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## TITLE 815 - DIVISION OF PUBLIC UTILITIES AND CARRIERS

### CHAPTER 50 - COMMON CARRIERS

#### SUBCHAPTER 10 - MOTOR CARRIERS OF PASSENGERS

Part 2 - Rules Governing Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles

#### 2.1 Definitions

- A. Terms used herein shall be construed as follows unless another meaning is expressed or is clearly apparent from the language or content.
1. "Administrator" means the Administrator of the Division of Public Utilities & Carriers or his duly appointed designee.
  2. "Business address" means the location where the certificate holder stores the taxicabs authorized under the certificate, at which all records concerning the taxicab business are kept and available for Division inspection and where the drivers report to obtain a vehicle for use as a cab.
  3. "Business day" means each and every day on which the Division of Public Utilities and Carriers is open for business. Business day does not include any day that is a Saturday, Sunday or legal holiday.
  4. "Cab" means taxicab or limited public motor vehicle.
  5. "Call and Demand" means the solicitation or acceptance of a fare occurring only within the location specified in the certificate; provided, that the vehicle's driver may, if and when solicited on the public highway at any location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation from the location only to a place named in the certificate. This definition shall not exclude a pre-arranged round trip requested by the passenger so long as all the following conditions are satisfied:
    - a. The round trip must begin in the certificate holder's authorized territory;
    - b. The round trip must be completed within a 24-hour period;

- c. When a passenger requests a round trip, the driver shall make a notation on his log sheet next to the record of that initial trip, indicating the passenger's name and the time at which the driver is to return to retrieve the passenger for the pre-arranged return leg of the round trip;
  - d. The driver must give a passenger requesting a round trip a receipt, to be called a "round trip confirmation receipt", at the completion of the first leg of the round trip that clearly contains the following information:
    - (1) the date, time and location of initial drop off,
    - (2) the cab number,
    - (3) the passenger's name,
    - (4) the name and telephone number of the certificated cab company,
    - (5) the driver's name, and
    - (6) the time the cab is scheduled to return to complete the round trip service. The driver must retain a copy of this receipt (See Appendix C "Round Trip Confirmation Receipt" § 2.18 of this Part.);
  - e. The driver may only retrieve the passenger for such prearranged round trip at the location at which the passenger was originally discharged;
  - f. In the event that the original driver in such a prearranged round trip is unavailable to retrieve the passenger as arranged, the certificate holder may dispatch a different driver/cab, but the subsequent driver/cab must carry, attached to the driver log, a copy of the "round trip confirmation receipt" described in §2.1(A)(5)(D) of this Part above. Certificate holders are not mandated to provide round trip services to their customers/passengers. However, if a certificate holder and/or driver agrees to provide a round trip cab service, as evidenced by the issuance of a "round trip confirmation receipt," that certificate holder shall be required to complete the round trip service, unless unable to complete the service for good cause.
6. "Certificate" means a certificate of public convenience and necessity issued to a common carrier.

7. "Common Carriers" means any person who holds himself, herself, or itself out to the general public as engaging in the transportation by motor vehicle of passengers for compensation in a taxicab or in a limited public motor vehicle.
8. "Division" means the Division of Public Utilities and Carriers.
9. "Driver" means any person operating a cab for the purpose of transporting passengers for hire.
10. "Fleet Owner" means a certificate holder who owns and operates more than five taxicabs and/or limited public motor vehicles.
11. "Hackney Operator's License" means a special license, commonly referred to as a "Blue Card," issued by the Division, authorizing the holder thereof to operate a taxicab or limited public motor vehicle upon the highways of the State of Rhode Island and any subdivision thereof.
12. "Limited Public Motor Vehicle" means and includes every motor vehicle for hire, other than a jitney as defined in R.I. Gen. Laws § 39-13-1 or a taxicab as defined in R.I. Gen. Laws § 39-14-1, equipped with a taximeter used for transporting members of the general public for compensation only from a designated location on private property to such points as may be directed by the passenger.
13. "Motor Carriers Section" means the Motor Carriers Section, Division of Public Utilities and Carriers.
14. "Out of Service" means and includes a vehicle ordered by the Division and/or State Inspection Facility not to be used as a taxicab. Additionally, the term refers to a taxicab that the certificate holder has removed from service to the public.
15. "Paratransit Services" means flexible transportation services provided on a demand responsive and advance reservation basis, for any destination within the scope of a service program provided by a state, or municipal agency, the fee for which is determined pursuant to a contract between the service provider and the state or municipal agency. Paratransit includes single or group trips or trips made on a recurring basis such as for work, school, medical, nutrition, and sheltered workshops.
16. "Person" means and includes any individual, firm, partnership, corporation, company, association, joint stock association or company and his, her or its lessee, trustee, receiver, assignee or personal

representative, and, where the context requires, "driver," as herein defined.

17. "Personal use" means the use of a taxicab for any use not regulated pursuant to R.I. Gen. Laws Title 39.
18. "Rate Card" means a card issued by the Division which is required to be posted in each vehicle that reflects authorized rates, vehicle information, authorized territory, the taximeter's serial number, certificate information and a telephone number for complaints.
19. "Suspension" means an order of the Division, after hearing, requiring that a taxicab or a number of taxicabs operated under a certificate, not be operated as taxicabs for a set period of time.
20. "Taxicab" means and includes every motor vehicle for hire, other than a jitney as defined in R.I. Gen. Laws § 39-13-1, equipped with a taximeter, used for transporting members of the general public for compensation to any place within this state as may be directed by a passenger on a call-and-demand basis.
21. "Taxicab Stand" means, for the purposes of these rules and regulations, any area designated by a sign posted by a local government or the owner of the property on which the sign is posted, as an area where taxicabs may wait for the purpose of accepting passengers.
22. "Taximeter" means any instrument or device by which the charge for transportation in any taxicab or limited public motor vehicle is mechanically calculated and indicated by means of figures, either for distances traveled or for waiting time, or for both.

## **2.2 Rate Card Requirements**

RATE CARD: All cabs shall be issued a rate card, by the Division, which shall be assigned to specific vehicles and shall not be transferred (see Appendix A "Marking Specifications for Cabs" § 2.16 of this Part). At all times during operation of the cab, said rate card shall be displayed in a bracket or receptacle of a type approved by the Division so as to be visible to any passenger in the cab. The numbers on the rate card shall correspond to the registration number and meter serial number of the particular cab. A new rate card shall be issued each time a vehicle is replaced or a taximeter is replaced or recalibrated. The rate card issued under this paragraph satisfies the requirement for a certificate memorandum set out in R.I. Gen. Laws § 39-14-7.

## **2.3 Manifests**

- A. Every driver of every cab shall maintain, in ink, on a form approved by the Division, a manifest of all trips made by the cab while under his or her control. The manifest shall contain the following:
1. the date, driver's name, cab company and registration number;
  2. time and mileage out at beginning of your duty;
  3. time and mileage at the end of your duty;
  4. time and place of origin and time and place of destination of each trip;
  5. number of passengers and fare charged for each trip;
  6. detail of mileage for each trip as well as an explanation of mileage incurred which was not incurred as the result of a paying fare; and,
  7. tire inflation as recorded pursuant to subchapter § 2.5(1) of this Part.
- B. Fleet operations may, in lieu of a driver's manifest, maintain the information contained in §§ 2.3(A)(1) through (7) of this Part within a master log, which shall remain at the fleet's business address.
- C. Each manifest or master log entry shall be made immediately following completion of the trip. All manifests and master logs shall be kept on file and available for inspection, by the Division, at the certificate holder's business address for a period of one year. Certificate holders are responsible for instructing each driver and other employees regarding proper and complete entries on manifests and master logs.

## **2.4 Rates and Charges**

- A. The Division shall determine common carrier rates and charges. A certificate holder must file all rate change requests with the Division. Only after Division approval thereon may actual rate changes go into effect.
- B. Every cab shall display, on both sides of the cab, the rates and charges for transport services that have been approved by the Division. Said posting shall display the initial or "drop" charge, the charge for each succeeding increment of a mile, the waiting time per hour and three-mile rate. (See Appendix A "Marking Specifications for Cabs" § 2.16 of this Part)
- C. Rates shall also be displayed on the cab's rate card, inside the vehicle.

- D. Gasoline Price Emergency Surcharge: When authorized by the Administrator under R.I. Gen. Laws § 39-14-2.2(e), taxicab certificate holders may also impose a gasoline price emergency surcharge. In order to collect a surcharge when authorized, the certificate holder must first obtain from the Motor Carriers Section, and post within the vehicle, a placard indicating that the surcharge is authorized for that vehicle for the specified time period.

## **2.5 Taximeter Requirements**

- A. Every cab shall be equipped with a functioning taximeter subject to the following terms and conditions:
1. All taximeters used in accordance with the rules and regulations stated herein shall be inspected by the Motor Carriers Section for proper calibration and function.
  2. Once inspected and approved by the Motor Carriers Section personnel, the Motor Carriers Section personnel will officially seal the taximeter. No passengers shall be transported without an officially inspected, approved, sealed, and operating taximeter. Any other seals installed by the certificate holder on the taximeter or on an appurtenance or cable thereto shall be of a type clearly distinguishable from State seals. They shall be pressed by the certificate holder in a distinctive manner and painted red.
  3. A fare may only be charged to a customer that is based on the reading of a working taximeter. Flat rates or estimated charges may not be charged under any circumstances.
  4. No type of taximeter shall be installed that is incapable of being sealed by the Motor Carriers Section.
  5. Taximeters that may be reprogrammed or recalibrated without having first to remove the seal are prohibited.
  6. No taximeter shall be installed in such a manner that prohibits the visual inspection of the meter and seal.
  7. No adjusted, repaired, or recalibrated taximeter or appurtenance of a taximeter shall be installed in a cab unless such adjustment, repair, or recalibration has been officially inspected, approved and sealed by the Motor Carriers Section.
  8. A taximeter shall be installed so that a person of normal vision from the rear seat can easily read the fare numerals. If the taximeter is “flag

operated”, the flag, when in the upright (cleared) position, shall be visible to a person standing in front or to the side of the cab.

9. The serial number of the taximeter shall be the same as that shown on the rate card assigned to the cab, except where a temporary replacement meter is being used pursuant to these rules and regulation.
10. The Motor Carriers Section shall be notified within two (2) business days of any change of any taximeter.
11. Tire size shall be the same as that for which the taximeter is calibrated, as indicated by the rate card. Tire inflation shall be checked at the commencement of each shift by the driver of said taxi and recorded on the shift manifest. A tire that does not hold the specified pressure over a 24-hour period shall be replaced immediately.
12. Passengers shall not be carried until a cab’s taximeter has been tested for accuracy over a measured mile course by the Motor Carriers Section, or its authorized representatives whenever:
  - a. The vehicle’s transmission or differential is altered or replaced; or
  - b. A change is made in any other part of the cab that may affect the meter readings; or
  - c. The Motor Carriers Section considers it necessary.
13. A certificate holder shall notify the Motor Carriers Section within 24 hours of the time that any of the aforementioned changes are made.

## **2.6 Defective Taximeter**

- A. When a taximeter is not operating correctly, passengers shall not be transported until the meter has been approved and resealed by the Motor Carriers Section or its authorized representatives.
- B. If the certificate holder replaced the defective taximeter with an approved reserve taximeter (see § 2.6(C) of this Part), the reserve taximeter shall be recalibrated and resealed by the Motor Carriers Section or its authorized representative within thirty (30) days. The certificate holder shall also notify the Motor Carriers Section within two (2) business days when a reserve taximeter is put in service.
- C. An approved reserve taximeter is one which has been inspected and sealed within a period of not over one year, and has pasted thereon an approval slip signed by the Motor Carriers Section, or its authorized representative.

## 2.7 Rules Regarding the Conduct of Business

- A. A change of business address shall be reported to the Division within two (2) business days. Each certificate holder shall maintain and must provide a business address to the Division. Post Office boxes are not sufficient to satisfy this requirement. Vehicles must be registered to the business address and must be in the name of the certificate holder.
- B. A certificate holder shall not have a cab registration transferred to a new or replacement cab without first notifying the Division, submitting all necessary documents and papers and obtaining Division approval. No cab, regardless of age, may be placed into service until it has received Division approval following a visual inspection. Bills of sale presented to the Division for new and replacement vehicles must indicate thereon the manufacturer's model name or number and year of manufacture.
- C. An attempt by a certificate holder or applicant to conceal the identity of a principal in the business shall be grounds for the denial of an application seeking the issuance of a certificate, or revocation of an existing certificate.
- D. All requests for change of corporate officers, stockholders or board of directors for corporations holding operating certificates are subject to Division approval.
- E. Each cab shall have a roof light securely mounted to the vehicle roof which is capable of communicating the following messages:
  - 1. "Taxi" or "Public" as applicable.
  - 2. The Certificate Number (see Appendix B "Social Security Number Privacy Disclosure Statement" § 2.17 of his Part).
- F. Receipts shall be issued upon request of the passenger.
- G. Every certificate holder must institute a system of frequent and regular inspections in order to keep equipment in proper repair and sanitary at all times. Cabs to be placed in service shall not be more than four (4) years old. Once in service, no cab shall operate beyond an odometer reading of 200,000 miles or eight (8) years of age, whichever is sooner, provided, however, that in cases involving vehicles in extraordinary condition, the certificate holder may petition the Administrator for an exemption from these provisions.. In order to be granted an exemption, the petitioner must demonstrate, to the satisfaction of the Administrator, that the vehicle to be used as a cab would be as acceptable to the public as the newer cabs mandated under this rule; that the vehicle has few, if any, of the interior and exterior wear signs concomitant with vehicles of that older



vintage; and that the vehicle appears and functions in relatively “original” condition.

- H. Cabs shall be maintained in a business appearance acceptable to the public. This includes, but is not limited to, a clean interior and exterior and the absence of dents, rust, ripped or stained upholstery and broken or cracked glass. The Division will place out of service, any cab that is substandard in appearance. A cab that has been placed out of service may not be driven for any reason, including private use, unless express written permission is obtained from the Division.
- I. Within five (5) business days of withdrawing a vehicle from use as a cab, the certificate holder shall paint out all distinctive insignia or trade, association, company or certificate holder’s name, assigned number, and remove the roof light prior to sale, unless the vehicle is to be sold for scrap. The Division will be notified within two (2) business days when a vehicle is withdrawn from use as a cab.
- J. If a vehicle is out of service for thirty (30) calendar days or more, the vehicle registration must be canceled and the license plates must be returned to the Division of Motor Vehicles. The certificate holder may apply to the Division, within the thirty (30) days, for an exception to this rule. If an exception is granted it must be in writing and applies only to the specific taxi and the specific time period referenced in the writing.
- K. No certificate holder will use any other business name than that listed on the certificate. Should a business name be changed, the certificate holder must first, if the business is not a corporation, register the name with the city or town in which the business is located. If a corporation, the business must first register the name with the Secretary of State’s Office. After registration, all new business names must be filed with the Division. The Division will review the filing to determine whether the name could cause confusion with any existing business. If the Division rejects the name the certificate holder will be notified within five (5) business days of the filing.
- L. A certificate holder must respond to any Division request for documents or information within ten (10) business days of the request unless the Division grants a written extension.
- M. Cabs may be operated only by the certificate holder, an employee of the certificate holder or a lessee approved pursuant to section J of these rules. The certificate holder will follow all laws concerning their employees including tax and insurance withholdings and workers compensation.

- N. Cabs may only be used as such and may not be used as personal vehicles. If a certificate holder wishes to convert a taxicab to personal use he or she must withdraw the vehicle from use as a cab by following the procedures in Rule G-10. When not in use all cabs must be stored at the certificate holder's business address on file with the Division. If a certificate holder wishes to store vehicles at an alternative address he or she must obtain written permission from the Division and provide the address at which the cabs will be stored.
- O. When the Division suspends a certificate holder's operating certificate, the cabs authorized under that certificate may not be driven for any purpose, unless authorized by the Division. The certificate holder must deliver the plates to the Division where they will be maintained during the period of suspension and returned upon completion of the suspension.
- P. All vehicles operated as cabs must be purchased by the certificate holder for use in the business. The certificate holder cannot require that the driver purchase the cab and turn it over to the certificate holder. A certificate holder may not register a vehicle as a cab unless he or she has paid fair market value for the vehicle. The consideration paid cannot be an agreement with a driver to allow the driver or others to operate the cab in accordance with the certificate.
- Q. The Division may, from time to time, at such times as it deems appropriate, offer training of various types to certificate holders and/or hackney operator's licensees. The Division may require attendance at such training sessions in lieu of, or in addition to, other sanctions (such as fines or suspensions) imposed for violation(s) of these rules.

## **2.8 Rules Regarding Drivers and the Operation of Cabs**

- A. No person shall operate a cab unless he or she first acquires a hackney operator's license issued by the Division, under R.I. Gen Laws § 39-14-20(b).
- B. A certificate holder shall not employ as a driver or lease a vehicle pursuant to section J to any person whose license is suspended or revoked. A certificate holder shall not allow anyone to transport passengers in a cab who does not possess a State Hackney Operators' License from the Division pursuant to §§ 2.8(C) and (D) of this Part.
- C. Each driver will place, in a Division approved receptacle and location, a State of Rhode Island Hackney Operator's License. The Hackney Operator's License will be issued by the Division and must be obtained before the driver may operate a cab.

- D. No person will operate a cab without first having applied for and received approval from the Division. Individuals who request to operate a cab must supply to the Division the following information:
1. Name;
  2. Date of Birth (applicant must be 21 years old, as required by R.I. Gen Laws § 31-10-5);
  3. Residence;
  4. Phone Number;
  5. Driver's License Number (including type and class);
  6. Employer;
  7. Copies of the applicants' driving record obtained, within the previous thirty (30) days, from the Division of Motor Vehicles – Operator Control and record of all criminal convictions obtained from the Bureau of Criminal Identification of the Department of the Attorney General;
  8. Social Security Number (Disclosure is voluntary, see Appendix B "Social Security Number Privacy Disclosure Statement" § 2.17 of his Part); and,
  9. Resident Status.
- E. The Division shall approve or disapprove all requests for authority to operate a cab as soon as practicable within ten (10) business days after receiving the aforementioned information. This time period may be extended for not more than thirty (30) days, for just cause, by the Division, with notice of the extension to the applicant. The Division's review of the application will be to determine if operation of a cab by said individual could constitute a danger to the public. If approved, the applicant will receive a Hackney Operator's License from the Division, which shall be carried at all times while operating a cab. If rejected, the applicant may request a full hearing before the Division by sending correspondence addressed to the Associate Administrator for Motor Carriers. At said hearing, the applicant will be given notice and an opportunity to be heard and has the right to be represented by counsel at his or her own expense.
- F. The Hackney Operator's License may be suspended or revoked by the Division upon a finding of violation of these rules, any provision of Title 39 of the Rhode Island General Laws, any order of the Division or any other action which constitutes a danger to the public, after the licensee is given notice and an opportunity to be heard.

- G. No person shall drive or be in physical control of any cab, for the purpose of carrying passengers, for a period in excess of 12 hours in any 24-hour period, unless the driving time is broken by a period of eight full hours of rest. No certificate holder or his or her agent shall knowingly permit any cab to be driven in violation of this paragraph.
- H. No cab shall be driven when it is so loaded or when there is in the front seat such number of persons as to obstruct the view of the driver to the front or sides, or to interfere with his control over the cab. No cab shall carry more adult passengers than the manufacturer's designed capacity of the vehicle.
- I. Nothing shall be transported in any cab that will cause the interior of such cab to become soiled or offensive to passengers because of odor or appearance.
- J. All cabs are required to have matching hubcaps or wheel covers on all four wheels.
- K. Any individual who drives a cab, including the certificate holder, must report any criminal conviction or adjudicated traffic violation to the Division within five (5) business days of the conviction or adjudication. If the Division investigation reveals that the criminal conviction or adjudicated traffic violation is of such a nature that continued operation of a cab by said individual could constitute a danger to the public, the Division will conduct a hearing, after notice and allowing a full opportunity to be heard, to determine whether the individual's Hackney Operator's License should be revoked, suspended or otherwise limited. Failure to follow this rule will be sufficient grounds for revoking the certificate holder's certificate or the driver's operating permit.
- L. Smoking by drivers or passengers shall not be allowed in a cab at any time.
- M. Cab drivers shall not refuse a fare unless the driver fears for his or her personal safety. All passengers shall utilize safety restraints and provide and use child restraints when required by law. A cab driver must refuse a fare or terminate service if a passenger refuses to utilize safety restraints or to provide and use child restraints when required by law.
- N. All cab drivers shall be dressed in a neat, clean and professional manner. Examples of clothing that may not be considered professional include sweat pants, collarless shirts with logos and cut-off jean shorts.
- O. Solicitation and acceptance of a passenger must occur within the location named in the certificate; provided, that the vehicle's driver may, if and when solicited on the public highway at any location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation from the location only to a place named in the certificate. This rule shall not prohibit a pre-

arranged round trip requested by the passenger so long as all the following conditions are satisfied:

1. The round trip must begin in the certificate holder's authorized territory;
2. The round trip must be completed within a 24-hour period;
3. When a passenger requests a round trip, the driver shall make a notation on his log sheet next to the record of that initial trip, indicating the passenger's name and the time at which the driver is to return to retrieve the passenger for the prearranged return leg of the round trip;
4. The driver must give a passenger requesting a round trip a receipt, to be called a "round trip confirmation receipt," at the completion of the first leg of the round trip that clearly contains the following information:
  - a. the date, time and location of initial drop off,
  - b. the cab number,
  - c. the passenger's name,
  - d. the name and telephone number of the certificated cab company,
  - e. the driver's name, and
  - f. the time the cab is scheduled to return to complete the round trip service. The driver must retain a copy of this receipt;
5. The driver may only retrieve the passenger for such prearranged round trip at the location at which the passenger was originally discharged;
6. In the event that the original driver in such a pre-arranged round trip is unavailable to retrieve the passenger as arranged, the certificate holder may dispatch a different driver/cab, but the subsequent driver/cab must carry, attached to the driver log, a copy of the "round trip confirmation receipt" described in subparagraph § 2.7(N)(4) of this Part

Certificate holders are not mandated to provide round trip services to their customers/passengers. However, if a certificate holder and/or driver agrees to provide a round trip cab service, as evidenced by the issuance of a "round trip confirmation receipt," that certificate holder shall be required to complete the round trip service, unless unable to complete the service for good cause.

- P. No cab will have an after market tint affixed to the windows.

- Q. An "On Duty" "Off Duty" card will be displayed in every taxicab to allow potential passengers to determine whether the taxicab is available for hire.
- R. All cabs must be air-conditioned.
- S. All cabs must have the following statement of Passengers' Rights posted in an easily viewable position in the passenger compartment of the cab:
  - 1. As a cab rider, you have the right to:
    - a. Direct the destination and route used;
    - b. A courteous driver, who is dressed in a neat, clean and professional manner;
    - c. A driver who knows the major highways, routes, and streets in Rhode Island, and obeys all traffic laws;
    - d. Air conditioning;
    - e. Smoke-free and incense-free air;
    - f. A clean passenger seat and trunk area;
  - 2. For more information, or to file a complaint, contact the R.I. Division of Public Utilities and Carriers, 89 Jefferson Blvd., Warwick, RI 02888.

## **2.9 Miscellaneous Rules**

- A. A certificate holder shall make arrangements for bringing to the attention of all drivers, employees and lessees these Rules and Regulations, R.I. Gen. Laws Title 39 and any orders and notices from the Division of which the certificate holder has been made aware by the Division. The certificate holder is responsible to assure that all employees and lessees follow all of the provisions and may be disciplined for the failure of his or her employees and/or lessees to do so. A copy of these Rules and Regulations shall be kept at the business address of record for the information of drivers and other employees.
- B. Accidents resulting in loss of life or property damage exceeding one hundred thousand dollars (\$100,000.00) must be reported to the Division within ten (10) business days from the date of the accident.
- C. TAXICAB STAND:
  - 1. No taxicab shall be placed upon or occupy any taxicab stand except for the purpose of being held forth for hire.

2. Taxicabs shall be placed on stands only from the rear (where applicable) and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs.
  3. A passenger may select any taxicab at a taxi stand, regardless of that taxicab's position in line; however, no driver may solicit a passenger at a taxi stand.
  4. When a taxicab stand is occupied to its full capacity, no taxicab shall loiter or wait nearby for the purpose of occupying space on such stand.
  5. The driver of every taxicab occupying a stand shall stay within close proximity to his vehicle at all times.
  6. The Division's rules on conduct at taxicab stands shall be enforced at every location designated as a taxicab stand, by a local government or by the owner of the property where the taxicab stand is located (if on private property), regardless of whether the entity establishing the taxicab stand can enforce its own ordinances, rules or regulation governing such stands.
- D. No certificate holder shall utilize in any cab, or have at a dispatch center, any device to monitor or scan any radio frequency other than the frequency assigned to the certificate holder's cabs or dispatch center by the Federal Communications Commission.
- E. Cabs shall only be used for passenger transportation as authorized under an operating certificate. Therefore, cabs must charge only the tariff rate approved for that vehicle as registered through a properly functioning taximeter. Cabs, therefore, may not function as paratransit services, as defined in § 2.1(A)(15) of this Part. However, contract services, in which a cab transports a passenger at the request of another entity, such as a hospital, and the resulting fare is paid by such other entity, shall be allowed, so long as the taximeter is utilized during the trip to calculate the resulting fare, and so long as the passenger is picked up within the authorized service territory for that vehicle.

## **2.10 Leasing**

- A. A certificate holder may lease a cab to another person only under the conditions found in these Rules and Regulations and R.I. Gen Laws § 39-14-9. The lease shall relate to the actual cab only (the vehicle itself) and shall in no way extend to the authority conferred through the certificate. Each lease relates to one specifically described cab and no other vehicle may be substituted for the described vehicle unless for periods of time required for normal maintenance

and/or repair. Normal maintenance and repair means that the cab is substituted for no more than seven (7) days. For periods longer than seven (7) days the certificate holder must obtain express written permission from the Division. Each cab may be leased to only one individual for each twelve (12) hour period. The cab must be registered in the certificate holder's name to be eligible for lease. Under the lease agreement, the certificate holder shall remain bound by all of these rules in the same manner as if the certificate holder was operating the cab(s) being leased himself or herself or by an employee.

- B. Only those vehicles that have been operating as taxicabs approved by the Division actively and continuously for twelve (12) months may be the subject matter of a lease. The twelve (12) month period will be determined by the Division by the registration date of the vehicle on file with the Registry of Motor Vehicles. If a vehicle has not been operated actively and continuously as a Division approved taxicab for twelve (12) months it may only be used as a taxicab driven exclusively by the certificate holder and/or an employee of the certificate holder. For purposes of this rule, when a vehicle that is eligible to be leased to a driver is replaced by another vehicle, the replacement vehicle shall also be deemed eligible to be leased.
- C. Parties to a lease must file with the Division a Leasing Disclosure Statement on a form which will be provided by the Division and which will indicate the names and addresses of the certificate holder and the lessees, the certificate number and license plate of the leased cab, date of execution the lease, the effective date and expiration date of the lease, the applicable term of the lease, including any and all charges, the responsibility for maintenance, the name of the insurance carrier providing statutory liability coverage, and the amount of any required security deposit. Any written documents concerning the lease must be attached to the Leasing Disclosure Statement and approved by the Division. No leasing arrangements are allowed other than those filed and approved by the Division.
- D. In the event a security deposit is required under the terms of the lease approved by the Division, the certificate holder shall deposit same in an interest-bearing account in a bank or credit union within the State of Rhode Island and shall indicate on the Leasing Disclosure Statement the name and address of the bank or credit union in which such security has been deposited, and the applicable account number. Interest on such security deposit shall accrue to the benefit of the lessee furnishing the security.
- E. All Leasing Disclosure Statements shall be filed with the Division and shall be signed by both the certificate holder and the lessee. No lease agreement shall become effective until approved by the Division. The Division shall approve or reject the proposed lease agreement in writing within ten (10) business days after the Leasing Disclosure Statement and all appurtenant papers have been filed.



This time period may be extended for an additional thirty (30) days, at the discretion of the Division, with notice of the extension to the applicant. The Associate Administrator for the Motor Carriers Section or his or her designee will sign every lease that has been approved and return a copy to the certificate holder for its records.

- F. If a lease is rejected, the Division will notify the certificate holder within ten (10) business days of the rejection and the reasons therefore. The Division will mail back to the certificate holder the original Leasing Disclosure Statement and all attachments stamped "denied" and signed by the Associate Administrator for the Motor Carriers Section or his or her designee.
- G. Once an approved lease is on file with the Division for a particular vehicle, that vehicle cannot be sold, disposed of or transferred until such time as the approved lease terminates as of its own terms or the certificate holder submits to the Division a Lease Termination Statement, in a form provided by the Division, signed by both the lessor and the lessee. If the lessee refuses to sign or is unavailable to sign, the Lease Termination Statement shall be filed with the Division with the signature of the lessor and an explanation for the lack of signature by the lessee.
- H. Once a vehicle is subject to an approved lease only the lessees may drive that vehicle. Neither the lessor nor lessees may make any arrangements to sublease the vehicle.
- I. A copy of the approved lease must be kept in the cab at all times.

## **2.11 Annual Reporting**

- A. All certificate holders shall file with the Division, on or before April 15 of each calendar year, an annual report, on forms furnished by the Division.
- B. Along with the filing of annual reports as required, certificate holders will supply the following each year on or before April 15:
  - 1. Certification from the Secretary of State's Office on corporate status (if applicable);
  - 2. Proof of financial responsibility; and,
  - 3. Information on currently registered vehicles operating as cabs.
- C. For purposes of revenue reporting to the Division, in accordance with R.I. Gen. Laws § 39-1-23, all revenues generated as a result of the authority conferred in

the operating certificate shall be included as revenues for the certificate holder. This includes revenues for gross receipts earned by lessees.

## **2.12 Complaints**

- A. Any person may file a complaint with the Division regarding a violation of these rules and regulations. Complaints should be in writing and signed by the complainant stating the complainant's address and telephone number and either mailed or hand-delivered to the Division of Public Utilities and Carriers, 89 Jefferson Blvd., Warwick, Rhode Island 02888. Nothing in this rule should be construed to prevent the Division from instituting an investigation or proceeding based upon an oral complaint or upon information developed in any other manner.
- B. If the Division determines that the complaint alleges facts that constitute a violation of these rules and regulations, the Division shall notify in writing the particular driver and/or certificate holder of the nature of the complaint. The driver and/or certificate holder must file an answer with the Division within ten (10) days following the date of notice of the complaint. Upon receiving such answer(s), the Division shall notify the complainant of the contents or nature of the answer(s) and shall take whatever action deemed appropriate to resolve the complaint.
- C. If the Division determines that the facts as alleged in any complaint are clearly not in violation of these rules and regulations, the complainant shall be so notified and no further action will be taken.
- D. However, when the Division finds that a satisfactory response is not made to the notification of a complaint, or when no response is made to a complainant, or when the facts clearly warrant, a hearing shall be conducted by the Division concerning the complaint. The Division shall send written notice to all parties in a manner consistent with § 2.13 of this Part .
- E. Failure of the certificate holder and/or driver to appear before the Division for a scheduled hearing may result in a possible suspension or revocation of the certificate and/or the driver's operating permit. Failure of the complainant to appear for a scheduled hearing may result in dismissal of the complaint.

## **2.13 Notice**

- A. The Division shall give notice of the commencement of a scheduled hearing in any pending matter to all parties and to such other persons as the Division designates.

- B. Notice shall be by first class mail or personal service unless otherwise specified by the Division. The Division shall give at least ten (10) calendar days written notice of the hearing unless the hearing officer determines that less notice is reasonable. Nothing, herein, however, shall limit the power of the Division to order notice by other means, including but not limited to notice by publication.
- C. Unless notice to the contrary has been received by the Division, notices shall be sufficient if mailed or delivered to the following:
1. If the addressee is a holder of a certificate or hackney operator's license, the address shown on the last application for the issuance or amendment thereof.
  2. If the addressee has tariffs on file, to the address shown on any tariff in effect at the time of notice.
  3. If an attorney has entered an appearance on behalf of the addressee, to the office of the attorney.
  4. The latest change of address notice on file with the Division.

## **2.14 Violations**

The Division shall give notice of the commencement of a scheduled hearing in any pending matter to all parties and to such other persons as the Division designates. Any person or persons who shall violate any provision of these rules and regulations adopted in accordance with R.I. Gen. Laws § 39-14-2, and the Administrative Procedures Act, shall be subject to the penalties provided under R.I. Gen. Laws Title 39, which include certificate suspension or revocation, and/or criminal sanctions.

## **2.15 Requirements for Filing of Rate Schedule Changes**

- A. Each company shall furnish supporting documentation and exhibits in the case of any proposed rate schedule changes and to furnish specific information and exhibits where an increase in rates is proposed under the applicable statutes. In connection with the latter, the regulations require each company to present its case-in-chief, to the extent feasible, in a standard format. The prescribed information is directed to items that the Division has found useful in prior proceedings; the format should facilitate analysis of the filing by marking a traceable trail from the book source data through the adjustments and summaries to the proposed revenue requirements.

- B. These regulations are not intended to restrict in any way the right of any company to submit such additional exhibits and documentation or to argue such theories as it may choose in any proceeding.
- C. The rules and regulations contained in this part shall be applicable only to proceedings involving the investigation of changes in rates constituting a rate increase in which the respondent's overall revenue requirements are at issue.
- D. Notice to the Division of proposed rate schedule changes by a common carrier pursuant to R.I. Gen. Laws § 39-14-2.2, shall be given by a filing with the Division pursuant to § 2.15(H) , unless a motion for an exemption from any requirements accompanies the filing.
- E. In the event that any information, document or data required by this section is unavailable and/or its ascertainment or submission would be unduly burdensome or is not relevant in light of the schedule change that is the subject of the application, the applicant may file with the application a motion for an exemption from the requirement. The motion shall set forth in detail the reasons why the information, document or data cannot or should not be submitted. The granting of such a motion shall not exempt the applicant from supplying the information, document or data in response to a subsequent data request.
- F. Pursuant to R.I. Gen. Laws § 39-14-2.2, Division-ordered suspension periods of up to five (5) months commence on the date the change in rates would otherwise take effect. In addition, the administrator shall have power by an order served upon the taxicab or limited public motor vehicle affected to further suspend the taking effect of the change or changes pending the decision thereon, but not for a longer period than three (3) months beyond the expiration of the first mentioned five (5) month period.
- G. Within ten (10) days after filing for rate schedule changes, the applicant shall cause a notice of the filing, in a form to be approved by the Division, to be published in the newspaper of widest circulation within the applicant's service territory.
- H. The following materials shall be included in or shall accompany the filing:
  - 1. Rate Schedules. Terms and Conditions. The current and proposed rate schedules and the terms and conditions under which the common carrier provides services and/or makes non-tariffed charges.
  - 2. Complete Direct Case. An original and five (5) copies of the applicant's complete direct case in support of the rates applied for. The direct case should include, at a minimum, the following items:

- a. Detailed income statement and balance sheet for a test year period that constitutes a historic year of actual data for a period ending within nine (9) months of the filing date.
  - b. Proforma income statement for a rate year period which constitutes a twelve month period for which new rates are designed to recover the proposed cost of service. The proforma income statement shall be for a yearly period that commences no later than eight (8) months after the proposed effective date of the new rates.
  - c. A listing of the test year and rate year revenues by source.
  - d. Supporting schedules or workpapers to disclose the manner in which the proforma amounts were calculated. The adjustments shall be fully explained and the source of the data in support of the adjustments shall be presented, or disclosed, as appropriate.
3. Additional Documents. Annual Report to the Division for the last two years, if reports have not been previously filed with the Division.
- I. The financial data shall be accompanied by a statement attesting to the accuracy of the financial data presented in the filings. The chief financial officer shall sign this attestation or a person duly authorized by such financial officer.

## 2.16 Appendix A

### A. Marking Specifications for Cabs

Inscription	Location	Minimum Size
Rate of fare (Decal permitted only if non-detachable)	Front or Rear Quarter Panel of each side of cab. (Use flat, vertical surface only.)	Total area of rectangle Not less than 72 square inches. Numbers – 2 3/4” Capital Letters – 1” Small Letters – 1/2”
Name, City and State. Must specifically list actual name on certificate as well as all names under which doing business.	Front or rear quarter doors Not more than 6” below window unless greater	2” high. Letters 1/4” thick. Avoid overcrowding; use full width of door panel or two lines of lettering, if necessary

	distance needed to reach a flat, reasonable vertical surface. Must be at least 4" from any other inscription. (Avoid placing name on an extreme curve; use flat, vertical surfaces only.)	
"TAXI" or "PUBLIC" (as required)	Front of roof light	2 3/4" high letters, 1/2" thick.
Certificate number	Rear of roof light	2 3/4" high letters, 1/2" thick.
Ride sharing to a common destination; \$1.00 fee for each additional passenger over two. Large luggage fee: \$5.00 charge for each large item of luggage, defined as an item weighing more than 70 pounds or one that will not fit in taxicab's closed trunk.	Inside/Outside of cab, Prominent posting	1" Capital letters 1/2" Small letters

## 2.17 Appendix B

### A. SOCIAL SECURITY NUMBER PRIVACY DISCLOSURE STATEMENT

Providing your Social Security Number to the Division is not mandatory. You may legally refuse to comply with this request. Whether you agree to disclose your Social Security Number is entirely a voluntary decision.

The Division is charged with the responsibility of determining whether you are "fit" before it is able to grant you the authority being requested through the instant application. The basis of this requirement is contained in the following Sections of the R.I. Gen. Laws: §§ 39-1-1, 39-1-15, 39-1-38, 39-3-2, 39-12-4, 39-12-5, 39-12-7, 39-12-32, 39-13-2, 39-14- 2, 39-14-4.1, 39-14-12, 39-14-14,

39-14-20, 39-14.1-3 and 39-14.1-8.

The Division has requested that you provide it with your Social Security Number so that it may better evaluate your “fitness” with regard to the regulatory authority you seek. The “fitness” evaluation includes a criminal background and a legal residency investigation. The Division may also employ other means to conduct the fitness evaluation. Providing your Social Security Number to the Division will help expedite the evaluation process.

Your Social Security Number will also be used as a unique internal identifying number.

SOCIAL SECURITY NUMBERS WILL NOT BE OPEN FOR PUBLIC INSPECTION.

## 2.18 Appendix C

<b><u>Round Trip Confirmation Receipt</u></b>	
<b><u>Original Trip Info</u></b> Date: _____ Time: _____ Pick-up site: _____ _____ Drop-off site: _____ _____	<b><u>Return Trip Pick-up Info</u></b> Date: _____ Time: _____ Pick-up site: <u>Same as Original Drop-off</u> Drop-off site: <u>Same as Original Pick-up</u> Name of Passenger Requesting Service: _____
ABC Cab Company (MC-T-000) Street Address, City, State, Zip Code Telephone Number 000-0000	Driver: _____ Cab No. _____





**815-RICR-50-10-2**

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

**CHAPTER 50 - COMMON CARRIERS**

**SUBCHAPTER 10 - MOTOR CARRIERS OF PASSENGERS**

**PART 2 - Rules Governing Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles (815-RICR-50-10-2)**

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