

Chapter 21

**TAXICABS, BUSES, ETC.\***

<b>Art. I.</b>	<b>In General, §§ 21-1—21-25</b>
<b>Art. II.</b>	<b>Business License, §§ 21-26—21-40</b>
<b>Art. III.</b>	<b>Driver's License, §§ 21-41—21-51</b>

**ARTICLE I. IN GENERAL**

**Sec. 21-1. Taxi stands.**

(a) Public taxicab stands on public ways shall be designated and assigned by the traffic commission.

(b) Any provision of any ordinance of the city restricting parking on certain streets shall not be in effect on any section of a street designated as a public or special stand in the manner provided in this chapter.

(Code 1965, § 24-6; Ord. No. D103, 11-1-79)

**Sec. 21-2. Transport of passengers upon request or from assigned stands.**

A taxicab may transport passengers on request from persons on any street or public way or from any assigned taxi stand or a stand on private property where permission is granted by the owner.

(Code 1965, § 24-7; Ord. No. D103, 11-1-79)

**Sec. 21-3. Soliciting passengers.**

No person having charge of a taxicab shall utter any objectionable outcry for the purpose of soliciting passengers or attracting the attention of the public, nor shall the driver of such vehicle seek employment by repeatedly driving his vehicle to and fro in a

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\***Cross reference**—Motor vehicles and traffic, Ch. 12.

**State law reference**—Vehicle regulation authorized, G.L. c. 45, § 22.

short space before, or by otherwise interfering with the proper and orderly access to or egress from, any theater, hall, hotel, public resort or other place of public gathering.

(Code 1965, § 24-8; Ord. No. D103, 11-1-79)

**Sec. 21-4. Refusal to carry passengers.**

No driver in charge of a taxicab shall refuse unreasonably to carry a passenger.

(Code 1965, § 24-9; Ord. No. D103, 11-1-79)

**Sec. 21-5. Carrying more than one person.**

No person having charge of a taxicab shall take up or carry any passenger after the taxicab has been occupied or engaged by a prior passenger, against the objection of such prior passenger; provided, however, that this section shall not apply to any service provided pursuant to any contract between a taxicab company and the Brockton Transportation Authority, known as "B.T.A."

(Code 1965, § 24-10; Ord. No. D103, 11-1-79)

**Sec. 21-6. Carrying persons with contagious diseases.**

No person having charge of a taxicab shall convey, or permit to be placed therein, any person known to the driver to be sick or infected with a contagious disease or the body of any person deceased from such disease.

(Code 1965, § 24-11; Ord. No. D103, 11-1-79)

**Sec. 21-7. Rates and charges.**

The fare to be taken by or paid to the owner, driver, or other person having charge of any licensed taxicab shall be in accordance with the following schedule:

- (1) For the first one-ninth ( $\frac{1}{9}$ ) mile or fraction thereof, two dollars (\$2.00), and thirty cents (\$0.30) for each additional one-ninth ( $\frac{1}{9}$ ) mile or part thereof traveled.
- (2) Waiting time shall include all time during which the vehicle is not in motion, beginning after its arrival at the place to which it has been called, and the party engaging same has been notified. A charge of thirty cents (\$0.30) for

each forty (40) seconds may be made, but no charge shall be made for time lost through the inefficiency of the vehicle or its driver, or for time between premature arrival in response to a call and the hour for which the vehicle was ordered.

(Code 1965, § 24-12; Ord. No. D103, 11-1-79; Ord. No. D122, 3-26-81; Ord. No. D262, 1-12-89; Ord. No. D438, §§ 1—3, 3-25-99; Ord. No. G023, §§ 1—3, 5-23-05)

**Sec. 21-8. Taximeters.**

(a) All licensed taxicabs operating in this city shall have installed therein a mechanical device, commonly called a taximeter, to record the rate of fare. Such taximeters shall plainly show, in figures, the amount of each fare.

(b) The operator of a licensed taxicab shall, immediately upon taking a passenger, place the taximeter into operation and no operator shall transport a passenger without properly engaging the taximeter.

(c) In the event two (2) or more parties agree to share the same cab, it shall not effect the single rate.

(d) Nothing contained in this section shall restrict the right of any taxi company operating under contract with the Brockton Transportation Authority to charge such fares as may be agreed upon by the taxicab company and the Brockton Transportation Authority for the services to be provided under said contract.

(Code 1965, § 24-31; Ord. No. D103, 11-1-79)

**State law reference**—Testing of taximeters, G.L. c. 98, § 45.

**Sec. 21-9. Refusal to pay fare.**

No person liable for the payment of a fare to a licensee under this chapter shall refuse to pay or attempt to evade payment of the same.

(Code 1965, § 24-13; Ord. No. D103, 11-1-79)

**Sec. 21-10. Waybills.**

Any person engaged in the business of transporting persons for hire in a vehicle from place to place within the city shall cause

each driver to carry a "waybill" approved by the chief of police which shall be subject to inspection of the police at all times. Such "waybill" shall be kept on file for not less than one year.

(Code 1965, § 24-14; Ord. No. D103, 11-1-79)

**Sec. 21-11. Taxicab identity light.**

(a) All taxicabs in the city shall display an "identity light" on top of the taxicab, visible from front and rear, and illuminated at night marked as follows:

- (1) The name of the company.
- (2) Telephone number of the company.

(b) Taxicabs may, on the roof of the vehicle, display above the identity light a sign not more than fifteen (15) inches high and no wider than fifty-five (55) inches; there shall be no other advertising devices on the vehicle.

(Code 1965, § 24-15; Ord. No. D103, 11-1-79; Ord. No. D367, 6-30-95)

**Sec. 21-12. Prohibited acts of operators.**

No driver of a taxicab shall collect fares, make change or take on or discharge passengers while such vehicle is in motion, nor shall he have a lighted cigarette, cigar or pipe in his possession while any passenger is being carried therein, nor drink any intoxicating liquor or use any harmful drug of any kind or be under the influence thereof, while engaged in operating such vehicle. The operator of such vehicle shall be respectful to passengers at all times.

(Code 1965, § 24-17; Ord. No. D103, 11-1-79)

**Sec. 21-13. Vehicles to be clean, mechanically fit, etc.**

All vehicles licensed under this chapter shall be kept in good condition suitable for occupancy, and mechanically fit for the safety of passengers. The interior and exterior shall be clean and sanitary at all times.

(Code 1965, § 24-18; Ord. No. D103, 11-1-79)

**Sec. 21-14. Duty of police to enforce.**

It shall be the duty of the police officers of the city to observe the movements of vehicles licensed under the provisions of this chapter, especially in the nighttime, and see that all rules and orders are obeyed.

(Code 1965, § 24-19; Ord. No. D103, 11-1-79)

**Secs. 21-15—21-25. Reserved.**

## **ARTICLE II. BUSINESS LICENSE**

### **Sec. 21-26. Required.**

No person shall engage in the business of transporting persons for hire in a vehicle from place to place within the city without first having obtained a license from the city council authorizing him to engage in such business and designating the number and identity of such vehicles that may be used under such license. (Code 1965, § 24-1; Ord. No. D103, 11-1-79)

### **Sec. 21-27. Authority of council to withhold, grant or revoke.**

The city council may, in its discretion, withhold, grant or revoke any license required by this article. (Code 1965, § 24-2; Ord. No. D103, 11-1-79)

### **Sec. 21-28. Fees.**

For every license required under the provisions of this article there shall be paid for the use of the city the sum of fifteen dollars (\$15.00) for each vehicle licensed. (Code 1965, § 24-3; Ord. No. D103, 11-1-79)

### **Sec. 21-29. Expiration.**

Licenses issued under this article shall expire on March thirty-first of the following year. (Code 1965, § 24-4; Ord. No. D103, 11-1-79)

### **Sec. 21-30. Insurance requirements.**

No taxicab license shall be issued by the city clerk 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 owner of the vehicle, the name of the company in which the licensee is insured, the amount and character of insurance, and a statement that the insurance policy is applicable to passengers lawfully riding in the vehicle under the provisions of all ordinances of the city. Such insurance shall be to the amount or limit

of at least ten thousand dollars (\$10,000.00) on account of injury to or death of any one person and at least twenty thousand dollars (\$20,000.00) on account of any one accident resulting in the injury or death of more than one person. The certificate shall further certify that such policy shall not be cancelled without giving the city clerk five (5) days' notice thereof. When notice of cancellation of an insurance policy is received by the city clerk, the licensee shall be notified, and unless he shall, before the expiration of the policy to be canceled, submit a new certificate of a valid insurance policy, he shall return and surrender his license and plates. Failure on the part of the licensee to surrender promptly his license and plates shall be reason and cause for suspension or revocation of the license by the city council.

(Code 1965, § 24-5; Ord. No. D103, 11-1-79)

**State law reference**—Insurance requirements, G.L. c. 90, § 34J.

#### **Sec. 21-31. Display.**

All taxicabs in the city shall have a printed metal sign displaying the license number of such vehicle attached to the rear thereof. The number shall be printed in numerals not less than three (3) inches in height, and one-half inch in width. Such signs shall be furnished by the city clerk at the expense of the licensee.

(Code 1965, § 24-16; Ord. No. D103, 11-1-79)

#### **Sec. 21-32. Conditions to issuance of license.**

Notwithstanding city council approval of any application, no taxicab license, including any renewal thereof, shall be issued by the city clerk until the city clerk shall have received written notification from the chief of police that:

- (1) The applicant for a license has presented for examination in the case of each vehicle to be licensed, a valid certificate of registration issued by the registrar of motor vehicles of the Commonwealth of Massachusetts;
- (2) Each vehicle to be licensed has been found to have affixed to its windshield, a valid inspection sticker;
- (3) Each vehicle to be licensed has been inspected by the police department and found to have:

- a. A taximeter as required by section 21-8, that has been tested and approved as required in General Laws Ch. 98, Section 45;
  - b. To have the "identity light" required by subsection (a) of section 21-11;
  - c. To be compliant with section 21-13 to the extent that the vehicle is clean and sanitary.
- (Ord. No. D326, 3-30-93)

**Secs. 21-33–21-40. Reserved.**

### **ARTICLE III. DRIVER'S LICENSE**

**Sec. 21-41. Required.**

No person shall drive a taxicab without a license from the chief of police.

(Code 1965, § 24-20; Ord. No. D103, 11-1-79)

**Sec. 21-42. Applicant.**

Applications for licenses to drive or operate a taxicab shall be made at the office of the chief of police. Applications shall set

forth, under the penalty of perjury, such information as the chief of police may require in addition to the following information:

- (1) The name of the applicant.
- (2) The applicant's residence, age, height, weight, complexion, color of hair and eyes.
- (3) The number of the applicant's license to operate motor vehicles in the commonwealth, and the date of expiration of such license, which license shall be displayed at the time of making application.
- (4) A letter from the person by whom he is to be employed, requesting his services.

(Code 1965, § 24-21; Ord. No. D103, 11-1-79)

**Sec. 21-43. Applicant to furnish photographs.**

The applicant for a license under the provisions of this article shall, at his own expense, furnish the chief of police with two (2) photographs, two (2) inches by two (2) inches, of himself before the license is issued one of which shall be affixed to the license, and the other used in connection with the office record. In case of renewals, the applicant shall not be required to provide new photographs, providing those in existence are in good condition, but he must surrender his old license.

(Code 1965, § 24-22; Ord. No. D103, 11-1-79)

**Sec. 21-44. Terms and conditions.**

All licenses required by this article shall be subject to such terms and conditions as the city council, or the chief of police, with their approval, shall from time to time prescribe.

(Code 1965, § 24-23; Ord. No. D103, 11-1-79)

**Sec. 21-45. Fee.**

A person making application for a taxicab driver's license shall pay to the city through the chief of police a fee of five dollars (\$5.00).

(Code 1965, § 24-24; Ord. No. D103, 11-1-79)

**Sec. 21-46. Persons eligible.**

Licenses for taxicab drivers may be granted to suitable persons of good character otherwise qualified to operate, provided they are over eighteen (18) years of age. Such license shall not be granted:

- (1) To any person under the age of eighteen (18) years; or
- (2) To any person who cannot read, write and speak the English language intelligently; or
- (3) To any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States by filing first papers under the naturalization laws; or
- (4) To a person who within one year of the date of application has been convicted of larceny, illegal gaming, illegal keeping, transporting or sale of intoxicating liquor, immoral conduct, or any felony, or the violation of the terms of any city or state license held by him.

(Code 1965, § 24-25; Ord. No. D103, 11-1-79)

**Sec. 21-47. Appeal from denial.**

Any person aggrieved by the refusal of the chief of police to grant a license to drive a taxicab may file a written appeal to the city council stating why such refusal is unreasonable. The city council shall hold a hearing on such appeal, at which time a statement shall be received from the chief of police stating the grounds on which the application for a driver's license was refused, and the city council shall determine whether or not the license applied for shall be granted. Any affirmative action shall be submitted to the mayor for his approval, in accordance with the provisions of General Laws, Chapter 43, Section 55.

(Code 1965, § 24-30; Ord. No. D103, 11-1-79)

**Sec. 21-48. Expiration.**

A taxicab driver's license shall expire on March thirty-first of each year.

(Code 1965, § 24-20; Ord. No. D103, 11-1-79)

**Sec. 21-49. Form.**

A license issued under this article shall contain a description of the person licensed, together with a photograph, two (2) inches by two (2) inches, of the licensee and such other data as the chief of police may deem advisable.

(Code 1965, § 24-26; Ord. No. D103, 11-1-79)

**Sec. 21-50. Posting.**

A license issued under this article shall be conspicuously posted in the taxi in such a manner that it can be readily seen by the passenger.

(Code 1965, § 24-27; Ord. No. D103, 11-1-79)

**Sec. 21-51. Suspension or revocation.**

(a) Any driver's license granted under the provisions of this article may be suspended or revoked by the chief of police or by the city council at any time for cause. Any suspension or revocation of a license by the chief of police may be set aside by the city council.

(b) The suspension of the license to operate motor vehicles in the commonwealth shall automatically suspend the taxi driver's license.

(Code 1965, §§ 24-28, 24-29; Ord. No. D103, 11-1-79)

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