



POLICY No.: D-2  
DATE ADOPTED: APRIL 16, 2003

## **TOWN OF WEST BOYLSTON BOARD OF SELECTMEN POLICY**

### **Policy on Taxi Regulations**

**Purpose:** The Board of Selectmen agrees to establish standards and procedures necessary to license taxicabs in West Boylston

**Policy:** The Board recognizes that it both represents and is accountable to all the citizens of the State law reference-Regulation of vehicles, G.L. c. 40 sec. 22. Registry of Motor Vehicle regulations, 540 CMR 2.00, et seq. See also common carriers of passengers, G.L. c. 159.

#### **SECTION I - General**

##### **A. Applicability of Article.**

Vehicles for hire including taxicabs and liveries (hereafter referred to as "vehicles") operating or caused to be operated by non-governmental entities for the transportation of persons from place to place, other than over regular routes or between fixed termini, shall be subject to the regulations of this article to the extent provided below.

##### **B. Taxicab – Definition, Requirements and Limitations.**

A private vehicle licensed as such, used for transporting persons from place to place other than over regular routes or between fixed termini. A taxicab may be hired by means of a taxi stand, solicitation to or from persons on the street, telephone or radio call or other pre-arrangement.

#### **SECTION II - License**

##### **A. Required.**

No vehicle shall be driven, operated or caused to be operated as a vehicle for hire without a license first having been obtained for that vehicle from the Board of Selectmen after review of the license application by the Chief of Police and successful Inspection of the vehicle.

##### **B. Application.**

Applications for a license shall be made in writing, on Town approved forms, to the Police Department and shall provide the following information:

- (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 names and addresses of the partners or associates and the address of its principal place of business.
- (b) The intended place of business within the Town of West Boylston.
- (c) The intended place of nighttime vehicle storage.
- (d) The name of the manager or principal representative.

- (e) Proposed hours of operation.
- (f) A telephone number where the licensee may be contacted in the evening.
- (g) Description of proposed vehicle including the make, model and age of the vehicle.

### **C. Review by Chief of Police**

The Chief of Police shall review the license application and forward his comments and/or recommendation, if any, to the Board of Selectmen no later than forty-five (45) days after submission of the application, the Board of Selectmen shall grant no license until the Chief of Police has reviewed the application.

### **D. Grant or denial.**

The Board of Selectmen may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate and in the public interest. The Board, in determining whether or not to issue a license, may consider the public demand for the proposed service, the effect of the proposed service upon relevant traffic and safety conditions, the character and financial responsibility of the applicant, the conditions of the proposed vehicle, and any and all other relevant facts or circumstances.

### **E. Notification as to vehicle.**

If issued a license, the licensee shall, prior to the operation of the vehicle as a vehicle for hire, provide the following information, in writing, to the Police Department.

- 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.

### **F. Vehicle inspection.**

Subsequent to the grant of an initial license, but prior to the operation of the licensed vehicle, the vehicle shall be inspected at the direction of the Police Department to insure full compliance with these regulations. Nothing herein shall relieve a licensee of its sole responsibility to ensure the safety of the vehicle and compliance with all applicable laws and regulations.

### **G. Term and fee.**

Any license issued hereunder shall expire on the 31<sup>st</sup> day of December next ensuing, unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the vehicle for which a license was issued shall forthwith surrender the license to the Board of Selectmen. The annual fee for each license shall be two hundred fifty dollars (\$250.00) per license for a full license year whether the initial year or renewal.

### **H. Renewal application/Replacement vehicles/Inspection.**

Renewal applications shall first be submitted to the Police Department and then submitted to the Board of Selectmen, no later than November 15<sup>th</sup> each year. The renewal fee shall be Two Hundred Fifty Dollars (\$250). If a vehicle is changed during a license year, the license fee for the replacement vehicle shall be One Hundred Dollars (\$100).

Prior to the grant of a renewal license by the Board or the replacement of a vehicle, the vehicle shall be inspected at the direction of the Police Department to ensure full compliance with these regulations. A vehicle that has not passed inspection shall not be granted a renewal license.

### **I. Insurance.**

A vehicle issued a license hereunder shall be insured. Coverage for "Bodily Injury to Others" shall be no less than \$100,000 per person/\$300,000 per accident. The Town shall be listed as a Certificate Holder with the Certificate provided to the Board of Selectmen and the notice of cancellation or amendment of the policy shall be no less than

thirty (30) days.

**J. Liability.**

The licensee is at all times responsible for his vehicle and shall be liable for all penalties and/or damage resulting from his operation of the vehicle by an employee, agent, or any other person authorized by the licensee to use the vehicle.

**K. Suspension or revocation.**

The Board of Selectmen may suspend or revoke a license issued under the provisions of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the Board of Selectmen. Written notice of the hearing shall be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing.

The Board of Selectmen or the Chief of Police may temporarily suspend a license without a hearing for a period of no greater than ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient evidence to indicate that the public safety would be endangered by continued operation of the vehicle.

**L. Assignment or transfer prohibited.**

No license shall be assigned or transferred.

**M. Return of license to police department/loss or destruction of license.**

A license shall be promptly returned to the Police Department by the Licensee upon suspension or revocation of the license or the cessation of use of the vehicle as a vehicle for hire.

If a license is lost or destroyed, the licensee shall immediately report such loss to the Police Department, which shall replace the license. The cost for a replacement license shall be Twenty-five Dollars (\$25.00).

**SECTION III – Permit**

**A. Required.**

No person shall operate a vehicle with a passenger, and no licensee shall employ or allow a person to operate a vehicle with a passenger, unless the operator first obtains a permit from the Board of Selectmen.

**B. Age/Experience.**

No permit shall be issued to a person under eighteen (18) years of age, nor to any person who has not had a valid operator's license for the prior two (2) years.

**C. Application.**

Applications for a permit shall be made in writing to the Police Department and submitted together with a fee in the amount of \$50.00 per driver and shall provide the following information:

- a. Full name and address.
- b. Copy of a valid Massachusetts operator license issued by the Registrar of Motor Vehicles.
- c. Previous experience operating a vehicle for hire within the last three (3) years.
- d. Convictions or pleas of guilt to a criminal offense(s), except as outlined below shall be provided to the Town if requested, stating the offense(s), court(s) in which convicted or guilty plea occurred and when the conviction(s) or plea(s) occurred.

(Nothing herein restricts the Town's right to obtain criminal history record information pursuant to state law.)

The following criminal information is not and shall not be requested, examined or considered by the Board of Selectmen:

- a. Arrests, detentions or dispositions in which no conviction or guilty plea resulted.
- b. Convictions that have been reversed or vacated, but not pardoned.
- c. Misdemeanor convictions or guilty pleas when the date of conviction or plea was greater than ten (10) years prior to the date of application for the permit.
- d. Traffic violations for which there was a finding of responsibility for a period of three (3) years prior to the date of application for the permit or for such period of time as the Board of Selectmen or Police Department shall request.

Failure to give accurate and complete information as required above may be grounds for denial, suspension or revocation of a permit.

#### **D. Review by Chief of Police.**

The Chief of Police shall review the permit application and forward his comments and/or recommendation, if any, to the Board of Selectmen no later than forty-five (45) days after submission of the application. The Board of Selectmen shall issue no permit until the Chief of Police has reviewed the application.

#### **E. Issuance or denial.**

An applicant shall be granted a permit only if the Board of Selectmen determines that granting a permit to applicant is in the best interest of the public. Criminal convictions or pleas of guilt shall not result in an automatic denial of an application, but shall be given significant consideration and weight by the Board of Selectmen, taking into account all factors including the nature and gravity of the offense, the time that has passed since the conviction or plea and the sensitive nature of serving the public as a driver of a vehicle for hire.

#### **F. Term and fee.**

Any permit granted hereunder shall expire on the 31<sup>st</sup> day of December next ensuing unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall forthwith surrender his permit to the Board of Selectmen.

The fee for an initial permit shall be One Hundred Dollars (\$100.00) and the fee for a permit renewal shall be Fifty Dollars (\$50).

#### **G. Picture identification card.**

The Board of Selectmen, or its designee shall issue a picture identification card, to each permit holder.

#### **H. Liability.**

A permit holder is at all times responsible for the vehicle he is operating and shall be liable for all penalties and/or damage resulting from his operation of the vehicle or a violation of these regulations. Nothing herein shall eliminate or reduce the responsibility or liability of the licensee pursuant to the applicable provisions of these regulations or law.

#### **I. Suspension or revocation.**

The Board of Selectmen may suspend or revoke a permit granted under the provisions of this article for good cause for up to 15 days without a hearing. After 15 days, the permit holder shall be entitled to a hearing thereon before suspension or revocation by the Board of Selectmen. Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the

grounds of complaint and the date, time and place of the hearing.

The Board of Selectmen or the Chief of Police may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above if there is sufficient evidence to indicate that the public safety would be endangered by continued operation by the permit holder. In no event shall a temporary suspension be for a period greater than ten (10) calendar days.

**J. Return of permit and picture identification card to Police Department by vehicle licensee/Loss or destruction of permit.**

The licensee of the vehicle upon suspension or revocation of a driver's permit or any termination of the employment or services of the driver shall promptly return a driver's permit and picture identification card to the Police Department.

If a permit is lost or destroyed, the permit holder shall immediately report such loss to the Police Department, which shall replace the permit. The cost for a replacement permit shall be Five Dollars (\$5.00).

**K. Return of license to Police Department/Loss or destruction of license.**

A license shall be promptly returned to the Police Department by the licensee upon suspension or revocation of the license or the cessation of use of the vehicle as a vehicle for hire.

If a license is lost or destroyed, the license holder shall immediately report such loss to the Police Department, which shall replace the license. The cost for a replacement license shall be Five Dollars (\$5.00).

**SECTION IV - Operation.**

**A. Duty to transport.**

A permit holder shall not unreasonably refuse to transport a passenger.

**B. Sharing a ride.**

No permit holder shall accept a passenger when the vehicle is occupied or engaged without the consent of the passenger(s) already in the vehicle. No person shall be obliged to pay any extra fare or fee for refusing such consent. Separate fares shall not be charged to members of the same party.

**C. Waybill.**

Each permit holder operating a taxi or livery or the licensee or its agent shall maintain a waybill form issued or approved by the Police Department documenting every trip from the point of origin to the point of destination. The record shall include the time and place of pick-up and destination; the number of passengers, the fare collected; and the articles, if any, found in the vehicle after departure of the passenger(s). The information entered on the waybill shall be recorded at the completion of the trip.

Waybill records shall be kept for a period of not less than one year and shall be made available to the Police Department or Board of Selectmen upon request.

**D. Taxi stands – Parking – Standing.**

The Board of Selectmen may assign a taxi stand to each taxicab. The Board of Selectmen may also designate specific areas, streets or ways where vehicles may not park or stand.

Standing and/or parking on public ways or public property of vehicles not licensed in the Town of West Boylston is prohibited except while waiting to return a party whose original point of hire was from outside of West Boylston, when operating in accordance with a Massachusetts Department of Public Utilities license, or when being used for

personal (non-vehicle for hire) purposes.

**E. Maintenance of vehicles/seatbelts.**

Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be safe, clean, and sanitary at all times. All seatbelts required by law must be in open view and operational.

**F. Inspection/Inquiries.**

The Board of Selectmen, West Boylston Police Department or their designee shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires at any reasonable time. The licensee and/or permit holder shall provide full cooperation with respect to inspections.

Police officers shall have a right to make inquiries to licensees and permit holders regarding any aspect of a vehicle or its operation and the licensee and/or permit holder shall respond to any such inquiry in a reasonable and civil fashion.

**G. Smoking.**

Smoking in a vehicle is permitted only with the consent of the driver and all passengers.

**H. Appearance/behavior of operator.**

Every driver having charge of a licensed taxicab shall be suitably dressed (sleeved shirt), neat and clean in appearance. Each driver shall be respectful and courteous to passengers.

**I. Display of license, picture identification card, and rates of fare.**

Every taxicab when in operation shall display the following cards in a suitable frame so that they are secure and immobile and plainly visible to passengers riding in the rear of the vehicle:

- a. License
- b. Permit holder's picture identification card.
- c. Fares.
- d. Such other information as the Board of Selectmen reasonably deems appropriate.

Every taxicab, when in operation, shall have available for review by any passenger who requests the above-referenced license and picture identification card.

**J. Lettering on taxicabs**

Every taxicab and livery operating under the authority of this article shall have the name or trade name of the licensee and the name "West Boylston" painted on both sides of the taxicab in letters not less than four inches high and one-half inch wide.

If a licensee operates more than one taxicab, each taxicab shall have a number, not less than four inches high and one-half inch wide, painted in two conspicuous places on the vehicle.

**K. Copy of regulations.**

Every vehicle shall, when in operation, contain a copy of these regulations, which shall be exhibited to any passenger or police officer on request. The licensee and permit holder shall be responsible for the implementation of this requirement.

**SECTION V - Fares.**

**A. Taxicabs**

The Selectmen shall establish the rates of fare for the conveyance of passengers and baggage by a taxicab within the Town of West Boylston, and may revise such when they so determine. The rate of fare shall be on file with the Board of Selectmen and the Police Department.

**B. Separate fares.**

Separate fares shall not be charged to members of the same party.

**C. Senior citizen discount.**

Fares for all persons sixty (60) years of age and older may be discounted up to twenty-five (25) percent. When discounted rates are offered, they must be offered to all senior citizens regardless of the point of origin or destination of ride. Any company, which offers such a discount, shall display a sign visible to a passenger within each taxi or livery informing the passengers of the discount.

**D. No fares in excess of established rates.**

No permit holder operating a taxicab shall demand or receive as a fare more than the fare established by the Board of Selectmen under the authority granted by these regulations.

**E. Rates for trips outside the Town of West Boylston.**

Charges by taxicabs, originating or ending outside the Town of West Boylston shall be subject to mutual agreement between the licensee and the passenger(s). The Board of Selectmen reserves the right to regulate the fares for such trips if it deems such to be in the public interest.

**SECTION VI - Information Update and Penalties**

**A. Information update.**

When any information provided in an application for a license or permit changes or is updated, the respective licensee or permit holder shall give notice thereof, in writing, to the Board of Selectmen.

A driver shall immediately report the suspension or revocation of his license to the Police Department and Board of Selectmen and thereupon immediately surrender his permit to the Police Department. The driver shall be subject to suspension or revocation of his permit pursuant to these regulations.

**B. Enforcement/Penalties.**

The penalty for a violation of any of the regulations of this article shall be a fine not exceeding Three Hundred Dollars (\$300) for each day such violation occurs.

Violation of any of the regulations herein shall be just cause for suspension or revocation of a license and/or permit.