

# Taxicabs & For-Hire-Vehicle

## CITATIONS:

### What you need to know...



#### **COMMISSION CITATIONS**

Maryland law requires the Public Service Commission (PSC or Commission) to ensure that passenger-for-hire vehicles and services operate in the public interest. If Transportation Division personnel determine that a carrier is failing to operate in the public interest, a citation may be issued to the carrier recommending a civil penalty and/or suspension or revocation of a carrier's authority to operate.

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#### **Q. What are the types of violations that may result in a citation?**

A. The Code of Maryland Regulations (COMAR) lists the following incidents:

- Operating a motor vehicle after a permit is suspended or revoked;
- Failure to present a motor vehicle for inspection;
- Failure to file with the PSC an inspection certificate from an authorized inspection station;
- Failure to carry appropriate insurance or provide evidence of coverage to the PSC;
- Operating an out of service motor vehicle;
- Operating a for-hire vehicle without a valid State driver's license and a valid passenger-for-hire driver's license;
- Operating a taxicab in Baltimore City, Cumberland or Hagerstown without a valid State driver's license and a valid taxicab driver's license;
- Operating a motor vehicle while under the influence of alcohol or drugs;
- Violation of a State or local motor vehicle traffic law directly causing a fatality;
- Reckless driving while operating a motor vehicle;
- Leaving the scene of a motor vehicle accident while operating a motor vehicle;
- Knowingly operating a motor vehicle which has had recurring violations of the equipment and safety standards;
- Use of a motor vehicle subject to PSC regulation before obtaining approval of the PSC;

- Falsification of a certification statement indicating that a defect in a motor vehicle has been repaired;
- Operating a motor vehicle which has been placed out of service for the same violation more than two times in a 1-year period or over 50 percent of the time it is inspected in a 1-year period, whichever is less; or
- Failure of the owner or an operator of a motor vehicle to allow inspection of vehicle or permit; or
- Baltimore City only: Operating a taxicab that is not equipped with the required partition.

#### **Q. How do I avoid receiving a citation?**

A. You must comply with all applicable laws and regulations and with all correspondence sent to you from the PSC or by its Transportation Division.

For example, if you receive a letter scheduling your vehicle(s) for inspection, you must present the vehicle(s) for inspection at the scheduled time, or notify the Transportation Division of your inability to do so within three business days of the appointment.

Also, you should be sure that the Transportation Division has the current mailing address, telephone number, fax number, and email of your business on file.

#### **Q. What are possible penalties for a citation?**

A. Citations may seek monetary penalties up to \$2,500.00 for each violation of a COMAR requirement. In addition, citations may seek suspension or revocation of a carrier's PSC operating authority where a carrier has numerous citations or when the citations are for more serious violations of COMAR.

**Q. What are my options if I receive a citation?**

- A. You may:
- (1) pay the civil penalty and provide any required certificate(s) of insurance or inspection or other documents;
  - (2) appeal the citation and ask for a hearing to explain why the civil penalty or other sanction should not be imposed; or
  - (3) if you are no longer in business or no longer desire to operate a permit, you may inform the PSC in writing.



Hearing

**Q. What happens if I request a hearing?**

- A. The hearing will be scheduled before a PSC Hearing Examiner.

**Q. Can I be represented by an attorney?**

- A. Yes, but it is not required.

**Q. Can I bring witnesses to the hearing who will speak on my behalf?**

- A. Yes.

**Q. What will the hearing be like?**

- A. The hearing will be conducted by a PSC Hearing Examiner. A Transportation Division employee will testify under oath, stating why a citation(s) was issued. You or your representative will be given an opportunity to examine the documents used by the Transportation Division witness and to ask factual questions of the witness. You or your representative may take the oath and testify. If an attorney represents you, the attorney may produce testimony from you or your representative by direct examination and cross-examining the Transportation Division witness.

**Q. How will I learn the results of the hearing?**

- A. Following the hearing, a Proposed Order of Hearing Examiner will be issued in writing, usually within 30 days.

**Q. What if I agree with the Proposed Order?**

- A. You must wait from one week to 30 days to see if the Proposed Order is appealed. If it is not appealed, the citation is closed.

Appeal

**Q. What if the Proposed Order rules against me?**

- A. You may pay the monetary penalty or appeal the Proposed Order to the Commission as a whole, following the directions in the cover letter of the Proposed Order.

**Q. What must I include in my appeal?**

- A. State why you believe the Hearing Examiner's Proposed Order is wrong. It is not sufficient to simply state "I appeal the Proposed Order."

**Q. How will the Commission proceed when it receives my appeal?**

- A. The Commission will review the entire record of the case, generally consisting of the Proposed Order of Hearing Examiner, your appeal, and any response to your appeal that the Staff Counsel Division may provide. The Commission ruling may grant your appeal, deny it, modify it, or remand (send back) the issue back to the Hearing Examiner Division for reconsideration.

**Q. What if the Commission denies my appeal?**

- A. You may ask the Commission to reconsider its decision, clearly stating the reasons it should rule in your favor. If you wish to appeal the Commission's final decision to the courts, you will probably wish to engage a lawyer.

**Maryland Public Service Commission**

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