

**Rules and Procedures**  
**Rule 404**  
**January 5, 2010**

**Rule 404 - SIGHT-SEEING AUTOMOBILE RULES**

**Rules and regulations established by the Police Commissioner for the City of Boston for Sight-seeing automobiles, stands, and drivers in accordance with Chapter 399 of the Acts of 1931, as amended, and Chapter 222 of the Acts of the 1949.**

**SECTION 1: OVERVIEW**

Section 1.1. Definitions:

Whenever in these regulations the following terms are used, they shall have the meanings respectively ascribed to them in this section:

Sec.1.1.1. Administrative Hearing Officer: An individual designated by the Police Commissioner to manage the scheduling of hearings, to rule on pre- and post-hearing motions, and to conduct pre-hearing conferences and disciplinary trial boards.

Sec.1.1.2. Appeal Board: A board of three Boston Police Department Captains selected by the Police Commissioner or his designee to hear appeals of decisions of the Inspector of Carriages according to Rule 404.

Sec.1.1.3. Amphibious Sight-seeing Automobile: An automobile as defined in section 1, chapter 90 of the General Laws that is viable on water as well as on land, used for the carrying of persons for sight-seeing purpose, for a consideration, in and/or from the City of Boston, and around the City of Boston and on which automobile guide service by the drivers or other person is offered or furnished.

Sec.1.1.4. Boston Police Officer: An individual appointed by the Police Commissioner to carry out the functions of the Boston Police Department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the proper enforcement of all laws and ordinances and the effective delivery of police services.

Sec.1.1.5. Charter: A Sight-seeing Automobile which has been leased or hired for exclusive or private use and not operating on any sort of regular, pre-approved route.

Sec.1.1.6. Commonwealth of Massachusetts Inspection Sticker or Certificate of Inspection: A serially numbered, adhesive sticker, device, or symbol, as may be prescribed by the Registrar of Motor Vehicles, indicating a motor vehicle has met the inspection requirements established by the Registrar of Motor Vehicles for issuance of a certificate.

Sec.1.1.7. Contingency Route: A route temporarily assigned to a licensed Sight-seeing Automobile company that is only authorized if conditions, as specified by the City of Boston, are met.

Sec.1.1.8. Director of Licensing: An individual designated by the Police Commissioner to command the Licensing Division of the Boston Police Department.

Sec.1.1.9. Hackney Carriage Unit: The enforcement unit designated by the Police Commissioner to implement, oversee, and enforce this rule. This unit is also known as the Office of the Inspector of Carriages.

Sec.1.1.10. Hackney Complaint: A complaint, filed by someone other than a Police Officer, which reports that a Sight-seeing Automobile vehicle has violated one or more requirements of Rule 404, and notice of which has been sent in writing by the Inspector of Carriages to the Sight-seeing company, owner or operator.

Sec.1.1.11. Hackney Violation: Any vehicle operated as a Sight-seeing Automobile that is observed by a Police Officer while in violation of any requirement of Rule 404 and cited for a Hackney Violation.

Sec.1.1.12. Inspector of Carriages: A superior officer of the Boston Police Department assigned by the Police Commissioner to command the Hackney Carriage Unit.

Sec.1.1.13. Jitney: A motor vehicle as defined in section 1, chapter 90 of the General Laws, operated upon a public way, for the carriage of passengers for hire, in such a manner so as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route upon which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini.

Sec.1.1.14. Legal Advisor's Office: This office formulates legal opinions and provides legal perspectives on policy matters. Also, provides legal advice to members of the Department, represents the Department in selected civil litigation, presents cases where disciplinary charges are brought against Department employees, and defends the Department in employment related matters.

Sec.1.1.15. License: The permission granted by the Police Commissioner either 1) to authorize a specific Sight-seeing Automobile to operate in and/or from the City of Boston; or 2) to authorize a person to drive a licensed Sight-seeing Automobile.

Sec.1.1.16. License File: A file maintained at the Hackney Carriage Unit pertaining to a Sightseeing Automobile Company or a Sightseeing Automobile Driver. The file may include

the Application for a License, any subsequent Application(s), as well as a record of the owner or driver's disciplinary and License history.

Sec.1.1.17. Notice: For the purposes of receiving notice of a Hackney Complaint or Hackney Violation, a person (owner, company, operator or driver of a Sight-seeing Automobile) has "notice" of such complaint or violation if the person has received a notice or notification of a complaint by the Inspector of Carriages, or has been cited by a Police Officer for a Hackney Violation.

Sec.1.1.18. Office of the Inspector of Carriages: A unit of the Boston Police Department in charge of regulating taxicabs, Sight-seeing Automobiles, pedicabs, horse and carriages and such other vehicles as the Police Commissioner may determine. Also known as the Hackney Carriage Unit.

Sec.1.1.19. Police Commissioner: An individual appointed by the Mayor of the City of Boston who commands the Boston Police Department and has powers over licensees of such Department as per Chapter 291 of the Acts of 1906 and Chapter 322 of the Acts of 1962, as well as powers regarding the Sight-seeing Automobile industry as per Chapter 399 of the Acts of 1931.

Sec.1.1.20. Route: A specific course through the City of Boston assigned to a licensed Sight-seeing Automobile Company with prior approval from the City of Boston Department of Transportation for use by its Sight-seeing Automobile.

Sec.1.1.21. Sight-seeing Automobiles: The term "Sight-seeing Automobile" shall mean an automobile as defined in section 1, chapter 90 of the General Laws, used for the carrying, for a consideration, of persons for sight-seeing purposes in or from the City of Boston, and in or on which automobile guide service by the drivers or other person is offered or furnished. For the purposes of this Rule, "Sight-seeing Vehicle" shall be one and the same as "Sight-seeing Automobile."

Sec.1.1.22. Sight-seeing Automobile Company: A company that operates under a trade name and owns one or more licensed Sight-seeing Automobiles.

Sec.1.1.23. Sight-seeing Stands: A location on a public street designated for Sight-seeing Automobiles to originate sight-seeing tours. Sight-seeing Automobiles may occupy such location exclusively on the days and during the hours authorized by the Police Commissioner.

Sec.1.1.24. Sight-seeing Stops: A Sight-seeing Stop is a portion of a public street designated on an approved route authorized by the City of Boston for use by any vehicle holding a Sight-seeing Automobile license for the purpose of loading and unloading passengers.

Sec.1.1.25. Trade Name: The name under which a licensed Sight-seeing Automobile owner operates a Sight-seeing Automobile in Boston for public commercial purposes, although its legal name registered with the Commonwealth of Massachusetts may differ.

Sec.1.1.26. Transportation Commissioner: An individual appointed by the Mayor of the City of Boston who commands the Boston Transportation Department and currently has the authority previously invested in the Boston Traffic Commission, referred to in Chapter 399 of the Acts of 1931.

Sec.1.1.27. Vehicle Identification Number: A unique serial number used by the automotive industry to identify individual motor vehicles.

#### Section 1.2. Police Commissioner's Regulation of the Sight-Seeing Automobile Industry:

Sec.1.2.1. Authority. Pursuant to the authority granted by the Commonwealth of Massachusetts and the City of Boston, the Police Commissioner of the Boston Police Department is authorized to regulate the Sight-seeing Automobile industry within the City of Boston. See Appendix 1.

Sec.1.2.2. Enforcement. To this end, the Police Commissioner has promulgated this rule and established an enforcement unit within the Boston Police Department to oversee the implementation and enforcement of this rule.

Sec.1.2.3. Date of affect. This document is intended to be a comprehensive and definitive listing of all regulations affecting the Sight-seeing Automobile industry in the City of Boston as of January 5, 2010.

Sec.1.2.4. Amendment. From time to time, the Police Commissioner may amend this rule in order to promote public safety, well-being, convenience, and to respond to the changing needs of the industry.

Section 1.3. Timelines Contained Herein: All timelines contained in this rule are guidelines, unless required by law. As such, no time limit is placed on the decision-making process or powers of the Police Commissioner or his designee(s). A failure to adhere to such timelines shall not void the discipline proscribed or the administrative process indicated.

Section 1.4. Reservation of Police Commissioner as to Powers and Duties: The Police Commissioner hereby reserves to himself all powers and duties under Chapter 399 of the Acts of 1931, to which these rules and regulations are subject.

Section 1.5. Reservation of Authority: As described above, the Police Commissioner may from time to time delegate his regulatory and enforcement authority over Sight-seeing Automobiles. Any such delegation, for whatever purpose or duration, shall not be

construed as a surrender of the Commissioner's authority or power to regulate Sight-seeing Automobiles within the City of Boston. The Police Commissioner reserves all power and authority granted by the laws of the Commonwealth of Massachusetts and the City of Boston.

Section 1.6. Delegation of Authority: The Inspector of Carriages supervises the review and processing of all Applications for Sight-seeing Automobile Licenses and Licenses, as well as regulates the operation of the Sight-seeing Automobile industry within the City of Boston. The Inspector of Carriages shall have the additional authority to make minor rules necessary for the conduct and administration of his duties and may impose discipline up to and including suspension for violations of those rules by any Sight-seeing Automobile Company, owner, operator or driver.

## **SECTION 2: APPLICATIONS FOR SIGHT-SEEING LICENSES**

Section 2.1. Granting of Applications for Sight-seeing Automobile Licenses:

Sec.2.1.1. Suitability. The Police Commissioner may annually grant licenses to suitable persons who apply to offer or furnish service by a Sight-seeing Automobile in Boston. Individuals deemed suitable pursuant to Chapter 399 of the Acts of 1931 by the Inspector of Carriages shall be granted permission to operate, and receive a license for, a Sight-seeing Automobile.

Sec.2.1.2. Application. Licenses may only be obtained through application to the Office of the Inspector of Carriages or the Hackney Carriage Unit.

Sec.2.1.3. Transfer. Licenses may not be sold, assigned or transferred.

Sec.2.1.4. Expiration. Licenses shall automatically expire upon the sale, acquisition or transfer of the vehicle.

Sec.2.1.5. Purchase of automobile. Any person, firm or corporation wishing to purchase or otherwise acquire a licensed vehicle, must apply in advance of the sale or acquisition of a potential Sight-seeing Automobile for approval of a new license from the Inspector of Carriages.

Sec.2.2. Time of Filing License Applications: New applications for all licenses may be filed with the Inspector of Carriages at any time, but applications for the renewal of licenses already in use shall be filed annually by the owner of the Sight-seeing license before February 1st. All licenses shall be made on official forms provided by the Office of the Inspector of Carriages, with all the information therein required, and shall be examined and

reported on by the said office. All licenses and stand designations shall annually expire on the first day of March.

Section 2.3. Trade Names: All trade names used by licensed owners are subject to the approval of the Police Commissioner and shall be recorded in the Office of the Inspector of Carriages and in the office of the City Clerk.

Section 2.4. Applications for Sight-seeing Vehicle Licenses:

Sec.2.4.1. Required submissions. Applications must be submitted by the owner of a Sight-Seeing Automobile or Sight-Seeing Company on such forms and with such information as the Inspector of Carriages shall require. An applicant for a license must submit the following to the Inspector of Carriages:

- a. A sight-seeing route approved by the Transportation Commissioner of the City of Boston.
- b. If so requested, a contingency route may be utilized by the Applicant. This route must be approved by the Transportation Commissioner, and the City shall set the conditions under which the contingency route shall be activated.
- c. A certificate from the Commonwealth of Massachusetts Department of Public Utilities declaring that public convenience and necessity require such a sight-seeing operation.
- d. For each vehicle to be used: (1) a valid certificate of registration issued by the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, (2) the date of registration together with the vehicle identification number shall be entered on the Application, and (3) also on the license from the Police Commissioner if granted. If the Applicant has not yet purchased his vehicle, he/she should submit the specifications of the vehicle he/she intends to purchase, as described in Section 3(A)(1), for approval from the Inspector of Carriages.
- e. A photograph or drawing of the vehicle proposed for licensing, in the colors, design, vehicle specifications and dimensions proposed for use.

Sec.2.4.2. Other documents. The Police Commissioner reserves the right to require copies of such other documents, permits, licenses or certificates as he/she may determine necessary during the license application review process.

### **SECTION 3: REQUIREMENTS FOR A SIGHT-SEEING AUTOMOBILE**

Section 3.1. Vehicle Requirements to Obtain a License for a Sight-seeing Automobile

Sec.3.1.1. Specifications. If an Applicant has not yet purchased a Sight-seeing Automobile, he/she must present a copy of the specifications of the Sight-seeing Automobile he/she intends to purchase, for approval by the Inspector of Carriages. If the Applicant currently owns the vehicle, he/she must provide the specifications of the existing vehicle for approval by the Inspector of Carriages.

Sec.3.1.2. Dimensions. The Inspector of Carriages shall only approve those vehicles that are:

<u>Maximum Height:</u>	<u>13'4"</u>
<u>Maximum Width:</u>	<u>8'6"</u>
<u>Maximum Length:</u>	<u>36'</u>
<u>Maximum Gross vehicle Weight</u>	<u>26,000 lbs.</u>
<u>Maximum Driver Seat Height above ground:</u>	<u>80"</u>

\*vehicles already approved for service prior to the issuance of this rule may remain in service so long as they pass Commonwealth of Massachusetts and City of Boston Inspection Standards.

Sec.3.1.3. Inspection. Prior to receiving a license, the owner must present the vehicle to the Inspector of Carriages for approval. The vehicle shall be thoroughly inspected in regard to dimensions, mechanical condition and general appearance, as per written guidelines provided by the Inspector of Carriages.

Sec.3.1.4.Other requirements. The vehicle must also:

- a. Be registered in the Commonwealth of Massachusetts to an address in the City of Boston. A post office box is acceptable. Proof of registration is established by submitting a copy of the Commonwealth of Massachusetts Registration to the Inspector of Carriages.
- b. Have a current Commonwealth of Massachusetts Inspection Sticker.

Sec.3.1.5. Change of address. When a licensed owner changes his address or the place at which a Sight-seeing Automobile is garaged, he/she must notify the Office of the Inspector of Carriages in writing by certified mail or in person, within twenty-four (24) hours of such change.

Sec.3.1.6. Unlicensed operator. No owner or person responsible for the care and control of a Sight-seeing Automobile shall allow any person other than a driver licensed by the Police Commissioner to operate such licensed Sight-seeing Automobile.

Sec.3.1.7. Changes in certificate of registration. Upon any change in the certificate of registration of a Sight-seeing Automobile issued by the Massachusetts Registrar of Motor Vehicles, the owner shall immediately present such certificate together with the sight-seeing license to the Office of the Inspector of Carriages.

Sec.3.1.8. Surrender of license. Any holder of a Sight-seeing license who ceases to be the owner of Sight-seeing Automobile shall immediately surrender his license to the Police Commissioner.

Sec.3.1.9. Transfer of license. No Licensee shall transfer a license from one type of vehicle already approved to a different type of vehicle owned or operated by the licensee unless the Inspector of Carriages has issued written approval for the proposed new vehicle type in advance and in writing. A Licensee may transfer a license to another vehicle of the same type owned or operated by the Licensee.

Sec.3.1.10. Refusal of license. The Police Commissioner may refuse a license for, or, if already issued, revoke or suspend the license of any Sight-seeing Automobile found by him/her to be unfit or unsuited for public patronage.

Sec.3.1.11. Denial of application. The Police Commissioner reserves the right to deny an Application for any reason that he/she may determine and shall specify so to the Applicant for the license.

Section 3.2. Painting of Sight-seeing Automobiles: No owner of a Sight-seeing Automobile shall paint his vehicle in colors or designs which so closely resemble other licensed Sight-seeing Automobiles as to mislead the public as to its identity. A violation of this provision may include suspension until the vehicle is repainted or revocation of the license.

Section 3.3. Wheelchair Accessibility: Any company with more than three (3) licensed vehicles must provide for wheelchair accessibility in 25% of the vehicles in their fleet.

Section 3.4. Inspection of Vehicles Prior to Service:

Sec.3.4.1. Placement in service. No vehicle shall be placed in service as a Sight-seeing Automobile until the Inspector of Carriages has approved such vehicle as to type, capacity, and size.

Sec.3.4.2. Standards. The Inspector of Carriages shall establish and publish vehicle size standards which shall be used as part of the criteria by which Sight-seeing Automobile licenses shall be approved. (See Section 3.1.2.)

Sec.3.4.3. Frequency of inspections. All licensed Sight-seeing Automobiles shall be inspected to meet the requirements as set out in Rule 404 every six (6) months. The owner of such vehicle shall be required to bring the vehicle to a place of inspection at such time as designated by the Inspector of Carriages. The designated inspection time shall be sent by written notice to all owners of Sight-seeing Automobiles.

Sec.3.4.4. Card display. All licensed Sight-seeing Automobiles shall have a card of such size and form as may be required by the Inspector of Carriages which shall contain the license number assigned to said vehicle by the Police Commissioner, the license number assigned to said driver by the Police Commissioner, and a statement to the effect that complaints shall be filed with the Office of the Inspector of Carriages by giving the license number of the Sight-seeing Automobile, or license number of the driver of the Sight-seeing Automobile and other relevant details. This card shall be prominently displayed on the interior of the vehicle in clear view of the passengers and so placed or secured in the frame in which it is enclosed that it may not be easily molested or destroyed.

Sec.3.4.5. Additional lights. Any additional lights on Sight-seeing Automobiles except those that are required by law are prohibited without obtaining the approval of the Inspector of Carriages.

Section 3.5. Violations and Penalties: All complaints and violations of these rules against a licensed Sight-seeing Automobile owner made by the public or police officers shall be presented to the Office of the Inspector of Carriages whose officer in charge shall hear the facts and impose an appropriate penalty if the Sight-seeing Automobile license owner is found guilty of the complaint or violation.

#### **SECTION 4: PROHIBITED USES OF LICENSED SIGHT-SEEING VEHICLES**

Vehicle Prohibited to be used as Ticket Booth or Shelter: No person, firm or corporation, being the holder of one or more Sight-seeing Automobile licenses shall allow any vehicle owned or controlled by them, whether licensed as a Sight-seeing Automobile or not, to be used as a ticket booth or shelter while occupying space on a public street or sidewalk or on private property or upon the property of any Authority, Agency or Department without the written permission of the owner. A copy of such written permission shall be kept with the licensed Sight-seeing Automobile at all times.

#### **SECTION 5: SIGHT-SEEING STOPS AND SIGHT-SEEING STANDS**

Section 5.1. Sight-seeing Stands:

Sec.5.1.1. Designation. The Police Commissioner, in consultation with the Commissioner of the Boston Transportation Department, may designate places in the public streets that may be occupied as Sight-seeing Stands by specified Sight-seeing Automobiles on the days and within the hours authorized by him/her. The designation of a Stand shall be distinct from the granting of a license to set-up a Sight-seeing Automobile, but no request for such designation shall be entertained unless accompanied by an Application for such license. Requests for designation of a particular Stand must be made in writing to the Office of the Inspector of Carriages.

Sec.5.1.2. Discretion of Police Commissioner. Sight-seeing Stands are assigned to specific companies who exclusively may occupy the designated number of spaces at a Stand. The

Police Commissioner reserves the right at his discretion to revoke, change, modify or reassign any and all privileges associated with designated Stands.

#### Section 5.2. Sight-seeing Stops:

Sec.5.2.1. Designation. A Sight-seeing Stop is a portion of the public street designated by the Police Commissioner for use by any vehicle holding a Sight-seeing Automobile License. Such Stop may only be occupied for the time required to pick-up or discharge passengers. The Police Commissioner may bar an individual Sight-seeing license holder from using a particular stop for such period of time as in his judgment is warranted by the license holder's actions.

Sec.5.2.2. Discretion of Police Commissioner. The Police Commissioner reserves the right at his discretion to revoke, change, modify or reassign any and all privileges associated with assigned Stops.

#### Section 5.3. Granting of Sight-seeing Stops and Sight-seeing Stands:

Sec. 5.3.1. Annual granting of use. The Police Commissioner may annually grant suitable persons the use of Sight-seeing Stops and Sight-seeing Stands. Sight-seeing Stands are granted exclusively for use by specific Sight-seeing Automobile companies. Individuals deemed suitable by the Inspector of Carriages pursuant to Chapter 399 of the Acts of 1931 shall be granted permission to occupy Stops and Stands on the days and within the hours authorized by him/her.

Sec.5.3.2. Privileges non-transferable. A Sight-seeing Automobile company's privilege to use Sight-seeing Stops and Sight-seeing Stands may not be sold, assigned or transferred.

Sec.5.3.3. Expiration of privileges. A Sight-seeing Automobile company's privilege to use Sight-seeing Stops and Sight-seeing Stands shall automatically expire upon the sale, acquisition or transfer of the sight-seeing automobile company.

Sec.5.3.4. Application in advance of sale or acquisition. Any person, firm or corporation wishing to purchase or otherwise acquire a company which holds licensed Sight-seeing vehicles, and wishing to utilize the designated stops and stands must apply in advance of the sale or acquisition for approval from the Inspector of Carriages.

Section 5.4. Time of Filing Applications for Sight-seeing Stops and Sight-seeing Stands: New Applications for designated Sight-seeing Stops and Sight-seeing Stands may be filed with the Inspector of Carriages at any time, but Application for the renewal of designated stops and stands already in force must be filed annually before February 1st. Such applications shall be made on official forms provided by the Office of the Inspector of Carriages, shall contain all the information therein required, and shall be examined and reported on by the said Office. All stop and stand designations shall expire annually on the first day of March.

## Section 5.5. Applications for Sight-seeing Automobile Stops and Stands:

Sec.5.5.1. Forms. Applications for Sight-seeing Stops and Sight-seeing Stands shall be submitted on such forms and provide such information as the Inspector of Carriages shall require.

Sec.5.5.2. Illustration. An Applicant shall submit a photograph or drawing of the area on the public way that he/she proposes to utilize as a Sight-seeing Stop and/or Sight-seeing Stand which shall illustrate its current use.

Sec.5.5.3. Signage. An Applicant shall submit a photograph or drawing of the current signage at the proposed Sight-seeing Stop or Sight-seeing Stand.

Sec.5.5.4. Curb space. Curb space on a public way whose current signage is “No Stopping Anytime” or “Taxi Stand” will not be considered.

Sec.5.5.5. Co-location. Consideration will be given to co-locating City Licensed Sight-seeing Stops with MBTA Bus Stops and Valet Zones.

Sec.5.5.6. Transportation Commissioner. The Inspector of Carriages shall review all Applications for Sight-seeing Stops and Sight-seeing Stands with the Transportation Commissioner or his designee, and shall not approve any such Application unless approved by the Transportation Commissioner or his designee.

Sec.5.5.7. Other documents. The Police Commissioner reserves the right to require copies of such other documents, permits, licenses or certificates as he/she may determine.

## Section 5.6. Appeal of Denial of Application for Sight-seeing Automobile Stop or Stand:

Sec.5.6.1. Written appeal. An individual who wishes to appeal the denial of an Application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the Application denial.

Sec.5.6.2. Recommendation. The Director of Licensing shall forward the written appeal, the Application file, the Inspector of Carriages’ denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.

Sec.5.6.3. Decision. The Commissioner shall render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.

## **SECTION 6: SIGHT-SEEING LICENSE REQUIREMENTS FOR DRIVERS**

Section 6.1. Granting of Sight-Seeing License: The Police Commissioner may annually grant licenses to suitable persons as drivers who are properly qualified to have charge of Sight-seeing Automobiles in the City of Boston. Individuals deemed suitable by the Inspector of Carriages pursuant to Chapter 399 of the Acts of 1931 shall be granted permission to drive a Sight-seeing Automobile.

Section 6.2. Sight-seeing License Application Procedure and Requirements:

Sec.6.2.1. In person application. Any person seeking to become a licensed Sight-seeing Automobile driver or to renew a Sight-seeing Automobile driver's License in the City of Boston must present themselves at Boston Police Headquarters and must complete an Application for a new Sight-seeing Automobile driver's License. Such Applications shall be available from the Hackney Carriage Unit.

Sec.6.2.2. Denial. Any person who submits an Application for a license, or to renew a license, with untruthful, deceptive or fraudulent information shall have his or her license Application or his or her renewal Application denied immediately.

Sec.6.2.3. Applicant requirements. To apply, the Applicant must:

- a. Be twenty-one (21) years of age or older;
- b. Pass a standard examination demonstrating the ability to speak, read, write and understand the English Language;
- c. Participate in sight-seeing automobile testing and training as determined by the Inspector of Carriages;
- d. Have an original Birth Certificate, Alien Card, Asylum Document, US Passport or Naturalization Papers;
- e. Have a valid United States driver's license;
- f. Have had a driver's license in the United States for at least two (2) years;
- g. Not have been adjudged a habitual traffic offender, as defined by the Commonwealth of Massachusetts Registry of Motor Vehicles standards, or the equivalent in any jurisdiction, within the past five (5) years;
- h. Not have any outstanding or unresolved driving infractions which could result in the applicant's driver's license being suspended or revoked in any jurisdiction;

- i. Not have had his or her driver's license suspended for five (5) or more surchargeable events, as defined by the Commonwealth of Massachusetts Registry of Motor Vehicles, or the equivalent in any jurisdiction, within the past five (5) years;
- j. Not have more than four (4) violations/accidents as defined by the Registry of Motor Vehicles or equivalent department in the last three (3) years (violations and accidents occurring on the same date will count as only one) in any jurisdiction;
- k. Not have any operating under the influence of drugs or alcohol convictions or dispositions under Massachusetts General Law Chapter 90 section 24D within the past five (5) years or the equivalent in any jurisdiction;
- l. Not have any felony convictions within the last five (5) years in any jurisdiction;
- m. Not have any drug convictions in the last five (5) years in any jurisdiction;
- n. Not have any dispositions for a criminal offense that would result in the denial of a license, including admissions to sufficient facts or agreed to a continuance of such an offense without resolution, unless the circumstances of such incident are reviewed by the Inspector of Carriages as to the specific facts and circumstances and the applicant is thus approved by the Inspector of Carriages;
- o. Not be required to register as a sex offender in any jurisdiction; and
- p. Not have any outstanding or unresolved criminal court cases in any jurisdiction which could result in the license being denied if the applicant was convicted of the alleged offense.

### Section 6.3. License Renewal and Expiration:

Sec.6.3.1. Annual renewal. A Sight-seeing Automobile driver's License must be renewed annually.

Sec.6.3.2. Expiration. A Sight-seeing Automobile driver's License shall expire upon whichever of the following events occurs first:

- a. One year from the date of issuance;
- b. The driver's date of birth;
- c. The date the driver's ICE Employment Authorization Card expires; or
- d. Any other date as determined by the Inspector of Carriages and as printed on the sightseeing license.

Sec.6.3.3. Renewal. A renewal application for a Sight-seeing automobile driver's license shall be considered as if the driver were a new applicant.

Sec.6.3.4. Testing and training. Applicants may be required to participate in sight-seeing automobile testing and training as determined by the Inspector of Carriages.

Sec.6.3.5. Failure to renew license. If an individual fails to apply to renew his or her Sight-seeing Automobile driver's License, that license shall expire and immediately be deemed invalid.

Section 6.4. Suitability of Applicants: In addition to meeting the above requirements all Applicants for a license must be suitable individuals. Nothing herein shall limit the Inspector of Carriages' power to deny an initial Application or a renewal Application should he/she determine that the Applicant is not a suitable Sight-seeing Automobile driver.

Section 6.5. Appeal of Denial of Application for Sight-seeing Automobile Driver's License:

Sec.6.5.1. Filing of appeal. An individual who wishes to appeal the denial of an application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the application denial.

Sec.6.5.2. Recommendation. The Director of Licensing shall forward the written appeal, the Application file, the Inspector of Carriages' denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.

Sec.6.5.3. Decision. The Commissioner shall render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.

Section 6.6. License File:

Sec.6.6.1. Retention of documents. All Application materials and other documents referred to in this section shall be retained as part of the license file and are the property of the Boston Police Department.

Sec.6.6.2. Change of address notification. If a licensed sight-seeing driver changes his address or his place of employment, he/she shall notify the Office of the Inspector of Carriages in writing by certified mail or in person, within twenty-four (24) hours of the change.

## **SECTION 7: REQUIREMENTS FOR LICENSED DRIVERS**

Section 7.1. Respectful Treatment of Passengers:

Sec.7.1.1. Treatment of persons. All Sight-seeing Automobile drivers shall treat all persons in a professional, respectful and courteous manner at all times.

Sec.7.1.2. Interaction with law enforcement officials. Sight-seeing Automobile drivers shall be respectful to and are required to answer fully and civilly any questions asked by police officers or parking enforcement officers in the performance of their duties.

Sec.7.1.3. Compliance with lawful commands. Sight-seeing Automobile drivers shall obey all such lawful commands as may be given to them by any Police Officer or Parking Enforcement Officer.

Sec.7.1.4. Reporting suspicious behavior. Every driver of any licensed Sight-seeing Automobile shall report to the nearest police station any suspicious actions of passengers or conditions that he/she may observe.

Section 7.2. Sight-seeing Automobile Driver to have License in His Possession: Every driver having charge of a licensed Sight-seeing Automobile shall have on his or her person their Sight-seeing Automobile driver's license, and shall display such license in a place easily visible to the passengers of such vehicle.

Section 7.3. Dress of Sight-seeing Automobile Drivers: Every driver having charge of a licensed Sight-seeing Automobile in a public place shall be suitably dressed.

Section 7.4. Alcohol and Drugs:

Sec.7.4.1. Operating under the influence. No sight-seeing automobile driver shall operate a Sight-seeing Automobile while under the influence of any alcohol, illegal drug, or prescription narcotic that may impair the driver's ability or operate a motor vehicle.

Sec.7.4.2. Operating while in possession. No Sight-seeing Automobile driver shall operate a Sight-seeing Automobile while in the possession of any alcoholic beverage.

Sec.7.4.3. Open containers. No Sight-seeing Automobile driver shall allow any open container of alcohol in the Sight-seeing Automobile.

Section 7.5. Lost Driver's Licenses:

Sec.7.5.1. Reporting lost license. A Sight-seeing Automobile driver shall immediately report the loss of his Sight-seeing Automobile driver's license to the Sight-seeing Automobile Unit ("Unit") and the Unit shall complete a police report documenting the loss. The police report documenting the lost driver's license shall be retained in the license file.

Sec.7.5.2. Replacement license. The Inspector of Carriages shall furnish a replacement license after the driver's payment of the replacement fee.

Section 7.6. Driver Shall Search Automobile after Delivering Passengers:

Sec.7.6.1. Search for lost property. The driver of said Sight-seeing vehicle or another agent of the owner of said Sight-seeing vehicle must search the automobile for any property which may have been left therein immediately after the passengers have left a licensed Sight-seeing Automobile at end of a trip or an engagement.

Sec.7.6.2. Lost and Found. Any property found therein shall be immediately delivered by the finder thereof to a lost and found, or other similar facility, which shall be maintained by the Sight-seeing Automobile license holder.

Section 7.7. Violations and Penalties: All complaints and violations of these Rules against Sight-seeing Automobile drivers by the public or police officers shall be presented to the Office of the Inspector of Carriages whose officer in charge shall hear the facts, and if the Sight-seeing Automobile driver is found guilty of the complaint or violation, impose a penalty.

## **SECTION 8: RESTRICTIONS**

**Section 8.1. Sight-seeing Automobiles Restricted in Their Use of the Street: Sight-seeing automobiles and persons operating them as drivers shall be subject to all rules applicable to motor vehicles in general, and those rules and regulations which have been made or shall hereafter be made by the Transportation Commissioner of the City of Boston. In addition, in no case shall a licensed sight-seeing automobile be left, occupied or unoccupied, in any portion of a public street longer than 20 minutes except at its designated stand, whether on charter or otherwise. In no event shall the vehicle be left running while unoccupied.**

Section 8.2. Soliciting of Passengers Restriction:

Sec.8.2.1. Solicitation on public property. No owner of a Sight-seeing Automobile company or vehicle, and no operator or other agent of an owner shall solicit passengers in a public street or sidewalk or other public property other than upon a stand assigned to him/her, and on such stand only by means which shall be free from noise, disorder or other annoyance to the public or to the persons solicited.

Sec.8.2.2. Solicitation on private or government-owned property. No owner of a Sight-seeing Automobile and no operator or any agent of an owner shall solicit passengers on private property or upon the property of any municipal, state, or federal authority, agency or department without the written permission of the owner of such property. A copy of such written permission shall be kept with the ticket booth or shelter at all times.

Section 8.3. Anti-Discrimination Clause: A Sight-seeing Automobile driver or owner may not refuse any passenger on the basis of race, sex, religion, disability, sexual orientation, national origin.

## **SECTION 9: PROVISIONS REGARDING SIGHT-SEEING CHARTERS AND SIGHT-SEEING AUTOMOBILES USED AS JITNEYS**

### Section 9.1. Sight-seeing Charters:

Sec.9.1.1. Signage. A licensed Sight-seeing Automobile in use as a charter automobile must display two signs, one visible at the front of the vehicle and one visible at the rear of the vehicle, with letters at least 4 inches in height, stating "CHARTER." Such sign must be plainly visible to persons on the street.

Sec.9.1.2. Copy of contract. The driver of a licensed Sight-seeing Automobile in use as a charter shall carry a copy of said charter contract with him/her while operating said vehicle.

### Section 9.2. Sight-seeing Automobiles used as Jitneys:

Sec.9.2.1. Signage. A licensed Sight-seeing Automobile in use as a jitney must display two signs, one visible at the front of the vehicle and one visible at the rear of the vehicle, with letters at least 4 inches in height, stating "JITNEY." Such sign must be plainly visible to persons on the street.

Sec.9.2.2. Copy of license. The driver of a licensed Sight-seeing Automobile in use as a jitney shall carry a copy of said jitney license with him/her while operating said vehicle.

## **SECTION 10: OTHER PROVISIONS**

### Section 10.1. Ticket booths:

Sec.10.1.2. Signage. No person, firm or corporation, being the holder of one or more Sight-seeing Automobile licenses shall allow a ticket booth for such vehicles to be operated in the City of Boston unless such ticket booth shall display the trade name of the Sight-seeing Automobile license holder in a font size that is larger than any other lettering on said ticket booth.

Sec.10.1.3. Written permission. No person, firm or corporation, being the holder of one or more Sight-seeing Automobile licenses shall allow any ticket booth owned or controlled by them to occupy space on a public street or sidewalk or on private property or upon the property of any Authority, Agency or Department without the written permission of the owner of such property. A copy of such written permission shall be kept with the ticket booth at all times.

### Section 10.2. Annual Report:

Sec.10.2.1. Deadline for filing of annual report. Any individual or company holder of a Sight-seeing license, who seeks renewal of said license for a subsequent year, shall file an annual report with the Office of the Inspector of Carriages before February 1.

Sec.10.2.2. Content of annual report. Said annual report shall include the following information:

- a. A copy of the corporate federal and state tax returns;
- b. Proposed sight-seeing tour route;
- c. Any proposed alternative sight-seeing tour route;
- d. Location of sight-seeing stand and sight-seeing stops if applicable;
- e. Description of licensed vehicle(s)
- f. Method utilized to verify historical accuracy of tour narration;
- g. Verification of bilingual capability (if applicable);
- h. Days and hours of operation;
- i. Statement of previous year's ridership and percentage of capacity utilization (by month);
- j. Projection for upcoming year's ridership and anticipated capacity utilization (by month);
- k. List of licensed drivers employed by the Sight-seeing Company; and
- l. Information regarding any motor vehicle or other accidents or infractions.

Section 10.3. Motor Vehicle Crash Reports: Any time a licensed Sight-seeing Automobile is involved in a crash which under Massachusetts Law requires a motor vehicle crash report to be filed, a copy of such report shall be filed with the Inspector of Carriages within five (5) business days.

Section 10.4. No Smoking Policy:

Sec.10.4.1. Designation. All licensed Sight-seeing Automobiles shall be designated as "No Smoking Vehicles" at all times.

Sec.10.4.2. No smoking. No smoking is allowed in Sight-seeing Automobile by either the driver or passenger(s).

Sec.10.4.3. Stickers. All Sight-seeing Automobiles will have stickers announcing this regulation, visible on both the exterior window and interior passenger compartment. This sticker will be supplied by the Hackney Carriage Unit.

Sec.10.4.4. Non-compliant passengers. A Sight-seeing Automobile driver may ask a passenger who refuses to stop smoking in the Sight-seeing Automobile to leave the vehicle until such time as the item is extinguished. If the passenger refuses to stop smoking, the driver should contact the Boston Police Department.

Sec.10.4.5. Refusal of entry. A Sight-seeing Automobile driver may refuse to allow a passenger entry into the vehicle until such passenger has extinguished all smoking materials.

Section 10.5. Cellular Phone Usage: A Sight-seeing Automobile driver may not use a cellular telephone for any purpose, including text messaging, while the Sight-seeing Automobile is in motion except in emergency situations. The use of a cellular phone while transporting passengers jeopardizes public safety, the passenger's safety, and hinders the passenger's ability to communicate with the driver and other passengers.

## **SECTION 11: HEARINGS AND APPEALS**

Section 11.1. Findings: For purposes of this section, any violation or complaint against a Sight-seeing Automobile license owner or driver will be characterized as one of the following after hearing:

- § Not sustained (investigation failed to prove or disprove the allegations);
- § Exonerated (the action complained of did occur, but investigation revealed that action was proper, legal and reasonable);
- § Unfounded (investigation revealed that conduct did not occur); or
- § Sustained (investigation disclosed sufficient evidence to support allegations in the complaint).

Section 11.2. Representation: At any level of hearing or appeal, a Sight-seeing Automobile driver or owner may be represented by an attorney. A reasonable amount of time to retain counsel will be allowed. Any other individual wishing to appear on behalf of a driver or owner will be allowed to attend any hearing, but may not participate in the hearing without the express permission of the Police Officer, Inspector of Carriages, or Appeals Board hearing the matter.

Section 11.3. Hackney Violations for Sight-seeing Automobile Deficiency:

**Sec.11.3.1. Initial Hearing:** Upon receiving notice of any Hackney Violation reporting a Sight-seeing Automobile deficiency, the owner shall either correct such deficiency within two (2) days and bring said Sight-seeing Automobile to the Hackney Carriage Unit for re-inspection, unless

otherwise directed on the Hackney Violation, or such owner may appeal said Hackney Violation as provided in section 2 below.

Sec.11.3.2. Appeal: If the owner wishes to appeal the Hackney Violation for a Sight-seeing Automobile deficiency, he/she may notify the Inspector of Carriages within two (2) business days of receipt of the Hackney Violation. The inspector of Carriages or his designee shall conduct a hearing within fourteen (14) business days of the owner's receipt of notice of the Hackney Violation at which the owner may present evidence and testimony. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence shall not apply.

Sec.11.3.3. Decision: The decision of the Inspector of Carriages shall be final and shall issue, in writing, within seven (7) business days. Any such decision and all associated documentation shall remain in the License File.

#### Section 11.4. All Other Hackney Violations and Complaints:

Sec.11.4.1. Initial Hearing at the Hackney Carriage Unit: Within fourteen (14) business days of receipt of notice of the Violation or Complaint, the Inspector of Carriages or his designee shall conduct a hearing at which the owner or driver may present evidence and testimony. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.

#### Sec.11.4.2. Timing of Initial Decision:

Sec.11.4.2.1. Sight-seeing Driver: If the Complaint concerns a Sight-seeing driver, the Inspector of Carriages or his designee shall render a written decision within seven (7) business days and may subject said driver to penalties up to and including revocation of the license to operate a Sight-seeing Automobile in the City of Boston. Such decision shall be delivered in hand or by certified mail directed to the driver's address contained in the License File

Sec.11.4.2.2. Owner of Sight-seeing License: If the Complaint refers to a violation by an owner of a Sight-seeing License, the Inspector of Carriages or his designee shall render a written decision within seven (7) business days of the initial hearing and may subject said owner to penalties up to an including revocation of said License. Such decision shall be delivered by hand or by certified mail directed to the business address contained in the License File.

#### Sec.11.4.3. Intermediate Appeal to the Inspector of Carriages:

Sec.11.4.3.1. Availability. An intermediate appeal is available to owners of Sight-seeing Automobile Licenses and to Sight-seeing Automobile drivers who wish to appeal the initial hearing decision of the Inspector of Carriages or his designee. If the initial hearing was

before the Inspector of Carriages, an owner or driver may appeal pursuant to the Final Appeal process below.

Sec.11.4.3.2. Filing of appeal. An owner of a Sight-seeing Automobile License or a Sight-seeing Automobile Driver who wish to appeal the decision of the Inspector of Carriages' designee may file a written appeal with the Inspector of Carriages within five (5) business days of receipt of the Initial Hearing decision.

Sec.11.4.3.3. *De novo* hearing. The Inspector of Carriages shall, within seven (7) business days, conduct a *de novo* hearing. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.

Sec.11.4.3.4. Rendering of written decision. The Inspector of Carriages shall render a written decision within seven (7) business days of the hearing and may subject said owner or driver to penalties up to and including revocation of the owner's license to operate or the driver's license to drive a Sight-seeing Automobile in the City of Boston. The Inspector of Carriages shall notify the driver and owner of any decision by causing a copy of the decision to be delivered by hand or by certified mail directed to the address contained in the License File.

#### Sec.11.4.4. Final Appeal to the Appeals Board:

Sec.11.4.4.1. Filing written appeal. An owner of a Sight-seeing Automobile License or a driver holding a Sight-seeing Automobile Driver's License may appeal the decision of the Inspector of Carriages by filing a written appeal to the Director of Licensing within fourteen (14) business days of receipt of the Inspector of Carriages' decision.

Sec.11.4.4.2. Forwarding to Administrative Hearing Officer. The Director of Licensing shall forward the written appeal to the Administrative Hearing Officer within forty-eight (48) hours of receipt of the appeal.

Sec.11.4.4.3. Convening of Appeal Board. The Administrative Hearing Officer shall, within sixty (60) days of receipt of the appeal from the Director of Licensing, convene an Appeal Board.

Sec.11.4.4.4. Hearing. The Appeal Board shall conduct a hearing at which the Inspector of Carriages, represented by the Legal Advisor's Office, and the owner or driver, may present witnesses and documentary evidence. The Rules of Evidence shall not apply and hearsay may be considered by the Appeal Board.

Sec.11.4.4.5. Recommendation. The Appeal Board shall within thirty (30) days of the hearing deliver a written recommendation to the Police Commissioner.

Sec.11.4.4.6. Decision. The Police Commissioner shall render a decision within seven (7) business days of receipt of the Appeals Board's recommendation, to be delivered by hand or by certified mail directed to the address contained in the License File.

Sec.11.4.4.7. Aggrieved person. Any person aggrieved by a final decision of the Police Commissioner under this section may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

Edward F. Davis  
Police Commissioner

## Appendix I

### CHAPTER 399 OF THE ACTS OF 1931 (As amended by Chapter 93, Acts of 1933)

#### An Act Relative to Sight-seeing Automobiles Carrying persons in or from the city of Boston

Be it enacted, etc, as follows;

SECTION 1. The term "sight-seeing automobile," as used in this act, shall mean an automobile, as defined in a section one of chapter ninety of the General Laws, used for the carrying for a consideration of persons for sight-seeing purposes in or from the city of Boston and in or on which automobile guide service by the Driver or other person is offered or furnished.

SECTION 2. It shall be unlawful for a person or a corporation to offer or furnish service by a sight-seeing automobile in or from the city of Boston unless said automobile is licensed hereunder and unless thereafter a certificate of public convenience and necessity is obtained as hereinafter provided and it shall be unlawful for a person to operate such an automobile as Driver in or from said city unless he/she is licensed so to do as hereinafter provided.

SECTION 3. The police commissioner for the city of Boston shall have exclusive authority to license in said city sight-seeing automobile and the persons operation them as divers, and to designate places in the public streets which may be occupied as stands for Sight-seeing Automobiles of specified licensees on the days and within the hours authorized by him and subject to all reasonable rules relative to such stand which the said commissioner, who is hereby authorized there to, shall from time to time establish. Such licenses shall be granted for a term not exceeding on year, but whenever granted they shall expire annually on the first day of March; and they may at any time be revoked or suspended for cause by said commissioner. At any time within a year after the expiration of a license for a sight-seeing automobile, said commissioner shall, upon payment to him of the fee required hereby, issue to the holder of such license a new license for said automobile or for on to be used in replacement thereof unless such expired license was suspended or revoked to cause; and at any time within a year after the expiration of a license or such a Driver the commissioner may renew the same. The fees for operators' licenses issued hereunder shall be the same as those established from time to time for licenses granted to Drivers of hackney carriages. The fees for licenses of owners of sight—seeing automobiles shall be not less than those established from time to time for licenses granted to the owners of hackney carriages; provided that said fees shall not exceed the following sums: For a sight-seeing automobile designed to carry not more than twelve persons, ten dollars; for a sight-seeing automobile designed to carry more than twelve but not more than eighteen persons, fifteen dollars; for a sight-seeing automobile designed to carry more than eighteen but no more than twenty-four persons, fifty dollars. Nothing herein contained shall be deemed to be contrary to the provisions of chapter ninety of the General Laws and acts supplementary thereto or in amendment thereof.

SECTION 4. in their use of public streets in the city of Boston, otherwise than for designated stands, Sight-seeing Automobiles and persons operation them as Drivers shall be subject to all rules applicable to motor vehicles in general which, in accordance with law, have been made or shall there after be made by board of street commissioners of the city of Boston, by the Boston traffic commission and by the board of park commissioner of said city, and to all rules further restricting the use to said public streets by sight-seeing automobile or regulation their general conduct and operation with the said police commissioner, who is hereby authorized thereto, shall from time to time establish

SECTION 5. No person or corporation shall offer or furnish service by Sight-seeing Automobiles in or from the city of Boston unless said person or corporation has obtained from the department of public utilities a certificate declaring that public convenience and necessity require such operation. Said department may, after public hearing, issue or refuse to issue such a certificate and may attach to the exercise of the privilege conferred by said certificate such terms and conditions as to operation and fares as the said department may deem that public convenience and necessity require. Said department may, after notice and hearing suspend or revoke any such certificate for cause or alter or amend any such certificate for cause or alter or amend any terms or condition attached to the exercise of the privilege conferred thereby. Said department may make suitable and reasonable rules, orders and regulations governing the operation and fares of Sight-seeing Automobiles carrying persons in or from the city of Boston, and may revise, alter, amend and annul the same; provided that such rules, orders and regulations shall not be inconsistent with those lawfully established by the board of street commissioners of the city Boston, by the Boston traffic commission, by the board of park commissioners of said city, or by said police commissioner.

SECTION 6. Whoever offers or furnishes service by Sight-seeing Automobiles in or from the city of Boston without obtaining a license and certificate of public convenience and necessity, as herein provided, or after the expiration or revocation or during any suspension of such a license or certificate, or whoever while holding such a license and certificate offers or furnishes service by Sight-seeing Automobiles in violation of any rule, order or regulation made by said commissioner or the department of public utilities under the authority of this act, or in violation of any term or condition attached to the exercise of the privilege conferred by such certificate, shall be punished by a fine of not more than fifty dollars or by imprisonment in the house of correction for not more than one month, or both and the supreme judicial and superior courts shall have jurisdiction in equity to restrain any such department of public utilities or any interested party. Any person operation any sight-seeing automobile as a Driver without the license required by section two, or in violation of any rule, order or regulation made by said commissioner or said department, shall be punished by a fine of not more than twenty-five dollars.

SECTION 7. [Intentionally omitted]

SECTION 8. Chapter five hundred and ninety-two of the acts of nineteen hundred and thirteen is hereby repealed; provided, that so much thereof as may be necessary for the purpose of section seven shall remain in effect until such purpose are accomplished.

SECTION 9. This act shall take effect upon its passage. Approved June 9, 1931.