



General Assembly

January Session, 2009

Raised Bill No. 902

LCO No. 3406

03406_____PRI

Referred to Committee on Program Review and Investigations

Introduced by:
(PRI)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE CONCERNING THE SAFETY OF TAXICABS AND
LIVERY VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-97 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No person, association, limited liability company or corporation
4 shall operate a taxicab until such person, association, limited liability
5 company or corporation has obtained a certificate from the
6 Department of Transportation certifying that public convenience and
7 necessity require the operation of a taxicab or taxicabs for
8 transportation of passengers, the acceptance or solicitation of which
9 originates within the territory specified in such certificate except as
10 provided under subsection (d) of this section. No such certificate shall
11 be issued unless the department finds that the person, association,
12 limited liability company or corporation is suitable to operate a taxicab
13 service, after giving due consideration to, at a minimum, the following
14 factors: (1) Any convictions of the applicant under federal, state or

15 local laws relative to safety, motor vehicle or criminal violations; (2)
16 the number of taxicabs to be operated under the certificate; (3) the
17 adequacy of the applicant's financial resources to operate the taxicab
18 service; (4) the adequacy of insurance coverage and safety equipment;
19 and (5) the availability of qualified taxicab operators. The
20 commissioner shall request the state criminal history records check for
21 any person or any officer of any association, limited liability company
22 or corporation applying for such certificate from the State Police
23 Bureau of Identification. The commissioner shall arrange for the
24 fingerprinting of any person or any officer of any association, limited
25 liability company or corporation applying for such certificate and
26 forward the fingerprints to said bureau which shall submit the
27 fingerprints to the Federal Bureau of Investigation for a national
28 criminal history records check for any federal conviction specified in
29 subdivision (1) of this subsection. A fee shall be charged by the
30 commissioner for each such national criminal history records check
31 which shall be equal to the fee charged by the Federal Bureau of
32 Investigation for performing such check. Such certificate shall be
33 issued only after written application, fingerprinting and said criminal
34 history records check for the same has been made and public hearing
35 held thereon. The application shall be accompanied by a fee of
36 eighty-eight dollars and the fee for said criminal history records check.
37 Upon receipt of such application, the department shall fix a time and
38 place of hearing thereon and shall promptly give written notice of the
39 pendency of such application and of the time and place of hearing
40 thereon to such applicant, the mayor of each city, the warden of each
41 borough or the first selectman of each town in which the applicant
42 desires to originate the transportation of such passengers, and to any
43 common carrier operating within the territory specified.
44 Notwithstanding any provision of this subsection, [to the contrary,] the
45 department may, upon receipt of a written application, amend an
46 existing certificate to increase the number of taxicabs which may be
47 operated pursuant to the certificate without holding a hearing on the
48 application, provided the department issues a legal notice of such

49 application in a daily newspaper in accordance with the provisions of
50 section 1-2, gives written notice of the pendency of such application to
51 any common carrier operating within the territory specified and no
52 objection is filed with the department within thirty days of each such
53 notice. With respect to any application filed under the provisions of
54 this subsection, the department shall not consider as a ground for
55 denial of a request for an increase in the number of taxicabs to be
56 operated within the territory specified, any number of taxicabs not
57 currently registered with the Commissioner of Motor Vehicles at the
58 time of filing of such application or at the time of any hearing held
59 thereon. Each certificate holder shall pay an annual fee of four
60 hundred dollars per vehicle to cover costs to the department for
61 enforcement of statutory and regulatory provisions applicable to
62 taxicab service certificates.

63 (b) Any town, city or borough within which taxicab service is
64 operated or any interested party may bring a written petition to the
65 department with respect to fares, service, operation or equipment or
66 the convenience, protection and safety of passengers and the public.
67 Thereupon, the department may fix a time and place for a hearing
68 upon such petition, and give written notice thereof to the parties in
69 interest at least one week prior to such hearing.

70 (c) No certificate shall be sold or transferred until the department,
71 upon written application to it setting forth the purpose, terms and
72 conditions thereof, and after investigation, finds that the purchaser or
73 transferee is suitable to operate a taxicab service after consideration of
74 the factors specified in subsection (a) of this section and approves the
75 same. The application shall be accompanied by a fee of eighty-eight
76 dollars. The department may amend or, for sufficient cause shown,
77 may suspend or revoke any such certificate. The department may
78 impose a civil penalty on any person or any officer of any association,
79 limited liability company or corporation who violates any provision of
80 this chapter or any regulation adopted under section 13b-96 with
81 respect to fares, service, operation or equipment, in an amount not to

82 exceed one [hundred] thousand dollars per day for each violation. Any
83 such person, officer, company or corporation shall be prohibited from
84 submitting any applications concerning a taxicab certificate or service
85 to the department for one year following the date of issuance of an
86 administrative hearing decision that such a violation took place. Any
87 such certificate issued by the department shall remain valid unless
88 suspended or revoked by the department. Any such certificate issued
89 by the Division of Public Utility Control within the Department of
90 Business Regulation prior to October 1, 1979, or by any transit district
91 prior to March 1, 1997, shall remain valid unless suspended or revoked
92 by the Department of Transportation.

93 (d) Any person, association, limited liability company or
94 corporation which has obtained a certificate under subsection (a) of
95 this section may solicit, receive and discharge taxicab passengers at
96 Bradley International Airport, subject to formal agreement with the
97 Commissioner of Transportation provided such agreement shall not
98 take precedence over its obligation to provide taxicab service within
99 the territory specified in such certificate. Any such person, association,
100 limited liability company or corporation may discharge taxicab
101 passengers received at such airport within a territory other than the
102 territory specified in its certificate. The commissioner may charge and
103 collect a reasonable fee from any such person, association, limited
104 liability company or corporation for the privilege of solicitation of such
105 passengers.

106 Sec. 2. Section 13b-99 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2009*):

108 (a) Upon the granting of a certificate of public convenience and
109 necessity as provided in section 13b-97, as amended by this act, the
110 holder thereof may apply to the Commissioner of Motor Vehicles for
111 the registration of any taxicab of which he is the owner or lessee and
112 which is to be used as specified in such certificate, and the
113 Commissioner of Motor Vehicles shall have jurisdiction over the

114 registration of any taxicab and its exterior lighting equipment and over
115 the licensing of its operator.

116 (b) Each such taxicab shall be inspected, [biennially at the time of
117 renewal of registration of such taxicab] annually by a dealer or repairer
118 [or limited repairer] licensed and authorized by the Commissioner of
119 Motor Vehicles to perform such inspections. The [commissioner]
120 Commissioner of Motor Vehicles shall set a fee for such an inspection.
121 Each taxicab inspected by such dealer or repairer shall be issued an
122 inspection report on a form provided by the Commissioner of Motor
123 Vehicles. The report shall fully identify the taxicab, the date and time
124 of the inspection, the place of inspection, the result of such inspection
125 and any other information required by the Commissioner of Motor
126 Vehicles. The report shall be signed by the dealer or repairer who
127 performed the inspection. The certificate holder shall submit a copy of
128 such report to the Commissioner of Transportation not later than thirty
129 days following such inspection. The Commissioner of Transportation
130 shall review such reports, following up with any certificate holder
131 whose reports are missing or incomplete. The Commissioner of
132 Transportation shall calculate the pass/fail rates of each such dealer
133 and repairer.

134 (c) [The commissioner shall publish a list, semiannually, of all
135 persons holding a class B license whose class B license or registration
136 has been suspended. Such list shall be mailed to each person,
137 association, limited liability company or corporation operating a
138 taxicab pursuant to section 13b-97.] Each certificate holder shall
139 conduct quarterly inspections of all taxicabs covered by such certificate
140 and shall keep a record of each such inspection on a form approved by
141 the Commissioner of Transportation. Such records shall be submitted
142 to the Commissioner of Transportation not later than thirty days
143 following such inspection. The Commissioner of Transportation shall
144 review such records in order to determine if such inspections are being
145 conducted and shall take necessary steps to address any records that
146 have not been submitted. The Commissioner of Transportation shall

147 verify that any documented repairs were performed by inspecting a
148 random sample of such vehicles and comparing the results with such
149 quarterly records. The Commissioner of Transportation shall conduct
150 unannounced inspections of taxicabs, at least quarterly without charge,
151 at any time during normal business hours. Some inspections shall be
152 conducted, jointly, with inspectors of the Department of Motor
153 Vehicles.

154 (d) Notwithstanding the provisions of section 14-10, the
155 Commissioner of Motor Vehicles shall prepare a report containing the
156 names and motor vehicle operator license numbers of each person who
157 has been issued an operator's license with one or more endorsements,
158 authorizing such person to transport passengers in accordance with
159 the provisions of section 14-36a, but whose license or any such
160 endorsement has been withdrawn, suspended or revoked by the
161 Commissioner of Motor Vehicles. The report shall be issued and
162 updated periodically in accordance with a schedule to be established
163 by the Commissioner of Motor Vehicles. Such report may be
164 transmitted or otherwise made available to authorized recipients by
165 electronic means. Each certificate holder for two or more taxicabs shall,
166 at least monthly, review such report to determine whether its drivers
167 continue to be qualified to drive taxicabs. The Department of
168 Transportation shall conduct such reviews for certificate holders for a
169 single taxicab.

170 [(d)] (e) The Commissioner of Motor Vehicles shall adopt
171 regulations, in accordance with chapter 54, to carry out the purposes of
172 this section. Such regulations shall require written records, on a form
173 approved by the commissioner.

174 Sec. 3. Section 13b-103 of the general statutes is repealed and the
175 following is substituted in lieu thereof (Effective October 1, 2009):

176 (a) [(1)] No person, association, limited liability company or
177 corporation shall operate a motor vehicle in livery service until such
178 person, association, limited liability company or corporation has

179 obtained a permit from the Department of Transportation, specifying
180 the nature and extent of the service to be rendered and certifying that
181 public convenience and necessity will be improved by the operation
182 and conduct of such livery service. Such permits shall be issued only
183 after a written application for the same has been made and a public
184 hearing has been held thereon.

185 (b) No such permit shall be issued unless the department finds that
186 the person, association, limited liability company or corporation is
187 suitable to operate a livery service, after giving due consideration to, at
188 a minimum, any convictions of the applicant under federal, state or
189 local laws relative to safety, motor vehicle or criminal violations. The
190 commissioner shall request a state criminal history records check for
191 any person or any officer of any association, limited liability company
192 or corporation applying for such permit from the State Police Bureau
193 of Identification. The commissioner shall arrange for the fingerprinting
194 of any person or any officer of any association, limited liability
195 company or corporation applying for such permit and forward the
196 fingerprints to said bureau which shall submit the fingerprints to the
197 Federal Bureau of Investigation for a national criminal history records
198 check for any federal conviction specified in subsection (a) of this
199 section. A fee shall be charged by the commissioner for each such
200 national criminal history records check which shall be equal to the fee
201 charged by the Federal Bureau of Investigation for performing such
202 check. Such permit shall be issued only after written application,
203 fingerprinting and said criminal history records check for the same has
204 been made and public hearing held thereon. The application shall be
205 accompanied by a fee of two hundred dollars and the fee for said
206 criminal history records check. Upon receipt of such application
207 [together with the payment of a fee of two hundred dollars] and fees,
208 the department shall fix a time and place of hearing thereon, within a
209 reasonable time, and shall promptly give written notice of the
210 pendency of such application and of the time and place of such
211 hearing to each applicant, the mayor of each city, the warden of each
212 borough and the first selectman of each town, within which any such

213 applicant desires to maintain an office or headquarters, to any carrier
214 legally operating motor vehicles in livery service within the same
215 territory and to other interested parties as determined by the
216 department.

217 [(2)] (c) Notwithstanding the provisions of [subdivision (1) of this
218 subsection] subsection (a) of this section, the department may issue a
219 permit for the operation of vehicles (A) having a capacity of less than
220 eleven adults or to be used exclusively at funerals, weddings,
221 christenings, processions or celebrations, without holding a hearing
222 and certifying that public convenience and necessity would be
223 improved by the operation of such vehicles, or (B) having a capacity of
224 not less than eleven or more than fourteen adults and used for
225 sightseeing and related purposes, without holding a hearing, provided
226 the department issues a legal notice, as provided under section 1-2, of
227 such application and no objection is filed with the department within
228 thirty days of publication of such notice.

229 [(3)] (d) Notwithstanding the provisions of [subdivision (1) of this
230 subsection] subsection (a) of this section, the department may issue a
231 temporary or permanent permit to any person, association, limited
232 liability company or corporation operating a motor vehicle engaged in
233 the transportation of passengers for hire by virtue of a contract with, or
234 a lower tier contract for, any federal, state or municipal agency that (A)
235 is in effect on July 1, 1997, with or without hearing, after a written
236 application for the same has been made and the department has
237 determined that the applicant meets the requirements of subsection
238 [(b)] (g) of this section except with respect to public convenience and
239 necessity, or (B) becomes effective after July 1, 1997, with or without
240 hearing, after a written application for the same has been made and the
241 department has determined that the applicant meets the requirements
242 of subsection [(b)] (g) of this section. Any such permit issued under the
243 provisions of this [subdivision (i)] subsection shall be limited to service
244 provided under any such contract, and [(ii)] with respect to any
245 contract under the provisions of [subparagraph (A) of this subdivision]

246 subsection (a) of this section, shall not authorize a total number of
247 motor vehicles exceeding the number required to provide service
248 existing under such contract on July 1, 1997. [(4)] Notwithstanding the
249 provisions of [subdivision (1) of this subsection] subsection (a) of this
250 section, the department shall issue to any person who has an intrastate
251 livery permit for at least one year, upon the application of such person,
252 up to two additional vehicle authorizations each year without a
253 hearing and without written notice of the pendency of the application,
254 if all the existing permits held by such person are registered and in use
255 and if there are no outstanding violations or matters pending
256 adjudication against such person. The department shall have thirty
257 calendar days to issue such amended permit.

258 (e) Each newly registered livery vehicle, regardless of capacity, shall
259 be inspected by the Department of Motor Vehicles. Each livery vehicle
260 shall be inspected, biennially, by a dealer or repairer licensed and
261 authorized by the Commissioner of Motor Vehicles to perform such
262 inspections. The commissioner shall set a fee for such an inspection.
263 Each livery vehicle inspected by such dealer or repairer shall be issued
264 an inspection report on a form provided by the commissioner. The
265 report shall fully identify the vehicle, the date and time of the
266 inspection, the place of inspection, the result of such inspection, and
267 any other information required by the commissioner. The report shall
268 be signed by the dealer or repairer who performed the inspection. No
269 registration of a livery vehicle shall be renewed unless such biennial
270 inspection reports have been submitted to the commissioner.

271 (f) The Commissioner of Transportation shall conduct unannounced
272 inspections, at least annually, of livery vehicles, without charge, at any
273 time during normal business hours. Some inspections shall be
274 conducted, jointly, with inspectors of the Department of Motor
275 Vehicles. Each livery service permit holder shall pay an annual fee of
276 four hundred dollars per vehicle to cover costs to the department for
277 enforcement of statutory and regulatory provisions applicable to livery
278 service permits. Notwithstanding the provisions of section 14-10, the

279 commissioner shall prepare a report containing the names and motor
280 vehicle operator license numbers of each person who has been issued
281 an operator's license with one or more endorsements, authorizing such
282 person to transport passengers in accordance with the provisions of
283 section 14-36a, but whose license or any such endorsement has been
284 withdrawn, suspended or revoked by the commissioner. The report
285 shall be issued and updated periodically in accordance with a schedule
286 to be established by the commissioner. Such report may be transmitted
287 or otherwise made available to authorized recipients by electronic
288 means. Each permit holder for two or more livery vehicles shall, at
289 least monthly, review such report to determine whether its drivers
290 continue to be qualified to drive livery vehicles. The Department of
291 Transportation shall conduct such reviews for permit holders for a
292 single livery vehicle.

293 [(b)] (g) In determining whether or not such a permit will be
294 granted, the Department of Transportation shall take into
295 consideration the present or future public convenience and necessity
296 for the service the applicant proposes to render, the suitability of the
297 applicant or the suitability of the management if the applicant is a
298 limited liability company or corporation, the financial responsibility of
299 the applicant, the ability of the applicant efficiently and properly to
300 perform the service for which authority is requested and the fitness,
301 willingness and ability of the applicant to conform to the provisions of
302 this chapter and the requirements and regulations of the department
303 under this chapter.

304 [(c)] (h) Any interested party may bring a written petition to the
305 Department of Transportation in respect to fares, service, operation or
306 equipment, or the convenience, protection and safety of the public
307 with regard to any carrier operating a motor vehicle in livery service.
308 Thereupon, the department may fix a time and place for a hearing
309 upon such petition and give notice thereof. No permit shall be sold or
310 transferred until the department, upon written application to it setting
311 forth the purpose, terms and conditions thereof and accompanied by a

312 fee of two hundred dollars, after investigation, approves the same. The
313 department may amend or, for sufficient cause shown, may suspend
314 or revoke any such permit. The department may impose a civil penalty
315 on any person or any officer of any association, limited liability
316 company or corporation who violates any provision of this chapter or
317 any regulation adopted under section 13b-102 with respect to fares,
318 service, operation or equipment, in an amount not to exceed one
319 thousand dollars per day for each violation. Any such person, officer,
320 company or corporation shall be prohibited from submitting any
321 applications concerning a livery vehicle permit to the department for
322 one year following the date of issuance of an administrative hearing
323 decision that such a violation took place. Prior to the imposition of a
324 civil penalty under this subsection, the department shall provide notice
325 to said person or officer no later than fifteen business days after receipt
326 of information concerning an alleged violation and shall provide an
327 opportunity for a hearing.

328 [(d)] (i) The owner or operator of each motor vehicle in livery
329 service shall display in such vehicle such permit or a memorandum
330 thereof.

331 [(e)] (j) Any person who holds him or herself out to be the operator
332 of a motor vehicle in livery service who has not received a permit
333 under this section or with the intent to injure or defraud another shall
334 be guilty of a class B misdemeanor.

335 Sec. 4. Subsection (a) of section 14-29 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective*
337 *October 1, 2009*):

338 (a) The commissioner shall not register any motor bus, taxicab,
339 school bus, motor vehicle in livery service, student transportation
340 vehicle or service bus and no person may operate or cause to be
341 operated upon any public highway any such motor vehicle until the
342 owner or lessee thereof has procured insurance or a bond satisfactory
343 to the commissioner, which insurance or bond shall indemnify the

344 insured against any legal liability for personal injury, the death of any
345 person or property damage, which injury, death or damage may result
346 from or have been caused by the use or operation of such motor
347 vehicle described in the contract of insurance or such bond. Such
348 insurance or bond shall not be required from (1) a municipality which
349 the commissioner finds has maintained sufficient financial
350 responsibility to meet legal liability for personal injury, death or
351 damage resulting from or caused by the use or operation of a service
352 bus owned or operated by such municipality, or (2) the owner or lessee
353 of any such class of motor vehicle, except taxicabs, who holds a
354 certificate of public necessity and convenience from the Department of
355 Transportation if such owner or lessee has procured from the
356 department a certificate that the department has found that such
357 owner or lessee is of sufficient financial responsibility to meet legal
358 liability for personal injury, death or property damage resulting from
359 or caused by the use or operation of such motor vehicle. The
360 Department of Transportation may issue such certificate upon
361 presentation of evidence of financial responsibility that is satisfactory
362 to it.

363 Sec. 5. Subsection (d) of section 14-100a of the general statutes is
364 repealed and the following is substituted in lieu thereof (*Effective*
365 *October 1, 2009*):

366 (d) (1) Any person who transports a child six years of age and under
367 or weighing less than sixty pounds, in a motor vehicle on the highways
368 of this state shall provide and require the child to use a child restraint
369 system approved pursuant to regulations adopted by the Department
370 of Motor Vehicles in accordance with the provisions of chapter 54. Any
371 person who transports a child seven years of age or older and
372 weighing sixty or more pounds, in a motor vehicle on the highways of
373 this state shall either provide and require the child to use an approved
374 child restraint system or require the child to use a seat safety belt. As
375 used in this subsection, "motor vehicle" does not mean a bus having a
376 tonnage rating of one ton or more. Failure to use a child restraint

377 system shall not be considered as contributory negligence nor shall
378 such failure be admissible evidence in any civil action.

379 (2) Any person who transports a child under one year of age or
380 weighing less than twenty pounds in a motor vehicle on the highways
381 of this state shall provide and require the child to ride rear-facing in a
382 child restraint system approved pursuant to regulations that the
383 Department of Motor Vehicles shall adopt in accordance with the
384 provisions of chapter 54.

385 (3) Notwithstanding the provisions of subdivision (1) of this
386 subsection, any person who transports a child four years of age or
387 older in a student transportation vehicle, as defined in section 14-212,
388 on the highways of this state shall either provide and require the child
389 to use an approved child restraint system or require the child to use a
390 seat safety belt. Any person who transports a child under four years of
391 age weighing less than forty pounds in a student transportation
392 vehicle on the highways of this state shall provide and require the
393 child to use a child restraint system approved pursuant to regulations
394 adopted by the Department of Motor Vehicles in accordance with the
395 provisions of chapter 54.

396 (4) No person shall restrain a child in a booster seat unless the motor
397 vehicle is equipped with a safety seat belt that includes a shoulder belt
398 and otherwise meets the requirement of subsection (b) of this section.

399 (5) Any person who violates the provisions of subdivision (1), (2),
400 (3) or (4) of this subsection shall, for a first violation, have committed
401 an infraction; for a second violation, be fined not more than one
402 hundred ninety-nine dollars; and, for a third or subsequent violation,
403 be guilty of a class A misdemeanor. The commissioner shall require
404 any person who has committed a first or second violation of the
405 provisions of this subsection to attend a child car seat safety course
406 offered or approved by the Department of Motor Vehicles. The
407 commissioner may, after notice and an opportunity for a hearing,
408 suspend for a period of not more than two months the motor vehicle

409 operator's license of any person who fails to attend or successfully
410 complete the course.

411 (6) As used in this subsection "person" shall not include the operator
412 of a taxicab and "motor vehicle" shall not include a taxicab.

413 Sec. 6. *(Effective from passage)* Not later than July 1, 2009, the
414 Commissioner of Transportation shall employ or reassign the
415 equivalent of two additional full-time employees to work in the
416 Regulatory and Compliance Unit, at least one of whom shall be an
417 inspector.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	13b-97
Sec. 2	<i>October 1, 2009</i>	13b-99
Sec. 3	<i>October 1, 2009</i>	13b-103
Sec. 4	<i>October 1, 2009</i>	14-29(a)
Sec. 5	<i>October 1, 2009</i>	14-100a(d)
Sec. 6	<i>from passage</i>	New section

Statement of Purpose:

To implement the recommendations of the Legislative Program Review and Investigations Committee concerning the safety of taxicabs and livery vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]