



General Assembly

February Session, 2006

**Amendment**

LCO No. 5368

**\*HB0566005368SDO\***

Offered by:  
SEN. MURPHY, 16<sup>th</sup> Dist.

To: Subst. House Bill No. 5660      File No. 522      Cal. No. 391

**"AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY."**

1      After the last section, add the following and renumber sections and  
2      internal references accordingly:

3      "Sec. 501. Section 13b-103 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective July 1, 2006*):

5      (a) (1) No person, association, limited liability company or  
6      corporation shall operate a motor vehicle in livery service until such  
7      person, association, limited liability company or corporation has  
8      obtained a permit from the Department of Transportation, specifying  
9      the nature and extent of the service to be rendered and certifying that  
10     public convenience and necessity will be improved by the operation  
11     and conduct of such livery service. Such permits shall be issued only  
12     after a written application for the same has been made and a public  
13     hearing has been held thereon. Upon receipt of such application,  
14     together with the payment of a fee of two hundred dollars, the  
15     department shall fix a time and place of hearing thereon, within a

16 reasonable time, and shall promptly give written notice of the  
17 pendency of such application and of the time and place of such  
18 hearing to each applicant, the mayor of each city, the warden of each  
19 borough and the first selectman of each town, within which any such  
20 applicant desires to maintain an office or headquarters, to any carrier  
21 legally operating motor vehicles in livery service within the same  
22 territory and to other interested parties as determined by the  
23 department. (2) Notwithstanding the provisions of subdivision (1) of  
24 this subsection, the department may issue a permit for the operation of  
25 vehicles (A) having a capacity of less than eleven adults or to be used  
26 exclusively at funerals, weddings, christenings, processions or  
27 celebrations, without holding a hearing and certifying that public  
28 convenience and necessity would be improved by the operation of  
29 such vehicles, or (B) having a capacity of not less than eleven or more  
30 than fourteen adults and used for sightseeing and related purposes,  
31 without holding a hearing, provided the department issues a legal  
32 notice, as provided under section 1-2, of such application and no  
33 objection is filed with the department within thirty days of publication  
34 of such notice. (3) Notwithstanding the provisions of subdivision (1) of  
35 this subsection, the department [may] shall issue a temporary or  
36 permanent permit to any person, association, limited liability company  
37 or corporation operating a motor vehicle engaged in the transportation  
38 of passengers for hire by virtue of a contract with, or a lower tier  
39 contract for, any federal, state or municipal agency that (A) is in effect  
40 on July 1, 1997, with or without hearing, after a written application for  
41 the same has been made and the department has determined that the  
42 applicant meets the requirements of subsection (b) of this section  
43 except with respect to public convenience and necessity, or (B)  
44 becomes effective after July 1, 1997, with or without hearing, after a  
45 written application for the same has been made and the department  
46 has determined that the applicant meets the requirements of  
47 subsection (b) of this section. Any such permit issued under the  
48 provisions of this subdivision [(i)] shall be limited to service provided  
49 under any such contract, [ and (ii) with respect to any contract under  
50 the provisions of subparagraph (A) of this subdivision, shall not

51 authorize a total number of motor vehicles exceeding the number  
52 required to provide service existing under such contract on July 1,  
53 1997.] (4) Notwithstanding the provisions of subdivision (1) of this  
54 subsection, the department shall issue to any person who has an  
55 intrastate livery permit for at least one year, upon the application of  
56 such person, up to two additional vehicle authorizations each year  
57 without a hearing and without written notice of the pendency of the  
58 application, if all the existing permits held by such person are  
59 registered and in use and if there are no outstanding violations or  
60 matters pending adjudication against such person. The department  
61 shall have thirty calendar days to issue such amended permit.

62 (b) In determining whether or not such a permit will be granted, the  
63 Department of Transportation shall take into consideration the present  
64 or future public convenience and necessity for the service the applicant  
65 proposes to render, the suitability of the applicant or the suitability of  
66 the management if the applicant is a limited liability company or  
67 corporation, the financial responsibility of the applicant, the ability of  
68 the applicant efficiently and properly to perform the service for which  
69 authority is requested and the fitness, willingness and ability of the  
70 applicant to conform to the provisions of this chapter and the  
71 requirements and regulations of the department under this chapter.

72 (c) Any interested party may bring a written petition to the  
73 Department of Transportation in respect to fares, service, operation or  
74 equipment, or the convenience, protection and safety of the public  
75 with regard to any carrier operating a motor vehicle in livery service.  
76 Thereupon, the department may fix a time and place for a hearing  
77 upon such petition and give notice thereof. No permit shall be sold or  
78 transferred until the department, upon written application to it setting  
79 forth the purpose, terms and conditions thereof and accompanied by a  
80 fee of two hundred dollars, after investigation, approves the same. The  
81 department may amend or, for sufficient cause shown, may suspend  
82 or revoke any such permit. The department may impose a civil penalty  
83 on any person or any officer of any association, limited liability  
84 company or corporation who violates any provision of this chapter or

85 any regulation adopted under section 13b-102 with respect to fares,  
86 service, operation or equipment, in an amount not to exceed one  
87 thousand dollars per day for each violation. Prior to the imposition of a  
88 civil penalty under this subsection, the department shall provide notice  
89 to said person or officer no later than fifteen business days after receipt  
90 of information concerning an alleged violation and shall provide an  
91 opportunity for a hearing.

92 (d) The owner or operator of each motor vehicle in livery service  
93 shall display in such vehicle such permit or a memorandum thereof.

94 (e) Any person who holds him or herself out to be the operator of a  
95 motor vehicle in livery service who has not received a permit under  
96 this section or with the intent to injure or defraud another shall be  
97 guilty of a class B misdemeanor."