

Town of



AMHERST *Massachusetts*

Town Hall - 4 Boltwood Avenue - Amherst, MA 01002

Application for Taxi Driver/Chauffeur
Fee - \$25.00 Annually
PLEASE PRINT LEGIBLY

To the Local Permit Agent:

Date: _____

The undersigned hereby applies for a Taxi Driver/Chauffeur License in accordance with the provisions of the Statutes relating thereto:

NAME: _____

ADDRESS: _____ CITY/STATE _____ ZIP _____

TELEPHONE: _____ EMAIL: _____

NAME OF COMPANY FOR WHICH YOU WILL BE LICENSED TO DRIVE CAB: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

HEIGHT: _____ WEIGHT: _____ HAIR: _____ EYES: _____

DRIVER'S LICENSE #: _____

(Please be prepared to provide a copy of your driver's license)

DATE OF EXPIRATION: _____

I HAVE NOT BEEN CONVICTED OF A CRIME IN THE LAST FIVE (5) YEARS.

APPLICANT'S SIGNATURE: _____

PRINT NAME: _____

For Office Use Only: License # _____

Copy of Drivers License _____

Date Approved/Denied: _____

Select Board, Chair

Date Approved/Denied: _____

Chief of Police

Please return this application to the Select Board's Office, 4 Boltwood Ave, Amherst, MA 01002

**RULES AND ORDERS REGULATING THE USE AND OPERATION OF
TAXI BUSINESSES IN THE TOWN OF AMHERST**

Pursuant to the provisions of Section 22 of Chapter 40 of the General Laws of Massachusetts, the Select Board of the Town of Amherst hereby adopts the following rules and orders regulating the use and operation of taxi businesses in the Town of Amherst.

Section 1 **Definitions**

The following words, as used in these rules and orders, unless the context or subject matter otherwise requires, shall have the following meaning:

"Town" shall refer to the Town of Amherst.

"Taxicab" shall be any vehicles used or designed to be used for the conveyance of passengers who may upon a public way request to be transported for hire.

"Taxi License" shall refer to a license granted to the owner of a taxi business.

"Taxi Driver's License" shall refer to a license to operate a taxicab.

"Select Board" is the Town's licensing authority.

Section 2 **Licenses & Permits Required**

No person, firm, or corporation shall engage in, establish, or operate a business of transporting persons for hire from or within the Town without all required taxi business and taxi driver licenses. The Select Board may deny a license application for any reason set forth in these regulations or if, in the Board's determination, it will not serve the public need or interest to approve the license.

Land Use Permit

No person, firm, or corporation shall engage in the business of transporting persons for hire in a taxicab from or within the Town with a primary business location within the Town of Amherst without first obtaining the appropriate land use permit pursuant to the Amherst Zoning Bylaw. Individual drivers operating a taxi from a location in the Town of Amherst may also require a land use approval. The Select Board may approve a taxi business license with a local business address outside of the Town of Amherst, but shall require that the applicant submit, as a condition of approval, a letter or other writing from the city or town's zoning enforcement officer that the proposed location for that business is in compliance with said city or town's zoning regulations.

Taxi Business License

Once the appropriate land use permit is granted, any person, firm, or corporation engaged in the business of transporting persons for hire in a taxicab from, to, or within the Town shall obtain a taxi business license. Application for said license shall contain the business name and address, name of business owner(s), local address from which business will be operating, description and the number of vehicle(s) to be used and any other information the Select Board shall deem necessary.

Taxi Drivers License

Any person desiring to operate a taxi shall obtain a taxi driver's license. The application shall contain the name, address, and telephone number of the applicant, name of the company for which the applicant will be driving, the applicant's date of birth, social security number, height, weight, hair color, eye color, a current photograph, and driver's license number and expiration date, and any other information the Select Board shall deem necessary. Said driver's license, which will contain the company name, shall be visible at all times while driver is on duty.

All license applications shall be approved by the Amherst Police Chief or his/her designee prior to being acted upon by the Select Board.

All licenses shall expire on the thirty-first (31) day of December of each year and shall be in such form and subject to such terms and conditions as the Select Board may deem necessary, and further, the Select Board may at ~~their~~ its discretion and pursuant to these Regulations, grant, deny or revoke any such license(s).

These licenses shall not be transferable without prior approval of the Select Board. If a current licensed taxi driver leaves the employment of a licensed taxi business and is hired by another licensed taxi business, such driver shall immediately notify the Chief of Police and the Chief may, subject to these Regulations, approve such revision to the license. All taxi and driver

licensees must notify the Select Board of any change of address affecting the location of residence, or business. Any taxicab or driver found to be in service with an invalid address or a different taxi business from what is represented therein shall be fined in accordance with Section 6, Violations.

The Select Board may, in its discretion, establish a maximum number of taxi business and/or taxi driver(s) licenses to be issued and/or limit the number of taxi vehicles if it determines that there are a sufficient number of licenses being exercised to serve the public interest and public need. Such cap shall not in itself constitute grounds to revoke or deny renewal of a license already in use. The Select Board shall consult with the Police Department and may review licensing information from other Massachusetts communities and from taxi businesses licensed in the Town before adopting a license cap.

Section 3 Vehicles

All taxicabs affected by these rules shall be properly registered, inspected, and insured per requirements of the Commonwealth. This shall include all taxicabs having a "TAXI" registration number plate as required by the Massachusetts Registry of Motor Vehicles. The Licensing Authority may order a specific vehicle to be reinspected at any time with cause. A permit issued under these regulations shall not authorize the operation of a livery service. A livery service is regulated by the Massachusetts Registry of Motor Vehicles pursuant to 540 CMR 2.05.

The taxi business owner shall provide the Select Board with a certificate of insurance which will include a statement from the insurance company issuing the policy identifying the vehicles covered under the policy, including vehicle identification and registration numbers and indicating that the policy shall not be canceled without a minimum of five (5) days notice to the Select Board. No license shall be released without this information.

All taxicabs shall have the license placard placed in a prominent location in the taxicab, where it may easily be seen by the passenger. Additionally, a sticker displaying the Police Department's phone number for complaints and or concerns shall be positioned in plain view.

All taxicabs affected shall display a suitable identity light on the top of the vehicle; said identity light shall be illuminated at night and shall be visible from both the front and rear of the taxicab. The business name shall be indicated on both sides of the vehicle. The interior and exterior of said vehicles shall be clean and sanitary at all times. A citation may be issued for any taxi that is unclean on the inside and or outside.

Every taxicab shall be identifiable with the word "Taxi," "Cab," or "Taxicab," the name of the vehicle for hire business permitted and the name "Town of Amherst" on both sides of the vehicle in letters not less than four (4) inches high and two (2) inches wide. All wording must be in contrasting colors to the vehicle. Taxicabs shall also display any sticker or other marking required by the Chief of Police.

If the business license holder operates more than one taxi, each taxi shall have an identification number, not less than four inches high and one half inch wide, painted in two conspicuous places on the taxicab in contrasting colors. A taxicab shall not carry more persons than the maximum rating for the vehicle, as established by the manufacturer of said vehicle. No passenger may occupy the front seat unless all other seats are occupied or the passenger has a physical disability that requires front seat occupancy only.

Whenever requested by a passenger or whenever there is a dispute over a fare, the taxicab driver shall give a receipt to said passenger containing the taxicab company's name, taxi driver's full name, cab number, date, time, origin and destination of the trip and the amount charged.

All taxicabs must display two (2) "NO SMOKING" decals inside the cab.

All taxicabs are subject to inspection, without notice, by the Board of Health, Police Department, Zoning Enforcement Officer, Select Board, or duly appointed inspector for compliance with these rules and orders.

The operation of each taxicab, record keeping, conduct of taxicab drivers and operators, adherence to proper rates of hire, and compliance with all Rules and Regulations promulgated by The Amherst Select Board and Ordinances of the Town of Amherst shall be the sole and exclusive responsibility of the taxicab owners.

The possession of either a functioning or non-functioning, operating or not operating radio scanner of any type placed in any area of a taxicab is strictly prohibited and subject to fines and or license suspension. Cell phone use, including handheld device usage is prohibited for drivers while transporting passengers.

Every taxicab owner and taxicab driver while operating a taxicab shall be of and present a neat and clean appearance at all times while transporting passengers for hire.

No taxicab driver, taxi owner or employee of a taxi company shall speak in an obscene, unruly, loud or abusive manner while he/she is scheduling, dispatching or engaged in the transportation of a passenger. Nor shall a taxicab driver threaten, harass or abuse any passenger or use or attempt to use any physical force against a passenger except in self-defense or in defense of another. A driver that engages in inappropriate language and or behavior will be subject to a license suspension or revocation.

All taxicab driver and taxicab owners shall deliver any article left in a taxicab by any passenger to the office of The Amherst Police Department within twenty-four (24) hours of finding the same. All taxicab drivers, owners and their agents shall inform a passenger of the location of lost or mislaid property upon the owner's request. Any additional delivery cost is prohibited for delivery of items to the Amherst Police Department.

No taxicab driver shall be required nor permitted to operate a taxicab or remain on duty for more than twelve (12) hours in any twenty-four (24) consecutive hours and any such driver shall be relieved from duty for at least one period of not less than eight (8) consecutive hours during any twenty-four (24) hour period.

No taxicab driver shall eat, drink, smoke or carry a lighted cigar, cigarette, pipe or other smoking object or devise while the taxicab is occupied with a fare. There is no smoking permitted in any taxi vehicle; at anytime.

No taxicab driver shall consume, or be in possession of or under the influence of alcohol or a controlled substance, as defined by Massachusetts General Laws c. 94C §34 while operating a taxicab. No taxicab driver shall drive a taxicab while his/her ability is impaired by any prescribed or non-prescribed drug.

Section 4 Fares

Effective January 1, 2013 all taxi businesses licensed to operate in the Town of Amherst shall be equipped with approved metering devices and shall have these devices sealed annually by the Inspector of Weights and Measures in accordance with Mass. General Laws, Chapter 98, Section 45, and conforming to N.B.S. standards. Each meter shall be mounted in such a manner as to allow passengers viewing of the display.

Taxi drivers are required to carry a reasonable amount of cash in small denominations to ensure proper change for customers. If a taxi driver requires change he/she will not be permitted to charge the fare any additional cost for travel time/distance in order to acquire proper change.

All taxicab owners and drivers shall extend a minimum discount of ten percent (10%) to all persons over the age of sixty-five (65).

The holder of a taxi driver license shall display all current fares and fees in the interior of the taxi cab so as to be easily seen by any passenger(s) and shall make such information available to passenger(s) or prospective passenger(s) upon request.

Section 5 Daily Log

A daily log shall be maintained by each taxi driver and shall contain the driver's name, vehicle identification, date and time of fare pickup, destination, and date and time of drop off. Said log shall be kept in an orderly manner and readily available for inspection by the Licensing Authority or the Amherst Police Department acting as agents for said Authority within twenty-four (24) hours of any request for such log. The Licensee shall maintain a file of said logs for a term of two (2) years.

Section 6 Violation

Any taxicab deemed to be in violation of these Rules and Regulations, the Massachusetts Motor Vehicle Inspection Regulations, and/or found to be in an unsafe condition shall be removed from service for thirty (30) days, after which said vehicle shall be re-inspected. If upon re-inspection the vehicle fails again, the taxi business license shall be immediately suspended and surrendered to the Chief of Police for up to one hundred twenty (120) days and subject to an additional licensing fee of one hundred (\$100.00) dollars upon reinstatement. As soon as practicable after such surrender, the Select Board shall conduct a hearing with notice to the taxi licensee to approve the length and any conditions of the suspension to be imposed. Taxicab owners shall submit a list of all taxicabs removed from service for any reason to the Amherst Select Board within seven days (7) of their removal from service.

Violation of these rules and orders shall also be punishable by a fine of fifty (\$50) dollars for each offense. Each day in which violations of these regulations occur shall constitute a separate offense. Violations may be enforced through the non-criminal disposition method pursuant to M.G.L. Chapter 40, Section 21d. For purposes of non-criminal dispositions, enforcing persons shall be the officers of the Amherst Police Department. The Select Board may suspend or revoke any license issued under these rules and orders for violation of any law or of this ordinance.

The Select Board may suspend a Taxi Business license or Taxi Driver license at any time if, in the opinion of the Board or the Chief of Police, any section of the law or these regulations has been violated by the license holder, or as the public health and safety so require. A license may be revoked or suspended by the Select Board, after a hearing, for a violation of the law or these regulations. The Board shall, as soon as is practicable, provide the licensee with written notice of the suspension, and inform the license holder of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. The Chief of Police may, on behalf of the Select Board, immediately suspend any license when, in his determination, the public interest, health and/or safety requires it. Upon such suspension, said license shall be immediately surrendered to the Chief of Police. A request for a hearing shall not delay or terminate any such any suspension. Said hearing shall be scheduled within ten (10) business days of receipt of written request for a hearing or as soon as practicable thereafter. Said request for a hearing shall be made in writing and hand delivered or sent to the office of the Amherst Select Board, 4 Boltwood Avenue, Amherst, MA 01002 by certified or registered mail.

Section 8 Fees

Fees for licenses shall be those fees in effect with the Town's current fee schedule at the time of licensing. The Select Board may revise the fees for a taxi business license or taxi driver license at any public meeting. Fees may be prorated.

Section 9 Effective Date

These rules and order shall become effective March 16, 1992, and any subsequent amendments shall become effective upon the date of their adoption.

Amherst Select Board

Approved this 16th day of March, 1992
Amended this 23rd day of May, 1994
Amended this 1st day of August, 1994
Amended this 5th day of November, 2012