

TOWN OF PLYMOUTH
RULES AND REGULATIONS FOR THE REGULATION
OF VEHICLES FOR HIRE

It is hereby ordered that the rules and regulations for taxis and livery vehicles by the Board of Selectmen of the Town of Plymouth are hereby declared adopted.

ARTICLE I DEFINITIONS

Board - The Board of Selectmen of the Town of Plymouth or its designee.

Examiner – Chief of Police of the Town of Plymouth or any person or persons so designated by the Chief of Police.

Inspectional Services – Director of Inspectional Services of the Town of Plymouth or any person or persons so designated by the Director of Inspectional Services.

Number Plate - The sign or markers furnished by the Registry of Motor Vehicles on which is displayed the license number or marks assigned to a vehicle for hire.

Operator - Any person who operates a vehicle for hire.

Taxi - A private passenger motor vehicle registered as such, with a taxi-meter, used or designed to be used, for the conveyance of passengers for hire from place to place but not over a fixed route or between fixed and regular termini. This type of vehicle may be requested by call to a dispatcher or "hailed" on public ways for securing a ride. It also may pick up passengers in areas designated for taxis.

TAXI-METER- An instrument or device approved by the Director of the Division of Standards by which the charge to a passenger for hire of a licensed vehicle is automatically calculated and on which such charge is plainly indicated.

Taxi Stand- An area designated for parked taxicabs awaiting passengers where an operator must remain with their vehicle.

Livery– A private passenger vehicle (including but not limited to limousines) registered as such, the designed seating capacity of which does not exceed 15 passengers (including the driver), without a taxi meter for hire for transport of passengers for designated events (such as weddings, funerals, celebrations, airport transport, touring, or similar contractual purposes) . This type of vehicle must be rented by means of a telephone request to the registered place of business of the owner or a contract arranged in advance of the time of the designated pickup. No licensed limousine/livery vehicle may pick up a person in response to a street hail or may stand in special areas authorized for taxicabs. This does not include vehicles engaged exclusively to provide services to funeral homes.

Seat - The space in a vehicle for hire ordinarily occupied by one person.

Way - Any public way, any private way laid out for public use, any way dedicated to public use or any place to which the public has a right of access as invitees or licensees.

Vehicle for Hire Business Permit – Permit issued by the Board of Selectmen authorizing the operation of vehicle for hire business.

(ARTICLE I DEFINITIONS Cont'd)

Vehicle for Hire License - License issued by the Board of Selectmen to a vehicle for hire business permit holder authorizing the use of a particular vehicle.

Vehicle for Hire Operator's License - License issued by the Board of Selectmen to authorize the holder thereof to operate a vehicle for hire.

Vehicle for Hire - Any vehicle used or to be used as a taxi or livery vehicle.

ARTICLE II VEHICLE FOR HIRE BUSINESS PERMIT

Section 1. Permit Required

Prior to operating a vehicle for hire in the Town of Plymouth, an applicant must secure a vehicle for hire business permit.

Section 2. Application

Applications for a vehicle for hire business permit shall be made in writing, on Town approved forms, to the Board of Selectmen, and shall provide, under oath, such information as the Board of Selectmen may require, including the following:

- (a) The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association, or unincorporated company, the name and addresses of the partners or associates and the address of its principal place of business; and, if a foreign corporation, partnership or unincorporated company, the name and address of an agent for service of process.
- (b) Whether the applicant seeks a permit for a taxi or livery service.
- (c) The intended place of business within the Town of Plymouth.
- (d) The intended place of nighttime vehicle storage.
- (e) The name of the manager or principal representative.
- (f) Proposed hours of operation.
- (g) A telephone number where the permittee may be contacted during the day and in the evening.

Section 3. Fee

The annual fee for a vehicle for hire business permit or renewal of same shall be fifty dollars (\$50.00)

Section 4. Grant or Denial

The Board, in determining whether to issue a permit, may consider: public demand for the proposed service; the effect of the proposed service upon relevant traffic and safety conditions; the suitability and financial stability of the applicant; and any and all other relevant facts and circumstances.

The Board of Selectmen may, upon receipt of a completed application, issue a permit under such terms and conditions as it deems appropriate and in the public interest. The Board of Selectmen may require that the permittee provide the Board with a continuously updated list of those persons employed by the permittee as operators of vehicles for hire.

(Section 4. Grant or Denial Cont'd)

Such permit shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended. A permit may be revoked or suspended for a violation of the law or these regulations, or if the public health and safety so requires. The Board of Selectmen shall, as soon as is practicable, provide the permittee with written notice of the revocation or suspension, and inform the permit holder of the right to a hearing before the Board.

A request for a hearing must be made in writing within ten (10) days of receipt of the notice. At the hearing the permittee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. Upon suspension or revocation, said permit shall be immediately surrendered to the Board of Selectmen. A request for a hearing shall not delay any suspension or revocation.

Section 5. Need and Convenience

No later than June 1 of each year, the Board shall determine the number of, and conditions and restrictions applicable to, vehicles for hire. Such determination shall be made based upon public need and convenience and the promotion of public health and safety.

ARTICLE III VEHICLE FOR HIRE LICENSE

Section 1. Application

Application for a vehicle for hire license shall be made to the Board by the holder of a vehicle for hire business permit. Such application shall set forth under oath all information that the Board may require, including:

- (a) The make, model, vehicle identification number and age of the vehicle.
- (b) A copy of the certificate of insurance coverage page for the vehicle.
- (c) Vehicle registration.
- (d) The place at which the vehicle for hire will be stored overnight.

Section 2. License Required

Prior to the operation of any vehicle as a vehicle for hire, a vehicle for hire business permittee must secure a vehicle for hire license for each vehicle. The Board of Selectmen may only issue a vehicle for hire license if the vehicle has passed an inspection administered by Inspectional Services, or their designee, as provided in Article III, §11 of these regulations.

A vehicle for hire license shall set forth the applicant's name and address, name and place of business of the vehicle for hire business permittee a description of the vehicle with its identification number or numbers and the number of seats exclusive of the operator. Such license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended.

Section 3. Change of Address

When a vehicle for hire business permit holder changes his address or the place at which a vehicle for hire owned is kept, the permittee shall notify the Board within three days of such change.

Section 4. License to be Displayed

No vehicle for hire shall be operated without a valid vehicle for hire license displayed in clear view of the passengers.

Section 5. Vehicle Rates to be Displayed

Every vehicle for hire shall have displayed in clear view of the passengers a notice of the current rates.

Section 6. Fee

The annual fee for a vehicle for hire license or renewal of same shall be fifty dollars (\$50.00), which amount shall include the annual inspection as required in Article III, §11 of these regulations, and administrative expenses. The fee for a duplicate or amended vehicle for hire license shall be fifty dollars (\$50.00).

Section 7. Insurance Certificate

All licensees shall maintain appropriate vehicle insurance as required by the Commonwealth of Massachusetts and shall carry evidence of such insurance in the licensed vehicle at all times. A copy of this insurance certificate must be provided to the Licensing Authority at time of application and each year at renewal time. The policy shall state that if it is revoked or amended, the insurance company will notify the Licensing Authority no later than thirty (30) days prior to the effective date of the revocation or amendment.

Section 8. Suspension or Revocation

The Board of Selectmen may suspend or revoke a vehicle for hire license or licenses at any time if, in the opinion of the Board or the Examiner, any section of the law or these regulations has been violated by the license holder, or as the public health and safety so require. A license may be revoked or suspended for a violation of the law or these regulations, or if the public health and safety so requires. The Board of Selectmen shall, as soon as is practicable, provide the licensee with written notice of the revocation or suspension, and inform the license holder of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. Upon suspension or revocation, said license shall be immediately surrendered to the Board of Selectmen. A request for a hearing shall not delay any suspension or revocation.

Section 9. Transfer or Sale of License Prohibited

No vehicle for hire license provided for in these regulations shall be sold, assigned or transferred, and such sale, assignment or transfer shall automatically terminate said license. Nor shall a majority in interest of any entirety holding such a license be sold, assigned or transferred. Such sale, assignment or transfer shall automatically terminate said license.

Section 10. Vehicle for Hire Sale

Any vehicle for hire business permittee who shall cease to be the owner of said vehicle, shall at once surrender the vehicle for hire license for said vehicle to the Board.

Section 11. Annual Inspection

Before a vehicle for hire is licensed, and annually in order to renew the license at a time selected by Inspectional Services, such vehicle for hire shall be thoroughly inspected and examined by a designee of Inspectional Services for the purpose of determining that the vehicle for hire is in good condition, clean inside and outside, of good appearance, and well painted. At the time of the annual inspection, the operator of the vehicle for hire shall present to the Inspectional Services designee, the vehicle for hire license application/inspection card supplied by the town for each vehicle for hire. The Inspectional Services designee shall, after inspecting the vehicle, either date and sign the vehicle for hire license application/inspection card and return it to the operator or inform the operator of corrections that must be made before the license application/inspection card will be returned. Any vehicle having failed an inspection and requiring re-inspection shall be subject to an additional twenty dollar (\$20.00) re-inspection fee. Nothing herein shall relieve a vehicle for hire business permittee of its sole responsibility to ensure the safety of the vehicle and compliance with all applicable laws and regulations, and the vehicle for hire business permittee is at all times responsible for the vehicle and shall be liable for all penalties and/or damage resulting from the operation of the vehicle by an employee, agent, or any other person operating the vehicle.

Section 12. Unfit Vehicle for Hire

The Board of Selectmen shall refuse to issue a vehicle for hire license or, if already issued, revoke or suspend said license for any vehicle for hire found to be unfit, un-inspected by the Massachusetts Department of Motor Vehicles or unsuited for the purposes herein set forth. The Board of Selectmen shall, as soon as is practicable, provide the applicant or licensee with written notice of the denial, revocation or suspension, and inform the applicant or license holder of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. Upon suspension or revocation, said license shall be immediately surrendered to the Board of Selectmen. A request for a hearing shall not delay any suspension or revocation.

Section 13. Number Plates

Any vehicle for hire shall have affixed thereto such number plates as are prescribed for use by the Registrar of Motor Vehicles, which shall be attached to the said vehicle in accordance with the rules and regulations of the Registry of Motor Vehicle and the laws of the Commonwealth of Massachusetts.

Section 14. Vehicle Colors

No owner of a licensed vehicle for hire shall color his vehicle for hire in colors or designs so closely resembling other licensed vehicles for hire as to mislead the public as to its identify.

Section 15. Vehicle Markings

Taxi: Every taxicab shall be identifiable with the word "Taxi," "Cab," or "Taxicab," the name of the vehicle for hire business permittee, and the name "Town of Plymouth" on both sides of the vehicle with letters not less than four (4) inches high and two (2) inches wide. All wording must be in contrasting colors to the vehicle.

All taxi's in the Town shall display an "identity light" on top of the taxi vehicle visible from the front and rear and be illuminated at night.

(Section 15. Vehicle Markings Cont'd)

If the license holder operates more than one taxi, each taxi shall have an identification number, not less than four inches high and one half inch wide, painted in two conspicuous places on the taxicab in contrasting colors.

The above provision does not apply to Livery Vehicles.

Limousine or other Livery Vehicle: Limousines or other livery vehicles may place upon the rear quarter panel on either or both sides of the vehicle with letters no bigger than two (2) inches high and one (1) inch wide, the license holders name, address, and telephone number, and further provided it does not violate any provision of MGL, Section seven, nine, or thirteen of Chapter Ninety or any section of the Code of Massachusetts Regulations. No livery vehicle shall be equipped with any distinguishing lights or other externally mounted instrument.

Tour Vehicle: Vehicles used for exclusively for tours may place the license holders name, address and telephone number upon the vehicle as long as it does not violate any provision of MGL, Section seven, nine, or thirteen of Chapter Ninety or any section of the Code of Massachusetts Regulations.

Section 16. Advertisements

One advertising sign with dimensions of no more than fourteen (14) inches by sixteen (16) inches by forty-nine (49) inches [three and five-tenths (3.50) square feet of sign space] shall be allowed on either the Roof or Trunk of a vehicle. No advertisements for alcohol or tobacco shall be allowed, unless it is a locally owned establishment. The Advertising should not interfere with the displaying of the identity light as required in section 15.

Section 17. Taxi Meters

Every vehicle for hire (classified as a taxicab) shall be operated under the taximeter system. Taximeters shall be installed and inspected in accordance with the laws of the commonwealth and rules and regulations prescribed by the Director of the Division of Standards.

Taximeters must be tested and sealed by the Department of Weights and Measure before being placed in service.

Whenever a taximeter has been damaged, or repairs that might in any way affect the accuracy of its indications have been made, or any of the official security seals have been mutilated, such device shall not thereafter be used until it has been officially examined and re-approved.

ARTICLE IV VEHICLE FOR HIRE OPERATOR'S LICENSE

Section 1. License Required

All vehicle for hire operators shall be required to hold a valid Town of Plymouth vehicle for hire operator license issued by the Board. Written application therefor shall be made under penalty of perjury to the Board of Selectmen on a form provided by the Board. No application shall be processed until all required information is provided by the applicant.

Section 2. Applicant Requirements

An applicant must:

- (a) be at least eighteen (18) years of age;
- (b) be the bearer of a valid Massachusetts operator's license issued in accordance with the provisions of Massachusetts General Laws, Chapter 90.
- (c) provide a copy of the applicant's Massachusetts operator's license;
- (d) provide a letter from the vehicle for hire business permittee by whom the applicant is to be employed requesting such services;
- (e) provide two passport size photographs of the applicant;
- (f) provide a copy of the applicant's driving record from the Registry of Motor Vehicles; and
- (g) authorize the Board of Selectmen to obtain a criminal history background check from the Criminal History Systems Board.
- (h) obtain thumb prints from the police department on the application and license.

Section 3. Operator License

Application for a vehicle for hire operator's license shall be made at the office of the Board of Selectmen. All applicants shall set forth, under the penalties of perjury, such information as the Board may require, including the following:

- (a) name of applicant;
- (b) the applicant's residence, date of birth, place of birth, father's name, mother's name, height, weight, complexion, color of hair and of eyes, and social security number;
- (c) the number of the applicant's license to operate motor vehicles in the Commonwealth and the date of expiration of such license, said license shall be displayed at the time of making application;
- (d) any and convictions, admission to sufficient facts or pleas of nolo contendere with regard to felony or misdemeanor offenses, stating the courts in which such matters were heard, and the date of such offenses; and
- (e) any traffic violations for which there was a finding of responsibility for a period of three (3) years prior to the date of the application for the license or for such additional time as the Board of Selectmen shall require.

Section 4. Fee

The annual fee for the issuance or renewal of a vehicle for hire operator's license shall be twenty five dollars (\$25.00), which amount shall include the administration fee. The fee for a duplicate or amended vehicle for hire operator license, or to reinstate a suspended operator's license, shall be twenty five dollars (\$25.00).

Section 5. Grant or Denial

The Board of Selectmen may reject an application for a vehicle for hire operator's license, or suspend, revoke or fail to renew an existing license if the operator fails to comply with these regulations or commits any moving traffic violations. Further, when considering whether to issue or deny an application, or to suspend, revoke or fail to renew an existing license, the Board of Selectmen will give significant consideration, and appropriate weight, to any felony or misdemeanor conviction, admission to sufficient facts or entrance of a plea of nolo contendere, taking into account all factors including the nature and gravity of the offense (including whether the crime is a felony or a misdemeanor, a violent crime, a crime which poses a substantial degree of dangerousness to minors and other vulnerable populations, or a crime for which a person has been finally classified as having a high risk of reoffense), the time that has passed since the conviction, admission or entrance of a plea of nolo contendere, and the sensitive nature of serving the public as an operator of a vehicle for hire.

Section 6. Appeal

The decision to approve or reject an application for a vehicle for hire operator's license shall be made within thirty (30) days after the filing of the application with the Board. The applicant shall be informed in writing of the specific reasons for the rejection and of the opportunity for a hearing before the Board to review the decision. The Board's failure to act within (30) days constitutes a disapproval of the application.

Section 7. Suspension or Revocation

The Board of Selectmen may suspend or revoke a license at any time for violation of the law or these regulations, or as the public health and safety so require. The Board of Selectmen shall, as soon as is practicable, provide the licensee with written notice of the revocation or suspension, and inform the licensee of the right to a hearing before the Board. A request for a hearing must be made in writing within ten (10) days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. Upon suspension or revocation, said license shall be immediately surrendered to the Board of Selectmen. A request for a hearing shall not delay any suspension or revocation. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a license as outlined in §§2 and 3 of Article IV, and the Board finds that the licensee meets all the requirements for a license.

Section 8. Term

A vehicle for hire operator's licenses shall be valid a period of one (1) year from the date of issuance unless sooner revoked or suspended. On payment of the prescribed fee, a licensee shall be issued a new license unless the license has been previously revoked or suspended, or the licensee is otherwise in violation of these regulations. If said license is under suspension, the license may be renewed upon the expiration of the suspension provided that the licensee makes payment of the prescribed fee and meets the other requirements of these regulations.

Section 9. Display of License

It shall be the duty of every licensed vehicle for hire operator to display the license in a vehicle for hire in a location that is clearly visible to passengers.

Section 10. Termination of Licensed Operator

Notice in writing shall be given to the Board of Selectmen by a vehicle for hire business permit holder when a licensed vehicle for hire operator ceases to be employed by him.

Section 11. Change of Address

When the holder of a vehicle for hire operator's license changes his home address or his place of employment, he shall notify the Board of Selectmen in writing within five (5) days.

Section 12. Dress Code

Every driver having charge of a licensed vehicle for hire shall be hygienically clean, well groomed and neat in appearance and suitably dressed at all times.

ARTICLE V OPERATION OF VEHICLE FOR HIRE

Section 1. Improper Operation or Equipment

No person operating a vehicle for hire shall have or permit to be on or in such vehicle or on or about his person anything which may interfere with the proper operation of such vehicle, nor shall any vehicle for hire be operated if it is unsafe or improperly equipped. At no time shall any vehicle for hire be operated when the passengers therein are in excess of its licensed seating capacity.

Section 2. Vehicle for Hire Operator Licensed

No owner or person having the care of a vehicle for hire shall permit, suffer, or allow any person other than a vehicle for hire operator licensed by the Board to operate such vehicle for hire or reward.

Section 3. Trip Record

The operator of a vehicle for hire shall maintain a written record of trips during all shifts worked. The written record of trips must be available for inspection, upon demand, by a police officer and must be turned in to the vehicle owner for record keeping purposes at the end of the operator's shift. The owner of a licensed vehicle for hire must produce, upon demand of the Examiner a record of all trips made by such vehicle for a period of one hundred eighty days prior to the date of demand, the record to give the name and address of the driver, the time of the beginning and termination of each trip, location of the first and last stop on each trip, and the total fare charged for each trip.

Section 4. Hired Vehicles

No person having charge of a vehicle for hire shall take up or carry any passenger after the vehicle has been occupied or engaged by a prior passenger without the permission of the first passenger.

Section 5. Passenger seating

No person in charge of a vehicle for hire shall allow anyone to ride upon the driver's seat or adjacent to the driver's seat; provided, however, that a bona fide passenger may ride adjacent to the driver's seat when: (1) the seats inside the vehicle for hire are fully occupied; or (2) the physical condition of the passenger necessitates the use of the front seat.

Section 6. Illegal Activities

No owner or operator of a vehicle for hire shall participate in, or allow passengers to participate in, any illegal activities.

Section 7. Found Property

The driver shall thoroughly search the interior of the vehicle, including the trunk if used by a passenger, immediately after the termination of each trip. Found property shall be returned to the passenger or taken to the police department prior to the conclusion of the vehicle for hire operator's shift. If any dangerous or illegal item is found in the vehicle then the licensed vehicle for hire operator shall notify the Police Department immediately.

Section 8. Receipts

Every operator or owner of a vehicle for hire shall, when requested, give the customer a receipt. The receipt must contain the date, starting and ending time, fare, miles traveled in whole miles and tenths of a mile, vehicle for hire license number and the phone number of the vehicle for hire business permit holder.

Section 9. Taxi Stands

Taxicab operators are allowed to wait for passengers in the designated Taxi Stand areas. Any area that is also a designated loading zone the delivery vehicle has the right of first use. If a taxi is waiting when a delivery vehicle arrives the taxi must move until delivery is complete. A list of approved taxi stands will be provided to taxi companies when a company applies or renews yearly. Livery and Tour vehicles are prohibited from waiting in Taxi Stands.

ARTICLE VI FARES

Section 1. Fee schedule

No person shall charge or receive fares for the hire of vehicles for hire within the Town of Plymouth in any sums of money other than those prescribed by the fee schedule promulgated by the Board as from time to time amended.

Section 2. Rate of Fare for Taxi's

The fare to be taken by or paid to the owner, driver, or other person having charge of any vehicle for hire shall be per the following schedule:

The per mile fee shall be \$3.00 with portions of a mile prorated at the rate of \$.60 per fifth of a mile.

There shall be a \$3.50 minimum fare (for the first mile or any portion thereof)

In addition to the mileage charge, a charge for waiting time may be charged at the rate of \$26.40 per hour for actual waiting time beginning three minutes after the arrival of the taxi.

Section 3. Rate of Fare for Livery

Prior to the commencement of transport, the fee shall be disclosed to the passenger(s).

ARTICLE VII: MISCELLANEOUS

Section 1. Amendments

All licenses and permits required by these regulations shall be subject to such terms and conditions as the Board of Selectmen shall from time to time prescribe.

Section 2. Authority

These regulations are adopted under authority of G.L. c.40, §22

Section 3. Enforcement

Any person convicted of a violation of any provision of these rules and regulations shall be punished by a fine of two hundred (\$200.00) dollars for each offense, and the license or permit held by such.

The provisions of these regulations may be enforced by the Board of Selectmen, and any Police Officer of the Town of Plymouth, by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D and Chapter 1, §1-3 of the Town Bylaws. Each day a violation exists shall constitute separate violation.

When enforced through noncriminal disposition, the penalties shall be as follows:

First violation: \$ 100.00

Second violation: \$ 200.00

Third and subsequent violations: \$ 300.00

IT IS ORDERED THAT THE FOREGOING RULES AND REGULATIONS ARE TO BE FILED WITH THE TOWN CLERK OF PLIMOUTH AND ARE TO TAKE EFFECT AS OF JANUARY 16, 1996.

ADOPTED THIS 16TH DAY OF JANUARY, 1996.

*Taxi/Livery Regulations
Approved 1/16/96
Amended 3/28/00
Amended 12/2/03
Amended 2/3/04
Amended 2/12/08
Amended 1/12/10*

