STATE OF RHODE ISLAND AND PROVIDENCE PLATATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RULES AND REGULATIONS GOVERNING	)	
THE TRANSPORTATION OF PASSENGERS VIA	)	DOCKET 13 MC 08
PUBLIC MOTOR VEHICLES	)	

NOTICE OF RULEMAKING AND PUBLIC HEARING

Pursuant to the provisions of R.I.G.L. §§39-1-15, 39-3-33, 39-14.1-2, 39-14.1-6, 39-14.1-8 and 42-35-3, the Division of Public Utilities and Carriers (hereinafter "Division") will conduct a public hearing on **Wednesday, August 14 at 10:00 a.m.** in Hearing Room A, located at 89 Jefferson Boulevard, Warwick, Rhode Island, for the purpose of adopting Division rules titled " Rules and Regulations Governing the Transportation of Passengers Via Public Motor Vehicles." These rules and regulations will govern the transportation of passengers via public motor vehicles in Rhode Island.

The proposed rules and regulations are on file at the offices of the Division, located at 89 Jefferson Boulevard, Warwick, Rhode Island. Copies of the proposed rules may be obtained by calling the Division at (401) 780-2158, or in person at the office of the Division, or on the Division's Web site at www.ripuc.org.

Since Public Motor Vehicle companies, as common carriers under R.I.G.L. Title 39 Chapter 14.1, are utilities within the meaning of R.I.G.L §39-1-2(20), and therefore under R.I.G.L. §42-35-3.3(d)(7), are not considered small businesses for the purposes of R.I.G.L. §§ 42-35-3 and 42-35-3.3, this rulemaking proceeding is exempt from the requirements of those sections regarding regulations affecting small businesses. Nevertheless, the Division does not believe that the proposed rules will have a significant adverse economic impact on any small business or on any city or town. The proposed rules are intended to merely clarify and reduce to writing existing regulatory policy and recent statutory mandates.

Interested persons wishing to offer data, views or arguments on the proposed rules and regulations may do so either orally on the day of the hearing or by submitting their comments in writing to the following address prior to the date of the hearing:

Associate Administrator for Motor Carriers
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Reference is also made generally to R.I.G.L Chapters 42-35, 39-1, and 39-14.1, and specifically to §§ 42-35-1, 42-35-2, 42-35-3, 42-35-3.3, 42-35-4, 42-35-5, 39-1-3, 39-1-15, 39-1-38, 39-14.1-2, 39-14.1-6 and 39-14.1-8.

THE DIVISION OF PUBLIC UTILITIES AND CARRIERS IS ACCESSIBLE TO THE HANDICAPPED. INDIVIDUALS REQUESTING INTERPRETER SERVICES FOR THE HEARING IMPAIRED MUST NOTIFY THE DIVISON'S OFFICE AT (401) 780-2158, SEVENTY-TWO (72) HOURS IN ADVANCE OF THE HEARING DATE.

Terrence E. Mercer
Associate Administrator for Motor Carriers

Concise Explanatory Statement pursuant to RIGL §42-35-2.3

The proposed regulations respond a 2012 legislative mandate in which Rhode Island General Law §39-14.1-6 was amended to require the Division to establish minimum allowable charges for transportation services provided by public motor vehicles. Additionally, Rhode Island General Law §39-14.1-1(7) was amended to require that "All vehicles operated under this chapter shall conform to the specifications established by the Division".

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

RULES AND REGULATIONS GOVERNING THE TRANSPORTATION OF PASSENGERS VIA PUBLIC MOTOR VEHICLES

PROPOSED RULES ONLY

Date of Public Notices:

Date of Public Hearings:

Effective Date: -----

INTRODUCTION

In 2002, the Rhode Island General Assembly enacted a set of statutes contained in Chapter 14.1 of Title 39 of the Rhode Island General Laws, providing for the regulation of intrastate for-hire passenger transportation services provided in what the Assembly identified as "Public Motor Vehicles." The clear intent of the General Assembly at that time was to create regulatory oversight over a "premium" passenger-transportation industry akin neither to taxicab/limited public motor vehicle service as regulated under Chapter 14 of Title 39, nor to jitney service as regulated under Chapter 13 of Title 39.

In 2012, Rhode Island General Law §39-14.1-6 was amended to require that the Division of Public Utilities and Carriers ("Division") establish a minimum allowable charge for transportation services provided by Public Motor Vehicles, as newly re-defined in §39-14.1-1(7). Again, the clear intent of the General Assembly in passing that legislation in June 2012 was to require the Division to devise a minimum charge for Public Motor Vehicle services that would appropriately ~~delineate~~ distinguish between the types of services rendered under Chapter 14 and Chapter 14.1.

These rules and regulations are designed to facilitate the implementation of the aforementioned intent and directive.

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A. DEFINITIONS

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 and Carriers or his duly appointed designee.

2. BLUE CARD: Means a Hackney Operator's License as defined in A-14 below.

3. BOOKING PARTY: Means the individual or entity which contracts with the Public Motor Vehicle certificate holder for the purpose of soliciting the service of that certificate holder's vehicle(s). That booking party shall designate where, when and for whom the service shall be provided.

4. BUSINESS ADDRESS: Means the location where the certificate holder maintains all records concerning the transportation business, keeps those records available for Division inspection, and where the certificate holder accepts solicitations and prepares the contract for public motor vehicle services to be rendered.

5. 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 which is a Saturday, Sunday or legal State or Federal holiday; certificate holders, as defined in A-9 below, may, of course, engage in operations on Saturdays, Sundays and legal State or Federal holidays as well as on business days as defined herein.

6. CAB: Means taxicab or limited public motor vehicle.

7. CALL AND DEMAND: Means the spontaneous – as opposed to pre-arranged – solicitation or acceptance of a paying passenger for transportation service which may only be provided by taxicabs and limited public motor vehicles; public motor vehicles

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are not authorized to provide call-and-demand services. Call and Demand includes telephone, e-mail, other electronic solicitations for immediate transportation services, as well as street hails and other direct solicitations of drivers.

8. CERTIFICATE: Means a certificate of public convenience and necessity or a certificate of operating authority issued to a common carrier.

9. CERTIFICATE HOLDER: Means the holder of a Certificate (as defined above) issued by the Division of Public Utilities and Carriers.

10. COMMON CARRIER: Means any person or entity 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, limited public motor vehicle, or a public motor vehicle.

11. DIVISION: Means the Division of Public Utilities and Carriers.

12. DRIVER: Means any person operating a public motor vehicle for the purposes of transporting passengers for hire.

13. GARAGE ADDRESS: The location where a certificate holder stores the public motor vehicles authorized under its operating certificate and where the drivers report to obtain a vehicle for use as a public motor vehicle, whether or not that location actually contains a building in which the vehicles are stored.

14. HACKNEY OPERATOR'S LICENSE: A special license, commonly referred to as a "Blue Card," issued by the Division, authorizing the holder thereof to operate a taxicab, limited public motor vehicle or public motor vehicle upon the highways of the State of Rhode Island and any subdivision thereof, for the purpose of transporting passengers for hire.

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15. INTO SERVICE: Means, for the purposes of Rule C-8, when a vehicle is first registered with the Division to be utilized as a PMV by an active PMV certificate holder. Once registered "in service" as a PMV with the Division, said vehicle shall be considered compliant with the "in service" model year limitation of Rule C-8 if it is subsequently purchased and re-registered by another PMV certificate holder. Provided, however, that such a vehicle shall not have already surpassed an odometer reading of 300,000 miles at the time of re-registration.

16. LIMITED PUBLIC MOTOR VEHICLE: Means and includes every motor vehicle for hire, other than a jitney as defined in § 39-13-1, or a taxicab as defined in § 39-14-1, or a public motor vehicle as defined by § 39-14-.1-1, 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.

17. MINIMUM ALLOWABLE CHARGE: Means the absolute minimum charge a Public Motor Vehicle certificate holder or driver may require of a paying passenger for intrastate transportation services.

18. MOTOR CARRIER SECTION: Refers to the Motor Carriers Section, Division of Public Utilities and Carriers.

19. PASSENGER(S): Means the individual(s) transported for-hire intrastate in a Public Motor Vehicle. May be the same as the Booking Party.

20. 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.

21. PUBLIC MOTOR VEHICLE: Means and includes every motor vehicle for hire, other

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than a jitney, as defined in R.I.G.L. § 39-13-1, or a taxicab or limited public motor vehicle, as defined in R.I.G.L. § 39-14-1, used for transporting members of the general public for compensation in unmarked vehicles at a predetermined or prearranged charge to such points as may be directed by the passenger. Transportation services provided by charter carriers, as defined in R.I.G.L. chapter 39-14.1, or by funeral homes in association with funeral services, and by ambulance companies, shall be exempt from these rules. Public motor vehicles must carry "Public" registration plates issued by the Division of Motor Vehicles (or the equivalent plate for out-of-state registrations). "Public motor vehicle" may be referred to as "PMV" in these rules.

22. STRETCH LIMOUSINE: Means any sedan or SUV that has been manufactured (or remanufactured) to transport no fewer than eight (8) passengers, excluding the driver. For the purposes of these rules, so-called "mini-buses" and buses shall be considered "stretch limousines."

23. SUSPENSION: Means an order of the Division requiring that a public motor vehicle, or a number of public motor vehicles, operated under a certificate, not be operated for hire for a set period of time. Such an order normally will be issued only after a public hearing, but may be issued prior to a hearing when deemed to be in the interest of public safety, such as when there has been a lapse in insurance coverage.

24. TAXICAB: Means and includes every motor vehicle for hire, other than a jitney as defined in R.I.G.L. § 39-13-1, limited public motor vehicle as defined by § 39-14-1 and public motor vehicle as defined by §39-14.1-1, 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.

25. 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.

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26. TAXIMETER: Means any instrument or device by which the charge for transportation in any taxicab or limited public motor vehicle is automatically calculated and indicated by means of figures, either for distances traveled or for waiting time, or for both.

27. UNMARKED VEHICLES: Means motor vehicles that do not display the transportation company's name, address, telephone number, or other identifying marks, or any advertisements, or commercial information, beyond that included by the vehicle's manufacturer, on the vehicle's exterior surfaces. For the purposes of this definition, “advertising” and “commercial information” mean any marking whatsoever that would serve to identify or distinguish a vehicle as belonging to one particular certificate holder over another. No such markings, be they painted or affixed, shall be allowed on the exterior of the vehicle or inside the vehicle where visible through its windows. However, when required by Federal law, USDOT numbers and/or the company name may be displayed on such a vehicle.

B. CERTIFICATE REQUIREMENT

1. No person shall operate a public motor vehicle in any city or town in the state until the person (or corporation) shall have obtained a certificate from the Division certifying that the applicant is fit, willing, and able to provide the services as a public motor vehicle in the transportation of passengers. The certificate shall be issued only after written application for it (accompanied by the applicable fee) has been filed and after a public hearing has been conducted on the application to gauge whether the applicant is “fit, willing and able” to conduct such a transportation service.

2. Upon receipt of an application, the Division shall schedule the time and place for the hearing. Notice of the hearing shall be given by first class mail to the applicant and shall be published in a newspaper with statewide distribution and on the Division’s web site.

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3. Upon the approval of the application, the certificate holder shall file with the Division a certificate of insurance issued by an insurance company authorized to transact business in this state, showing that the owner has a policy insuring the public motor vehicle company against liability for injury to persons and damage to property which may be caused by the operation of the public motor vehicle, this policy to provide for the indemnity in the sum of not less than one million five hundred thousand dollars ($1,500,000) for personal injury and indemnity of not less than one hundred thousand dollars ($100,000) for damage to property. Such a policy shall remain in effect at all times. Failure to maintain such required insurance coverage shall be grounds for immediate suspension of a certificate holder's operating authority.

4. Each certificate shall be renewed before the close of business on December 31 of each calendar year in accordance with 39-14.1-3. The renewal fee shall be one hundred dollars ($100.00) and shall be submitted with the requisite renewal packet. The renewal packet shall also include a listing of vehicles to be operated in the certificate holder's fleet and shall also include the odometer reading of each such vehicle at the time the form is completed.

C. VEHICLES TO BE OPERATED AS PMV

1. No vehicle may be utilized by a certificate holder to transport passengers for hire until such vehicle has been registered with the Division. Certificate holders shall inform the Division of all vehicles used in its passenger-transportation fleet by Make, Model, Year and Registration Plate Number, and shall include an odometer reading of the vehicle. The certificate holder shall inform the Division each time a vehicle is added to, replaced, or removed from its fleet. There shall be no fee associated with the filing of this information.

2. The Division of Motor Vehicles (DMV) shall have jurisdiction over the lighting, equipment, safety, and sanitary condition of all public motor vehicles and shall cause an inspection of such vehicles to be made before the vehicle may be registered.

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Vehicles owned by the certificate holder must be registered to the certificate holder's business or garage address (see Rule G) and must be registered in the name of the certificate holder. Vehicles leased by the certificate holder shall be registered in accordance with Registry of Motor Vehicle rules, but still must carry Public (or equivalent out-of-state registration) license plates. A copy of any such lease shall be filed with the Division.

3. Every certificate holder must institute a system of frequent and regular inspections in order to keep vehicles in proper repair and sanitary at all times. Vehicles shall be in proper mechanical operating condition prior to being dispatched to pick up passenger(s). This includes safety features (brakes, tires, windshield wipers, lights. etc.), appearance features (body free of dents, dings, chipped paint, cracked windows and lights, etc.) and cleanliness/comfort features (unsoiled upholstery/carpet, odor-free passenger compartment, air conditioning, heating, interior lights, etc.).

4. Certificate holders shall keep written records of such inspections as outlined in preceding rule and maintain those records at its place of business in accordance with rule G-5 of these rules. The certificate holder shall make those records available for inspection by Division personnel upon request.

5. No vehicle being operated as a public motor vehicle may be equipped with a taximeter or any similar device for the purpose of calculating charges for transportation services.

6. All vehicles being operated as a public motor vehicle shall be UNMARKED as defined in Section A of these Rules, provided, however, that markings required by the USDOT shall be allowed.

7. No vehicle may be utilized as a public motor vehicle if said vehicle has previously been registered at any time as a taxicab. No exemption provision shall apply.

8. With the exception of the waiver provisions set forth in subsection "a)" of this rule, no

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~~No~~ vehicle which is beyond ~~three (3)~~ four (4) model years old shall be allowed to be placed into service for the first time as a public motor vehicle. Provided, however, that "classic" and "antique" vehicles greater than 25 years old that meet all other state regulations and Division requirements, may, at the Division's sole discretion, be placed into service. ~~Once in service, however, no public motor vehicle shall operate beyond an odometer reading of 300,000 miles. It shall be the sole responsibility of the certificate holder to remove a vehicle from service when it has traveled 300,000 miles, regardless of vehicle age or any engine or mechanical replacements or upgrades.~~ Once into service, however, a vehicle shall not be presented to the State Garage for an annual inspection with an odometer reading in excess of 300,000 miles, unless the certificate holder has obtained a written waiver of such rule as provided in subsection a) below. Moreover, vehicles over 10,000 Gross Vehicle Weight (such as trolleys, buses, large limousines, coaches …) shall not be presented to the State Garage for an annual inspection with an odometer reading in excess of 500,000 miles, unless the certificate holder has obtained a written waiver of such rule as provided in subsection a) below.

a) WAIVERS: In cases involving vehicles in extraordinary condition, the certificate holder may petition the Administrator (or his/her designee) for a waiver or exemption of both the four-model-year requirement and 300,000-mile limitation outlined above. In order to be granted such a waiver, the petitioner must demonstrate to the Administrator (or his/her designee) – at the sole discretion of the Administrator (or designee) – that said vehicle is suitable to be placed into service or remain in service (as applicable) as a public motor vehicle as intended in the establishment of Title 39 Chapter 14.1 and the promulgation of the instant rules. If such a waiver is granted, the Division shall issue a written waiver form to the petitioner to be presented to the State Garage as evidence that the vehicle in question may, indeed, be inspected and utilized in public motor vehicle service. Absent such a waiver document, the State Garage shall refuse to inspect a vehicle older than four (4) model years to be placed into service for the first time or a vehicle with an odometer reading beyond 300,000 miles.

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~~9. All vehicles being operated as a public motor vehicle shall be in compliance with the following vehicle criteria:~~

~~a) Sedans/Minivans/SUVs~~

~~1. Any such vehicle must be a 4-door model (at a minimum) and be, in the Division's discretion, acceptable and appropriate in appearance, both inside and out.~~

~~2. Must be no older than three (3) model years old to be placed into service~~

~~3. Must not be operated with an odometer reading in excess of 300,000 miles. *(Note: Any time the odometer of any public motor vehicle is repaired or replaced, the certificate holder shall notify the Division of such change. It remains the responsibility of the certificate holder to realize when a vehicle has traveled 300,000 total miles, regardless of any odometer change, and remove the vehicle from service.)* There shall be no available exemption or waiver of this rule for this category of vehicle.~~

~~b) Stretch Limousines~~

~~1. Any such vehicle as defined in Rule A-21 of these rules must be a 4-door model (at a minimum) and be, in the Division's discretion, acceptable and appropriate in appearance, both inside and out. .~~

~~2. Must be no older than three (3) model years old to be placed into service.~~

~~3. Must not be operated with an odometer reading in excess of 300,000 miles. *(Note: Any time the odometer of any public motor vehicle is repaired or replaced, the certificate holder shall notify the Division of such change. It remains the responsibility of the certificate holder to realize when a vehicle has traveled 300,000 in total miles, regardless of any odometer change, and remove the vehicle from service.)*~~

~~4. Certificate holders may request a waiver of the mile limitation in the preceding paragraph for this category of vehicle by applying for an "exemption review" to be conducted by a member of the Division's Motor Carrier Section. If, in the sole estimation of the Division reviewer, the vehicle is in such a condition that it warrants such, a one-time-only waiver may be granted for up to~~

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~~12 months from the date of the exemption review. Under no circumstance, however, shall a waiver be granted for longer than 12 months.~~

D. CHARGES FOR SERVICE

1. The Minimum Allowable Charge for public motor vehicle service shall be:

   a. No less than forty dollars ($40.00), regardless of the length of the trip. That is, any time a passenger or booking agent requests to be picked up by any public motor vehicle, the charge assessed shall not be less than forty dollars ($40.00).

   b. Any form of concession, rebate, coupon or other means of providing such service for less than the Minimum Allowable Charge outlined above is strictly prohibited. However, in accordance with R.I.G.L §39-14.1-6, the Minimum Allowable Charge shall not apply to PMV service coordinated by or paid for by a State Department, Authority or Agency on behalf of clients of said State Department, Authority or Agency; provided, however, that the State Department, Authority or Agency requests the service no later than the day before the service is to be rendered.

   c. Public Motor Vehicles are prohibited from charging a per-person rate for transportation services. Each passenger or booking party shall be allowed, within reason, to dictate the specific passengers entitled to the service, provided that the number of passengers does not exceed the maximum number of passengers for the vehicle being utilized for the service. (See rule H-7).

      (1) Service provided for weddings, proms and other similar occasions shall be dictated by the booking party at a rate not less than the Minimum Allowable Charge outlined above. The booking party shall have the discretion, within reason, to dictate where each passenger may be picked up, transported and, eventually, discharged.

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(2) Tours and shuttle-type services arranged by a booking party for a group shall be allowed so long as the booking party dictates the service and, further, that the rate is not less than the Minimum Allowable Charge outlined above. Tours and shuttle-type services in which each passenger is charged separately by the certificate holder (akin to jitney services as defined in R.I.G.L. Title 39, Chapter 13) shall be prohibited, regardless of monetary amount charged.

E. SOLICITATION / ACCEPTANCE OF PASSENGERS FOR HIRE

1. No Public Motor Vehicle operator shall transport any passenger for hire unless the transportation is requested by the passenger at an office of the certificate holder, either personally or by telephone and/or other electronic means (e.g. e-mail). Public Motor Vehicles shall be used only for transporting passengers at a predetermined or prearranged charge (in accordance with Rule D) to such points as may be directed by the passenger. Public Motor Vehicles shall not operate on a Call and Demand basis as defined in Rule A-5. Specifically, PMVs may not, at any time:
    a. Await or solicit passengers at a taxicab stand;
    b. Respond to “street hails” or “walk-up requests” by potential passengers.

2. When solicited by a prospective customer, the certificate holder or its representative shall quote the actual charge for the requested service prior to such solicitation being accepted and prior to picking up the passenger(s). The certificate holder or its representative shall also inform the prospective client as to the year, make, model and color of the vehicle they are contracting.

F. SERVICE DOCUMENTATION REQUIREMENTS

1. PMV companies must maintain a written document or running log detailing the terms of the agreed-upon service rendered. Such document must contain, at a minimum, the following information required by Rhode Island General Law or by these rules. Such document may be kept individually by the driver or collectively by the company at its

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place of business. Either way, the document must contain:

a. Name of client;
b. Date and time of client's request;
c. Date and time of service to be rendered;
d. Duration of services requested (e.g.: point-to-point trip, extended block of time);
e. Total charge;
f. Vehicle registration plate number
g. Driver's name

2. A receipt shall be furnished to the passenger/booking party upon request, provided, however, that no certificate holder providing service to passengers on behalf of another certificate holder in a sub-contracted service shall be required to provide such a receipt. The booking party shall, however, retain the right to request such a receipt from the original certificate holder with which the booking party may have contracted for service.

G. RULES REGARDING THE CONDUCT OF BUSINESS

1. Each certificate holder shall maintain a "business address" that must be a street address at which mailings may be delivered and said address shall be furnished to the Division. Post Office Boxes are not sufficient to satisfy this requirement. The certificate holder shall also provide the Division with the "garage address" where the vehicle(s) used in the business are stored when not in service. The "business address" and "garage address" may be the same. A change of business address or garage address shall be reported to the Division within ten (10) business days.

2. 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 for revocation of an existing certificate.

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3. The Division shall be notified in advance of all proposed changes of corporate officers, stockholders or members of the board of directors for corporations holding operating certificates. The Division reserves the right to approve or deny such proposed changes.

4. No certificate holder may 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 ten (10) business days of the filing.

5. A certificate holder must retain required business documents at its business address for a minimum of 24 months after the end of the calendar year in which they were created. Such documents shall include, but not be limited to, vehicle inspection sheets pursuant to Rule C, written documents pursuant to Rule F, and driver Blue Card expiration logs pursuant to Rule H.

6. A certificate holder shall grant to Division personnel, upon request, access to its business offices, fleet vehicles, other equipment and business records, as provided for in R.I.G.L. §39-1-21.

7. A certificate holder must comply with any Division request for documents or information within ten (10) business days of the request, unless a written extension is granted by the Division. For the purpose of this rule, the word "comply" shall mean providing to the Division the documents requested or a sufficient reason why the documents are unavailable.

8. Smoking by drivers shall not be allowed in a PMV at any time. The certificate holder

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may allow or prohibit passengers from smoking in a PMV.

9. Failure by any certificate holder to adhere to and comply with any of these rules and/or any applicable state statutes may be grounds for disciplinary sanctions, up to and including suspension or revocation of operating authority. Generally, such sanctions shall be sought and imposed only after a formal hearing on the issue, but the Division reserves the right (under Rule A-22) to impose an immediate suspension of a certificate holders' authority if such an action is deemed in the public interest; if such a discretionary action is taken, a formal hearing shall be scheduled as soon as possible to gauge the appropriateness of the immediate suspension and to determine if the suspension shall continue.

H. RULES REGARDING DRIVERS AND THE OPERATION OF PMVs

1. No person shall transport passengers for hire in a PMV unless he or she first acquires a hackney operator's license ("Blue Card") issued by the Division as prescribed in state law and Division rules.

2. A certificate holder shall not employ as a driver any person whose driver's license is suspended or revoked or who does not possess a valid hackney operator's license ("blue card"). Certificate holders shall keep a business manifest or log to track the validity (expiration dates) of each of its driver's Hackney Operator's License.

3. Each driver shall have in his/her possession, a valid State of Rhode Island Hackney Operator's License when transporting passengers for hire in a PMV. The license need not be displayed in the vehicle. However, the driver shall present said license and make it available for review by any passenger upon request.

4. No person may operate a PMV carrying passengers without first having applied for such a Hackney Operator's License and received approval from the Division. In accordance with the Division's Rules and Regulations for Licensing Operators Transporting Passengers in Taxicabs, Limited Public Motor Vehicles and Public Motor

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Vehicles ("Driver Rules"), individuals who request such a license to operate a PMV must supply to the Division the following information:

a. Name;
b. Date of Birth (applicant must be 21 years old, as required by R.I.G.L. 31-10-5);
c. Residence;
d. Phone Number;
e. Driver's License Number (including type and class);
f. Employer;
g. 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;
h. Social Security Number (Disclosure is voluntary, see Appendix 'C' of the Driver Rules); and,
i. Resident Status.

The Division shall approve or disapprove all requests for a Hackney Operator's License 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 PMV 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 PMV for hire. 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.

5. 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

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General Laws, any rule or 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. Provided, however, that, in accordance with Rule A-22, such a license may be suspended without need for a hearing if warranted for "public safety" concerns; in such an event, a hearing shall be scheduled as soon as possible to gauge the appropriateness of such an immediate suspension and to determine if the suspension shall continue.

6. ~~No person shall drive or be in physical control of any PMV, 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.~~ All drivers shall abide by the Hours of Service restrictions established by the Federal Motor Carrier Safety Administration (FMCSA). PMV certificate holders shall familiarize themselves with the FMCSA hours-of-service restrictions, including any amendments that may be adopted and shall ensure that all drivers are familiar with those rules. No certificate holder or his or her agent shall knowingly permit any PMV to be driven in violation of this paragraph. Moreover, any PMV certificate holder who may employee drivers in another regulated transportation service (i.e.: taxicabs/limited public motor vehicles) shall not utilize drivers in a manner inconsistent with rules governing either industry relative to length of driver shifts. Both PMV certificate holders **and** drivers may be penalized for failure to abide by such hours-of-service restrictions.

7. No PMV 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 PMV. No PMV shall carry more passengers than the manufacturers designed capacity of the vehicle.

8. Any individual who drives a PMV, 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

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continued operation of a PMV by said individual could constitute a danger to the public, the Division shall 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, including any failure by the certificate holder to ensure that his/her driver's comply with the rule, will be sufficient grounds for suspending or revoking the certificate holder's certificate of operating authority and/or the driver's hackney license (blue card).

I. MISCELLANEOUS RULES

1. A certificate holder shall make arrangements for bringing to the attention of all drivers, employees and lessees these instant Rules and Regulations, the Division's Rules for Licensing Operators Transporting Passengers in Taxicabs, Limited Public Motor Vehicles and Public Motor Vehicles, Title 39 of the Rhode Island General Laws 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 ensure that all employees follow all of the applicable rules, laws, orders and other provisions, and may be disciplined, up to and including certificate suspension or revocation, for the failure of his or her drivers, employees and/or lessees to do so**. A copy of these Rules and Regulations shall be kept at the business address of record and be made available to drivers and other employees.

2. 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.

J. COMPLAINTS

1. Any person may file a complaint with the Division regarding a violation of these rules and regulations, and, moreover, the Division shall have the authority to conduct investigations *sua sponte*. Complaints should be in writing and signed by the complainant stating the complainant's address and telephone number and either mailed

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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.

2. If the Division determines that the complaint alleges facts which could 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. A sufficient written answer must be filed by the driver and/or certificate holder with the Division within ten (10) calendar 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.

3. 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.

4. 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 complaint, or when the facts clearly warrant, a hearing shall be conducted by the Division concerning the complaint. The Division shall send written notice of hearing to all parties in a manner consistent with Section K of these rules and regulations.

5. 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, although the Division reserves the right to pursue the matter without the complainant if it determines such action to be in the public interest.

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K. NOTICE

1. 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.

2. 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.

3. Unless notice to the contrary has been received by the Division, notices shall be sufficient if mailed or delivered to the following:

    a. If the addressee is a holder of certificate, the business address on file with the Division pursuant to Rule G-1.
    b. If the addressee is a holder of Hackney Operator's License ("Blue Card"), the home or mailing address listed on the most recent license application processed by the Division.
    c. If an attorney has entered an appearance on behalf of the addressee, to the office of the attorney.

L. VIOLATIONS

1. Any person or persons who shall be found to have violated any provision of these rules and regulations adopted in accordance with Title 39, Chapter 14.1, Section 2 of the General Laws of Rhode Island, as amended, and the Administrative Procedures Act, shall be subject to the penalties provided under R.I.G.L. 39-14.1-9, which include certificate suspension or revocation, administrative civil fines, and/or criminal sanctions.
2. Any person or persons who shall be found to have committed an unjust, unreasonable

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or discriminatory act while conducting business under the authority conferred through a Division-issued certificate, may be ordered by the Division to make appropriate monetary restitution (refund) to the aggrieved party.

M. EFFECTIVE DATE(S)

1. These rules are effective as of 0-00-0000. Amendments to these rules shall be effective 20 days from the date they are filed with the Secretary of State's Office.

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