

**815-RICR-50-10-3**

## **TITLE 815 - DIVISION OF PUBLIC UTILITIES AND CARRIERS**

### **CHAPTER 50 - COMMON CARRIERS**

#### **SUBCHAPTER 10 - MOTOR CARRIERS OF PASSENGERS**

Part 3 - Rules and Regulations for Licensing Operators Transporting Passengers in Taxicabs, Limited Public Motor Vehicles and Public Motor Vehicles

### **3.1 Purpose**

Hackney Operator's License Required for All Drivers. No person shall transport passengers for hire in a taxicab, limited public motor vehicle (LPMV) or public motor vehicle (PMV) within the state without first applying for and being issued by the Division of Public Utilities and Carriers (the "Division") a Rhode Island Taxi-LPMV-PMV Operator's License, commonly referred to as a "blue card" or "hackney operator's license." Once issued, the Taxi-LPMV-PMV Operator's License will allow the holder to operate all three types of vehicles for hire.

### **3.2 Authority**

- A. The Division is responsible for licensing the operators (drivers) of all taxicabs, limited public motor vehicles and public motor vehicles transporting passengers for hire. State law provides that no person shall operate a taxicab or limited public motor vehicle upon the highways of this state until that person shall have first obtained a special license from the Division under such rules as the Division shall require. R.I. Gen. Laws § 39-14-20. Further, no person shall operate a public motor vehicle upon the highways of this state until that person shall have first obtained a special license from the Division under such rules as the Division shall require. R.I. Gen. Laws § 39-14.1-8.3.
- B. Status As Common Carriers And Requirement To Regulate - State law provides that every person operating a motor vehicle engaged in operating as a taxicab, limited public motor vehicle or public motor vehicle, is declared a common carrier and subject as such to the jurisdiction of the Division. The Division is required to prescribe such rules and regulations as it deems proper to assure adequate, economical, safe, and efficient service. R.I. Gen. Laws §§ 39-14-2 and 39-14.1-2.

### **3.3 Definitions**

"Administrator" means the Administrator of the Division of Public Utilities and Carriers.

“Cab” means taxicab or limited public motor vehicle as defined in these rules and in R.I. Gen. Laws. §§ 39-14-1(4) and 39-14-1(7).2

“Certificate” means a certificate of operating authority issued to a taxicab, limited public motor vehicle or public motor vehicle company.

“Charter carrier” means a provider of transportation services to groups such as: lodges, bands, athletic teams, schools or other travel groups, assembled by someone other than the carrier who collectively contracts for the exclusive use of certain equipment for the duration of a particular trip or tour. Charter carrier services shall also include transportation services provided by employment agencies or employers to individuals in the context of providing transportation to and from their place of employment.

“Common carrier” as used in these rules means any person engaging in the business of providing transportation services for compensation to passengers through the use of a taxicab, limited public motor vehicle or public motor vehicle, as defined in these rules.

“Division” means the Division of Public Utilities and Carriers.

“Driver” or “operator” means, for the purpose of these rules and regulations, any person operating a motor vehicle used for the for-hire transportation of passengers which he or she owns or is operating with the express or implied consent of the owner.

“Jitney” means and includes any motor bus or other public service motor vehicle operated in whole or in part upon any street or highway in such manner as to afford a means of transportation similar to that provided by a street railway company, by indiscriminately receiving or discharging passengers; or running on a regular route or over any portion thereof; or between fixed termini.

“Limited public motor vehicle” means and includes every motor vehicle for hire, other than a jitney, a taxicab, or a public motor vehicle, as defined herein, equipped with a taximeter used for transporting members of the general public for compensation only from a designated location on private property to such points as may be directed by the passenger.

“Motor carrier” means a common carrier by motor vehicle.

“Person” means and includes any individual, firm, partnership, corporation, company, association, joint stock association, or other association of individuals, or company, and his, her or its lessee, trustee, receiver, assignee, or personal representative, and, where the context requires, “driver” or “operator” as defined herein.

“Public motor vehicle” means and includes every motor vehicle for hire, other than a jitney, a taxicab or a limited public motor vehicle, as defined herein, used

for transporting members of the general public for compensation in unmarked vehicles at a predetermined or prearranged rate or fee to such points as may be directed by the passenger. Transportation services provided by charter carriers, as defined above, or by funeral homes in association with funeral services, and by ambulance companies shall be exempt from these rules and regulations.

“Taxicab” means and includes every motor vehicle for hire, other than a jitney, limited public motor vehicle, or public motor vehicle, equipped with a taximeter, used for transporting members of the general public for compensation to any place within this state as may be directed by a passenger on a call and demand basis, when the solicitation or acceptance of the passenger occurs within the location named in the certificate of operating authority for that taxicab; provided, that the vehicle’s driver may, if and when solicited on a public highway at any location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation from the location only to a place named in the certificate.

“Taximeter” means any instrument or device by which the charge for transportation in any taxicab or limited public motor vehicle is mechanically calculated and indicated by means of figures, either for distances traveled or for waiting time, or for both.

“Unmarked vehicles” means motor vehicles that do not display the transportation company’s name, address or telephone number, or any advertisements or commercial information beyond that included by the vehicle’s manufacturer on the vehicle’s exterior surfaces.

### **3.4 Applicant Eligibility**

- A. Any individual applying to the Division for a hackney operator’s license must first:
1. Be at least 21 years of age (as required by R.I. Gen Laws § 31-10-5).
  2. Be a citizen of the United States of America or otherwise be legally permitted to work within the State of Rhode Island.
  3. Possess either a valid chauffeur’s license or a valid Commercial Driver’s License (CDL) issued by the Division of Motor Vehicles (DMV), or an equivalent license issued by another State and acknowledged by the Rhode Island DMV.
  4. Possess a working knowledge of the English language sufficient to understand highway traffic signs and signals and communicate with passengers. Certificate holders who employ drivers who do not speak English as a “first” language, must ensure that these drivers truly have a working knowledge of the English language and, if needed, have immediate access to bilingual dispatchers. Certificate holders must also

ensure that these drivers are informed and well versed in the provisions and requirements of the Division's relevant rules and regulations before they operate a taxicab, limited public motor vehicle or public motor vehicle;

5. Be familiar with the major highways, routes, streets and traffic laws of the State of Rhode Island; and
6. Be familiar with all Division rules and regulations regarding the transportation of passengers for hire in the applicable mode(s) of transportation the applicant will operate – taxicab, limited public motor vehicle and/or public motor vehicle.

### **3.5 Division Licensing Procedure**

- A. Individuals who apply for a hackney operator's license must supply to the Division the following information:
  1. Name
  2. Date of Birth
  3. Address (residence and mailing, if applicable)
  4. Telephone Number
  5. Social Security Number (Disclosure is voluntary, see Appendix A)
  6. Driver's License Number (including type and class)
  7. Employer (if applicable)
  8. Original certified copies of the applicant's driving record obtained from the Division of Motor Vehicles and record of all criminal convictions obtained from the Bureau of Criminal Identification (BCI) of the Department of the Attorney General. Said record checks must have been obtained by the applicant within thirty (30) days of the submission of the license application.
  9. Proof that applicant is a citizen of the United States or otherwise legally permitted to work within the State of Rhode Island.
- B. The Motor Carriers Section of the Division shall approve or disapprove all applications for a "hackney operator's license" as soon as practicable within ten (10) business days after receiving the required documentation/information. This time period may be extended for not more than thirty (30) days, for just cause, by the Division, with notice of the extension to the applicant.

1. A Motor Carriers Section compliance inspector shall review the entire application presented (including driving record and BCI record). If approved, the applicant will receive a Hackney Operator's License, which shall be carried at all times while operating a taxicab, LPMV or PMV. If approved, said license will be valid for one year only. Any license issued remains the property of the Division at all times and must be surrendered to the Division immediately upon request.
2. A Motor Carriers Section compliance inspector shall review the driving record and BCI record presented by the applicant and an individual's application shall be denied by the inspector if the applicant has been:
  - a. Convicted or adjudicated of two (2) moving violations within a 12-month period during the last 36 months; or
  - b. Convicted or adjudicated of three (3) moving violations within the previous 36-month period; or
  - c. Convicted or adjudicated of three (3) non-moving violations (excluding parking tickets) within a 12-month period during the previous 36-month period; or
  - d. Involved in three (3) accidents within the previous 24-month period; or
  - e. Convicted or adjudicated of an alcohol-related offense within the previous five (5) years; or
  - f. Convicted of a traffic offense in District Court within the previous five (5) years; or
  - g. Convicted of a misdemeanor within the previous one (1) year or a series of misdemeanors within the previous five (5) years; or
  - h. Convicted of a felony within the previous ten (10) years.
3. Providing false or incomplete information on an application shall result in automatic denial of application.
4. If an application is denied by an inspector, the applicant may first request that the Associate Administrator of the Motor Carriers Section reconsider the application. The applicant shall write a letter to the Associate Administrator, in which the applicant requests reconsideration and offers a satisfactory explanation for the circumstances that warranted the initial denial. Upon reconsideration, the Associate Administrator may:
  - a. Issue a license without restrictions

- b. Issue a license with probationary restrictions
  - c. Uphold the denial
5. If the Associate Administrator upholds the denial or proposes to issue a license with probationary restrictions, the applicant may request a full reconsideration hearing before a Division hearing officer by sending a letter addressed to the Administrator. At said hearing, the applicant shall be given notice and an opportunity to be heard and maintains the right to be represented by counsel at his/her own expense.

### **3.6 Conduct of Taxicab Drivers**

- A. All drivers issued a hackney operator's permit must conduct themselves in a courteous and professional manner at all times while on-duty.
- B. All taxicab drivers issued a hackney operator's license must conduct themselves in accordance with all rules and regulations promulgated by the Division regarding the regulated activities of transporting passengers. Said rules include the instant rules as well as Part 2 of this Subchapter "Rules and Regulations Governing the Transportation of Passengers Via Taxicabs and Limited Public Motor Vehicles ("taxicab rules") – Specifically, the following provisions of § 2.8 of this Subchapter:
  - 1. Each driver shall place, in a Division-approved receptacle and location, his/her Division-issued hackney license.
  - 2. No person shall drive or be in physical control of any cab, for the purpose of carrying passengers, for a period in excess of 12 hours in any 24-hour period, unless the driving time is broken by a period of eight full hours of rest. No certificate holder or his or her agent shall knowingly permit any cab to be driven in violation of this paragraph.
  - 3. No cab shall be driven when it is so loaded or when there is in the front seat such number of persons as to obstruct the view of the driver to the front or sides, or to interfere with his control over the cab. No cab shall carry more adult passengers than the manufacturer's designed capacity of the vehicle.
  - 4. Nothing shall be transported in any cab that will cause the interior of such cab to become soiled or offensive to passengers because of odor or appearance.
  - 5. Any individual who drives a cab, including a certificate holder, must report any criminal conviction or adjudicated traffic violation to the Division within five (5) business days of the conviction or adjudication. If a Division investigation reveals that the criminal conviction or adjudicated traffic violation is of such a nature that continued operation of a taxicab by said

individual could constitute a danger to the public, the Division will conduct a hearing, after notice and allowing a full opportunity to be heard, to determine whether the individual's Hackney Operator's License should be revoked, suspended or otherwise limited. Failure to follow this rule will be sufficient grounds for revoking the certificate holder's certificate or the drier's operating permit.

6. Smoking by drivers or passengers shall not be allowed in cabs at any time.
  7. Cab drivers shall not refuse a fare unless the driver fears for his/her personal safety. All passengers shall utilize safety restraints and provide and use child restraints when required by law. A cab driver must refuse a fare or terminate service if a passenger refuses to utilize safety restraints or to provide and use child restraints when required by law.
  8. All cab drivers shall be dressed in a neat, clean and professional manner. Examples of clothing which may not be considered professional include sweat pants, collarless shirts with logos and cutoff jean shorts.
  9. Solicitation and acceptance of a passenger must occur within the location named in the certificate. The vehicle's driver may, however, provide transportation from a location not shown in the certificate only if he or she is solicited on a roadway while discharging a passenger and may then only provide transportation to a territory named in the certificate. This section shall not prohibit a pre-requested round-trip as allowed and provided for in Part 2 of this Subchapter "Rules and Regulations Governing the Transportation of Passengers Via Taxicabs and Limited Public Motor Vehicles ("taxicab rules").
  10. An "On-Duty"/"Off-Duty" card shall be displayed in every taxicab to allow potential passengers to determine whether the taxicab is available for hire.
- C. Disorderly Conduct: Drivers must act in a lawful and professional manner at all times while on duty and at all times while at a taxi stand or in the general proximity to others conducting business in the taxicab industry. Further, no driver while on duty shall engage in any behavior or activity that would constitute disorderly conduct as outlined in R.I. Gen. Laws Title 45, and specifically R.I. Gen. Laws § 11-45-1. Such conduct shall be punishable as set forth in § 3.10 of this Part and any driver engaging in such unlawful acts shall be brought to the attention of the appropriate law enforcement department.

### **3.7 Maintaining Manifests**

- A. All cab drivers shall maintain a driver's manifest during each shift. Such manifest (or log) must be recorded, in ink, on a form approved by the Division and must

include all trips made by the cab while under the driver's control. It must contain the following.

1. The date, driver's name, cab company and registration number;
2. Time and mileage out at beginning of shift;
3. Time and mileage at the end of the shift;
4. Time and place of origin and time and place of destination of each trip;
5. Number of passengers and fare charged for trip;
6. The mileage for each paid trip, as well as explanation of mileage incurred which was not incurred as the result of a paying fare;
7. Tire inflation as recorded pursuant to Subsection § 2.5(A)(11) of this Subchapter.

### **3.8 Rates and Charges**

- A. Every cab is required by state law and Division rule to have a calibrated, sealed and operational taximeter. Drivers may charge only the rate displayed on the taximeter – as well as any other approved tariff charge (i.e. extra passenger(s) beyond two, large luggage items or an officially authorized fuel surcharge).
- B. Drivers are strictly prohibited by state law and Division rule from charging “flat rates” in which a passenger is charged a set price for a trip in which the taximeter is not utilized.
- C. Drivers must furnish passengers with fare receipts upon request.

### **3.9 Conduct of Public Motor Vehicle (PMV) Drivers**

- A. PMV drivers are prohibited from smoking in the for-hire vehicle. (Passengers, however, shall not be prohibited by these rules from smoking in the vehicle, although each PMV certificate holder may prohibit passengers from smoking in its vehicles if it sees fit.)
- B. Drivers operating a PMV for hire shall furnish passengers with an appropriate receipt or bill of lading upon request.
- C. PMV drivers must have a valid “Blue Card” in his/her possession when transporting passengers for hire. (The “Blue Card” is not required, however, to be conspicuously posted in the vehicle.)
- D. All passengers shall utilize safety restraints and provide and use child restraints when required by law. A PMV driver must refuse a fare or terminate service if a

passenger refuses to utilize safety restraints or to provide and use child restraints when required by law.

### **3.10 Penalties for Violations**

A. State law provides the following penalties for violations of these Rules and Regulations Governing Operators Transporting Passengers in Taxicabs, Limited Public Motor Vehicles and Public Motor Vehicles:

1. Criminal Penalties

a. Operation of Taxicabs and Limited Public Motor Vehicles. Any operator of a taxicab or limited public motor vehicle who violates any provision of these rules and regulations shall be fined not more than one hundred dollars (\$100) or imprisoned not more than sixty (60) days or both, and his or her Taxi-LPMV-PMV Operator's License may be revoked. The violation shall be a separate and distinct offense for each day during which it shall continue. R.I. Gen. Laws § 39-14-11(a).

b. Operation of Public Motor Vehicles. Any operator of a public motor vehicle subject to regulation by the Division who shall be guilty of any violation of these rules and regulations shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not exceeding one year, or both, for each offense. R.I. Gen. Laws § 39-14.1-9(a).

2. Civil Penalties - The Administrator of the Division may, in his or her discretion, impose upon any operator of a taxicab, limited public motor vehicle, or public motor vehicle, who violates any provision of these rules and regulations an administrative civil penalty (fine) that shall not exceed one thousand dollars (\$1,000) per each violation of a rule or regulation, and his or her Taxi-LPMV-PMV Operator's License may be revoked. R.I. Gen. Laws §§ 39-14-11(b) and 39-14.1-9(b).3.

3. Schedule of Fines for Violations Admitted by the Driver. The Administrator has approved the following schedule of fines for the specific violations enumerated below that will be applied when the driver chooses not to contest the allegation that he or she violated these rules. (Violation of any rule not specifically enumerated below will result in an automatic hearing where the maximum penalty authorized by law may be imposed.) The Division's Associate Administrator for Motor Carriers and his/her designees may issue a Notice of Probable Violation ("NOPV") for the offenses enumerated below setting out the specific fine authorized for that offense. If the driver chooses to admit the violation, he may pay the fine by money order or personal check made out to Division of Public Utilities and

Carriers in the amount indicated on the NOPV and delivered to the Clerk of the Motor Carrier Section either in person or by U.S. Mail within ten (10) calendar days of the date the NOPV was issued. (NOTE: Cash is not accepted for payment of fines. Inspectors are not authorized to accept payment for fines in the field. All payments must be made either in person at the Division or via U.S. Mail.) A driver may always choose to contest the violation charged by requesting a hearing rather than paying the fine amount on the citation. Failure to pay the NOPV fine within ten (10) calendar days of the date the NOPV is issued shall be treated as a request by the driver for a hearing. The Division's Hearing Officer shall not be bound by this schedule of fines, but may instead recommend whatever fine he or she feels is appropriate based on the evidence taken at the hearing; the fine imposed at the hearing may be greater than, or less than, the amount set out in this schedule.

4. The fine(s) prescribed for the violations listed below shall be as follows to drivers of taxicabs and LPMVs:
  - a. First offense, twenty-five dollars (\$25); second offense, fifty dollars (\$50); third offense, mandatory fitness hearing for the following:
    - (1) Rate card not properly displayed
    - (2) Active hackney license not properly displayed
  - b. First offense, fifty dollars (\$50); second offense, one hundred dollars (\$100), third offense, mandatory fitness hearing for the following:
    - (1) Manifest (driver log) not in compliance
    - (2) Receipts not filled out properly
    - (3) Vehicle overloaded
    - (4) Smoking in vehicle (by either driver or passenger)
    - (5) Child restraint seat not utilized
    - (6) Driver not properly dressed
  - c. First offense, one hundred dollars (\$100); second offense, two hundred dollars (\$200), third offense, mandatory fitness hearing for the following:
    - (1) Disorderly conduct at a taxi stand and/or while on duty as a cab driver. iv. Any rules infraction or violation of applicable state law not outlined in subparagraphs §§ 2.10(3)(a)(b)

and/or (c) of this part (above) shall result in a mandatory hearing before a Division hearing officer.

5. The fine(s) prescribed for the violations listed below shall be as follows to drivers of PMVs:
  - a. First offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third offense, mandatory fitness hearing for the following:
    - (1) Active "Blue Card" not in driver's possession
    - (2) Failure to provide appropriate receipts
    - (3) Child restraint seat not utilized
    - (4) Smoking in vehicle (by driver)

### **3.11 Complaints**

- A. Any person may file a complaint with the Division regarding a violation of these rules and regulations. Complaints should be in writing and signed by the complainant stating the complainant's address and telephone number and either mailed or hand-delivered to the Division of Public Utilities and Carriers, 89 Jefferson Blvd., Warwick, Rhode Island, 02888. Nothing in this rule should be construed to prevent the Division from instituting an investigation or proceeding based upon an oral complaint or upon information developed in any other manner.
- B. If the Division determines that a complaint alleges facts which constitute a violation of Division rules and regulations, the Division shall notify in writing the particular driver of the nature of the complaint. An answer must be filed by the driver with the Division within ten (10) days following the date of the notice of the complaint. Upon receiving such answer(s), the Division shall notify the complainant of the contents or nature of the answer(s) and shall take whatever action deemed appropriate to resolve the complaint.
- C. If the Division determines that the facts as alleged in any complaint are clearly not in violation of Division rules and regulations, the complainant shall be so notified and no further action will be taken.
- D. However, when the Division finds that a satisfactory response is not made to the notification of the complaint, or when no response is made to a complainant, or when the facts clearly warrant, a hearing shall be conducted by the Division 11 concerning the complaint. The Division shall send written notice to all parties consistent with § 3.12 of this Part.

- E. Failure of the driver to appear before the Division for a scheduled hearing may result in a suspension or revocation of the driver's Hackney License. Failure of the complainant to appear for a scheduled hearing may result in dismissal of the complaint.

### **3.12 Notice**

- A. The Division shall give notice of the commencement of a scheduled hearing in any pending matter to all parties and to such other persons as the Division designates.
- B. Notice shall be by first class mail or personal service unless otherwise specified by the Division. The Division shall give at least ten (10) calendar days written notice of the hearing unless the hearing officer determines that less notice is reasonable. Nothing, herein, however, shall limit the power of the Division to order notice by other means, including but not limited to notice by publication.
- C. Unless notice to the contrary has been received by the Division, notices shall be sufficient if mailed or delivered to the following:
  - 1. If the addressee is a Hackney License holder, the address shown on the last application for the issuance thereof.
  - 2. If an attorney has entered an appearance on behalf of the addressee, to the office of the attorney
  - 3. The latest change of address notice on file with the Division

### **3.13 Appendix A - Social Security Number Privacy Disclosure Statement**

- A. Providing your Social Security Number to the Division is not mandatory. You may legally refuse to comply with this request. Whether you agree to disclose your Social Security Number is entirely a voluntary decision.
- B. The Division is charged with the responsibility of determining whether you are "fit" before it is able to grant you the authority being requested through the instant application. The basis of this requirement is contained in the following R.I. Gen. Laws: §§ 39-1-1, 39-1-15, 39-1-38, 39-3-2, 39-12-4, 39-12-5, 39-12-7, 39-12-32, 39-13-2, 39-14-2, 39-14-4.1, 39-14-12, 39-14-14, 39-14-20, 39-14.1-3 and 39-14.1-8.
- C. The Division has requested that you provide it with your Social Security Number so that it may better evaluate your "fitness" with regard to the regulatory authority you seek. The "fitness" evaluation includes a criminal background and a legal residency investigation. The Division may also employ other means to conduct

the fitness evaluation. Providing your Social Security Number to the Division will help expedite the evaluation process.

- D. Your Social Security Number will also be used as a unique internal identifying number.
- E. SOCIAL SECURITY NUMBERS WILL NOT BE OPEN FOR PUBLIC INSPECTION.