

## Chapter 280, VEHICLES FOR HIRE

[HISTORY: Adopted by the Board of Selectmen of the Town of Falmouth 11-1-1990; amended in its entirety 2-13-2006. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Authority of Selectmen to enact taxicab regulations—See Ch. 65, Art. VI.  
Licenses and permits—See Ch. 140.

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## ARTICLE I, General Provisions

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### § 280-1. 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 Falmouth from which vehicles for hire shall be dispatched.

**CLEARED** -- A taximeter is cleared when it is inoperative with respect to all fare indication, 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 Falmouth 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 fare 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 a 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 of markers furnished by the Registry of Motor Vehicles on which is displayed the license number or marks assigned to a vehicle for hire.

**OWNER** -- Any person, firm, partnership, 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 straight line distance traveled per revolution of the wheel (or wheels) that actuates 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 is automatically calculated and on which such charge is plainly indicated. A taximeter may be a:

- A. **SINGLE-TARIFF TAXIMETER**—One that calculates fares at a single rate only.
- B. **MULTIPLE-TARIFF TAXIMETER**—One that may be set to calculate fares at any one of two or more rates.

**TRUNK** -- A large packing case or box that claps shut used as a luggage or for storage.

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

- A. **LIMOUSINE**—An unmetred and unmarked auto or similar passenger vehicle carrying passengers for hire, duly licensed as a limousine by the Examiner and does not pick up, transport or discharge passengers along a route.
- B. **LIVERY**—A marked and unmetred 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.
- C. **TAXICAB**—A metred and marked auto or similar passenger vehicle carrying passengers for hire, duly licensed as a taxicab by the Examiner and does not pickup, transport or discharge passengers along a route.

**VEHICLE FOR HIRE LICENSE** -- License issued by the Selectmen authorizing the operation of a vehicle for hire business.

**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 OPERATOR’S 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 Examiner to a vehicle for hire license

holder authorizing the use of a particular vehicle for the conveyance of persons for hire from place to place.

WAY -- Any public way, any private way laid out for public use, any way dedicated to public use or any places to which the public has a right of access as invitees or licensees.

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## **ARTICLE II, Vehicles for Hire License**

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### **§ 280-2. License required; termination; transferability; fee.**

- A. Except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a license from the Board of Selectmen authorizing him/her to engage in such business and designating the number of such vehicles that may be used under such license. Such license shall terminate automatically, if for a period of more than thirty (30) days the holder thereof does not coincidentally hold one (1) or more duly existing vehicle for hire permits.
- B. No vehicle for hire license provided for in these rules and regulations shall be sold or assigned. Upon the sale of an entity or a majority in interest, said license may be transferred upon approval of the Board of Selectmen, if after a hearing the Board determines the transferee is a suitable person(s) in accordance with the provisions of § 280-3.
- C. The fee for a vehicle for hire license shall be fifty dollars (\$50.) which shall include the processing fee and shall be submitted with the application to the office of the Town of Falmouth Board of Selectmen.

### **§ 280-3. Principal place of business; hours of operation; marking.**

- A. The Selectmen may grant a vehicle for hire license to suitable person(s), if the principal place of business of the person(s) is located at an address within the commercially zoned areas of the Town of Falmouth.
- B. The home occupation clause in the Town of Falmouth Zoning Bylaws authorizing limited commercial business activities to be operated from within a residential zoned area shall not provide relief to vehicle for hire license holders of limousine, livery or taxicabs licenses.
- C. The hours of operation of a vehicle for hire business designated as a “taxicab company” shall be twenty-four (24) hours per calendar day, seven (7) days per calendar week and fifty-two (52) calendar weeks per year.
- D. A vehicle for hire permitted by the Examiner shall be registered in accordance with the provisions of Massachusetts General Laws Chapter 90 – Section 9, insured under the provisions of 280-12 and inspected under the provision of 280-13 of Town of Falmouth By-Laws at all times. In addition, the permitted vehicle shall be committed to the daily operation of the business.
- E. Vehicles for hire designated as a “taxicab” shall have the name or the trade name of the owner and the name of the City or Town in which it is licensed painted on the sides thereof in letters not less than four (4) inches high and one-half (1/2) inch wide in accordance with

the provision of MGL c. 40, § 22.

- F. The requirement for locating the base of operation of a vehicle for hire business in a commercially zoned area shall have the effect of a sunset provision and enforcement shall commence on the first day of January 2006.

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### **ARTICLE III, Number of Vehicles for Hire Licenses; Changes of Address**

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#### **§ 280-4. Number of licenses.**

The Board of Selectmen of the Town of Falmouth 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.

#### **§ 280-5. 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.

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### **ARTICLE IV, Vehicles for Hire Permit**

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#### **§ 280-6. Application.**

Application for a vehicle for hire permit shall be made by the license holder thereof. Such application shall set forth under oath all information that the Examiner may require.

#### **§ 280-7. Issuance; contents.**

- A. A Vehicle for Hire Permit shall be classified as an Annual or Seasonal permit.
- B. The Board of Selectmen of the Town of Falmouth shall determine the number and the classification of a Vehicle for Hire Permit. Such determination shall be made, base upon serving public need and convenience and the promotion of public health and safety.

**An Annual permit shall be valid upon the date of issue and expire on December 31 of the current year. A Seasonal permit shall be valid on May 15 of the current year and expire on September 15 of the current year.**

- C. A Vehicle for Hire License Holder shall submit a motor vehicle for each Vehicle For Hire Permit authorized by a Vehicle Hire License to the Examiner for permitting within thirty (30) days of the Vehicle for Hire License issue date or date of authorization of a Seasonal Permit.
- D. The Examiner may issue a Vehicle for Hire Permit, if in his opinion the motor vehicle is a proper one for engaging in such business. Such permit 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.

**§ 280-8. Fees.**

The fee for a vehicle for hire permit shall be twenty-five dollars (\$25.), which amount shall include the processing fee payable at the office of the Town of Falmouth Police Department.

**§ 288-9. Permit transfer, assignment or sale.**

No vehicle for hire permit provided for in these regulations shall be sold, assigned or transferred.

**§280-10. Surrender of permit.**

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 permit for said vehicle to the Examiner, except said licensee may at the time of surrender of said permit, transfer said permit to another vehicle for hire without additional permit fees.

**§ 280-11. Suspension or revocation of permit.**

The Examiner may suspend or revoke a vehicle for hire permit at any time if, in his opinion, any section of these bylaws 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

**§ 280-12. Insurance certification required.**

A. No vehicle for hire permit 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 permit applies is properly insured under the laws of the commonwealth. Such certificate shall state the name and address of the owner of the vehicle, the name of the company in which the licensee is insured, the amount and character of the

insurance, and a statement that the insurance policy is applicable to passengers lawfully riding in the vehicle under the provisions of these and other regulations of the Town, and said policy shall state that it can not be revoked without ten (10) days' notice to the Examiner.

B. In addition to insurance coverage mandated by Massachusetts General Laws a vehicle for hire license holder shall purchase a combined coverage of property and liability insurance in the amount of one million dollars (\$1,000,000.).

**§ 280-13. Semiannual inspections.**

Before a vehicle for hire is permitted 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 the semiannual 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.

**§ 280-14. Posting of permit and rates required.**

- A. It shall be the duty of the holder of a taxicab license to display said vehicle for hire permit and a notice of the current rates of fare on the interior of the vehicle in clear view of the passenger(s) and so placed or secured in a frame so that it may not be easily molested or destroyed.
- B. It shall be the duty of the holder of a limousine or livery license to display said permit 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.

**§ 280-15. Required documents to be accessible.**

No owner shall permit, nor shall any person operate a vehicle for hire without a valid vehicle for hire permit, operator's license, a vehicle inspection card and a state inspection sticker on his/her person or within the vehicle in some easily accessible place.

**§ 280-16. Unfit vehicles.**

The Examiner shall refuse to issue a vehicle for hire permit, or if already issued, shall revoke or suspend said permit for any vehicle for hire found to be unfit, unsafe, or unsuited for the purpose herein set forth.

**§ 280-17. Number plates.**

Any vehicle for hire shall have affixed thereto such number plates as are 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.

**§ 280-18. Color of vehicle.**

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.

**§ 280-19. Advertisements on vehicle.**

Roof advertising signs with dimensions of fourteen (14) inches by sixteen (16) inches by forty-nine (49) inches [three and five-tenths (3.50) square feet of sign space] shall be allowed. No advertisements for alcohol or tobacco shall be allowed.

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**ARTICLE V, Operators License**

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**§ 280-20. License required.**

All vehicle for hire operator shall be required to hold a valid Town of Falmouth Vehicle for hire operator's 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 operator's license shall be processed until all information required on the application is provided by the applicant.

**§ 280-21. Applicant requirements.**

An applicant must:

- A. Be at least eighteen (18) years of age.
- B. Be the bearer of a valid Massachusetts operator license issued in accordance with the provisions of MGL c. 90.
- C. Provide a letter from the person by whom he/she is to be employed requesting his services.
- D. Provide two (2) photographs, passport size, of himself/herself.

**§ 280-22. Application for license.**

Application for a vehicle for hire operator's license shall be made at the office of the Town of Falmouth Police Department. 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 the 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.

**§ 280-23. License fee.**

The fee for the issuing of a Town of Falmouth vehicle for hire operator license shall be twenty-five dollars (\$25.), which amount shall include the processing fee, payable at the office of the Town of Falmouth Police Department.

**§ 280-24. Reasons for rejection of application, license suspension, revocation, or failure to renew.**

In addition to failure to meet the requirements set forth in §§ 280-3 and 280-4, 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:
  - (1) 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.
  - (2) 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 alcoholic beverage, or narcotic drugs, or operating to endanger.
  - (3) 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.
  - (4) 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.
  - (5) 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.
  - (6) After 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.
  - (7) Applicants with a single conviction for another felony or misdemeanor shall be barred for a reasonable time in reasonable proportion to the time for the foregoing felonies and misdemeanors.
  - (8) Applicants with two (2) or more such convictions may be barred for a reasonable time for the foregoing felonies and misdemeanors.
- B. 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 license, present a danger to the health, safety and welfare of the inhabitants of Town of Falmouth.

**§ 280-25. Approval or rejection of application.**

The decision to approve or reject an application 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.

**§ 280-26. Suspension or revocation of license.**

The Examiner may suspend or revoke a license at anytime for cause. "Cause" is defined as any reason which would allow the Examiner to reject an application as stated in § 280-24 or any violation of any section of these bylaws. 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/her 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 § 280-10. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a license as outlined in §§ 280-2 through 280-5, and it is decided by the appropriate official or officials, that the licensee meets all the requirements for a license set forth in the article.

**§ 280-27. Hearing.**

At a hearing upon the 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.

**§ 280-28. Term of license.**

A vehicle for hire operator's license shall be for a term of one (1) year from January 1 to December 31. 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.

**§ 280-29. 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 a manner to be viewed from the rear seat.

**§ 280-30. Termination of employment 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.

**§ 280-31. 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.

**§ 280-32. 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.

**§ 280-33. Operation by other than license operator.**

No owner or person having the 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 reward.

**§ 280-34. 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 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.

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**ARTICLE VI, Operation of Vehicle for Hire**

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**§ 280-35. Consumption of alcohol.**

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 for hire.

**§ 280-36. Seeking 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.

**§ 280-37. Reckless or unsafe operation prohibited.**

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 Falmouth governing the operation of motor vehicles or in disregard for public safety.

**§ 280-38. Smoking regulation.**

A vehicle for hire shall be a nonsmoking motor vehicle.

**§ 280-39. Sharing of vehicle.**

No person having charge of a vehicle for hire, (classified as a taxicab), shall take up or carry any passenger after the vehicle for hire 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 a vehicle for hire.

**§ 280-40. Courtesy to passengers required.**

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.

**§ 280-41. Use of shortest route required.**

The driver shall take passenger(s) to his/her destination by the shortest reasonable route unless the passenger requests a different route or unless the driver proposed a faster alternative route which 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.

**§ 280-42. Driver to be able to give 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-dollar bill.

**§ 280-43. Receipts.**

Upon completion of a trip, the driver shall, on request, give a receipt to a passenger for the amount charged, either by an automatic printed receipt or by a specially prepared receipt approved by the Examiner. The receipt shall contain:

- A. The name of the company.
- B. Date, time and mileage.
- C. Amount of fares and extras.
- D. Operator's name and operator's vehicle for hire license number.
- E. Signature of the operator and any other requirements of the Examiner.

**§ 280-44. 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 MGL c. 159A, § 16, for fare evasion.

**§ 280-45. 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 loss of property was caused by the intentional misconduct or negligence of the driver or owner of the vehicle for hire.

**§ 280-46. Conduct of operator.**

- 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/her vehicle for any indecent or unlawful purpose.
- D. A driver shall, upon request, give his/her name and vehicle for hire operator's license number to a passenger or a prospective passenger.
- E. A driver shall, upon demand of a police officer, produce the following documents:
  - (1) Massachusetts driver's license.
  - (2) Vehicle for hire operator's license.
  - (3) Vehicle for hire registration.
  - (4) Vehicle for hire license.
  - (5) Vehicle for hire inspection card.
  - (6) Trip log.
- F. 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 vehicle to commit a crime or escape from the scene of the crime.
- G. 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.

- H. A driver shall not operate a vehicle for hire unless the following items are present:
  - (1) Massachusetts driver's license.
  - (2) Vehicle for hire operator's license.
  - (3) Vehicle for hire registration.
  - (4) Vehicle for hire license.
  - (5) Vehicle for hire inspection card.
  - (6) Trip log.
- I. 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 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.
- J. A driver shall appear as in his/her photograph displayed on the vehicle for hire operator 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.
- K. No other vehicle for hire operator's 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/she is dispatched unless such relief is ordered by the owner or dispatcher.
- M. No driver shall operate a vehicle for hire more than twelve (12) hours in any continuous twenty-four-hour period.
- N. No driver shall operate a vehicle for hire while his/her Massachusetts driver's license is expired suspended or revoked.

#### **§ 280-47. Complaints.**

All complaints shall be reduced to writing, signed under the penalties of perjury and forwarded to the office of the Examiner. All complaints received by the Examiner shall be investigated, except complaints against policy set forth in these rules and regulations and those allegations too trivial to dignify as true complaints. The Examiner will initiate a preliminary investigation to determine if a violation of these bylaws have occurred; if so, the offense, the responsible party (parties), the extent of damages (compensatory, personal injury, property damage) and the appropriate enforcement action. Enforcement action shall not be limited to § 280-24. Any violation of these bylaws actionable under federal and state law may result in criminal and or civil prosecution in the appropriate court of jurisdiction. The Examiner shall maintain a vehicle for hire complaint file and shall annually forward said complaints to the Board of Selectmen.

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## **ARTICLE VII, Miscellaneous Regulations**

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### **§ 280-48. Soliciting passengers.**

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.

### **§ 280-49. Refusal of passengers.**

- A. A driver shall not refuse a passenger unless previously engaged, or unless the conditions are such as those described in the following subsection.
- B. A driver may not discriminate based on race, sex, sexual preference, age, mobility or passenger destination. A driver is not required to transport:
  - (1) Intoxicated person.
  - (2) Disorderly persons.
  - (3) Passengers who are knowingly violating any federal, state or local law.
  - (4) Passengers whom the driver has just cause to fear bodily injury to him/herself or damage to the vehicle.
  - (5) Habitual non-payers as identified and noted to the Examiner or his designee.

### **§ 280-50. Selecting fares.**

- A. A driver shall not indicate by work, 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 passenger(s) are seated.
- B. A driver shall not induce, or attempt to induce, a person to hire his/her vehicle by giving false or misleading information.

### **§ 280-51. Disabled or blind people.**

All drivers of public conveyances are required by M.G.L. c. 272, § 98A, to accept any blind, deaf or hearing impaired persons accompanied by a guide dog. A driver may request said guide dog to be properly and safely muzzled.

### **§ 280-52. Suspension or revocation of vehicle for hire operator's license.**

The Examiner may suspend or revoke any vehicle for hire operator's license in accordance with the bylaws. Upon such suspension or revocation, the holder thereof shall immediately deliver the same to the Examiner. Such license may be reinstated or reissued in accordance with the provision of the bylaws.

**§ 280-53. Violations and penalties.**

Any person convicted of a violation of any provisions of the bylaws shall be punished by a fine of not more than thirty-five dollars (\$35.) for each offense and subject to suspension and a revocation of license in accordance with these rules and regulations.

**§ 280-54. Number of passengers.**

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.

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**ARTICLE VIII, Rates and Fares**

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**§ 280-55. Fee schedules.**

No person shall charge or receive fares for the hire of taxicabs within the Town of Falmouth in any sums of money other than those prescribed by the fee schedule promulgated by the Board of Selectmen as from time to time amended.

**§ 280-56. Rate of fare.**

The fare to be taken by or paid to the owner, driver, or other persons having charge of any licensed vehicle for hire (classified as a taxicab), shall be as per the following schedule:

- A. For the first two-fifths (2/5) of a mile, a minimum charge of three dollars (\$3.), and for each additional one-fifth (1/5) of a mile, sixty cents (\$0.60).
- B. In addition to the mileage charge of three dollars (\$3.), a charge for time in transit may be charged at the rate of sixty cents (\$0.60) per eighty seconds from the pick-up point to the drop-off point.
- C. A charge for waiting time may be charged at the rate of twenty-six dollars (\$26.) per hour for actual waiting time beginning three (3) minutes after arrival of the taxicab.
- D. Hand bags may be carried by 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 (\$0.50) for each trunk may be added to the metered fare.

**§ 280-57. Out-of-Town trips.**

No flat rates are permitted. Out-of-Town trips shall be charged at the regular metered rate.

**§ 280-58. 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 or to handicapped persons holding a card from the Massachusetts Rehabilitation Commission, or blind persons holding a card from

the Massachusetts Commission for the Blind.

**§ 280-59. Use of taximeters required.**

- 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 Measure before being placed in service.
- C. Whenever a taximeter has been damaged, or repairs that might in any way affect 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 reapproved.

**§ 280-60. Taximeter illumination; tampering with operation.**

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 meter. 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 effect 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 operator's license of said driver.

**§ 280-61. License and permits terms and conditions; fees.**

- A. All vehicle for hire licenses and permits required by these by-laws shall be subject to such terms and conditions as the Selectmen of the Town of Falmouth or the Examiner shall from time to time prescribe.
- B. Fees.
  - (1) Fifty dollars (\$50.): vehicle for hire license.
  - (2) Twenty-five dollars (\$25.): vehicle for hire permit.
  - (3) Twenty-five dollars (\$25.): vehicle for hire operator's license.

**§ 280-62. Parking 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.

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## **ARTICLE IX, Taximeter Requirements**

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### **§ 280-63. 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.

### **§ 280-64. 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,” or “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).

### **§ 280-65. Time not 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.

### **§ 280-66. 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.

### **§ 280-67. Extras.**

If an extras mechanism is provided, extras shall be indicated as a separate item and shall not be included in the fare indication. They shall be identified by the work “Extra” or by an equivalent expression. Value shall be defined by suitable words or monetary signs.

### **§ 280-68. 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 extras mechanisms shall be rendered inoperable or the extras indications shall be effectively obscured by permanent means.

### **§ 280-69. 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.

**§ 280-70. Basis of fare calculations.**

A taximeter shall calculate fares only upon the basis of:

- A. Mileage traveled;
- B. Time elapsed; or
- C. A combination of mileage traveled and time elapsed.

**§ 280-71. Statement of rates.**

The mileage and time rates for which a taximeter is adjusted, and the schedule of extras when an extras mechanism is provided, shall be conspicuously displayed inside the vehicle. The words, "Rate," "Rates," or "Rate of Fare" shall precede the rate 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.

*(see page 22, make copy for display in taxi)*

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**ARTICLE X, Design of Taximeter Operation Control**

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**§ 280-72. 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.

**§ 280-73. 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 be cleared position shall be automatically delayed enough to permit the taximeter mechanism to come to a complete rest in the cleared condition.

**§ 280-74. 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.

**§ 280-75. Control for extras mechanism.**

The knob, handle or other means provided to actuate the extras mechanism shall be inoperable whenever the taximeter is cleared.

**§ 280-76. 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 percent (1%).

**§ 280-77. 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 installation 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.

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**ARTICLE XI, Specifications for Taximeter**

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**§ 280-78. Primary indicating element required.**

A taximeter shall be equipped with a primary indicating element.

**§ 280-79. Advancement of indicating elements.**

Except when a taximeter is being cleared, the primary indicating elements shall be susceptible to advancement only by the rotation of the vehicle wheels or by the time mechanism.

**§ 280-80. Visibility of indications.**

Except when a taximeter is being cleared, indications of fare and extras shall be visible at all times.

**§ 280-81. 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 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.

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## **ARTICLE XII, Taximeter Operating Conditions**

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### **§ 280-82. Indicating elements.**

- A. 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.
- B. When a taximeter is cleared, the indication “Not Registering,” “Vacant,” or an equivalent expression shall be shown.

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## **ARTICLE XIII, Mileage Tests**

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### **§ 280-83. Vehicle lading.**

During the mileage test of a taximeter, the vehicle shall carry two (2) persons, or in the case of a simulated-road test, one hundred fifty (150) pounds of test weights may be substituted in lieu of the second person.

### **§ 280-84. Tire pressure.**

At the beginning of each test run, the tires on the vehicle under test shall be adjusted to twenty-eight (28) pounds per square inch at stabilized tire temperatures.

### **§ 280-85. 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.

### **§ 280-86. Interference test.**

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 mechanisms. During the interference test, the vehicle is operated at a speed of two (2) or three (3) miles per hour faster than the speed at which the basic mileage-revenue rate equals the basic waiting time rate.

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**ARTICLE XIV, Vehicle Requirements**

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**§ 280-87. 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.

**§ 280-88. Position and illumination of taximeter.**

When mounted upon a vehicle, a taximeter shall be so located that its face can be seen by a 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.

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**ARTICLE XV, Authority; Enforcement**

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**§ 280-89. Statutory authority.**

- A. These bylaws are adopted under authority of the Massachusetts General Laws, Chapter 40, Section 22.
- B. Any violation of any provision of these bylaws shall be punished by a fine of not more than thirty-five dollars (\$35.) for each offense.

**§ 280-90. Police officers to enforce.**

It shall be the duty of the police officers of the Town to observe the movements of vehicles licensed under the provisions of these bylaws and see that all bylaws are obeyed.



## *Town of Falmouth*

### Taxi Fares

**First two-fifths of a mile, minimum charge is \$3.00 each additional one-fifth of a mile is \$.60. In addition to the mileage charge of \$3.00 a charge for time in transit may be charged at \$.60 per eighty seconds from pick-up to drop-off. A charge for waiting begins 3 minutes after arrival of taxi at \$26.00 per hour. Hand bags may be carried by passenger w/o charge. A charge of \$.50 per trunk may be added to the metered fare.**

**Out of town trips shall be charged at the regular metered rate.**

**DISCOUNTS: A 25% discount from the metered rate shall be granted to persons holding a Senior Citizens Card from the Council on Aging or to Handicapped persons holding a card from the Massachusetts Rehabilitation Commission for the blind.**

#### TOWN OF FALMOUTH

#### RULES, REGULATIONS AND OPERATION OF VEHICLES FOR HIRE

**VOTED: BOARD OF SELECTMEN, FEBRUARY 27, 1995**

**REVISED: APRIL 17, 1996**

**REVISED: APRIL 1, 1999**

**REVISED: JANUARY 1, 2001**

**REVISED: MARCH 1, 2004**

**REVISED: MAY 2, 2005**

**REVISED: FEBRUARY 13, 2006**

**REVISED: JULY 17, 2006**

**REVISED: FEBRUARY 11, 2008**