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TAXICAB RULES AND REGULATIONS

OF THE

CHELSEA LICENSING COMMISSION

Revised: November 14, 2006

TABLE OF CONTENTS

Article I: GENERAL PROVISIONS

Rule 1-1:	Purpose	p. 1
Rule 1-2:	Scope	p. 1
Rule 1-3:	Limits	p. 1
Rule 1-4:	Parties in Interest	p. 1
Rule 1-5:	Amendments	p. 1
Rule 1-6:	Violations	p. 2

Article II: TAXICAB OPERATION LICENSES GENERALLY

Rule 2-1:	Authorization and Definition	p. 3
Rule 2-2:	Application Forms	p. 3
Rule 2-3:	Examination of Applicant	p. 3
Rule 2-4:	Driver Training and Supervision	p. 3
Rule 2-5:	Drivers Eligible for Employment	p. 4
Rule 2-6:	Payment of Fees	p. 4
Rule 2-7:	Complaints	p. 4
Rule 2-8:	Lost and Found	p. 4
Rule 2-9:	Liability Insurance	p. 5
Rule 2-10:	Accidents	p. 5
Rule 2-11:	Taxicab Business Location	p. 5
Rule 2-12:	Restrictions on Numbers of Licenses	p. 5
Rule 2-13:	Prohibition against Allowing Vehicles to be used without License	p. 6
Rule 2:14:	Leasing of Taxicab Operation License	p. 6
Rule 2:15:	Violations	p. 6

Article III: SALE OF TAXICAB OPERATION LICENSE

Rule 3-1:	Sale Agreement	p. 7
Rule 3-2:	Sale Limits	p. 7
Rule 3-3:	Approved Transfer	p. 7
Rule 3-4:	Sale of License without Sale of Taxicab	p. 7
Rule 3-5:	Violations	p. 7

Article IV: TAXICAB OPERATION LICENSE

Rule 4-1:	Unused Taxicab Operation License	p. 8
Rule 4-2:	Automatic Lapse	p. 8
Rule 4-3:	Adding and Changing Vehicles	p. 8
Rule 4-4:	Subject to Inspection	p. 8
Rule 4-5:	Taximeter Determines Fare	p. 9
Rule 4-6:	Consent for Additional Passengers	p. 9
Rule 4-7:	Dispatch and Communication	p. 9

Rule 4-8:	Taxicab Color	p. 9
Rule 4-9:	Taxicab Numbering	p. 9
Rule 4-10:	Changes in Registration	p. 10
Rule 4-11:	Daily Trip Records	p. 10
Rule 4-12:	Taximeter Required	p. 10
Rule 4-13:	Taximeter Seal	p. 10
Rule 4-14:	Soliciting Passengers	p. 11
Rule 4-15:	Fares	p. 11
Rule 4-16:	Records and Reports to be Maintained	p. 11
Rule 4-17:	Handicap Accessibility	p. 12
Rule 4-18:	Violations	p. 12

Article V: TAXICAB DRIVER LICENSE

Rule 5-1:	License Requirement	p. 13
Rule 5-2:	License Application	p. 13
Rule 5-3:	Police Department as Official Agent	p. 13
Rule 5-4:	Examination of Applicant	p. 13
Rule 5-5:	Driver License Requirement	p. 14
Rule 5-6:	Photograph of Driver	p. 14
Rule 5-7:	Change of Address/Employment	p. 15
Rule 5-8:	Surrender of License	p. 15
Rule 5-9:	Discrimination	p. 15
Rule 5-10:	Length of Work Day	p. 15
Rule 5-11:	Driver Operation	p. 15
Rule 5-12:	Hackney License Displayed	p. 16
Rule 5-13:	Drivers Clothing and Cleanliness	p. 16
Rule 5-14:	Notice of Arrest	p. 16
Rule 5-15:	Violations	p. 16

Article I: GENERAL PROVISIONS

Rule 1-1: Purpose

Taxicabs are licensed by the City of Chelsea to protect the public, to ensure the existence of an adequate supply of taxicabs to meet public necessity and demand, and to ensure the quality and safety of taxicabs licensed by the City of Chelsea.

Rule 1-2: Scope

The rules and regulations contained herein supersede and replace, in their entirety, any and all former taxicabs rules and regulations of the City of Chelsea. These rules shall apply to all vehicles used, or to be used, for the conveyance of persons for hire from place to place within the City, except for those conveyances publicly owned or operated.

Rule 1-3: Limits

If any article, section or subsection of these rules and regulations is held invalid or unconstitutional, it shall not void the remaining provisions. These rules and regulations are subject to changes, amendment, or deletions at any time following a public hearing on the proposed action, notice of which shall be posted at the City Clerk's office and published in a local newspaper of record.

Rule 1-4: Parties in Interest

The rules and regulations contained herein shall not be construed so as to prohibit a driver of a vehicle licensed outside the limits of the City of Chelsea from driving through Chelsea or from delivering in Chelsea passengers or packages received outside of the City limits.

Rule 1-5: Amendments

Before the adoption of any amendment, modification, addition, deletion, or other change to these rules, the Licensing Commission shall, with the requisite public notice, hold a public hearing on the matter.

Any ten residents, or the Chief of Police, may propose to the Licensing Commission an amendment, modification, addition, deletion or other change to these rules. Within

thirty days of receipt of their petition, the Commission shall hold a public hearing on the matter.

Rule 1-6: Violations

A violation of any of these Taxicab Rules and Regulations constitutes grounds for the suspension or revocation of a license as well as possible criminal prosecution and non-criminal fines, as per City Ordinance 1-7 and Sec. 9-9.

Article II: TAXICAB OPERATION LICENSES GENERALLY

Rule 2-1: Authorization and Definition

A taxicab is defined as a marked and metered motor vehicle used for hire to transport persons, packages, and goods within and out of city limits. The primary service of a taxicab shall be based on a demand response.

A taxicab license shall not be sold, assigned or transferred without prior written authorization of the Licensing Commission.

Rule 2-2: Application Forms

All applications for licenses shall be completed on forms provided by the Licensing Commission. Such applications shall be completed in full prior to their review by the Licensing Commission, unless satisfactory reason is otherwise provided. No application shall be acted upon by the Licensing Commission except after a public hearing, which shall be held not sooner than ten calendar days after the publication of such notice.

Rule 2-3: Examination of Applicant for Taxicab License

Each applicant for a taxicab operation license shall be examined by the Licensing Commission, with assistance from the Chief of Police, in order to determine the applicant's fitness and ability to serve the public in a safe, fair, honest and competent manner. This examination may involve, but is not limited to:

- 1) The applicant's financial status;
- 2) The applicant's ability to operate a taxicab business and/or transport passengers;
- 3) The applicant's criminal history, if any; and
- 4) The applicant's driving record.

Rule 2-4: Driver Training and Supervision

Each and every holder of a Taxicab Operation License shall be responsible for training and supervising each and every driver operating any of said licensee's vehicles. Such training shall include but not be limited to use of radio and/or cellular telephone, preparation of a daily log, proper vehicle operation, and vehicle maintenance. Failure to properly and adequately train any taxi driver may result

in disciplinary action up to and including loss of taxicab operation license, if such driver is found to have violated any provision of the Taxicab Rules and Regulations of the Chelsea Licensing Commission.

Rule 2-5: Drivers Eligible for Employment in the U.S.

Each and every holder of a license issued pursuant to this article shall be responsible for verifying that each and every driver operating any of said licensee's vehicles is eligible for employment in the United States as per Title 8, USC, § 1324A. No person shall be licensed to drive a taxicab who is not 18 years of age or older.

Rule 2-6: Payment of Fees

No license shall be granted except upon prior payment of the fees due upon said license. In addition, prior to the issuance of a taxicab operation license, the applicant shall not owe or be liable for any taxes, liens, non-criminal 21D violations, or traffic violations payable to the City of Chelsea.

Rule 2-7: Complaints

a) Every taxicab shall display inside the vehicle in clear view of the passenger(s), a card, provided by the Licensing Commission, notifying the passengers of their right to register with the Licensing Commission any complaint(s) regarding taxicab services received, and an appropriate telephone number for notifying the Licensing Commission.

b) Every taxicab operation licensee shall promptly report, by written communication, to the Licensing Commission all complaints received by drivers or at the offices of the licensee.

Rule 2-8: Lost and Found

Each holder of a taxicab operation license shall maintain a Lost and Found Department, and each taxicab driver operating under the authority of said holder shall forthwith turn over to such Lost and Found Department all lost articles found in said taxicab within twenty-four (24) hours.

Rule 2-9: Liability Insurance

No person shall drive or operate or allow or permit a taxicab to be driven or operated within the City of Chelsea unless the taxicab is covered by a valid and effective policy of vehicle insurance as required by the laws of the Commonwealth of Massachusetts in an amount or limit of at least twenty thousand dollars (\$20,000.00) on account of injury or to death of each person, and at least forty thousand dollars (\$40,000.00) on account of each accident. A certificate indicating that such a policy is in effect shall be filed with the Licensing Commission prior to the issuance of any taxicab license. The City of Chelsea shall be listed as a certificate holder on said policy and entitled to notice of any cancellation.

Rule 2-10: Accidents

Any taxicab licensed under these rules which is involved in a motor vehicle accident shall be required to report said accident to the Chelsea Police Department for their investigation and a copy of the investigative report shall be filed with the taxicab company and shall also be filed with the Licensing Commission. The Licensing Commission must be notified in writing within twenty-four (24) hours of said accident.

Rule 2-11: Taxicab Business Location

Each holder of a taxicab operation license issued by the City of Chelsea Licensing Commission shall maintain an office in the City of Chelsea and shall store, garage and register taxicabs within the City of Chelsea.

Rule 2-12: Restrictions on Numbers of Licenses

The Licensing Commission shall place a moratorium on the issuance of taxicab operation licenses in the event that the number of taxicab operation licenses granted and in use during any license year equals or exceeds twenty-five (25). This moratorium will continue until such time as the Licensing Commission determines that public necessity requires the issuance of additional licenses.

**Rule 2-13: Prohibition against Allowing Vehicles to be used
for Taxicabs without License**

No person shall set up, use or drive any taxicab without a taxicab operation license as required by these rules and regulations. Violation of this provision is subject to a fine of up to \$250.00 per offense.

Rule 2-14: Leasing of Taxicab Operation Licenses

Leasing of taxicab operation licenses is not permitted. Leasing of taxicab operation licenses is the practice of permitting a non-owner to lease or rent a taxicab that has been licensed by another person. All taxicabs shall be operated by the holder of the taxicab license or his, her or its employee.

Rule 2-15: Violations

A violation of any of these Taxicab Rules and Regulations constitutes grounds for the suspension or revocation of a license as well as possible criminal prosecution and non-criminal fines, as per City Ordinances 1-7 and 9-9.

Article III: SALE OF TAXICAB OPERATION LICENSE

Rule 3-1: Sale Agreement

No taxicab operation licenses shall be transferred, assigned, or sold without a public hearing and approval of the License Commission. The seller of a license shall submit a copy of the sale or transfer agreement to the Licensing Commission for their review.

Rule 3-2: Sale Limits

The seller or buyer shall not restrict future sale, transfer or assignment of the license.

Rule 3-3: Approved Transfer

If the Licensing Commission approves and authorizes the transfer or assignment of a license, such transfer shall be exercised within sixty (60) days from the date of approval.

Rule 3-4: Sale of License without Sale of Taxicab

When there is a sale of a taxicab operation license without a transfer or sale of the associated taxicab, the seller of the license shall present the taxicab, with the markings removed, for inspection by the Licensing Commission or their designee.

If a taxicab is junked, a valid receipt from a licensed junk dealer shall preclude a vehicle inspection by the Commission or their designee.

Rule 3-5: Violations

A violation of any of these Taxicab Rules and Regulations constitutes grounds for the suspension or revocation of a license as well as possible criminal prosecution and non-criminal fines, as per City Ordinances 1-7 and 9-9.

Article IV: TAXICAB OPERATION LICENSE

Rule 4-1: Unused Taxicab Operation License

A taxicab operation license shall not be held for more than sixty (60) days unassigned to a taxicab without prior written approval of the Licensing Commission. An extension of the sixty day period may be granted by the Licensing Commission for good cause shown.

Rule 4-2: Automatic Lapse

A taxicab operation license which is not used for sixty (60) consecutive days shall, without notice by the owner or agent to the Licensing Commission, automatically lapse and the taxicab operation license shall revert back to the City of Chelsea without compensation to the former owner, unless an extension shall have been granted by the Licensing Commission. The Licensing Commission shall send notice to the prior owner of such reversion, and shall make public notice by posting at the City Clerk's office of such reversion.

Rule 4-3: Adding or Changing Vehicles

No vehicle ten (10) years or older shall be allowed to operate as a taxicab in the City of Chelsea. When a company adds, changes or deletes a vehicle from its' fleet, it shall within twenty-four (24) hours bring the appropriate application, including registration certification or cancellation receipt, to the Licensing Director. After being properly processed and recorded, the new changes will take effect. There will be a \$25 processing fee.

Rule 4-4: Subject to Inspection

All taxicabs shall be thoroughly inspected by the Police Chief or his designee, as to the general appearance and mechanical condition before a license shall be issued. Taxicabs must at all times be kept in good condition suitable for occupancy and mechanically fit for the safety of the passengers. The interiors and exterior shall be kept clean, sanitary and dent free at all times. Periodic inspections in this regard will be made by the Licensing Commission and/or representatives from the Police Department. All taxicabs must be presented at the Police

Department for inspection by the Police Chief or his designee every six (6) months.

Rule 4-5: Taximeter Determines Fare - Notice to Passengers

Every taxicab shall display inside the vehicle in clear view of the passengers, a card, approved by the Licensing Commission, notifying the passengers that drivers are forbidden by law to demand more than the final fare visible, and recorded on the taximeter, with the exception of flat rate jobs and regulated surcharges, i.e., Tobin Bridge, Logan Airport, gasoline surcharge.

Rule 4-6: Consent Required for Additional Passengers - Notice to Passengers

Every taxicab shall display inside the vehicle in clear view of the passengers, a card, approved by the Licensing Commission, notifying the passengers that drivers are forbidden by law to take up or carry any passenger after the taxicab has been occupied or engaged by any prior passenger until such prior passenger shall have discharged the taxicab, without the consent of the prior passenger, and are forbidden to request any additional fare for refusing such consent. This posting shall be upon the rear of the driver's seat. The Licensing Commission and Chief of Police, or his designee, may fine taxicab drivers or operators up to \$250.00 per offense for violation of this rule.

Rule 4-7: Dispatch and Communication

All calls for service shall originate within the City limits or by dispatch. Each taxicab shall be equipped with some reliable means of two-way telecommunications (e.g. radio, cellular telephone, etc.).

Rule 4-8: Taxicab Color

No owner of a licensed taxicab shall paint his vehicle in colors or designs to so closely resemble other licensed taxicabs as to mislead the public as to its identity. Taxicab color must be approved by the Licensing Commission.

Rule 4-9: Taxicab Numbering

Each licensed taxicab shall bear a number assigned by the Licensing Director for the purposes of public

identification. This number, which shall be at least six (6) inches in height, shall be affixed in such locations on the vehicle as the Chief of Police shall determine.

Rule 4-10: Changes in Registration

Licensed owners shall notify the Licensing Commission and the Chief of Police in writing, within three business days, upon any change in the certificate of registration of a taxicab issued by the Registrar of Motor Vehicles.

Rule 4-11: Daily Trip Records

The owner of a licensed taxicab must produce upon demand of the Licensing Commission or the Chief of Police, or any officer designated by him, a record of all trips made by such vehicle for a period of sixty (60) days prior to the date of demand, the record to give the name and address of the driver, the time of beginning and termination of each trip, and the location of the first and last stop on each trip.

Rule 4-12: Taximeter Required

Every taxicab shall be operated under the taximeter system. Taximeters shall be installed and inspected in accordance with the laws of the Commonwealth and the regulations prescribed by the Director of Standards of the Department of Labor and Industries. The Licensing Commission shall require that at least two (2), but not more than five (5) times each year, on a schedule or at such unannounced times as determined by the City's Sealer of Weights and Measures, the Sealer of Weights and Measures shall inspect the taximeter of each licensed taxicab to establish whether the taximeter is operating properly.

Rule 4-13: Taximeter Seal

If a taximeter is inspected pursuant to these rules and regulations and found to be operating properly, the Sealer of Weights and Measures shall attach to the taximeter a seal and shall provide the owner with a taximeter certificate containing the following information:

- 1) The signature of the inspector;
- 2) A statement that the meter has passed inspection;
- 3) The date of the inspection;
- 4) The state license plate number of the taxicab;

5) The name of the owners of the taxicab.

If a taximeter is inspected and is found to be operating improperly, the taxicab license shall be immediately removed from the vehicle and suspended. The Sealer shall inform the Licensing Commission of his findings. The Sealer shall thereafter re-inspect the taximeter upon the request of the license holder, whereupon if the taximeter is in proper working order the license shall be reinstated.

Rule 4-14: Soliciting Passengers

No taxicab driver, while in a public way, or way open to the public, or public place, shall solicit passengers. If such taxicab is rightfully standing upon some public stand, the person in charge thereof may solicit passengers by motion of the hand.

Rule 4-15: Fares

The Licensing Commission shall establish fares for conveyance of passengers in any taxicab licensed in accordance with these rules and regulations. No taxicab driver shall charge in excess of the fare set by the Licensing Commission.

Rule 4-16: Records and Reports to be Maintained

As a condition of being granted a taxicab license, license holders shall maintain books and records of operations within the City of Chelsea to show the following in sufficient detail:

- 1) Requests for taxicab service received by the license holder and responses thereto;
- 2) Number of taxicabs available for service and in operation on a daily basis;
- 3) Maintenance and repair records of taxicabs and other equipment employed in the operation of the taxicab business;
- 4) Daily trip records, as detailed in Rule 4-10.

The aforementioned information shall be submitted upon request of the Licensing Commission.

Rule 4-17: Handicap Accessibility

Any holder of more than six (6) taxicab licenses shall be required to have at least one taxicab which qualifies as handicapped accessible.

Rule 4-18: Violations

A violation of any of these Taxicab Rules and Regulations constitutes grounds for the suspension or revocation of a license as well as possible criminal prosecution and non-criminal fines, as per City Ordinances 1-7 and 9-9.

Article V: TAXICAB DRIVER LICENSE

Rule 5-1: License Requirement

No person shall drive a taxicab from any origin within the City of Chelsea, and no person who owns or controls a taxicab shall permit it to be driven or operated, unless the driver of said taxicab shall have first obtained and shall have then in force a valid taxicab driver's license issued by the City of Chelsea Licensing Commission.

Rule 5-2: License Application

Any person wishing to be licensed to drive a taxicab shall pay a fee as required by the Licensing Commission and shall file an application on forms provided by the Licensing Commission. No person shall be licensed to drive a taxicab who is not 18 years of age or older.

Rule 5-3: Police Department as Official Agent of the Commission

For purposes of this Article, the Chief of Police shall be the official agent of the Licensing Commission for all matters including reviewing, recording, inspecting, and granting each taxicab driver license, subject in each instance to review by and/or appeal to the Licensing Commission. All applicants appealing to the Licensing Commission must do so within fourteen days of the Police Chief's action or decision.

Rule 5-4: Examination of Applicant for Taxicab Driver's License

Each applicant for a taxicab driver's license shall be examined by the Licensing Director and Chief of Police or his/her designee, in order to determine the applicant's fitness and ability to serve the public in a safe, fair, honest and competent manner, and of the applicant's ability to comply with these rules and regulations. This examination may include, but is not limited to the following:

- 1) The applicant's driving record;
- 2) The applicant's criminal history, if any;
- 3) The applicant's knowledge of the geography of the City of Chelsea and the surrounding communities;
- 4) The applicant's knowledge of these rules and

regulations and such other ordinances and statutes, as deemed relevant;

- 5) The applicant's training and/or experience in the taxicab business and/or transporting passengers.

An applicant who has a criminal record or has within the last five (5) years, any of the following may be considered unsuitable to hold a license:

- 1) Conviction of felony;
- 2) Violation of parole or probation;
- 3) Conviction of illegal gambling and/or lottery;
- 4) Conviction of a sex offense and/or is currently a registered sex offender;
- 5) Conviction of assault and battery on or disobeying the directives of a police officer;
- 6) Conviction of narcotics and/or alcohol related offenses;
- 7) Conviction of firearms violation;
- 8) Conviction of five (5) or more moving violations of motor vehicle laws where the public safety and property was put at risk of injury;
- 9) Certain open criminal complaints;
- 10) Lack of knowledge of these rules and regulations and such other ordinances and statutes, as deemed relevant.

Rule 5-5: Driver License Requirement

Prior to issuance of a City of Chelsea taxicab driver license, the applicant:

- a) shall be the holder of a valid Massachusetts driver license, and
- b) shall not owe or be liable to any taxes or liens payable to the City of Chelsea which are past due,
- c) must provide proof of employment from a licensed taxicab operation owner; and
- d) shall not owe or be liable to the City of Chelsea for any traffic violations, parking citations, or 21D non-criminal violations.

Rule 5-6: Photograph of Driver

Before a license shall be issued under this article the applicant shall file with the Licensing Director four (4) recent photographs of the applicant, of a size which may be easily attached to the license, one of which shall be

attached to the license when issued, another to be filed with the Licensing Commission, another to be filed with the Police Department, and the other to be conspicuously displayed in the vehicle being operated by the driver. The photograph attached to the license shall be so affixed that it cannot be removed and another photograph substituted without detection.

Rule 5-7: Change of Address and/or Employment

When a licensed taxicab driver changes his/her home address or place of taxicab driver employment, he/she shall within five (5) working days of such change notify the Licensing Director of such change.

Rule 5-8: Surrender of License

Any licensee, who shall cease to be the driver of a taxicab vehicle, shall at once surrender his/her Taxicab Driver License to the Licensing Director.

Rule 5-9: Discrimination

No licensed taxicab driver shall refuse as a passenger any person who applies to him/her for transportation on any discriminatory basis which violates local, state or federal law.

Rule 5-10: Length of Work Day

No driver shall physically operate or be required to physically operate a taxicab in excess of sixteen (16) hours within any twenty-four (24) hour period.

Rule 5-11: Driver Operation of Taxicab

No person operating a licensed taxicab shall collect fares, make change or discharge passengers while the vehicle is in motion, nor shall the operator possess a lighted cigarette, lighted cigar or lighted pipe while any passenger is being carried therein, nor drink any intoxicating beverage of any kind or narcotic drugs thereof, while engaged in operating such a licensed taxicab.

No person licensed under these rules and regulations shall behave himself/herself in a rude and disorderly manner, or use any indecent, profane or insulting language towards any person.

Rule 5-12: Hackney License Displayed

Every licensed taxicab driver having charge of any licensed taxicab vehicle shall have his/her Taxicab Driver License attached to the vehicle inner rear view mirror, clearly displayed for passengers, police officers or agents of the Licensing Commission to view.

Rule 5-13: Drivers Clothing and Cleanliness

Drivers shall dress neatly and be clean of body. Proper attire shall be shirt, pants or shorts, and footwear which does not obstruct operation of vehicle. The following are expressly forbidden:

- a) Clothing containing a hole or holes in need of repair;
- b) Bathing trunks or other swimwear or jogging trunks;
- c) Torn or ripped shorts.

Rule 5-14: Notice of Arrest

If for any reason a licensed taxicab driver is arrested, he or she shall, within five (5) working days or arrest, notify the Licensing Director.

Rule 5-15: Violations

A violation by a licensed taxicab driver of any of these rules and regulations shall constitute grounds for the suspension or revocation of a license as well as possible criminal prosecution and non-criminal fines, as per City Ordinances 1-7 and 9-9.