

TOWN OF MASHPEE
VEHICLE FOR HIRE RULES AND REGULATIONS
AND OPERATION THEREOF

Policy No. 24

TABLE OF CONTENTS

SECTION I. DEFINITIONS

SECTION II. VEHICLE FOR HIRE REGULATIONS

1. Residence
2. Need and Convenience
3. Vehicle for Hire Licenses
4. Change of Address
5. License to be Kept in Vehicle
6. Vehicle for Hire
7. Insurance Certification Required
8. Suspension or Revocation
9. Vehicle for License Expiration
10. Vehicle for Hire Transfer or Sale Prohibited
11. Vehicle for Hire Sale
12. Semi-Annual Inspection
13. Unfit Vehicle for Hire
14. Number Plate
15. Advertisements Prohibited on Vehicle for Hire
16. Vehicle for Hire Operators' License
17. Applicant Requirements
18. Application for Vehicle for Hire Operators' License
19. Vehicle for Hire Operator License Fee
20. Reasons for Rejection of Application, Legal Suspensions, Revocations or Failure to Renew
21. The Decision to Approve or Reject
22. Decision to Suspend or Revoke
23. Hearing
24. Terms of License
25. Termination of Licensed Operator
26. Change of Address
27. Improper Operations of Equipment
28. Vehicle for Hire
29. Hired Vehicles for Hire
30. Vehicles for Hire Operators' Contract
31. Suspension or Revocation of Vehicle for Hire Operator's License
32. Conviction of Violation
33. Passenger Seating
34. Amendments
35. Authority
36. Police Officers to Enforce

37. Fares/Bookings

SECTION III. TAXI REGULATIONS

1. License and Rates to be Posted
2. Vehicle Color
3. License to be Visible
4. Record of Trips
5. Hired Vehicles for Hire
6. Soliciting Passengers
7. Fee Schedules
8. Taximeters
9. Rate of Fare
10. Discounts
11. Parking Vehicle for Hire on Public Way Prohibited
12. Taxi Permit Limit
13. Taximeter Requirements
14. Specifications
15. Mileage Tests
16. User Requirements

Section I. DEFINITIONS

The following words as used in these regulations, unless the context otherwise requires, shall have the following meanings:

BASE – The place of business licensed by the Town of Mashpee from which vehicles for hire shall be dispatched.

CLEARED – A taximeter is “cleared” when it is inoperative with respect to all fare indications, when no indication of fare or extras is shown, and when all parts are in those positions in which they are designed to be when the vehicle on which the taximeter is installed is not engaged by a passenger.

COLD TIRE PRESSURE – The pressure of a tire when the tire is at ambient temperature.

EXAMINER – The Chief of Police of the Town of Mashpee or any person or persons so designated by the Chief of Police.

EXTRAS – Charges to be paid by a passenger in addition to the fare, including any charge at a flat rate for the transportation of passengers in excess of a stated number and any charge for the transportation of baggage.

FACE – That side of a taximeter upon which passenger charges are indicated.

FARE – That portion of the charge for the hire of a vehicle that is automatically calculated by a taximeter through the operation of the mileage or time mechanism.

FLAG – A plate at the end of the lever arm or similar part by which the operating condition of the taximeter is controlled.

HIRED – A taximeter is “hired” when it is operative with respect to all applicable indications of fare or extras. The indications of fare include time and distance where applicable unless qualified by another indication of “Time Not Recording” or an equivalent expression.

INITIAL MILEAGE OR TIME INTERVAL – The interval corresponding to the initial money drop.

MONEY DROP – An increase of fare indication. The “initial money drop” is the first increment of fare indication following the flag pull.

NUMBER PLATES – The sign or markers furnished by the Registry of Motor Vehicle on which is displayed the license number or marks assigned to a vehicle for hire.

OWNER – Any person, firm, partnership, corporation, association, or entity owning and operating a licensed vehicle for hire business.

POLICE OFFICER OR OFFICER – Any officer authorized to make arrests or serve criminal process, provided that person is in uniform or displays his badge of office.

ROAD TEST – A mileage test, over a measured course, of a complete taximeter assembly when installed on a vehicle, the mechanics, being actuated as a result of vehicle travel.

ROLLING CIRCUMFERENCE – The rolling circumference is the straight line distance traveled per revolution of the wheel (or wheels) that actuate the taximeter, the rolling circumference is the average distance traveled per revolution of the wheels.

SEAT – The space in a vehicle for hire ordinarily occupied by one person.

TAXIMETER – An instrument or device approved by the Director of the Division of Standards by which the charge to a passenger for hire of a licensed vehicle for hire, classified as a taxicab, is automatically calculated and on which such charge is plainly indicated. A taximeter may be a:

SINGLE-TARIFF TAXIMETER – One that calculates fares at a single rate only.

MULTIPLE-TARIFF TAXIMETER – One that may be set to calculate fares at any one of two or more rates.

VEHICLE FOR HIRE – Any vehicle used or to be used for the conveyance of persons for hire from place to place. Vehicles for hire shall consist of the following classifications, but not limited to:

LIMOUSINE – An unmarked and unmetered auto or similar passenger vehicle carrying passengers for hire, duly licensed as a limousine by the Examiner and does not pickup, transport, or discharge passengers along a route.

LIVERY – A marked and unmetered auto or similar passenger vehicle carrying passengers for hire, duly licensed as a livery by the Examiner and does not pickup, transport, or discharge passengers along a route.

TAXICAB – A marked and metered auto or similar passenger vehicle carrying passengers for hire, duly licensed as a livery by the Examiner and does not pickup, transport, or discharge passengers along a route.

VEHICLE FOR HIRE LICENSE – License issued by the Examiner to a vehicle for hire business permit holder, authorizing the use of a particular vehicle for the conveyance of persons for hire from place to place.

VEHICLE FOR HIRE OPERATOR – Any person who operates a vehicle for hire while engaged in the transportation of a fare or client.

VEHICLE FOR HIRE OPERATORS' LICENSE – License issued by the Examiner to a person who operates a vehicle for hire while engaged in the transportation of a fare or client.

VEHICLE FOR HIRE PERMIT – Permit issued by the Selectmen authorizing the operation of a vehicle for hire business.

WAY – Any public way, any private 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.

Section II. VEHICLES FOR HIRE REGULATIONS

Except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle, whether a taxicab or a livery, without first having obtained a permit from the Board of Selectmen authorizing him/her to engage in such business; said permit shall designate 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 at the same time hold one or more duly existing vehicle for hire licenses, or upon the sale, assignment, or transfer of ownership.

Also, if such permit allows more than one vehicle for hire license, and that amount of vehicles are not licensed at the end of the 30-day period, the unused licenses shall revert back to the Town. The permit holder must reapply for another 30-day period if he/she still so desires the original or another amount of vehicle for hire licenses but, in no event, will more than the original amount of vehicle for hire licenses be granted for that permit, for the then current calendar year. For taxi permits, the holder of such permit must be able and willing to provide taxi service 24 hours a day after the 30-day initial period, and from then on, if and until said permit is either cancelled, revoked, or not renewed.

The fee for a vehicle for hire permit shall be one hundred dollars (\$100.00) which shall include the processing fee, and shall be submitted with the application to the Town of Mashpee, Office of the Board of Selectmen.

1. RESIDENCE – The Selectmen may grant a Vehicle for Hire Permit to suitable persons, if the person or one member of the firm resides in the Town, and if the principal place of business of the person is in the Town.

2. NEED AND CONVENIENCE – The Board of Selectmen of the Town of Mashpee shall annually determine the number of vehicle for hire licenses to be issued. Such determination shall be made, based upon serving public need and convenience, and the promotion of public health and safety.
3. VEHICLE FOR HIRE LICENSES – Application for vehicle for hire licenses shall be made by the owner thereof. Such application shall set forth under oath all information that the Examiner may require.
4. CHANGE OF ADDRESS – When a vehicle for hire license holder changes the address or the place at which a vehicle for hire owned by him/her is kept, he/she shall notify the Examiner within three (3) days of such change.
5. LICENSE TO BE KEPT IN VEHICLE – No owner shall permit, nor shall any person operate a vehicle for hire without a valid vehicle for hire license, a valid vehicle for hire operators' license, a vehicle inspection card, and a state inspection sticker on his/her person or within the vehicle in some easily accessible place.
6. VEHICLE FOR HIRE LICENSE FEE – The fee for a vehicle for hire license shall be twenty-five dollars (\$25.00) per vehicle, payable in addition to the vehicle for hire permit fee which amount shall include the processing fee payable at the Town of Mashpee Police Department.
7. INSURANCE CERTIFICATION REQUIRED – No vehicle for hire license shall be issued by the Examiner 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 property insured under the laws of the Commonwealth. Business owners are required to purchase insurance in the amount of \$500,000 for each incident and \$1,000,000 in the aggregate, to provide coverage for passengers, as well as the operator, lawfully riding in the vehicle under the provisions of these and other regulations of the Town, and said policy shall state that it cannot be revoked without ten (10) days notice to the Examiner.
8. SUSPENSION OR REVOCATION – The Examiner may suspend or revoke a vehicle for hire license if, in his opinion, any section of these rules and regulations have been violated by the license holder. A license holder shall be notified in writing of any suspension or revocation, said suspension or revocation shall state the specific reason or reasons for the suspension or revocation, and the license holder shall be informed of his rights to a hearing before the Selectmen by applying to them in writing for said hearing within five (5) days of receiving notice of suspension or revocation from the Examiner. A hearing shall be held by the Selectmen within ten (10) days of a written request, excluding Saturday, Sunday and Holidays. At the hearing with the Selectmen, the licensee will have the opportunity to present testimony and other 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.
9. VEHICLE FOR HIRE LICENSE EXPIRATION – The Examiner may issue a vehicle for hire license if, in his opinion, the owner is competent, the vehicle is a proper one for engaging in such business, and the granting of such is required for public convenience and necessity. Such license shall set forth the name, residence, place of business of the licensee, a description of the vehicle with its identification number and the number of seats exclusive of the operator. Such vehicle shall be registered and principally garaged in the Town of Mashpee. Such license shall expire on December 31 of each year.

10. 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 in interest of any entity holding such a license be sold, assigned or transferred. Such sale, assignment, or transfer shall automatically terminate said license.

11. VEHICLE FOR HIRE SALE – Any vehicle for hire licensee under these regulations, who shall cease to be the owner of said vehicle for hire, shall at once surrender the vehicle for hire license for said vehicle to the Examiner, except said licensee may at the time of surrender of said license, transfer said license to another vehicle for hire without additional license fees.

12. SEMI-ANNUAL INSPECTION – Before a vehicle for hire is licensed and two times annually, at the 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 is safe for the transportation of passengers, clean inside and outside, of good appearance, and well painted. At the time of a semi-annual inspection, the operator of the vehicle for hire shall present to 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 and sign the inspection card and return the license and inspection card to the operator, or inform the operator of corrections that must be made before the license and inspection card will be returned.

13. 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 to be unfit, unsafe, or unsuited for the purpose herein set forth.

14. NUMBER PLATE – Any vehicle for hire shall have affixed thereto such number plates as prescribed for use by the Registry 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 Examiner as soon as said number plates are received, as to the number of the plate and the identification of said vehicle upon which it is to be attached.

15. ADVERTISEMENTS PROHIBITED ON VEHICLES FOR HIRE – No advertisements of any description, including announcements of rates of fare, or any other matter other than the name of the Owner, his/her address or telephone number, shall appear on a licensed vehicle for hire operated in the Town. This does not prohibit the posting of rates on the inside of the vehicle for hire, but does prohibit such posting upon the window glass.

16. VEHICLE FOR HIRE OPERATORS' LICENSE – All vehicles for hire operators shall be required to hold a valid Town of Mashpee vehicle for hire operators' license issued by the Examiner. Written application therefore shall be made under penalty of perjury to the Examiner on a form provided by the Examiner. No applicant for a vehicle for hire operators' license shall be processed until all information required on the application is provided by the applicant.

17. APPLICANT REQUIREMENT

An applicant must:

- a) Be at least eighteen (18) years of age.

- b) Be the bearer of a valid Massachusetts operators' license issued in accordance with the provisions of Massachusetts General Laws, Chapter 90.
- c) Provide a letter from the person by whom he is to be employed requesting his services.
- d) Provide two (2), passport size photographs of himself/herself.

18. APPLICATION FOR VEHICLE FOR HIRE OPERATORS' LICENSE – Application for a vehicle for hire operator's license shall be made at the Town of Mashpee Police Department. All applicants shall set forth, under the penalties of perjury, such uniform information as the Examiner may require of said applicant in addition to the following information:

- a) Name of applicant.
- b) The applicant's residence, date of birth, place of birth, father's name, mother's name, height, weight, complexion, color of hair and eyes, and social security number.
- c) The number of the applicant's license to operate motor vehicles in the Commonwealth and date of expiration of such license, and said license shall be displayed at the time of making application.

19. VEHICLE FOR HIRE OPERATOR LICENSE FEE – The fee for the issuing of a Town of Mashpee vehicle for hire operators' license shall be ten dollars (\$10.00), which amount shall include the processing fee payable at the Town of Mashpee Police Department.

20. REASONS FOR REJECTION OF APPLICATION, OR OF LICENSE SUSPENSIONS, REVOCATIONS, OR FAILURE TO RENEW – In addition to failure to meet the requirements set forth in Section 2-1, 2-2 a decision to reject an application or to suspend, revoke or fail to renew a license, may be based as follows:

- a) An applicant convicted of any felony or misdemeanor may be barred from receiving or holding a license for up to the maximum of the following periods of time:
- b) Five (5) years after the incident leading to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for the sale or possession of a controlled substance, or conspiring to violate the controlled substance laws.
- c) Five (5) years after the incident leading to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for driving under the influence of alcohol or narcotics, or operating to endanger.
- d) Five (5) years after the incident which led to a revocation or two (2) years after the incident which led to the suspension of a driver's license.
- e) Five (5) years after the incident which led to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for a sexually-related crime.
- f) Five (5) years after the incident which led to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for assault and battery.
- g) Any moving traffic violation, (speeding, stop sign violation, etc.) the Examiner may suspend the vehicle for hire operator's license for a period of time set by the Examiner, not to exceed seven (7) days.
- h) A single conviction for another felony Applicants with or misdemeanor shall be barred for a reasonable time in reasonable proportion to the time for the foregoing felonies and misdemeanors.
- i) Applicants with two (2) or more such convictions may be barred for a reasonable time for the foregoing felonies and misdemeanors.

Notwithstanding for the foregoing, where the evidence shows that the applicant's or license holder's other activities or condition would, if combined with the use of a vehicle for hire operator's license, present a danger to the health, safety, and welfare of the inhabitants of the Town of Mashpee.

21. THE DECISION TO APPROVE OR REJECT – The decision to approve or reject an applicant for a vehicle for hire operator's license shall be made within thirty (30) days after the filing of the application with the Examiner. The applicant shall be informed in writing of the specific reasons for the rejection, of his right to an informal conference with the Examiner to review the decision, and of his right to a hearing before the Selectmen to review the decision.

22. DECISION TO SUSPEND OR REVOKE – The Examiner may suspend or revoke a vehicle for hire operator's license at any time for cause. Cause is defined as any reason which would allow the Examiner to reject an application as stated in Section 2-22 or any violation of any section of these rules and 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 or suspension and inform the licensee of his rights to a hearing before the Selectmen by applying to them in writing for said hearing. Such hearing shall be held within ten (10) days, exclusive of Saturdays, Sundays and Holidays, after the receipt of a written request therefore. At said hearing, the licensee shall have the same opportunity and rights enumerated in Section 2-9. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a license as outlined in Section 2 through 5, and it is decided by the appropriate official or officials that the licensee meets all the requirements for a license set forth in Article X.

23. HEARING – At a hearing upon rejection of an application or 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 witnesses, and be represented by a representative of his choice.

24. TERMS OF LICENSE – Vehicle for hire operators' license shall be for a term of one (1) year from January 1st to December 31st. On payment of the prescribed fee, a licensee shall be issued a new license unless the new 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.

25. 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/her, and the license holder shall in such notice give the reasons for the termination of the employment.

26. CHANGE OF ADDRESS – When a vehicle for hire licensed operator changes his home address or his place of employment, he shall notify the Examiner in writing within five (5) days.

27. IMPROPER OPERATION OF EQUIPMENT – No person operating a vehicle for hire shall 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 licensed seating capacity.

28. VEHICLE FOR HIRE OPERATOR LICENSED – No owner or person having care, custody, or control of a vehicle for hire shall permit, suffer or allow any person other than an operator licensed by the Examiner to operate a vehicle for hire, for hire or reward.

29. HIRED VEHICLES FOR HIRE

Drinking alcohol from an open container: No person may drive a vehicle for hire while drinking from an open container which contains any alcoholic beverage while driving upon any roadway or in any place to which members of the public have access as invitees or licensees. No passenger shall be allowed to drink alcoholic beverages while being transported, taking into consideration the safety and lives of the general public, the safety of the driver or damage to the vehicle.

Police assistance: The driver shall seek the assistance of any Police Officer, who shall assist the driver in any lawful way and if in possession of the necessary evidence of any criminal behavior shall prosecute the offending passengers.

Reckless or unsafe operation: No driver shall operate a vehicle for hire recklessly, or in an unsafe manner, or in disregard to Statute Law, Bylaws, and Rules and Regulations of the Town of Mashpee governing the operation of motor vehicles or in disregard for public safety.

Smoking regulation: A driver shall not smoke while transporting passengers if said passengers so requests. A driver can request passengers not smoke and shall be indicated by signage posted within the vehicle in such a manner to be viewed from the rear seat. However, a driver cannot refuse passengers by using the no-smoking regulation to select trips or direction of travel, or refuse to take passengers to their destination.

Lost property: The driver and/or the owner may be personally liable for any loss of property suffered by passengers if, after a determination by the Examiner that the lost property was caused by the intentional misconduct or negligence of the driver or owner of the vehicle for hire. The driver shall thoroughly search the interior of the vehicle and the trunk immediately after the termination of each trip. Found property shall be returned to the passengers immediately or taken to the base without delay.

30. VEHICLES FOR HIRE OPERATORS CONTRACT

- a) A driver having charge of a vehicle for hire in a public place shall be hygienically clean and suitably dressed.
- b) Drivers shall have a neat and well-groomed appearance.
- c) A driver shall not use or permit another to use his vehicle for any indecent or unlawful purpose.
- d) A driver shall, upon request, give his name and vehicle for hire operator's license number to a passenger or prospective passenger.
- e) A driver shall not operate a vehicle for hire unless the following items are present:
 - Massachusetts Driver's License
 - Vehicle for Hire Registration
 - Vehicle for Hire License
 - Vehicle for Hire Inspection Card

- f) Trip Log: A trip log may exist in any form so long as it is bound and readily legible. It shall be neat in appearance and kept in day and chronological format. It shall contain time pick-up request was received, pick-up points, destinations and number of passengers transported. It shall also contain any period of time in which the vehicle was left unattended and the reason, equipment failures and vehicle maintenance scheduled during a driver's shift, accidents involving the vehicle, any police intervention and result of said intervention, and the beginning and ending time of the driver's shift.
- g) A driver shall appear as in his photograph displayed on the vehicle for hire operator's license. Where the photograph shows eyeglasses, hearing aids, mustache, beard, etc., they shall be worn. New photographs shall be submitted forthwith if the driver's appearance is changed.
- h) An owner or driver shall report to the Examiner all accidents involving a vehicle for hire regardless of the property damage or personal injury sustained.
- i) No driver shall operate a vehicle for hire more than 12 hours in any continuous 24-hour period.
- j) No driver shall operate a vehicle for hire while his or her Massachusetts Driver's License is expired, suspended or revoked.

31. SUSPENSION OR REVOCATION OF VEHICLE FOR HIRE OPERATOR'S LICENSE – The Examiner may suspend or remove any Vehicle Hire License Operator'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 re-issued in accordance with the provisions of these rules and regulations.

32. CONVICTION OF VIOLATION – Any person convicted of a violation of any provisions of the rules and regulations shall be punishable by a fine of not more than two hundred dollars (\$200.00) for each offense and subject to suspension and revocation of a license in accordance with these rules and regulations.

33. PASSENGER SEATING – A driver shall not transport more than the capacity lawfully allowed in a vehicle for hire. A child in arms shall not be counted as a passenger in this regard.

34. AMENDMENTS – All vehicles for hire licenses and permits required by these rules and regulations shall be subject to such terms and conditions as the Selectmen of the Town of Mashpee or the Examiner shall from time to time prescribe; including the following license and permit fees:

- \$100.00 Vehicle for Hire Business Permit
- \$25.00 Vehicle for Hire License
- \$10.00 Vehicle for Hire Operators License

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

36. POLICE OFFICERS TO ENFORCE – It shall be the duty of the Police Officers of the Town to observe the movement of vehicle licensed under the provisions of the rules and regulations and see that all rules and regulations are obeyed.

37. FARES/BOOKINGS – LIVERY/LIMOUSINE SERVICE

- a) All fares/bookings are to be established by the licensing/permit holder and agreed to by the customer before pickup time.
- b) Pickup times can be no less than two (2) hours from request time.
- c) All in-town point-to-point (within town boundaries) fares/bookings will not be set at a rate less than twenty dollars (\$20).
- d) The optional lettering of Livery/Limousine vehicles are not to exceed state statutes contained in Chapter 40, Section 22 of the Massachusetts General Laws.

Section III. TAXI REGULATIONS

In addition to the requirements as set forth in Section II, Vehicles for Hire classified as Taxicabs shall comply with the following regulations:

1. VEHICLE FOR HIRE LICENSE AND RATES TO BE POSTED

It shall be the duty of the owner of a vehicle for hire, classified as a taxicab, to display said vehicle for hire license and a notice of current rates on the interior of the vehicle in clear view of the passengers, and so placed or secured in a frame so that it may not be easily molested or destroyed.

It shall be the duty of the owner of a vehicle for hire, classified as a livery or limousine to display said license on the interior of the vehicle in clear view of the passengers, and so placed or secured in a frame that it may not be easily molested or destroyed.

2. VEHICLE FOR HIRE COLOR – No owner of a licensed vehicle for hire, classified as a taxicab, shall color his vehicle for hire in colors or designs so closely resembling other licensed vehicles for hire, classified as a taxicab, so as to mislead the public as to its identity.

3. LICENSE TO BE VISIBLE – It shall be the duty of every person operating a vehicle for hire to have his vehicle for hire operator license and, if operating a vehicle for hire, classified as a taxicab, a list of rates and charges of fare conspicuously posted in such vehicle in such manner to be viewed from the rear seat.

4. RECORD OF TRIPS – 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 him, a record of all trips made by such vehicle for a period of one hundred and eighty (180) days prior to the demand, the record shall list the name and address of the driver, the time of the beginning and termination of each trip, location of the first and last stop on each trip, and the total fare charged for each trip.

HIRED VEHICLES FOR HIRE

- a) Passenger's control of Vehicle: No person have charge of a vehicle for hire, classified as a taxicab, shall take up or carry any passenger after the vehicle has been occupied or engaged by a prior passenger, without such consent of such prior passenger. In the event, subsequent passengers are taken up, the first passenger shall pay the metered fare from the point he/she was picked up to his/her drop point, where the meter shall be reset and the subsequent passenger shall be responsible for the metered fare from that point. The first passenger shall not be obliged, or requested to pay an extra fare or fee for refusing to share the vehicle.

- b) Courtesy passengers: No driver shall speak in an obscene, boisterous, loud, or abusive manner while he/she is engaged in providing service to passengers. Nor shall the driver threaten, harass or abuse any passenger, or use or attempt to use physical force against a passenger except in self-defense.
- c) Shortest route: The driver shall take passengers to his/her destination by the shortest reasonable route unless the passenger requests a different route or unless the driver proposes a faster alternative route with the passenger agrees to. The driver shall comply with all reasonable and lawful routing requests of the passenger unless it is impossible or unsafe for the driver to comply.
- d) Correct change: A driver shall give the correct change to a passenger who has paid the fare. A driver shall be capable of making change for a twenty (\$20) dollar bill.
- e) Receipts: Upon completion of a trip the driver shall, upon request, give a receipt to a passenger for the amount charged, either by an automatic printed receipt or by specially prepared receipt approved by the Examiner. The receipt shall contain:
 - 1) The name of the company
 - 2) Date, time and mileage
 - 3) Amount of fares and extras
 - 4) Operator's name and operator's vehicle for hire license number
 - 5) Signature of the operator and any other requirements of the Examiner
- f) Passenger's refusal to pay: Should a passenger refuse to pay the fare, the driver shall proceed directly to the nearest police station, present the facts, and follow the officer's instructions for resolving the dispute. A complaint can be sought by the driver under Massachusetts General Laws, Chapter 159A, Section 16, for fare evasion.
- g) A driver shall, upon demand of a police officer, produce the following documents:
 - 1) Massachusetts Drivers License
 - 2) Vehicle for Hire Operators License
 - 3) Vehicle for Hire Registration
 - 4) Vehicle for Hire License
 - 5) Vehicle for Hire Inspection Card
 - 6) Trip Log
- h) A driver shall cooperate with Law Enforcement Officers in the performance of their duty. He or she shall not conceal evidence of a crime nor voluntarily aid violators to escape arrest. He/she shall report immediately to the police any attempt to use his/her vehicle to commit a crime or escape from the scene of a crime.
- i) A driver shall not permit anyone who is not a passenger to sit anywhere in the vehicle. A driver shall not sit in any part of the vehicle except the front seat, unless obtaining consent from the passengers to enter the passenger compartment of the vehicle. A driver shall be courteous to fellow drivers.
- j) A driver shall not operate a vehicle for hire unless the following items are present:
 - 1) Massachusetts Drivers License
 - 2) Vehicle for Hire Operators License
 - 3) Vehicle for Hire Registration
 - 4) Vehicle for Hire License

- 5) Vehicle for Hire Inspection Card
 - 6) Trip Log
- k) No other vehicle for hire operators license shall be displayed other than the driver currently operating the vehicle.
 - l) A driver shall not permit any other person to operate the vehicle in which he is dispatched unless such relief is ordered by the owner or dispatcher.

SOLICITING PASSENGERS

- a) No vehicle for hire shall be operated from any place other than a fixed stand or terminal and no vehicle for hire shall cruise upon any way for the purpose of soliciting passengers for business.
- b) Refusal of Passengers
 - 1) A driver shall not refuse a passenger unless previously engaged.
 - 2) A driver may not discriminate based on race, sex, sexual preference, age mobility, or passenger destination.
 - 3) A driver is not required to transport:
 - Intoxicated persons
 - Disorderly persons
 - Passengers who are knowingly violating any federal, state, or local law
 - Passengers whom the driver has just cause to fear bodily injury to him/herself or damage to the vehicle.
 - Habitual non-payers as identified and noted to the examiner or his designee
- c) Selecting Fares: A driver shall not indicate by word, card, motion, or gesture that he/she is restricting directions of travel or destination. A driver shall not ask passengers for a destination until the passengers are seated.
- d) A driver shall not induce, or attempt to induce, a person to hire his vehicle by giving false or misleading information.
- e) Disabled or Blind People: All drivers of public conveyances are required by State Law, Chapter 272, Section 98A to accept any blind, deaf, or hearing-impaired persons accompanied by a guide dog. A driver may request said guide dog be properly and safely muzzled.

FEE SCHEDULES

- a) A driver shall not demand from a passenger a fare for the hiring of a vehicle for hire in any sum of money other than those prescribed by the fee schedule promulgated by the Board of Selectmen as from time to time amended, regardless of the number of passengers conveyed.
- b) A driver shall not demand separate fares from individual passengers or parties who have shared a vehicle for hire for part or all of a trip.
- c) A driver shall not demand from a blind person, or deaf or hearing-impaired person, or other physically handicapped person any charge or fare for or on the account of the transportation of any public conveyance for himself and guide dog accompanying him, in addition to the charge or fare lawfully charged for his own transportation. Massachusetts General Laws Chapter 272, Section 98A.

TAXIMETERS

- a) Every vehicle for hire, classified as a taxicab, shall be operated under the taximeter system. Taximeters shall be installed and inspected in accordance with the Laws of the Commonwealth, and Rules and Regulations prescribed by the Director of the Division of Standards.
- b) Taximeters must be tested and sealed by the Department of Weights and Measures before being placed in service.
- c) Whenever a taximeter has been damaged, or repairs that might in any way effect the accuracy of its indications have been made, or any of the official security seals have been mutilated, such device shall not thereafter be used until it has been officially examined and re-approved.
- d) Taximeter Illumination, Tampering, etc.: No driver shall operate a vehicle for hire, classified as a taxicab, unless the taximeter is illuminated day and night so it is clearly visible, from the rear seat by the passenger, nor shall objects be placed near the taximeter to obstruct the passenger's view of the taximeter. No driver or owner shall tamper with, repair, or connect any unauthorized device to the taximeter, or connect any cable, electrical wiring or electronic device, or make any change in the vehicle mechanism or its tires which would affect the operation of the taximeter. The discovery of such action shall result in the immediate suspension or revocation of the vehicle for hire license and the vehicle for hire operators license of said driver.

RATE OF FARE – The fair to be taken or paid to the owner, driver, or other person having charge of a vehicle for hire, classified as a taxicab, shall be per the following schedule:

- a) For the first two-fifths of a mile, three dollars (\$3.00) minimum charge, and for each additional one-fifth of a mile, sixty-five cents (\$.65).
- b) Out of town trips: No flat rates permitted. Out of town trips shall be charged at the regular metered rate.
- c) Handbags may be carried by the passengers without charge. The carriage of trunks shall be optional with the operator of the vehicle for hire, but if by the operator, an additional charge of fifty cents (\$.50) for each trunk may be added to the metered fare.

DISCOUNTS – A discount of twenty-five percent (25%) from the metered fare shall be granted to persons holding a Senior Citizens Card from the Council on Aging, handicapped persons holding a card from the Massachusetts Rehabilitation Commission, or blind persons holding a card from the Massachusetts Commission for the Blind.

PARKING VEHICLE FOR HIRE ON PUBLIC WAY PROHIBITED – No owner of a vehicle for hire shall stand a vehicle for hire on a public way while awaiting employment by passengers or as an advertisement for a vehicle for hire business; however, an owner of a vehicle for hire, classified as a taxicab, may stand a vehicle for hire on a public way at an approved taxicab stand while awaiting employment by passengers.

VEHICLE FOR HIRE – TAXI LICENSES – The Town shall allow up to but no more than five (5) taxi licenses at one time. No additional licenses shall be granted once this limit has been reached.

TAXIMETER REQUIREMENTS

- a) S.1.5.2. – Single-Tariff Taximeter: Whenever a single-tariff taximeter is set so as to register charges, the indication "Registering", "Hired", or an equivalent expression shall be shown.

- b) S.1.5.3. – Multiple-Tariff Taximeter: Whenever a multiple-tariff taximeter is set so as to register charges, the basis for the particular tariff for which it is set shall be shown. The indication “Registering”, “Hired”, or an equivalent expression may be shown for the lowest tariff. For any tariff rate higher than the lowest, there shall be shown the type of tariff that actually is being charged (“3 or more persons”, for example).
- c) S.1.5.4. – Time No Recording: While the taximeter is set for fare registration but with the time mechanism inoperative with respect thereto, the indication “Time Not Recording” or an equivalent expression shall appear. This indication may replace the indication specified for a single-tariff taximeter and for the lowest rate on a multiple-tariff taximeter, but shall be in addition to the indication specified for the higher rates on a multiple-tariff taximeter.
- d) S.1.6. – Fare Identification: Fare indications shall be identified by the word “Fare” or by an equivalent expression. Values shall be defined by suitable words or monetary signs.
- e) S.1.7.1. – Non-Use of Extras: If and when taximeter extras are prohibited by legal authority or are discontinued by a vehicle operator, with respect to all taximeters involved, the extra mechanism shall be rendered inoperable or the extra indications shall be effectively obscured by permanent means.
- f) S.1.8. – Protection of Indications: Indications of fare and extras shall be displayed through and entirely protected by glass or other suitable transparent material securely attached to the housing of the taximeter.
- g) S.2. – Basis of Fare Calculations
A taximeter shall calculate fares only upon the basis of:
 - 1) Mileage traveled,
 - 2) Time elapsed, or
 - 3) A combination of mileage traveled and time elapsed.
- h) S.3. – Statement of Rates: The mileage and time rates for which a taximeter is adjusted, and the schedule of extras when an extra mechanism is provided, shall be conspicuously displayed inside the vehicle. The words “Rate”, “Rates”, or “Rate of Fare” shall precede the rate of statement. The rate statement shall be fully informative, self-explanatory, and readily understandable by the ordinary passenger, and shall either be of a permanent character or be protected by glass or suitable transparent material.
- i) S.4. – Design of Operating Control
- j) S.4.1. – Means of Control: A control lever-arm, knob, handle, or other convenient and effective means shall be provided to set the taximeter mechanism for the desired operating condition and to “clear” the taximeter.
- k) S.4.2. – Position of Control: The several positions of the control lever shall be mechanically defined and displacement from any one of these positions shall be sufficiently obstructed that the accidental or inadvertent changing of the operating condition of the taximeter is improbable. Possible movement of this control to an operating position immediately following its movement to the cleared position shall be automatically delayed enough to permit the taximeter mechanism to come to complete rest in the cleared condition.
- l) S.4.3. – Flag: If the control for the operating condition is a lever-arm and flag, the flag shall be at its highest position when the taximeter is cleared, and in this position, the whole of the flag shall be above the level of the taximeter housing.
- m) S.4.4. – Control for Extras Mechanism: The knob, handle, or other means provided to actuate the extra mechanism shall be inoperable whenever the taximeter is cleared.

- n) S.5. – Interference: The construction of a taximeter shall be such that there will be no interference between the time and the mileage portions of the mechanism at any speed of operation corresponding to a vehicle speed faster than the speed at which the basic rate of mileage revenue equals the basic waiting-time rate. Specifically, the registration of a taximeter in the “hired” condition shall agree with its performance in the “time not recording” condition within one (1) percent.
- o) S.6. – Provision for Security Seals: Adequate provision shall be made for affixing lead-and-wire seals to a taximeter and to other parts required for service operation of a complete installment on a vehicle, so that no adjustments, alterations, or replacements affecting in any way the accuracy or indications of the device or the assembly can be made without mutilating the seal or seals. The sealing means shall be such that it is not necessary to disassemble or remove any part of the device or of the vehicle to apply or inspect the seals.

SPECIFICATIONS

- a) S.1.1. – General: A taximeter shall be equipped with a primary indicating element.
- b) S.1.2. – Advancement of Indicating Elements: Except when a taximeter is being cleared, the primary indicating element shall be susceptible of advancement only by the rotation of the vehicle wheels or by the time mechanism.
- c) S.1.3. – Visibility of Indication: Except when a taximeter is being cleared, indications of fare and extras shall be visible at all times.
- d) S.1.4. – Actuation of Fare-Indicating Mechanism: When a taximeter designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed is operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion, at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may not be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative with respect to the fare-indicating mechanism.
- e) S.1.5. – Operating Conditions
- f) S.1.5.1. – General: Whenever the indicating elements of a taximeter are set to indicate a charge for hire of the vehicle, the character of the fare indication shall be clearly shown on the taximeter face. When a taximeter is cleared, the indication “Not Registering” or “Vacant” or an equivalent expression shall be shown.

MILEAGE TESTS

- a) N.1.3.1. – Vehicle Loading: During the mileage test of a taximeter, the vehicle shall carry two persons, or in the case of a simulated road test, 150 pounds of test weights may be substituted in lieu of the second person.
- b) N.1.3.2. – Tire Pressure: At the beginning of each test run, the tires on the vehicle under test shall be adjusted to 28 pounds per square inch at stabilized tire temperatures.
- c) N.2. – Time Test: If a taximeter is equipped with a mechanism through which charges are made for time intervals, this mechanism shall be tested at least through the first five (5) time intervals.
- d) N.3. – Interference Tests: If a taximeter is equipped with a mechanism through which charges are made for time intervals, a test shall be conducted to determine whether there is interference between the time and mileage mechanism. During the interference test, the

vehicle is operated at a speed of two or three miles per hour faster than the speed at which the basic mileage-revenue rate equals the basic waiting-time rate.

USER REQUIREMENTS

- a) UR.1. – Inflation of Vehicle Tires: The cold-tire pressure of the vehicle tires shall be maintained at not less than the cold tire pressure recommended by the manufacturer of the vehicle.
- b) UR.1. – Position and Illumination of Taximeter: When mounted upon a vehicle, a taximeter shall be so located that its face can be seen by the passenger from the rear compartment of the vehicle. Adequate lighting facilities shall be provided for so illuminating the face of the taximeter that the indications thereof may be conveniently read by the passenger, and the face of the taximeter shall be so illuminated whenever the taximeter is in operation and artificial illumination is necessary for the convenient reading of its indications.

Adopted by the
Mashpee Board of Selectmen
July 10, 2000

Amended October 6, 2014

Town of Mashpee
Taxi/Livery License Application Procedure

1. Check with the Building Department to see if such a business can be operated at the proposed address.
2. File Form 460 "General License" with the Selectmen's Office. Be sure to include number of cars, phone numbers for license holder, address where business will be run (car will be stored), and mailing address for license holder.
3. Submit check to the Selectmen's Office for \$40, payable to the Town of Mashpee for mandatory newspaper advertisement fee.
4. Once the application is received, it will be forwarded to the Mashpee Police Department for review of need of service in the Town of Mashpee.
5. When recommendation is received by the Selectmen's Office from the Police Department, a public hearing will be scheduled.
6. You will be notified of the date, time, and place of said hearing by mail.
7. Upon approval at hearing, schedule a vehicle inspection with the Mashpee Police Department.
8. As soon as vehicle inspection is completed, bring copy of inspection papers and Certificate of Insurance (must list Vehicle ID) to Selectmen's Office.
9. License will be prepared at that time and will take approximately one week to be signed by Selectmen.
10. Submit check to the Selectmen's Office for \$100 for license fee payable to the Town of Mashpee and pick-up license.