



# Senate

General Assembly

**File No. 203**

February Session, 2010

Substitute Senate Bill No. 342

*Senate, March 30, 2010*

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE ISSUANCE OF A CERTIFICATE FOR THE OPERATION OF A TAXICAB AND THE ESTABLISHMENT OF A PENALTY FOR THE OPERATION OF A "GYPSY" CAB.***

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 Section 13b-97 of the general statutes is repealed and the  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, 2010*):

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.

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

67 (c) No certificate shall be sold or transferred until the department,  
68 upon written application to it setting forth the purpose, terms and  
69 conditions thereof, and after investigation, finds that the purchaser or  
70 transferee is suitable to operate a taxicab service after consideration of  
71 the factors specified in subsection (a) of this section and approves the  
72 same. The application shall be accompanied by a fee of eighty-eight  
73 dollars. The department may amend or, for sufficient cause shown,  
74 may suspend or revoke any such certificate. The department may  
75 impose a civil penalty on (1) any person who has a certificate issued by  
76 the department or who is the purchaser or transferee of a certificate  
77 sold or transferred with the approval of the department, or (2) any  
78 officer of any association, limited liability company or corporation  
79 [who violates] that has a certificate issued by the department or that is  
80 the purchaser or transferee of a certificate sold or transferred with the  
81 approval of the department, for a violation of any provision of this  
82 chapter or any regulation adopted under section 13b-96 with respect to

83 fares, service, operation or equipment, in an amount not to exceed one  
84 hundred dollars per day for each violation. Any such certificate issued  
85 by the department shall remain valid unless suspended or revoked by  
86 the department. Any such certificate issued by the Division of Public  
87 Utility Control within the Department of Business Regulation prior to  
88 October 1, 1979, or by any transit district prior to March 1, 1997, shall  
89 remain valid unless suspended or revoked by the Department of  
90 Transportation.

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

104 Sec. 2. Section 13b-100 of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective October 1, 2010*):

106 (a) (1) Any person who has a certificate issued by the department or  
107 who is the purchaser or transferee of a certificate sold or transferred  
108 with the approval of the department, or [the officers] (2) any officer of  
109 any association, limited liability company or corporation [who violate  
110 any provision of this chapter or any order or regulation adopted or  
111 established under any such provision] that has a certificate issued by  
112 the department or that is the purchaser or transferee of a certificate  
113 sold or transferred with the approval of the department, shall be fined  
114 not more than one thousand dollars for a violation of any provision of  
115 this chapter or any order or regulation adopted or established under

116 any such provision, and the certificate issued to [him] such person or  
117 to such association, limited liability company or corporation may be  
118 revoked.

119 (b) Any person who operates a taxicab without a certificate issued  
120 by the department pursuant to section 13b-97, as amended by this act,  
121 shall be guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	13b-97
Sec. 2	October 1, 2010	13b-100

**TRA**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes operating a taxicab without a required Department of Transportation (DOT) certificate a class A misdemeanor punishable by up to one year in prison, a \$2,000 fine, or both. To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties than currently provided for, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community would result. There have been 5 convictions since 2001 for operating a taxicab without a required Department of Transportation (DOT) certificate, which has resulted in approximately \$1,300 collected in fines. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal.

On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$47,425 to incarcerate the offender.

The bill also clarifies the Department of Transportation enforcement on registered taxicab businesses and has no fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 342*****AN ACT CONCERNING THE ISSUANCE OF A CERTIFICATE FOR THE OPERATION OF A TAXICAB AND THE ESTABLISHMENT OF A PENALTY FOR THE OPERATION OF A "GYPSY" CAB.*****SUMMARY:**

This bill makes operating a taxicab without a required Department of Transportation (DOT) certificate a class A misdemeanor punishable by up to one year in prison, a \$2,000 fine, or both. By law, any person, association, limited liability company, or corporation operating a taxicab must have a DOT certificate certifying that public convenience and necessity require the cab's operation in the territory the certificate specifies.

DOT must approve the sale or transfer of such a certificate. People seeking such approval must submit a written application explaining the purpose, terms, and conditions of the sale or transfer, and pay an \$88 fee. The law allows DOT to impose a daily penalty of up to \$100 on any person or officer of any association, limited liability company, or corporation that violates any law or regulation concerning cab fares, service, operation, or equipment. The bill specifies that this penalty may be imposed on a person or officer who (1) has a DOT-issued certificate or (2) purchased or received a certificate with DOT's approval.

By law, any person or officer of any association, limited liability company, or corporation who violates any law, regulation, or order concerning taxicabs is subject to a mandatory fine of up to \$1,000 and possible revocation of the certificate. The bill specifies that this applies to people or officers who have a DOT-issued certificate or who bought or received one with DOT approval.

It also makes a technical change.

EFFECTIVE DATE: October 1, 2010

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/14/2010)