



General Assembly

February Session, 2010

Raised Bill No. 342

LCO No. 1498

01498_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

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 Section 13b-97 of the general statutes is repealed and the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 department
20 shall consider the effect of issuing a certificate upon existing certificate
21 holders that operate in the territory in which the applicant proposes to
22 operate. The commissioner shall request the state criminal history
23 records check for any person or any officer of any association, limited
24 liability company or corporation applying for such certificate from the
25 State Police Bureau of Identification. The commissioner shall arrange
26 for the fingerprinting of any person or any officer of any association,
27 limited liability company or corporation applying for such certificate
28 and forward the fingerprints to said bureau which shall submit the
29 fingerprints to the Federal Bureau of Investigation for a national
30 criminal history records check for any federal conviction specified in
31 subdivision (1) of this subsection. A fee shall be charged by the
32 commissioner for each such national criminal history records check
33 which shall be equal to the fee charged by the Federal Bureau of
34 Investigation for performing such check. Such certificate shall be
35 issued only after written application, fingerprinting and said criminal
36 history records check for the same has been made and public hearing
37 held thereon. The application shall be accompanied by a fee of
38 eighty-eight dollars and the fee for said criminal history records check.
39 Upon receipt of such application, the department shall fix a time and
40 place of hearing thereon and shall promptly give written notice of the
41 pendency of such application and of the time and place of hearing
42 thereon to such applicant, the mayor of each city, the warden of each
43 borough or the first selectman of each town in which the applicant
44 desires to originate the transportation of such passengers, and to any
45 common carrier operating within the territory specified.
46 Notwithstanding any provision of this subsection, [to the contrary,] the
47 department may, upon receipt of a written application, amend an
48 existing certificate to increase the number of taxicabs which may be
49 operated pursuant to the certificate without holding a hearing on the

50 application, provided the department issues a legal notice of such
51 application in a daily newspaper in accordance with the provisions of
52 section 1-2, gives written notice of the pendency of such application to
53 any common carrier operating within the territory specified and no
54 objection is filed with the department within thirty days of each such
55 notice. With respect to any application filed under the provisions of
56 this subsection, the department shall not consider as a ground for
57 denial of a request for an increase in the number of taxicabs to be
58 operated within the territory specified, any number of taxicabs not
59 currently registered with the Commissioner of Motor Vehicles at the
60 time of filing of such application or at the time of any hearing held
61 thereon.

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

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

83 approval of the department, for a violation of any provision of this
84 chapter or any regulation adopted under section 13b-96 with respect to
85 fares, service, operation or equipment, in an amount not to exceed one
86 hundred dollars per day for each violation. Any such certificate issued
87 by the department shall remain valid unless suspended or revoked by
88 the department. Any such certificate issued by the Division of Public
89 Utility Control within the Department of Business Regulation prior to
90 October 1, 1979, or by any transit district prior to March 1, 1997, shall
91 remain valid unless suspended or revoked by the Department of
92 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-100 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2010*):

108 (a) (1) Any person who has a certificate issued by the department or
109 who is the purchaser or transferee of a certificate sold or transferred
110 with the approval of the department, or [the officers] (2) any officer of
111 any association, limited liability company or corporation [who violate
112 any provision of this chapter or any order or regulation adopted or
113 established under any such provision] that has a certificate issued by
114 the department or that is the purchaser or transferee of a certificate

115 sold or transferred with the approval of the department, shall be fined
116 not more than one thousand dollars for a violation of any provision of
117 this chapter or any order or regulation adopted or established under
118 any such provision, and the certificate issued to [him] such person or
119 to such association, limited liability company or corporation may be
120 revoked.

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

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

Statement of Purpose:

To require the Department of Transportation to consider the effect of issuing a certificate for the operation of taxicabs upon existing certificate holders that operate in the territory in which the applicant for a certificate proposes to operate, and to establish a penalty for the operation of a gypsy cab.

[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.]