

City of Framingham



The City Council of Framingham



ORDER NO. 2022-076-001
REQUEST OF ORDINANCE AND RULES SUBCOMMITTEE

UPON THE REQUEST OF ORDINANCE AND RULES SUBCOMMITTEE, THE CITY OF FRAMINGHAM,
THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That City Council votes to approve the policy update for the regulation of Taxicabs/Livery
Vehicles and the Operation Thereof in the City of Framingham as presented and attached.

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani, Stefanini
NAYS: Steiner, Stewart-Morales
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: JULY 19, 2022

A True Record, Attest:

7/20/2022
Date Approved

Lisa A. Ferguson

Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk



Framingham Council

Policy for the Regulation of Taxicabs/Livery Vehicles and the Operation Thereof In The City Of Framingham

Issue date: December 7, 2000

Type of policy: New () Amendment (x)

Effective date: January 16, 2001

Amended date: November 1, 2004

Amended date: May 13, 2008

Amended date: April 14, 2009

Amended date: October 1, 2010

Amended sate: July 12, 2022

Level: Department () Division () City Wide (x)

Policy Statement

It is hereby ordered that the rules and regulations of taxicabs and livery vehicles, adopted by the Framingham Council, are hereby declared adopted in place thereof.

References

M.G.L., Chapter 90
M.G.L., Chapter 40, Section 22

Special Terms

Examiner:

The Chief of Police of the City of Framingham or any person or persons so authorized by the Chief of Police.

Licensing Coordinator:

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The individual responsibility for administratively handling the paperwork, complaints, permit licenses, etc. for the Board of License Commissioners, Licensing Coordinator, Examiner, or any of their designees. The Examiner may from time to time assign administrative functions to the Licensing Coordinator.

Livery Vehicle:

A vehicle for hire for livery purposes without a taxi meter, which does not operate on a fixed route and which is hired by means of a telephone request or contract arranged in advance of the time designated for pickup. The definition of a limousine is within this class of vehicle. The definition of limousine shall not include vehicles engaged exclusively to provide service to or from funeral homes.

Number Plate:

The sign or marker 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.

Operators License:

License issued by the Examiner to authorize the holder thereof to operate a vehicle for hire.

Officer:

Any officer authorized to make arrests or serve criminal process, provided that person is in uniform or displays his badge and identification card of office.

Seat:

That space in a vehicle for hire ordinarily occupied by one person.

Taxicab:

A vehicle for hire used for transporting persons or goods for hire, marked with the company name, assigned number, equipped with a taximeter, and which does not operate on a fixed route and which is hired by means of a taxi stand or telephone request. The definition of taxicab shall not include public automobile.

Taximeter:

A device by which a charge for hire is mechanically or electronically, or both, calculated either for distance traveled or for waiting time or both, and upon which such charges shall be clearly indicated by means of a figure displayed.

Vehicle for Hire:

Any vehicle used of to be used for the conveyance of persons for hire from place to place.

Vehicle for Hire Permit:

Permit issued by Board of License Commissioners authorizing the operation of vehicle for hire business.

Vehicle for Hire License:

License issued by the Examiner to a vehicle for hire permit holder authorizing the use of a particular taxicab.

Way:

Any public way, any public 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.

Policy Description

Article 1 Permits And Licenses

Section 1 Authorization

Except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a permit from the Board of License Commissioners authorizing said person to engage in such business and designating the number of such vehicles that may be used under such permit. Such permit shall terminate automatically if for a period of more than 30 days the holder thereof does not coincidentally hold one or more duly existing vehicle licenses. **A taxi or livery service shall be subject to the provisions of this regulation if it maintains a place of business within the City of Framingham and/or garages vehicles within Framingham and/or if it advertises in any format or medium that it provides taxi or livery service within Framingham.**

Section 2 Suitable Persons

The Board of License Commissioners may grant a Vehicle for Hire Permit to suitable persons.

Section 3 Need and Convenience

The Board of License Commissioners shall determine the number, conditions and restrictions of vehicle for hire. Such determination shall be made, based upon serving public need and convenience and the promotion of public health and safety, no later than March 15, annually.

Section 4 Vehicle for Hire License

Application for a vehicle for hire license shall be made by the holder of a vehicle for hire permit to the Licensing Coordinator. Such application shall set forth under oath all information that the Licensing Coordinator may require.

Section 5 Change of Address

When a vehicle for hire license holder changes his address or the place at which a vehicle for hire owned by him is kept, he shall notify the Licensing Coordinator within three (3) days of such change.

Section 6 Licenses, Rates, and Information to Be Posted

No person shall operate a vehicle for hire without a valid vehicle for hire license, and vehicle for hire operator's license in the vehicle. Every vehicle for hire shall have displayed in clear view and easily readable to passengers a notice of the current rates and the vehicle license number issued by

the Licensing Coordinator. This display (copy enclosed) shall include a complaint telephone number (Licensing Coordinator).

Section 7 Complaints

Each complaint received by the Licensing Coordinator shall be logged in and referred to the appropriate investigator, with a record of what action was taken on each particular complaint. Each complaint should receive a complaint number for auditing reasons. These complaints should be made available to the Board of License Commissioners on March 1st of each year.

Section 8 Insurance Certificate Required

No vehicle for hire license shall be issued or renewed by the Examiner / Licensing Coordinator until the applicant shall have presented, to be filed with the application, a certificate of an insurance company authorized to transact business in the commonwealth stating that the vehicle to which the license applies is properly insured under the laws of the Commonwealth. Such certificate shall state the name and address of the owner of the vehicle, the name of the company in which the license is insured, the amount and character of the insurance, and a statement that the insurance policy is applicable to passengers lawfully riding in the vehicle under the provisions of these and other regulations of the city, and said policy shall state that it cannot be revoked without ten (10) days' notice to the Examiner / Licensing Coordinator.

Section 9 Vehicle for Hire License Fee for Livery Service

The annual fee for a vehicle for hire license shall be thirty-five dollars (\$35.00) which amount shall include the processing fee.

Section 10 Suspension or Revocation

The Examiner may suspend or revoke a vehicle for hire license or licenses at any time if in his opinion any section of these rules and regulations has been violated by the license holder. A license holder shall be notified in writing of any suspension or revocations stating the specific reason or reasons for the suspension or revocations stating the specific reason or reasons for the suspension or revocations and inform the licensee of his right to a hearing before the Board of License Commissioners or his designee by applying to him in writing for said hearing within five (5) days of receiving the notice of suspension or revocation of the Examiner. A hearing shall be held by the Board of License Commissioners within (21) days of a written request. At the hearing with the Board of License Commissioners the licensee will have the opportunity to present testimony and evidence, confront and cross-examine adverse witnesses, and be represented by a representative of his choice. A request for a hearing shall not delay any suspension or revocation.

Section 11 Vehicle for Hire License Expiration

The Examiner may issue a vehicle for hire license, if in his opinion the vehicle is a proper one for engaging in such business. Such license shall include the name, place of business of the license, a description of the vehicle with its identification number or numbers. Such license shall be valid for such term, as the Examiner shall determine.

Section 12 Vehicle for Hire License Transfer or Sale Prohibited

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

Section 13 Vehicle for Hire Sale

Any vehicle for hire licensee under these regulations, who shall cease to be the owner of said vehicle, shall at once surrender the vehicle for hire license for said vehicle to the Examiner, except said license may at the time of surrender of said license, transfer said license to another vehicle for hire.

Section 14 Annual Inspection

Before a vehicle for hire is licensed at a time selected by the Examiner, such vehicle for hire shall be thoroughly inspected and examined by the Examiner or someone designated by him for the purpose of seeing that the vehicle for hire has a valid Massachusetts Safety Inspection Sticker, is 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 the Examiner, or his designee, the vehicle for hire license and the inspection card supplied by the town for each vehicle for hire. The Examiner, or his designee, shall, after inspecting the vehicle, either date or sign the inspection card to the operator or inform the operator of corrections that must be made before the license and inspection card will be returned. There will be twenty dollars (**\$20.00**) fee for the annual inspection or re-inspection under this section. The annual inspection of livery vehicles will take place between April 1st and April 30th each year.

Understanding that the Examiner or his designee may inspect any taxicab at anytime that it is in operation to insure that the vehicle for hire is in safe condition. After the Examiner signs the inspection card they will be returned to the Licensing Coordinator to issue the necessary paperwork. The Examiner will design guidelines on what is required to be inspected during this annual inspection. Copies of the inspection reports will be kept on file.

Section 15 Unfit Vehicle for Hire

The Examiner shall refuse a vehicle for hire license, or if already issued, revoke or suspend said license for any vehicle for hire, found unfit, unsafe, or unsuitable for the purposes of herein set forth.

Section 16 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 said vehicle in accordance with the rules and regulations of the Registry of Motor Vehicles and the laws of the Commonwealth of Massachusetts. The owner of any vehicle for hire shall notify the Licensing Coordinator, as soon as said number plates are received, as to the number of the plate and the identification of the vehicle upon which it is affixed.

Section 17 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 identity.

Section 18 Identification and Age

Each taxicab must have its name and cab number (as stated on its license) conspicuously displayed and easily readable on both sides of the vehicle, Effective November 1, 2001, and thereafter, no vehicle shall be approved for use as a taxicab in the City of Framingham when the vehicle is ten (10) years old or older. The year appearing in the vehicle title and / or RMV registration shall determine the vehicle date of origin.

Example: a 1992 vehicle is considered:

| | |
|-----------------|---------------------|
| One year old | on November 1, 1993 |
| Two years old | on November 1, 1994 |
| Three years old | on November 1, 1995 |
| Ten years old | on November 1, 2002 |

The Examiner may review and waive restrictions based on the merits of specific written requests concerning details of maintenance records kept by the owner over an extended period of time. A waiver request must be submitted in writing six (6) weeks prior to inspection by the Examiner. No owner shall purchase a used vehicle and anticipate a waiver.

Section 19 Smoking

Effective, July 1, 2001, smoking will not be allowed inside a taxicab that is licensed in Framingham. This section applies to passengers as well as operators of taxicabs.

Article 2 Vehicle for Hire Operators

Section 1 Vehicle for Hire Operator's License

All vehicles for hire operators shall be required to hold a valid City of Framingham vehicle for hire operator license issued by the Examiner. Written application shall be made under the penalty of perjury to the Examiner on the form provided by the Examiner. No application shall be processed until all information required on the application is provided by the applicant.

Section 2 Applicant Requirements

An applicant must:

- (1) be at least eighteen (18) years of age.
- (2) be the bearer of a valid Massachusetts operator's license issued in accordance with the provisions of Massachusetts General Laws (Chapter 90).
- (3) provide a signed letter / application from the vehicle for hire company who is requesting his/her services as an operator for their company.
- (4) demonstrate ability to read and write the English language

Section 3 Application For Vehicle Operator License

Application for a vehicle for hire operator's license shall be made at the office of the City of Framingham Police Department. All applicants shall set forth, under the penalties of perjury, such uniform information as the Examiner maybe require of said applicant in addition to the following information:

- (1) the name of applicant
- (2) the applicant's residence, date of birth, place of birth, father's name, mother's name, height, weight, color of hair and of eyes, and social security number.
- (3) the number of the applicant's license to operate motor vehicles in the Commonwealth of Massachusetts and the date of expiration of such license, and the license shall be displayed at the time of making application.

Section 4 Vehicle For Hire Operator License Fee

The annual fee for the issuing of the City of Framingham vehicle for hire operator license shall be thirty (\$30.00) dollars, which amount shall include the processing fee. The fee for a duplicate or amended vehicle for hire operator license, or to reinstate a suspended or revoked vehicle for hire operator's license, shall be twenty (\$20.00) dollars.

Section 5 Reasons For Rejection Of Application, Or License Suspension, Revocation, Or Failure To Renew

In addition to failure to meet the requirements set forth above in this section, a decision to reject an application or to suspend, revoke or fail to renew a license may be based as follows: An applicant for such license shall be deemed unsuitable who is addicted to intoxicating liquors or drugs, or has been convicted of a sex offense, a narcotics offense, a firearms offense, the offense of assault and battery on a police officer, or has four or more motor vehicle violations within a three year period, or is currently on parole or probation, or for any justifiable cause shown, in addition to those specifically enumerated. An applicant convicted of any felony may be banned from receiving or holding a license for up to a maximum often (10) years if the Examiner feels that the applicant could present a danger to the health, safety, welfare, or morals of the inhabitants of the Town of Framingham.

Section 6 The Decision To Approve Or Reject

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 Examiner.

Section 7 Decision To Suspend Or Revoke

The Examiner may suspend or revoke a license at anytime for cause. Cause is defined as any reason, which would allow the examiner to reject an application as stated in section 5 or any other section of these regulations. A license holder shall receive written notice of a suspension or revocation. Such notice shall state the specific reasons relied on as a cause for revocation for suspension and inform the licensee's right to a hearing before the Board of License Commissioners by applying to the Board in writing for such a hearing. Such hearing shall be held within twenty-one (21) days after the receipt of a written request thereof. At the hearing, the licensee shall have same opportunities and rights as enumerated in Article 1, Section 10. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a License as outlined in this section, and it is decided by the appropriate official or officials, that the licensee meet all of the requirements for a license set forth in this section.

Section 8 Hearing

At a hearing for the suspension or revocation of a license, the applicant or license holder will have the opportunity to present testimony and other evidence, confront and cross examine adverse witness, and be represented by a representative of his choice.

Section 9 Term Of License

Vehicle for hire operator's license shall be for a term of one (1) year. On payment of the prescribed fee, a license shall be issued a new license unless the license has been previously revoked or is under suspension in accordance with the provisions of these regulations. If said license is under suspension, the license will be renewed upon the expiration of the suspension and upon payment of the prescribed fee.

Section 10 License To Be Visible

It shall be the duty of every person operating a vehicle for hire to have his license to operate such and a list of rates and charges of fare conspicuously posted in such vehicle, clearly visible to its passengers.

Section 11 Termination of Licensed Operator

Notice in writing shall be given to the Examiner by a vehicle for hire license holder when a licensed vehicle for hire operator ceases to be employed by him.

Section 12 Change Of Address

When a licensed operator changes his home address or his place of employment, he shall notify the Examiner in writing within five (5) days.

Section 13 Dress Code

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

Article 3 Operation Of Vehicle For Hire

Section 1 Improper Operation of 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 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 an operator licensed by the Examiner to operate such vehicle for hire or reward.

The taxi or livery company is responsible for conducting periodic inspections of the operator's Massachusetts driver's license and Operators License for validity. The holder of an Operator's License must within 48 hours of occurrence, notify the Examiner of any involvement in an accident which the license holder is required by law to report to the police department and at the same time surrender such permit or license if Examiner determines it is necessary at that time.

Section 3 Record of Trips

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 made 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, or any person designated by him, a record of all trips made by such vehicle for a period of one hundred and eighty (180) 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, the 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. In the event a subsequent passenger is picked up, the first passenger who is dropped off will be charged the meter rate to his destination. The dispatcher will determine the flat fare to be paid by the second passenger to be dropped of which shall be determined by the direct distance between pick-up and drop-off. In no event will either passenger's fare be greater than the meter rate for a direct trip of equivalent distance. In no event shall either passenger pay any additional cost for additional distance incurred as a result of sharing a vehicle.

Section 5 Soliciting Passengers

No taxicab shall be operated from any place other than a fixed location (stand or terminal) and no taxicab or public automobile shall cruise upon any way for the purpose of soliciting passengers or business.

Section 6 Suspension or Revocation of Operators License

The Examiner may suspend or revoke any vehicle for hire driver's license in accordance with these rules and regulations. Upon such suspension or revocation, the holder, thereof shall immediately deliver the same to the Examiner. Such license may be reinstated or reissued in accordance with the provisions of these rules and regulations.

Section 7 Conviction Of Violation

Any person convicted of a violation of any provision of these rules and regulations may be punished by a fine of not more than two hundred (\$200.00) dollars for each offense and subject to suspension and a revocation of a license in accordance with these rules and regulations.

Section 8 Permitting Illegal Activities

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

Section 9 Passenger Seating

No person in charge of a vehicle for hire shall allow anyone to ride upon the driver's front seat, or adjacent to the driver's seat, except when the seats inside the vehicle for hire are fully occupied, and then only when the person so riding is a bona fide passenger, except when the physical condition of the passenger necessitates the use of the front seat.

Section 10 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 number and the vehicle for hire complaint phone number.

Article 4 Taxicab Fares

Section 1 Meters

Every taxicab shall be operated under the taximeter system. Taximeters shall be installed and inspected in accordance with the laws of the Commonwealth of Massachusetts and the regulations prescribed by the Director of the State Division of Standards.

Section 2 Fee Schedule

No person shall charge or receive fares for the hire of a taxicab within the City of Framingham in any sums of money other than those prescribed by the fee schedule promulgated by the Board of Selectmen as from time to time amended.

Section 3 Rate of Fare (Taxicab)

The fare to be taken by or paid to the owner, driver, or other person having charge of any taxicab shall be per the following schedule: For the first one-seventh of a mile, five dollars (\$5), and for each additional one-seventh of a mile, fifty-five cents (\$.55). In addition to the mileage charge, a charge for waiting time may be charged at the rate of thirty-six dollars (\$36.00) per hour for actual waiting time. Time and distance is not allowed to operate at the same time.

Passenger is responsible for the tolls.

When gasoline hits \$ 2.50 a gallon for unleaded regular

| <u>FARE</u> | <u>SURCHARGE</u> |
|------------------------|-----------------------------|
| • \$ 00.00 to \$ 09.99 | \$ 0.25 (additional charge) |
| • \$ 10.00 to \$ 24.99 | \$ 0.50 (additional charge) |
| • \$ 25.00 and up | \$ 1.00 (additional charge) |

When gasoline hits \$ 3.50 a gallon for unleaded regular

| <u>FARE</u> | <u>SURCHARGE</u> |
|------------------------|-----------------------------|
| • \$ 00.00 to \$ 09.99 | \$ 0.50 (additional charge) |
| • \$ 10.00 to \$ 24.99 | \$ 1.00 (additional charge) |
| • \$ 25.00 and up | \$ 2.00 (additional charge) |

Changes to the Fuel Surcharge will occur on May 1st, August 1st, November 1st, and February 1st, of each year. These dates determine if any change (increase / decrease) are necessary to the Fuel Surcharge. Determination of the price of unleaded regular gasoline will be the number that appears on AAA's Daily Fuel Gauge Report for Boston, Massachusetts AAA price, which includes all applicable state and federal taxes. The taxi companies will initiate the increase / decrease on those particular dates.

Article 5 Miscellaneous

Section 1 Amendments

All licenses and permits required by these rules and regulations shall be subject to such terms and conditions, as the Framingham Council shall from time to time prescribe.

Section 2 Meters

Each taximeter must be tested and seal annually by the Inspector of Weights and Measures. If the security seals are broken due to the necessity of repair, the Inspector of Weights and Measure must be informed immediately. The meter should not be used until approved by the Inspector of Weights and Measures.

Section 3 Authority

These rules and regulations are adopted under authority of Massachusetts General Laws, Chapter 40, Section 22. Any person convicted of a violation of any provision of these rules and regulation may be punished by a fine of not more than two hundred (\$200.00) dollars for each offense.

Section 4 Officers To Enforce

It shall be the duty of the officers of the town to observe the movements of vehicles licensed under the provisions of these rules and orders and see that all rules and orders are obeyed.

Taxi/Livery Fees 

Permit to operate taxi/livery company - \$50.

Vehicle for hire license fee - \$0.

Vehicle inspection fee - \$0.

Operator's license fee (hackney) - \$30.

City of Framingham
The City Council of Framingham



ORDER NO. 2021-034-002
REQUEST OF THE ORDINANCE & RULES SUBCOMMITTEE

UPON THE REQUEST OF THE ORDINANCE & RULES SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the City Council removes the \$30 Operator's License Fee (Hackney) from the Taxi fee table within 3.3 BOS Policy for the Regulation of Taxicabs/Livery Vehicles and the Operation Thereof, Section 4 as shown below.

| Livery | Taxi |
|---|--|
| Permit to operate livery company - \$50/vehicle | Permit to operate taxi company - \$250 |
| | Vehicle for hire license fee - \$0 |
| Vehicle inspection fee - \$20/vehicle | Vehicle inspection fee - \$0 |
| Operator's license fee (Hackney) - \$30 | Operator's license fee (Hackney) - \$0 |

FIRST READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales

NAYS: None

ABSTAIN: None

ABSENT: All members were present via teleconferencing

PASSED IN COUNCIL: April 6, 2021

SECOND READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales

NAYS: None

ABSTAIN: None

ABSENT: All members were present via teleconferencing

PASSED IN COUNCIL: May 18, 2021

City of Framingham
The City Council of Framingham



A True Record, Attest:

6/2/2021
Date Approved

Lisa A. Ferguson
Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk