

A. Massachusetts General Laws

Re: Regulation of Vehicles on City/Town Streets, including the licensing of taxis

M.G.L. Ch. 40, s22 - Regulation of vehicles; penalties for violation; disabled veterans and handicapped persons excepted from parking violations; taxicab licenses

Section 22. Except as otherwise provided in section eighteen of chapter ninety and subject, so far as applicable, to section two of chapter eighty-five and sections eight and nine of chapter eighty-nine, a city or town may make ordinances or bylaws, or the board of aldermen or the selectmen or the town council may make rules and orders, for the regulation of carriages and vehicles used therein, and may set penalties for the violation thereof; and may set and receive an annual fee for each license granted to a person to use any such carriage or vehicle therein. No such rule or order shall prohibit the use of passenger or station wagon type motor vehicles whose gross weight is less than five thousand pounds and which are registered for commercial use, on ways, parkways or boulevards where noncommercial passenger-type motor vehicles are permitted to operate. Such rules and orders shall not take effect until they have been published at least once in a newspaper published in the city, town or county.

No penalty shall be imposed upon any disabled veteran or handicapped person, whose vehicle bears the distinctive number plates, or displays the special parking identification plate authorized by section two of chapter ninety or bears the official identification of a handicapped person issued by any other state, or any Canadian Province, for parking such vehicle on any way for a longer period of time than permitted by said ordinances, by-laws, rules or orders.

Except in the counties of Dukes and Nantucket every metered taxicab licensed under this section shall have the name or the trade name of the owner and the name of the city or town in which it is licensed painted on the sides thereof in letters not less than four inches high and one half inch wide.

Re: Business Certificates

M.G.L. Ch. 110, s5 – Certificates of persons conducting businesses; contents; filing; fees; index

Outlines the application process and requirements for business certificates in Massachusetts, including the levy of fines for conducting a business without one.

Re: Credit Cards

M.G.L. Ch. 140D, s. 28A - Cardholder discounts; surcharges; finance charge

Cardholder Discounts/Surcharges/Finance Charges section: prohibits companies from prohibiting sellers from offering discounts to cardholders to induce them to pay cash, check, or similar means rather than use a credit card. Prohibits "sellers" from imposing surcharges on cardholders who elect to use a credit card instead of cash or check

Re: Licensing of Trackless Trolley Companies

M.G.L. Ch. 163, s. 2 – Powers (Chapter 163 covers Trackless Trolley Companies)

Section 2. Any corporation organized as provided in this chapter, and any domestic street railway company may, as hereinafter provided, transport for hire passengers, freight, express parcels and mail over public ways or over private lands with the consent of the owners thereof by the system known as trolley motor or trackless trolley, and may build, equip, operate and maintain vehicles for such transportation, and establish and maintain power houses, poles, wires, conduits or other structures within the limits of and over or under such public ways or private lands for the generation and transmission of electricity for the operation of such vehicles, and the authorities having jurisdiction over such public ways may grant permits for the operation of the said vehicles over such ways, and for the erection of poles, wires and other necessary structures within, over or under such public ways in

the manner and to the extent provided by law for the granting of locations to street railway companies.

Other Relevant Laws

M.G.L. Ch. 159A Common Carriers of Passengers By Motor Vehicle

M.G.L. Ch. 90, s 22F Re: Habitual traffic offenders

M.G.L. Ch. 90, s. 24D Re: Driving under the influence

M.G.L. Ch. 90, s 34A Outlines insurance requirements for commercial vehicles

B. Code of Massachusetts Regulations

- 211 CMR 134.00 **Safe Driver Insurance Plan (SDIP)**
- 220 CMR 152.00 **Sureties Required of Operators of Motor Vehicles for the Carriage of Passengers for Hire**
This CMR details the minimum insurance policy requirements for common carriers, as defined by M.G.L. Ch. 159A
For reference purposes only, the minimum level of insurance policy coverage required of vehicles with a seating capacity of 15 passengers or less is \$1.5m
- 540 CMR 2.00 **Registry of Motor Vehicles; Motor Vehicle Regulations**
This section of the Code defines Livery Vehicles as:
 "Any limousine or other vehicle which is designed to carry fifteen or fewer passengers, including the driver, and carries passengers for hire, business courtesy, employee shuttle, customer shuttle, charter, or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license pursuant to M.G.L. c. 40, s22." Reference above
subsection 2.05(4)(i) states: "A livery vehicle shall display a LIVERY registration number plate..."
- 740 CMR 23.00 **Massachusetts Port Authority; Commercial Ground Transportation Services At Boston-Logan International Airport**

C. Livery Vehicles – Operation & Licensing Process

1. Obtain LIVERY vehicle plates from RMV via RMV (Requirements outlined in 540 CMR)
2. Apply for & obtain a business certificate from local issuer
 - Ex. City of Boston process:
 - i. The filing fee is \$65. If you aren't a Massachusetts resident but you want to conduct business in the state, you need to pay an additional \$35.
 - ii. You need to give us the name and address of your business, along with the names and addresses of any people who have an interest in your business. You **CANNOT** use a post office box for a business address.
 - iii. [Complete and print out a business certificate form](#). Check the box that says "new filing." The business owner's signature needs to be notarized.
 - iv. If you want to open a livery business, you also need to give us copies of this information:
 - registrations for all cars used in the business
 - insurance binders
 - two utility bills
 - Massachusetts licenses for all drivers
 - the lease where the business is operating, and
 - livery plates issued by the Registry of Motor Vehicles.
 - NOTE: The City can fine you up to \$300 for each month that your business isn't registered. The business certificate needs to be renewed every four years from the date the business was registered with the City Clerk.
3. To operate a livery business at Logan International Airport, Additional Process Req'd:
 - i. Massport Ground Transportation Provider Application
 - ii. EZ Pass Account info
 - iii. Vehicle List sheet
 - iv. Corporation documents
 - v. Letter from City or Town where company is located
 - vi. Insurance certificate listing Massport as an additional insured. Must have a combined single limit of \$1 Million (or \$5 Million for motorcoaches)
 - vii. \$100 application fee

C. Other Reports & Information

Taxi Regulations in Metro Boston (MAPC)

Boston's Taxi Industry (Nelson/Nygaard, 2013)

Boston, Brookline, Cambridge, Somerville Taxi/Hackney Regulations

City of Boston Specific Legislation, Statutes, Local Ordinances & Rules

Acts of 1906, c.291

An Act to Provide for the Appointment of a Licensing Board and a Police Commissioner of the City of Boston

- Act creating the power to appoint a police commissioner in the City, granting him the authority to appoint, establish, and organize the police officers and to make all needful rules and regulations for its efficiency
- Although this act was revised with the passage of Ch. 322 of the Acts of 1962, the language of this section sets the tone for the Boston Police Commissioner to promulgate all rules and regulations of the department.

Acts of 1930, c.392 (as Amended by the Acts of 1934, c. 280)

An Act Providing for the Regulation and Limitation of Hackney Stands and Hackney Carriages in the City of Boston

- Act providing for the regulation and limitation of hackney stands and hackney carriages in the city of Boston:
 - "The Police Commissioner of the City of Boston shall have exclusive authority to make rules and orders for the regulation of hackney carriages and hackney stands, both as defined in section two, within the limits of said city." (section one)
 - Defines "hackney," driver/operator:
 - "Each vehicle used or designed to be used for the conveyance of persons for hire from place to place within the city of Boston, except a street or elevated railway car or a trackless trolley vehicle, within the meaning of section two of chapter one hundred and sixty-three of the General Laws, or a motor vehicle, known as a jitney, operated in the manner and for the purposes set forth in section forty-five of chapter one hundred and fifty-nine of the General Laws... shall be deemed to be a hackney carriage within the meaning of sections two to nine, inclusive, of this act..." (section two)
 - "Unless the context expressly requires, the words 'drive' and 'driver' shall be respectively deemed to include 'operate' and 'operator'." (section two)
 - "In said city, no person shall drive or have charge of a hackney carriage, nor shall any person, firm, or corporation set up and use a hackney carriage, unless licensed thereto by the Police Commissioner of the city of Boston; nor shall any person having the care or ordering of such a vehicle in said city suffer or allow any person other than a driver so licensed to drive such a vehicle." (section three)
 - Sets standards for granting of licenses to owners:
 - "Said Police Commissioner of the city of Boston shall annually grant licenses in said city to suitable persons, firms and corporations who are owners of vehicles known as hackney carriages, if such person, or one member of such firm, resides in the such city. Licenses granted under this section...shall be subject to such other terms, conditions and limitation, and be issued subject to the payment of such fees, as said commissioner shall from time to time prescribe. Said police commissioner shall also from time to time fix maximum and minimum rates to be charged by said licensees for use of such vehicles." (section four)
 - Allows for the assignment of hackney cab stands on public and private ways in sections five through eight

Acts of 1938, c.508

An Act with Relation to Public Stands for the Use of Taxicabs and Motor Vehicles for Hire in Cities and Towns

- Abolishes all taxi stands in the City, except those that are approved and designated by the taxi licensing authority (BPD) to make them free and open to all taxi cabs and motor vehicles for hire whose owners are licensed by that authority

Acts of 1962, c.322

An Act Providing for the Appointment by the Mayor of the City of Boston of the Police Commissioner for Said City

- Strikes sections 7-14 of the c.291 of the Acts of 1906, and gives appointment authority to the mayor of the City of Boston to appoint the Police Commissioner
- Maintains the Police Commissioner's authority to promulgate all rules and regulations

Acts of 1963, c.386-

An Act Relative to the Regulation of Taxicabs within the City of Boston

- Prohibits non-hackney licensed drivers from picking up passengers
 - *"In the city of Boston, no person driving or having charge of a taxicab shall solicit the carriage of a passenger or passengers for hire unless said person is licensed as a hackney carriage driver, and said taxicab is licensed as a hackney carriage, by the police commissioner of said city."*
- This act also says: this act shall not be construed as prohibiting the driver of a taxicab licensed as such outside of said city from accepting a passenger or passengers for hire within said city is summoned by telephone or radio for the purpose. Sets the fine at \$50.00

City of Boston Code of Ordinances 6-6.o8

Licensed Taxi Cabs and Leased Vehicles

- This ordinance provides the City of Boston's Office of the Parking Clerk the authority to notify the registered owner of a vehicle in writing of violations written against their vehicle, even if the vehicle is leased or a licensed taxicab.
- The ordinance states: "If the registered owner of a motor vehicle involved in a parking violation... is a person or entity engaged in the licensed taxicab business or the business of leasing motor vehicles, and such motor vehicle is under lease or being operated for hire at the time of such violation.... the registered owner shall be liable for any unpaid fines..."

City of Boston Code of Ordinances 16-15.05

Vehicles for Hire

- This ordinance defines vehicles for hire and provides authority to the Boston Police department to enforce the ordinance, by arresting the driver of the vehicle and seizure of evidence
- Also provides language relative to licensing requirements
 - *"In the City of Boston, no person, firm, or corporation driving or having charge of a taxicab or other private vehicle shall offer the vehicle for hire for the purpose of transporting, soliciting and/or picking up a passenger or passengers unless said person is licensed as a hackney driver and said vehicle is licensed as a hackney carriage by the Police Commissioner of said City"*
 - "Any police officer witnessing a violation of paragraph a. of this subsection may arrest the driver of the vehicle and seize evidence of said violation..."
 - *"No owner or association of owners, whose principal place of business is located in the City of Boston, and who owns a taxicab or taxicabs licensed by the City of Boston, shall be allowed to dispatch taxicabs within the City of Boston unless said taxicabs are licensed by the Boston Police Commissioner and the operators of said taxicabs possess valid hackney carriage drivers licenses issued by the Boston Police Department..."*
 - "Anyone found in violation of this subsection shall be punished by a fine of not more than five hundred (\$500.00) for each violation."