary suspension of the Medallion. In addition, after a hearing before the License Commission, the Medallion may be further suspended and/or revoked, and the License Commission's approval of the lease agreement may also be rescinded.

11.14 All lessees must have a Hackney Driver's License issued by the License Commission if any lessee shall operate a Hackney Carriage associated with a Medallion.

11.15 A Medallion owner who pledges a Medallion as security on a loan must provide written notification of it to the License Commission. The notification must include the name of the person or institution which holds the pledge, and all pertinent contact information.

11.16 The terms of a loan or pledge agreement shall be in conformity with the provisions of these rules and regulations, Cambridge Municipal Code Chapter 5.20 and all applicable federal, state and local laws, rules and regulations.

RULE 12 – LICENSE REQUIREMENTS

12.1 Every owner of a Medallion and every driver of a Hackney Carriage must obtain a Hackney Driver's License from the License Commission.

12.2 The License Commission, in its sole discretion, may deny an application for the issuance or the renewal of a Hackney Driver's License.

12.3 Any person seeking to drive a Hackney Carriage or holding a Hackney License must:

- (A) Be at least eighteen (18) years old;
- (B) Have a valid Massachusetts driver's license;
- (C) Must submit themselves to a Criminal Offender Record Information ("CORI) and driving history check; and
- (D) Be able to read, write and speak English, or understand spoken English sufficiently to discharge the duties of a Hackney Driver.

12.4 An application for the issuance or for the renewal of a Hackney Driver's License may be denied and suspension or revocation of a Hackney Driver's License may occur if:

- (A) The applicant/holder does not have a valid Massachusetts driver's license;
- (B) The applicant/holder has been convicted of a felony involvement in illegal lottery, parole or probation violation, sex offense, assault and battery, disobeying directives of a police officer, narcotic or alcohol offense, illegal possession of firearms, or fraud;
- (C) The applicant/holder's criminal or driving history shows that within the past four (4) years they have been convicted of any of the aforementioned crimes or issued four (4) or more motor vehicle moving violations; or
- (D) The License Commission or its agents/designees, or the Hackney Officers or any Cambridge Police Officer determine that the applicant/holder has engaged in conduct that presents a danger to public safety.

12.5 A Hackney Driver's License expires at the end of the month of the Hackney Driver's month of birth. The Hackney Driver's License shall be renewed before the end of said month. A Hackney Driver's License shall not be renewed unless the Hackney Driver completes the renewal procedure which shall include paying all related fees, and subjects himself/herself to a background Criminal Offender Record Information and driving history check and meets all the requirements set forth in these rules and regulations. Failure to renew a Hackney Driver's License shall make it null and void upon expiration.

12.6 At all times while on duty, the Hackney Driver's License must be prominently displayed in the Hackney Carriage and available for inspection by the passenger and any other member of the public.

12.7 Hackney Drivers are not prohibited from holding a hackney carriage driver's license from any other state or municipality, however such a license does not permit a person to operate a Hackney Carriage in Cambridge without a Hackney Driver's License issued by the License Commission.

RULE 13 – HACKNEY CARRIAGES

13.1 Any make or model of motor vehicle is eligible for operation as a Hackney Carriages after inspection and approval by the License Commission and/or its designees.

13.2 No Medallion used in connection with a Hackney Carriage shall issue until the License Commission or its agents/designees inspect and approve the proposed Hackney Carriage.

13.3 After the License Commission issues a Medallion for use in connection with a Hackney Carriage, any Hackney Carriages must be inspected at least once annually and prior to May 1 of each year.

13.4 A Medallion owner or Hackney Driver shall submit a Hackney Carriage for inspection upon request by a Hackney Officer.

13.5 The number of passengers that may be transported by a Hackney Carriage is limited by the number of belted seats in the Hackney Carriage.

13.6 Hackney Carriages may only operate if approved for such use by the License Commission, which approval is evidenced by a Medallion affixed to the Hackney Carriage and approved by the License Commission or its agents/designees.

13.7 All Hackney Carriages must have permanent decals or painted markings on both sides of the Hackney Carriage with the business name (if any), and the words "Cambridge Licensed Taxi # [insert # of Medallion]." The lettering and numbers must be at least two (2) square inches in height. Removable decals are not permitted.

13.8 All Hackney Carriages that are operated by the same person or entity, must be the same color, with each Hackney Carriage displaying the same letters, numbers and designations as set forth in subsection (A), above.

13.9 Each Hackney Carriage shall be equipped with a sealed Meter or an electronic/soft Meter.

(A) No Hackney Carriage shall be operated unless its Meter has been inspected, sealed (when applicable) and approved by the Hackney Officers and, when applicable, the City of Cambridge's Sealer of Weights and Measures or his or her designee.

(B) The information displayed on the Meter shall be visible to the passenger(s) at all times.

(C) The tampering of a Meter shall be construed as a public safety violation which may result in immediate suspension and/or seizure of a Medallion and/or Hackney Driver's License, and may result in the revocation of the Medallion and/or Hackney Driver's License after a hearing.

(D) If the Meter does not have the capability to produce an automatic receipt, the Hackney Driver must furnish a receipt to the passenger upon request.

13.10 A Hackney Carriage cannot be operated if the Meter is malfunctioning and/or is not properly calibrated. Once the Meter is repaired and/or recalibrated, it must be presented to the Hackney Officers, and when applicable, the City of Cambridge's Sealer of Weights and Measures or his or her designee.

13.11 If a Meter is not operating correctly or becomes inoperative during a trip, the Hackney Driver must immediately notify the passenger(s) and allow the passenger(s) to decide whether the trip immediately ends (and the passenger(s) pays whatever fare is displayed on the Meter), or continues (after a reasonable fare is agreed upon). After the trip is completed: the Hackney Carriage cannot

operate until the Meter is repaired or recalibrated; and sealed/inspected by the Hackney Officers, and when applicable, the City of Cambridge's Sealer of Weights and Measures or his or her designee.

13.12 Hackney Carriages shall have a working "trouble light." Hackney Drivers shall use it to request police or other public safety personnel assistance in the event that the safety of the Hackney Driver or passenger(s) is at issue.

13.13 The roof light on the outside roof a Hackney Carriage shall be lit when it is available for hire. Conversely, it should be off when not available for hire.

13.14 Every Hackney Carriage/Hackney Driver shall have the following at all times while on duty:

- (A) The most recent edition of the License Commissions applicable rules and regulations;
- (B) Blank receipt forms;
- (C) Any sticker required, by the License Commission or its designees, to be affixed on the inside or outside of the Hackney Carriage; and
- (D) Change for a \$20.00 bill.

13.15 Hackney Drivers must accept payment in the form of cash, debit or credit cards, and/or City of Cambridge Elderly/Disabled Person Discount Coupons.

- (A) Hackney Drivers, unless asked by the passenger(s), cannot directly or indirectly reference a preferred form of payment.
- (B) Credit and debit card payments must be processed electronically.

RULE 14 – REQUIREMENT FOR HACKNEY DRIVER'S OPERATION OF HACKNEY CARRIAGE

14.1 Hackney Drivers shall not operate a Hackney Carriage for more than twelve (12) consecutive hours within a twenty-four (24) hour period.

14.2 Hackney Drivers shall not operate a Hackney Carriage impaired.

14.3 While on duty, Hackney Drivers shall not consume alcoholic beverages or any controlled substance or prescribed drug which may impair a person's ability to operate a motor vehicle.

14.4 Hackney Drivers shall not illegally sell, use or possess any controlled substances, or give information as to where such substances may be illegally obtained.

14.5 Hackney Carriages shall be operated with due regard for the safety, comfort and convenience of passengers and the general public.

14.6 A Hackney Carriage Driver shall operate any Hackney Carriage in accordance with all applicable laws, and rules and regulations of the Commonwealth of Massachusetts and the City of Cambridge.

14.7 Any conduct associated with the operation of a Hackney Carriage which poses a threat to public safety shall constitute a violation of these rules and regulations. Such violations shall authorize a Hackney Officer or Cambridge Police Officer to immediately suspend a Hackney Driver's License or Medallion.

14.8 Hackney Drivers must remain inside or next to their Hackney Carriage while in a Special Stand unless stepping away for a few minutes to use a bathroom.

14.9 Hackney Drivers shall not instruct or advise members of the public that they may only hire a Hackney Carriage that is first in line in at a Special Stand.

14.10 Hackney Drivers shall not use a phone, tablet or other electronic device while operating a Hackney Carriage except when the use is required to complete the trip.

14.11 Every Hackney Driver shall report to the police any crimes or any suspicious actions of passengers or other persons that s/he may observe.

14.12 Hackney Drivers and passengers are prohibited from smoking cigars, cigarettes, electronic cigarettes, pipes or controlled substances in a Hackney Carriage.

14.13 Hackney Drivers, while on duty, may refuse to transport a person only in the following circumstances:

- (A) A Hackney Carriage is in route to or on a previously scheduled trip;
- (B) The Hackney Driver has reason to believe the person is under the influence of alcohol or drugs;
- (C) A person is unduly disorderly, discourteous to the Hackney Driver, disheveled, or emits an offending odor;
- (D) The Hackney Driver reasonably believes that the person poses a danger to the safety of the Hackney Driver or his/her ability to drive the Hackney Carriage in a safe manner;
- (E) The Hackney Carriage is inoperable;
- (F) The person is deceased and placed in the Hackney Carriage by others; or

(G) Providing a ride would assist or facilitate the commission of a crime.

14.14 Hackney Drivers shall not refuse to transport a person's possessions, including but not limited to, a service animal, a wheelchair, walker or other mobility assistive device or any item that can be stored in the Hackney Carriage. No extra charge shall be charged to such person for the transport of a wheelchair, walker or other mobility assistive device.

14.15 Hackney Drivers who have a medically diagnosed allergy to animals, shall not refuse to transport a person with a service animal. Medallion owners shall provide such Hackney Drivers access to a Hackney Carriages with a partition.

14.16 No Hackney Driver shall mandate that a passenger sit in the front seat of the Hackney Carriage.

14.17 Hackney Drivers can refuse a passenger's request to sit in the front seat of the Hackney Carriage.

14.18 Hackney Drivers shall use the most direct available route on all trips unless:

(A) A less direct route, to which the passenger has agreed, can have the passenger reach his/her destination in less time;

(B) The passenger requests an alternate route; or

(C) There is a detour which impedes the use of the most direct route.

14.19 Any property found must be returned to the passenger whenever possible. Otherwise, the property shall be delivered to the Cambridge Police Department's Property Room within twenty-four (24) hours. The Hackney Driver must notify the License Commission of such delivery immediately.

14.20 Hackney Drivers are prohibited from picking up passengers or accepting a hail outside the boundaries of Cambridge except when the pick-up was pre-arranged or during a state of emergency declared by the Governor of Massachusetts.

RULE 15 – FARES TO BE CHARGED

15.1 Passengers may only be charged the amount displayed on the Meter except when the Hackney Driver, at his/her discretion, offers a discount to the passenger.

15.2 Upon arriving at a pick-up address, the Hackney Driver shall not charge a passenger for waiting time for the first five (5) minutes of waiting.

15.3 Where a Hackney Carriage has been requested for a specific pre-arranged time, no charge for waiting time shall be made for a premature arrival and any charges for waiting time

shall not commence until the first five (5) minutes of time after the pre-arranged time has expired.

15.4 No charge shall be made for waiting time if the Hackney Carriage has broken down.

15.5 The Hackney Driver shall suspend operation of the Meter during the time that any drawbridge is opening, open, or closing.

15.6 Only the following surcharges may be added on to the fare displayed on the Meter:

(A) The cost of any tolls for tunnels and toll ways; or

(B) A surcharge of \$0.50 per luggage piece the Hackney Driver handles for the passenger, except for a passenger's wheelchair, walker or other mobility assistive device.

15.7 If the total fare is under \$7.00, one (1) Elderly/Disabled Person Discount coupon shall be accepted and if the total fare is over \$7.00, at least two (2) such coupons shall be accepted. The passenger pays the difference.

RULE 16 – ACCESSIBLE HACKNEY CARRIAGES

16.1 A Hackney Carriage may be designated or advertised as an Accessible Hackney Carriage only if it is inspected and approved for such designation by the License Commission or its agents/designees and the Executive Director of the Commission for Persons with Disabilities.

16.2 Any Hackney Carriage that has been issued an Accessibility Medallion must operate twenty-four (24) hours a day.

(A) Accessibility Medallion owners shall take all reasonable steps to ensure that an Accessible Hackney Carriage is available and operating twenty-four (24) hours a day.

(B) Hackney Drivers shall not operate an Accessible Hackney Carriage for more than twelve (12) consecutive hours during a single twenty-four (24) hour period.

(C) Accessibility Medallions in connection with a Hackney Carriage that are not in operation twenty-four (24) hours a day are subject to revocation.

16.3 Hackney Drivers of an Accessible Hackney Carriage shall be trained in the proper methods of assisting passengers with disabilities, including entry and exiting Hackney Carriages, and loading and unloading of wheelchairs, walkers and other mobility assistive devices and service animals.

RULE 17 – RADIO/DISPATCH AND SIMILAR SERVICES

17.1 Each radio or, dispatch service or similar service which receives requests for transportation for hire by Hackney Carriages and which, by wire, cable or radio dispatches any Hackney Carriage for pick-up in the City of Cambridge must be licensed by the License Commission.

17.2 Each radio, dispatch services or similar service is subject to all rules and regulations herein, including but not limited to those in Article I.

17.3 No employee of a radio or dispatch service or similar service shall ask a customer whether s/he has a disability or uses a service animal, wheelchair, walker or other mobility assistive device.

17.4 A radio or dispatch service or similar service cannot refuse to dispatch a Hackney Carriage because of a passenger's disability and/or use of a service animal, wheelchair, walker or other mobility assistive device.