



General Assembly

Substitute Bill No. 5368

February Session, 2012

* _____HB05368TRA__031612_____*

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 Section 13b-97 of the general statutes is repealed and the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 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 (5) proof of a dispatch system capable of simultaneous communication

20 with all taxicabs to be operated under the certificate; (6) proof that
21 service within the territory requested for the certificate will be
22 available twenty-four hours a day, seven days a week; and [(5)] (7) the
23 availability of qualified taxicab operators. The commissioner shall
24 request the state criminal history records check for any person or any
25 officer of any association, limited liability company or corporation
26 applying for such certificate from the State Police Bureau of
27 Identification. The commissioner shall arrange for the fingerprinting of
28 any person or any officer of any association, limited liability company
29 or corporation applying for such certificate and forward the
30 fingerprints to said bureau which shall submit the fingerprints to the
31 Federal Bureau of Investigation for a national criminal history records
32 check for any federal conviction specified in subdivision (1) of this
33 subsection. [A fee shall be charged by the] The commissioner shall
34 charge a fee for each such national criminal history records check
35 which shall be equal to the fee charged by the Federal Bureau of
36 Investigation for performing such check. Such certificate shall be
37 issued only after written application, fingerprinting and said criminal
38 history records check for the same has been made and public hearing
39 held thereon. The application shall be accompanied by a fee of
40 [eighty-eight] two thousand dollars and the fee for said criminal
41 history records check. Upon receipt of such application, the
42 department shall fix a time and place of hearing thereon and shall
43 promptly give written notice of the pendency of such application and
44 of the time and place of hearing thereon to such applicant, the mayor
45 of each city, the warden of each borough or the first selectman of each
46 town in which the applicant desires to originate the transportation of
47 such passengers, and to any common carrier operating within the
48 territory specified. [Notwithstanding any provision of this subsection
49 to the contrary, the department may, upon receipt of a written
50 application, amend an existing certificate to increase the number of
51 taxicabs which may be operated pursuant to the certificate without
52 holding a hearing on the application, provided the department issues a
53 legal notice of such application in a daily newspaper in accordance
54 with the provisions of section 1-2, gives written notice of the pendency

55 of such application to any common carrier operating within the
56 territory specified and no objection is filed with the department within
57 thirty days of each such notice. With respect to any application filed
58 under the provisions of this subsection, the department shall not
59 consider as a ground for denial of a request for an increase in the
60 number of taxicabs to be operated within the territory specified, any
61 number of taxicabs not currently registered with the Commissioner of
62 Motor Vehicles at the time of filing of such application or at the time of
63 any hearing held thereon.] The department shall issue a proposed
64 decision for all hearings, which shall be reviewed by staff of the
65 department's regulatory and compliance unit. The applicant and any
66 party or intervenor to the action may file a reply to the proposed
67 decision, which shall be taken into consideration during such review.
68 No new certificate shall be issued to an applicant with fewer than five
69 taxicabs.

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

77 (c) No certificate shall be sold or transferred until the department,
78 upon written application to it setting forth the purpose, terms and
79 conditions thereof, and after investigation, finds that the purchaser or
80 transferee is suitable to operate a taxicab service after consideration of
81 the factors specified in subsection (a) of this section and approves the
82 same. The application shall be accompanied by a fee of [eighty-eight]
83 two hundred dollars. The department may, [amend or,] for sufficient
84 cause shown, [may] suspend or revoke any such certificate. The
85 department may impose a civil penalty on any person or any officer of
86 any association, limited liability company or corporation who violates
87 any provision of this chapter or any regulation adopted under section
88 13b-96 with respect to fares, service, operation or equipment, in an

89 amount not to exceed one hundred dollars per day for each violation.
90 The Department of Motor Vehicles shall include the imposition of any
91 such civil penalty against the operator of a taxicab for violation of
92 service issues within the operator's control in the record of the taxicab
93 operator's driver control record maintained pursuant to section 14-
94 111l. Any such certificate issued by the department shall remain valid
95 unless suspended or revoked by the department. Any such certificate
96 issued by the Division of Public Utility Control within the Department
97 of Business Regulation prior to October 1, 1979, or by any transit
98 district prior to March 1, 1997, shall remain valid unless suspended or
99 revoked by the Department of Transportation.

100 (d) Any person, association, limited liability company or
101 corporation which has obtained a certificate under subsection (a) of
102 this section, after providing proof to the Department of Transportation
103 that service has been active, adequate within the subject territories and
104 in compliance with all statutes and regulations for two years, may
105 solicit, receive and discharge taxicab passengers at Bradley
106 International Airport, subject to formal agreement with the
107 Commissioner of Transportation provided such agreement shall not
108 take precedence over its obligation to provide taxicab service within
109 the territory specified in such certificate. Any such person, association,
110 limited liability company or corporation may discharge taxicab
111 passengers received at such airport within a territory other than the
112 territory specified in its certificate. The commissioner may charge and
113 collect a reasonable fee from any such person, association, limited
114 liability company or corporation for the privilege of solicitation of such
115 passengers.

116 (e) Each holder of a certificate shall pay an annual fee of two
117 hundred dollars per certificate.

118 Sec. 2. Section 13b-97a of the general statutes is repealed and the
119 following is substituted in lieu thereof (*Effective from passage*):

120 [(a)] The Department of Transportation may, without hearing, issue

121 to an applicant for authority to operate taxicab service, temporary
122 authority to operate such service, pending hearing upon his
123 application and disposition thereof by the department, but such
124 temporary authority shall not extend over a period of more than one
125 hundred eighty consecutive days.

126 [(b) The Department of Transportation may, in an emergency
127 situation and without hearing, issue to any person, association, limited
128 liability company or corporation which holds a certificate of public
129 convenience and necessity issued under the provisions of section 13b-
130 97, temporary authority to operate such service within or outside the
131 territory specified in such certificate, pending resolution of such
132 emergency, but such temporary authority shall not extend over a
133 period of more than one hundred eighty consecutive days.]

134 Sec. 3. Section 13b-99 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective October 1, 2012*):

136 (a) Upon the granting of a certificate of public convenience and
137 necessity as provided in section 13b-97, as amended by this act, the
138 holder thereof may apply to the Commissioner of Motor Vehicles for
139 the registration of any taxicab of which [he] the holder is the owner or
140 lessee and which is to be used as specified in such certificate, and the
141 Commissioner of Motor Vehicles shall have jurisdiction over the
142 registration of any taxicab and its exterior lighting equipment and over
143 the licensing of its operator.

144 (b) Each such taxicab shall be inspected, [~~biennially~~] annually, at the
145 time of renewal of registration of such taxicab, by a repairer or limited
146 repairer licensed and authorized by the Commissioner of Motor
147 Vehicles to perform such inspections. The commissioner shall set a fee
148 for such an inspection.

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

151 [(c)] (d) The Commissioner of Motor Vehicles shall adopt

152 regulations, in accordance with chapter 54, to carry out the purposes of
153 this section.

154 Sec. 4. Section 13b-103 of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective October 1, 2012*):

156 (a) (1) No person, association, limited liability company or
157 corporation shall operate a motor vehicle in livery service until such
158 person, association, limited liability company or corporation has
159 obtained a permit from the Department of Transportation, specifying
160 the nature and extent of the service to be rendered and certifying that
161 public convenience and necessity will be improved by the operation
162 and conduct of such livery service. Such permits shall be issued only
163 after a written application for the same has been made and a public
164 hearing has been held thereon. Upon receipt of such application,
165 together with the payment of a fee of two hundred dollars, the
166 department shall fix a time and place of hearing thereon, within a
167 reasonable time, and shall promptly give written notice of the
168 pendency of such application and of the time and place of such
169 hearing to each applicant, the mayor of each city, the warden of each
170 borough and the first selectman of each town, within which any such
171 applicant desires to maintain an office or headquarters, to any carrier
172 legally operating motor vehicles in livery service within the same
173 territory and to other interested parties as determined by the
174 department.

175 (2) Notwithstanding the provisions of subdivision (1) of this
176 subsection, the department may issue a permit for the operation of
177 vehicles (A) having a capacity of less than eleven adults or to be used
178 exclusively at funerals, weddings, christenings, processions or
179 celebrations, without holding a hearing and certifying that public
180 convenience and necessity would be improved by the operation of
181 such vehicles, or (B) having a capacity of not less than eleven or more
182 than fourteen adults and used for sightseeing and related purposes,
183 without holding a hearing, provided the department issues a legal
184 notice, as provided under section 1-2, of such application and no

185 objection is filed with the department within thirty days of publication
186 of such notice.

187 (3) Notwithstanding the provisions of subdivision (1) of this
188 subsection, the department may issue a temporary or permanent
189 permit to any person, association, limited liability company or
190 corporation operating a motor vehicle engaged in the transportation of
191 passengers for hire by virtue of a contract with, or a lower tier contract
192 for, any federal, state or municipal agency that (A) is in effect on July 1,
193 1997, with or without hearing, after a written application for the same
194 has been made and the department has determined that the applicant
195 meets the requirements of subsection (b) of this section except with
196 respect to public convenience and necessity, or (B) becomes effective
197 after July 1, 1997, with or without hearing, after a written application
198 for the same has been made and the department has determined that
199 the applicant meets the requirements of subsection (b) of this section.
200 Any such permit issued under the provisions of this subdivision (i)
201 shall be limited to service provided under any such contract, [and] (ii)
202 with respect to any contract under the provisions of subparagraph (A)
203 of this subdivision, shall not authorize a total number of motor
204 vehicles exceeding the number required to provide service existing
205 under such contract on July 1, 1997, and (iii) shall be surrendered at the
206 expiration of such contract.

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

216 (b) In determining whether or not such a permit will be granted, the
217 Department of Transportation shall [take into consideration] consider

218 the present or future public convenience and necessity for the service
219 the applicant proposes to render, the suitability of the applicant or the
220 suitability of the management if the applicant is a limited liability
221 company or corporation, the financial responsibility of the applicant,
222 the ability of the applicant efficiently and properly to perform the
223 service for which authority is requested and the fitness, willingness
224 and ability of the applicant to conform to the provisions of this chapter
225 and the requirements and regulations of the department under this
226 chapter. The department shall issue a proposed decision for all
227 hearings, which shall be reviewed by staff of the department's
228 regulatory and compliance unit. The applicant and any party or
229 intervenor to the action may file a reply to the proposed decision,
230 which shall be taken into consideration during the review.

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

233 ~~[(c)]~~ (d) Any interested party may bring a written petition to the
234 Department of Transportation in respect to fares, service, operation or
235 equipment, or the convenience, protection and safety of the public
236 with regard to any carrier operating a motor vehicle in livery service.
237 Thereupon, the department may fix a time and place for a hearing
238 upon such petition and give notice thereof. No permit shall be sold or
239 transferred until the department, upon written application to it setting
240 forth the purpose, terms and conditions thereof and accompanied by a
241 fee of two hundred dollars, after investigation, approves the same. The
242 department may amend or, for sufficient cause shown, may suspend
243 or revoke any such permit. The department may impose a civil penalty
244 on any person or any officer of any association, limited liability
245 company or corporation who violates any provision of this chapter or
246 any regulation adopted under section 13b-102 with respect to fares,
247 service, operation or equipment, in an amount not to exceed one
248 thousand dollars per day for each violation. Prior to the imposition of a
249 civil penalty under this subsection, the department shall provide notice
250 to said person or officer no later than fifteen business days after receipt
251 of information concerning an alleged violation and shall provide an

252 opportunity for a hearing.

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

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

260 (g) No permit shall be sold or transferred within five years after
 261 being granted by the department and until the department, upon
 262 written application to it setting forth the purpose, terms and conditions
 263 thereof, and after investigation, finds that the purchaser or transferee is
 264 sustainable to operate a livery service after consideration of the factors
 265 specified in subsection (b) of this section and approves the same. The
 266 application shall be accompanied by a fee of two hundred dollars per
 267 permit to be transferred.

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| 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>from passage</i> | 13b-97a |
| Sec. 3 | <i>October 1, 2012</i> | 13b-99 |
| Sec. 4 | <i>October 1, 2012</i> | 13b-103 |

Statement of Legislative Commissioners:

In section 1(a) and section 4(b) "the regulatory and compliance unit" was changed to "the department's regulatory and compliance unit" for clarity, in section 1(c) "two hundred dollars per certificate" was changed to "two hundred dollars" for accuracy, in section 1(d) "to the Department of Transportation" was added for clarity, in section 4(a)(3) duplicative language was removed for clarity, and in section 4(b) "auction" was changed to "action" for accuracy.

TRA *Joint Favorable Subst.*