



General Assembly

February Session, 2012

Raised Bill No. 5368

LCO No. 1696

01696_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

**AN ACT CONCERNING THE MODERNIZATION OF THE STATE'S
TAXICAB INDUSTRY.**

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 Section 13b-97 of the general statutes is repealed and the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, 2012*):

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] medallion for each
6 taxicab to be operated from the Department of Transportation
7 certifying that public convenience and necessity require the operation
8 of a taxicab or taxicabs for transportation of passengers, the acceptance
9 or solicitation of which originates within the territory [specified in]
10 associated with such [certificate] medallions except as provided under
11 subsection (d) of this section. No such [certificate] medallion shall be
12 issued unless the department finds that the person, association, limited
13 liability company or corporation is suitable to operate a taxicab service,
14 after giving due consideration to, at a minimum, the following factors:
15 (1) Any convictions of the applicant under federal, state or local laws
16 relative to safety, motor vehicle or criminal violations; (2) the number

17 of taxicabs to be operated under the [certificate] medallion; (3) the
18 adequacy of the applicant's financial resources to operate the taxicab
19 service; (4) the adequacy of insurance coverage and safety equipment;
20 (5) proof of a dispatch system capable of simultaneous communication
21 with all taxicabs to be granted a medallion under the application; (6)
22 proof that service within the territory requested for the medallions will
23 be available twenty-four hours a day, seven days a week; and [(5)] (7)
24 the availability of qualified taxicab operators. The commissioner shall
25 request the state criminal history records check for any person or any
26 officer of any association, limited liability company or corporation
27 applying for such [certificate] medallion or medallions from the State
28 Police Bureau of Identification. The commissioner shall arrange for the
29 fingerprinting of any person or any officer of any association, limited
30 liability company or corporation applying for such [certificate]
31 medallion or medallions and forward the fingerprints to said bureau
32 which shall submit the fingerprints to the Federal Bureau of
33 Investigation for a national criminal history records check for any
34 federal conviction specified in subdivision (1) of this subsection. [A fee
35 shall be charged by the] The commissioner shall charge a fee for each
36 such national criminal history records check which shall be equal to
37 the fee charged by the Federal Bureau of Investigation for performing
38 such check. Such [certificate] medallions shall be issued only after
39 written application, fingerprinting and said criminal history records
40 check for the same has been made and public hearing held thereon.
41 The application shall be accompanied by a fee of [eighty-eight] two
42 thousand dollars and the fee for said criminal history records check.
43 Upon receipt of such application, the department shall fix a time and
44 place of hearing thereon and shall promptly give written notice of the
45 pendency of such application and of the time and place of hearing
46 thereon to such applicant, the mayor of each city, the warden of each
47 borough or the first selectman of each town in which the applicant
48 desires to originate the transportation of such passengers, and to any
49 common carrier operating within the territory specified.
50 [Notwithstanding any provision of this subsection to the contrary, the

51 department may, upon receipt of a written application, amend an
52 existing certificate to increase the number of taxicabs which may be
53 operated pursuant to the certificate without holding a hearing on the
54 application, provided the department issues a legal notice of such
55 application in a daily newspaper in accordance with the provisions of
56 section 1-2, gives written notice of the pendency of such application to
57 any common carrier operating within the territory specified and no
58 objection is filed with the department within thirty days of each such
59 notice. With respect to any application filed under the provisions of
60 this subsection, the department shall not consider as a ground for
61 denial of a request for an increase in the number of taxicabs to be
62 operated within the territory specified, any number of taxicabs not
63 currently registered with the Commissioner of Motor Vehicles at the
64 time of filing of such application or at the time of any hearing held
65 thereon.] The department shall issue a proposed decision for all
66 hearings to be reviewed by staff at the regulatory and compliance unit.
67 The applicant and any party or intervenor to the action may file a reply
68 to the proposed decision to be taken into consideration during the
69 review. Applicants for new medallions shall request at the minimum
70 five such medallions.

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

78 (c) No [certificate] medallion shall be sold or transferred within five
79 years of being granted by the department and until the department,
80 upon written application to it setting forth the purpose, terms and
81 conditions thereof, and after investigation, finds that the purchaser or
82 transferee is suitable to operate a taxicab service after consideration of
83 the factors specified in subsection (a) of this section and approves the

84 same. The application shall be accompanied by a fee of [eighty-eight]
85 two hundred dollars per medallion to be transferred. The department
86 may, [amend or,] for sufficient cause shown, [may] suspend or revoke
87 any such [certificate] medallion. The department may impose a civil
88 penalty on any person or any officer of any association, limited liability
89 company or corporation who violates any provision of this chapter or
90 any regulation adopted under section 13b-96 with respect to fares,
91 service, operation or equipment, in an amount not to exceed one
92 hundred dollars per day for each violation. The Department of Motor
93 Vehicles shall include the imposition of any such civil penalty against
94 the operator of a taxicab for violation of service issues within the
95 operator's control in the record of the taxicab operator's hack license
96 maintained pursuant to section 14-111l, as amended by this act. Any
97 such [certificate] medallion issued by the department shall remain
98 valid unless suspended or revoked by the department. Any such
99 certificate issued by the Division of Public Utility Control within the
100 Department of Business Regulation prior to October 1, 1979, or by any
101 transit district prior to March 1, 1997, shall remain valid unless
102 suspended or revoked by the Department of Transportation. The
103 Department of Transportation shall convert any certificate issued
104 pursuant to this section prior to October 1, 2012, to a medallion for
105 each of the taxicabs operating under the authority of such certificate.
106 The fee for such conversion shall be two hundred dollars per
107 medallion.

108 (d) Any person, association, limited liability company or
109 corporation which has obtained a [certificate] medallion under
110 subsection (a) of this section, after providing proof that service has
111 been active, adequate within the subject territories and in compliance
112 with all statutes and regulations for two years, may solicit, receive and
113 discharge taxicab passengers at Bradley International Airport, subject
114 to formal agreement with the Commissioner of Transportation
115 provided such agreement shall not take precedence over its obligation
116 to provide taxicab service within the territory specified in such
117 [certificate] medallion. Any such person, association, limited liability

118 company or corporation may discharge taxicab passengers received at
119 such airport within a territory other than the territory specified in its
120 [certificate] medallion. The commissioner may charge and collect a
121 reasonable fee from any such person, association, limited liability
122 company or corporation for the privilege of solicitation of such
123 passengers.

124 (e) Each holder of a medallion shall pay an annual fee of two
125 hundred dollars per medallion.

126 Sec. 2. (NEW) (*Effective January 1, 2013*) Each taxicab in service in
127 Connecticut shall have the capability to accept credit cards and all
128 drivers shall accept credit cards as payment for fares.

129 Sec. 3. Section 13b-97a of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective from passage*):

131 [(a)] The Department of Transportation may, without hearing, issue
132 to an applicant for authority to operate taxicab service, temporary
133 authority to operate such service, pending hearing upon his
134 application and disposition thereof by the department, but such
135 temporary authority shall not extend over a period of more than one
136 hundred eighty consecutive days.

137 [(b) The Department of Transportation may, in an emergency
138 situation and without hearing, issue to any person, association, limited
139 liability company or corporation which holds a certificate of public
140 convenience and necessity issued under the provisions of section 13b-
141 97, temporary authority to operate such service within or outside the
142 territory specified in such certificate, pending resolution of such
143 emergency, but such temporary authority shall not extend over a
144 period of more than one hundred eighty consecutive days.]

145 Sec. 4. (NEW) (*Effective October 1, 2012*) The Department of
146 Transportation shall allow taxicab medallion owners to provide, if
147 capable, electronic trip records in lieu of handwritten trip sheets.

148 Sec. 5. Section 13b-99 of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective October 1, 2012*):

150 (a) Upon the granting of a [certificate of public convenience and
151 necessity] medallion as provided in section 13b-97, as amended by this
152 act, the holder thereof may apply to the Commissioner of Motor
153 Vehicles for the registration of any taxicab of which [he] the holder is
154 the owner or lessee and which is to be used [as specified in such
155 certificate] with such medallion, and the Commissioner of Motor
156 Vehicles shall have jurisdiction over the registration of any taxicab and
157 its exterior lighting equipment and over the licensing of its operator.

158 (b) Each such taxicab shall be inspected, [biennially] annually, at the
159 time of renewal of registration of such taxicab, by a repairer or limited
160 repairer licensed and authorized by the Commissioner of Motor
161 Vehicles to perform such inspections. The commissioner shall set a fee
162 for such an inspection.

163 (c) Each such taxicab shall be exempt from the provisions of
164 subsection (d) of section 14-100a.

165 [(c)] (d) The Commissioner of Motor Vehicles shall adopt
166 regulations, in accordance with chapter 54, to carry out the purposes of
167 this section.

168 Sec. 6. Section 13b-100 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2012*):

170 Any person or the officers of any association, limited liability
171 company or corporation who violate any provision of this chapter or
172 any order or regulation adopted or established under any such
173 provision, not including driver service issues provided for in section
174 13b-97, as amended by this act, and imposed against the taxicab driver,
175 shall be fined not more than one thousand dollars, and [the certificate]
176 any medallion issued to [him] such person or to such association,
177 limited liability company or corporation may be revoked.

178 Sec. 7. (NEW) (*Effective October 1, 2012*) (a) No person shall operate a
179 motor vehicle as a taxicab on any public highway or private road on
180 which the speed limit has been established in accordance with
181 subsection (a) of section 14-218a of the general statutes until such
182 person has obtained a taxicab operator's hack license.

183 (b) The Commissioner of Motor Vehicles shall not issue a hack
184 license to a taxicab operator until (1) the applicant signs and files with
185 the commissioner an application under oath, or made subject to
186 penalties for false statement in accordance with section 53a-157b of the
187 general statutes, and (2) the commissioner is satisfied that the
188 applicant (A) is not currently under suspension or the holder of a
189 revoked hack license, (B) currently holds a valid motor vehicle
190 operator's license with a public service endorsement, and (C) is the
191 holder of a taxicab medallion or has evidence of employment with a
192 holder of such medallion. The commissioner shall be notified and the
193 hack license replaced if such hack license holder changes employment
194 or begins operating under another medallion.

195 (c) A taxicab operator's hack license shall display the driver's
196 photograph, badge number and the taxicab company, if any, with
197 which the driver is affiliated.

198 (d) The Commissioner of Motor Vehicles shall establish an
199 expedited licensing process for the issuance of public service
200 endorsements and taxicab operator's hack licenses, such that a new
201 applicant shall receive such license and endorsement or a valid denial
202 of such license not later than twenty-one days after application. The
203 commissioner shall set a fee for such expedited licensing that reflects
204 the cost associated with such process.

205 (e) The fee for the issuance, annual renewal or replacement of a
206 taxicab operator's hack license shall be one hundred dollars.

207 Sec. 8. Section 13b-103 of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective October 1, 2012*):

209 (a) (1) No person, association, limited liability company or
210 corporation shall operate a motor vehicle in livery service until such
211 person, association, limited liability company or corporation has
212 obtained a permit from the Department of Transportation, specifying
213 the nature and extent of the service to be rendered and certifying that
214 public convenience and necessity will be improved by the operation
215 and conduct of such livery service. Such permits shall be issued only
216 after a written application for the same has been made and a public
217 hearing has been held thereon. Upon receipt of such application,
218 together with the payment of a fee of two hundred dollars, the
219 department shall fix a time and place of hearing thereon, within a
220 reasonable time, and shall promptly give written notice of the
221 pendency of such application and of the time and place of such
222 hearing to each applicant, the mayor of each city, the warden of each
223 borough and the first selectman of each town, within which any such
224 applicant desires to maintain an office or headquarters, to any carrier
225 legally operating motor vehicles in livery service within the same
226 territory and to other interested parties as determined by the
227 department.

228 (2) Notwithstanding the provisions of subdivision (1) of this
229 subsection, the department may issue a permit for the operation of
230 vehicles (A) having a capacity of less than eleven adults or to be used
231 exclusively at funerals, weddings, christenings, processions or
232 celebrations, without holding a hearing and certifying that public
233 convenience and necessity would be improved by the operation of
234 such vehicles, or (B) having a capacity of not less than eleven or more
235 than fourteen adults and used for sightseeing and related purposes,
236 without holding a hearing, provided the department issues a legal
237 notice, as provided under section 1-2, of such application and no
238 objection is filed with the department within thirty days of publication
239 of such notice.

240 (3) Notwithstanding the provisions of subdivision (1) of this
241 subsection, the department may issue a temporary or permanent

242 permit to any person, association, limited liability company or
243 corporation operating a motor vehicle engaged in the transportation of
244 passengers for hire by virtue of a contract with, or a lower tier contract
245 for, any federal, state or municipal agency that (A) is in effect on July 1,
246 1997, with or without hearing, after a written application for the same
247 has been made and the department has determined that the applicant
248 meets the requirements of subsection (b) of this section except with
249 respect to public convenience and necessity, or (B) becomes effective
250 after July 1, 1997, with or without hearing, after a written application
251 for the same has been made and the department has determined that
252 the applicant meets the requirements of subsection (b) of this section.
253 Any such permit issued under the provisions of this subdivision (i)
254 shall be limited to service provided under any such contract, [and] (ii)
255 with respect to any contract under the provisions of subparagraph (A)
256 of this subdivision, shall not authorize a total number of motor
257 vehicles exceeding the number required to provide service existing
258 under such contract on July 1, 1997, and (iii) with respect to permits
259 issued under this subdivision shall be surrendered at the expiration of
260 such contract.

261 [(4) Notwithstanding the provisions of subdivision (1) of this
262 subsection, the department shall issue to any person who has an
263 intrastate livery permit for at least one year, upon the application of
264 such person, up to two additional vehicle authorizations each year
265 without a hearing and without written notice of the pendency of the
266 application, if all the existing permits held by such person are
267 registered and in use and if there are no outstanding violations or
268 matters pending adjudication against such person. The department
269 shall have thirty calendar days to issue such amended permit.]

270 (b) In determining whether or not such a permit will be granted, the
271 Department of Transportation shall [take into consideration] consider
272 the present or future public convenience and necessity for the service
273 the applicant proposes to render, the suitability of the applicant or the
274 suitability of the management if the applicant is a limited liability

275 company or corporation, the financial responsibility of the applicant,
276 the ability of the applicant efficiently and properly to perform the
277 service for which authority is requested and the fitness, willingness
278 and ability of the applicant to conform to the provisions of this chapter
279 and the requirements and regulations of the department under this
280 chapter. The department shall issue a proposed decision for all
281 hearings to be reviewed by staff at the regulatory and compliance unit.
282 The applicant and any party or intervenor to the auction may file a
283 reply to the proposed decision to be taken into consideration during
284 the review.

285 (c) Each holder of a livery permit shall pay an annual fee of two
286 hundred dollars per permit.

287 [(c)] (d) Any interested party may bring a written petition to the
288 Department of Transportation in respect to fares, service, operation or
289 equipment, or the convenience, protection and safety of the public
290 with regard to any carrier operating a motor vehicle in livery service.
291 Thereupon, the department may fix a time and place for a hearing
292 upon such petition and give notice thereof. No permit shall be sold or
293 transferred until the department, upon written application to it setting
294 forth the purpose, terms and conditions thereof and accompanied by a
295 fee of two hundred dollars, after investigation, approves the same. The
296 department may amend or, for sufficient cause shown, may suspend
297 or revoke any such permit. The department may impose a civil penalty
298 on any person or any officer of any association, limited liability
299 company or corporation who violates any provision of this chapter or
300 any regulation adopted under section 13b-102 with respect to fares,
301 service, operation or equipment, in an amount not to exceed one
302 thousand dollars per day for each violation. Prior to the imposition of a
303 civil penalty under this subsection, the department shall provide notice
304 to said person or officer no later than fifteen business days after receipt
305 of information concerning an alleged violation and shall provide an
306 opportunity for a hearing.

307 [(d)] (e) The owner or operator of each motor vehicle in livery
308 service shall display in such vehicle such permit or a memorandum
309 thereof.

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

314 (g) No permit shall be sold or transferred within five years after
315 being granted by the department and until the department, upon
316 written application to it setting forth the purpose, terms and conditions
317 thereof, and after investigation, finds that the purchaser or transferee is
318 sustainable to operate a livery service after consideration of the factors
319 specified in subsection (b) of this section and approves the same. The
320 application shall be accompanied by a fee of two hundred dollars per
321 permit to be transferred.

322 Sec. 9. Subsection (d) of section 14-1111 of the general statutes is
323 repealed and the following is substituted in lieu thereof (*Effective*
324 *October 1, 2012*):

325 (d) The commissioner shall maintain a record as to all convictions
326 and administrative actions for motor vehicle and traffic violations
327 committed in this state, and for any cases of failure to comply, as
328 reported to the commissioner in accordance with the provisions of
329 sections 14-140 and 14-141, by any person who has not been issued a
330 motor vehicle operator's license by the commissioner or by the
331 licensing authority of any other member jurisdiction, or whose license
332 has expired or been cancelled. The commissioner shall include in such
333 record of a taxicab operator's hack license any violation of the
334 provisions of section 13b-96. The commissioner shall transmit such
335 record to such licensing authority of another jurisdiction, upon
336 notification of the issuance of a license to such person.

337 Sec. 10. Section 14-137a of the general statutes is repealed and the

338 following is substituted in lieu thereof (*Effective October 1, 2012*):

339 The Commissioner of Motor Vehicles shall adopt regulations in
 340 accordance with the provisions of chapter 54, setting forth the number
 341 of points chargeable against the owner of an operator's license or
 342 taxicab operator's hack license for conviction of any violation of the
 343 motor vehicle or taxicab use laws deemed appropriate by the
 344 commissioner for the assessment of such points. Such regulations shall
 345 provide specific information as to the number of points assessed for
 346 the conviction of each specified violation, the total number of points
 347 which, in a period of time specified by the commissioner, shall require
 348 a hearing before the commissioner or permit automatic suspension
 349 without prior hearing, and the period of time during which any such
 350 suspension shall extend. Such regulations shall provide that (1) not less
 351 than two points shall be assessed for conviction of a violation of
 352 subsection (d) of section 14-100a, (2) not more than one point shall be
 353 assessed for conviction of a violation of section 14-219₂ and (3) no
 354 points shall be assessed for an infraction or any violation specified in
 355 subsection (b) of section 51-164n for which the person sends payment
 356 of the fine and any additional fees or costs established for such
 357 infraction or violation to the Centralized Infractions Bureau in
 358 accordance with the provisions of subsection (c) of section 51-164n. If
 359 such regulations provide for participation in a driver improvement
 360 course or system for the owner of an operator's license, the
 361 commissioner may charge a fee of fifty dollars for registration for such
 362 course or system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	13b-97
Sec. 2	<i>January 1, 2013</i>	New section
Sec. 3	<i>from passage</i>	13b-97a
Sec. 4	<i>October 1, 2012</i>	New section
Sec. 5	<i>October 1, 2012</i>	13b-99
Sec. 6	<i>October 1, 2012</i>	13b-100

Sec. 7	October 1, 2012	New section
Sec. 8	October 1, 2012	13b-103
Sec. 9	October 1, 2012	14-1111(d)
Sec. 10	October 1, 2012	14-137a

Statement of Purpose:

To update the state's taxicab statutes.

[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.]