

Minutes



LEGISLATION COMMITTEE

Monday December 4, 2006 3:00 PM to 4:30 PM

Governor's Commission on Disabilities

John O. Pastore Center (Formerly the Howard Center)

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Secretary: Bob Cooper

Attendees: Tim Flynn (Chair); Kate McCarthy-Barnett, EdD (Vice Chair); Jeanne Behie; Sharon Brinkworth; Elaina Goldstein; Liberty Goodwin; Bill Inlow; Kenneth Pariseau; Arthur M. Plitt; Rev. Gerard O. Sabourin; & Michael Spuerri

Excused: Raymond Bandusky; Rosemary C. Carmody; Paul Choquette; Linda Deschenes; Gwen Reeve; Janet Spinelli; & Marie Strauss

3:00 PM Call to Order and acceptance of minutes Tim Flynn, Vice Chair.

The chair calls the meeting to order at 3:05 PM

Introduction of members and guests

MOTION: To accept the minutes of the last meeting as presented BI/KMcCB passed unanimously

3:05 PM The Commission's 2007 Legislative Package Bob Cooper

The Commission approved the Legislative Package at its Nov. 6th meeting, as follows:

- (1) Change the Open Meeting Law's ban on the use of telephones allow the use of telephones as a reasonable accommodations for members of boards who are unable to be physically present at the meeting because of a disability [unsuccessful in '06];
- (2) Amend the comprehensive instate services for individuals with traumatic brain injury legislation to authorize up to 10% of funding for DHS administrative expenses [Follow-up to 2006, see # 23 in public forum report];
- (3) Create a loan repayment plan to keep newly trained community-based psychiatric and other therapeutic services providers in the state [New see # 11 in forum report];
- (4) Require a percentage of each taxi fleet be accessible (modeled after the Louisville City Ordinance) [New see # 42 in forum report];
- (5) Monitor implementation of legislation enacted in 2006 to:
 - (a.) Ensure families of children with severe impairments who have coverage from both Medicaid & commercial health care insurance, get quick resolution of their claims, rather than be bounced back and forth between Medicaid and the insurer (Public Law

2006 Chapter 246 Article 34 Insurance -- Mandated Benefits);

(b.) Senate Resolution 2006 Chapter 276 Urging The Department of Administration To Use Environmentally-Safe and Health-Friendly Cleaning Products In State Facilities and Workplaces, using the State House as a pilot project. Based on the results of the “pilot project”: in the future consider training for property managers, realtors, and health care practitioners specific to Multiple Chemical Sensitivity.

(6) Advocate during the budget hearing for funding of:

(a.) Protective services for abused non-elderly adults (18-64) with severe impaired (Public Law 2006 Chapter 275) Assault on persons with severe impairments or mentally disabled - penalties - services for adult victims with severe impairments of abuse, neglect and/or exploitation;

(b.) RIdE & RIPTA funding as recommended by RIPEC in its Rhode Island at the Crossroads – A RIPEC Public Policy Issues Brief;

(c.) Modifications to homes/apartments owned or rented by families with disabled members (expand to include Medicare only recipients) and create flexible funding plan such as cash and counseling for families to modify home or yard;

(d.) Long term duration and on-going job coaches, in the MHRH Budget;

(e.) Medicaid funding for:

i.Expansion of Home Care Services so people can remain living in their community;

ii.Adjustment of state’s income eligibility level for Medicaid for persons with disabilities (100% of the federal poverty level) to match the Family Independence Program (180% of the federal poverty level)

iii.Provide state funded health insurance coverage (including prescription drug coverage) during the 2-year wait for SSDI recipients to be covered by Medicare [by resolution or law];

iv.Amendment of the State Medicaid Plan so “medically needy” persons with disabilities, receive the same benefits that are provided to “categorically needy” persons (outpatient hospital clinic and emergency room services; hearing aids and molded shoes; Podiatry Services; one pair of eyeglasses [frames, lenses, dispensing fees] every other year).

v.The habilitation waiver should be expanded to include all eligible recipients who would benefit from physical therapy, occupational therapy, speech/language therapy, psychological therapy, rehabilitation services;

vi.Develop a Dental Benefit Management program for Medicaid beneficiaries (reimbursement rate);

vii.Respite services for parents with a child with severe disabilities;

viii.Personal Care Assistance services for non-Medicaid population; and

(7) Monitor & support legislation to permit an accessory family dwelling within a single family residence for the sole use of one or more members of the family of the occupant who is a person with a disability or is over the age of sixty-five (65).

3:20 PM Review of Draft Bills

Bob Cooper

Discussion: Members discussed the following draft bills:

1 Open meeting accommodations

1 SECTION 1. Section 42-46-5 of the General Laws in Chapter 42-46 entitled "Open Meetings" is hereby
2 amended to read as follows:

3 **42-46-5. Purposes for which meeting may be closed -- Use of electronic**
4 **communications -- Judicial proceedings -- Disruptive conduct. --** (a) A public body may hold a

5 meeting closed to the public pursuant to section 42-46-4 for one or more of the following purposes:

6 (1) Any discussions of the job performance, character, or physical or mental health of a person or
7 persons provided that such person or persons affected shall have been notified in advance in writing and
8 advised that they may require that the discussion be held at an open meeting.

9 Failure to provide such notification shall render any action taken against the person or persons
10 affected null and void. Before going into a closed meeting pursuant to this subsection, the public body
11 shall state for the record that any persons to be discussed have been so notified and this statement shall be
12 noted in the minutes of the meeting.

13 (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective
14 bargaining or litigation.

15 (3) Discussion regarding the matter of security including but not limited to the deployment of security
16 personnel or devices.

17 (4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

18 (5) Any discussions or considerations related to the acquisition or lease of real property for public
19 purposes, or of the disposition of publicly held property wherein advanced public information would be
20 detrimental to the interest of the public.

21 (6) Any discussions related to or concerning a prospective business or industry locating in the state of
22 Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

23 (7) A matter related to the question of the investment of public funds where the premature disclosure
24 would adversely affect the public interest. Public funds shall include any investment plan or matter related
25 thereto, including but not limited to state lottery plans for new promotions.

26 (8) Any executive sessions of a local school committee exclusively for the purposes (a) of conducting
27 student disciplinary hearings or (b) of reviewing other matters which relate to the privacy of students and
28 their records, provided, however, that any affected student shall have been notified in advance in writing
29 and advised that he or she may require that the discussion be held in an open meeting.

30 Failure to provide such notification shall render any action taken against the student or students
31 affected null and void. Before going into a closed meeting pursuant to this subsection, the public body
32 shall state for the record that any students to be discussed have been so notified and this statement shall be
33 noted in the minutes of the meeting.

34 (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining
35 agreement.

36 (10) Any discussion of the personal finances of a prospective donor to a library.

37 (b) No meeting of members of a public body or use of electronic communication, including telephonic
38 communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this
39 chapter; provided, however, these meetings and discussions are not prohibited.

40 (1) Provided, further however, that discussions of a public body via electronic communication,
41 including telephonic communication and telephone conferencing, shall be permitted only to schedule a
42 meeting.

43 (2) Provided, further however, that a member of a public body may participate by use of electronic
44 communication or telephone communication while on active duty in the armed services of the United
45 States.

46 (3) Provided, further however, that a member of a public body, who has a disability as
47 defined in Chapter 87 of Title 42; and

48 (i) cannot attend meetings of that public body solely by reason of his or her disability; and

1 (ii) cannot otherwise participate in the meeting without the use of electronic communication or
2 telephone communication as a reasonable accommodation, may participate by use of electronic
3 communication or telephone communication in accordance with the process below.

4 (4) The governor's commission on disabilities is authorized and directed to:

5 (i) establish rules and regulations for determining whether a member of a public body is not otherwise
6 able to participate in meetings of that public body without the use of electronic communication or
7 telephone communication as a reasonable accommodation due to that member's disability;

8 (ii) grant a waiver that allows a member to participate by electronic communication or telephone
9 communication only if the member's disability would prevent him/her from being physically present at
10 the meeting location, and the use of such communication is the only reasonable accommodation; and

11 (iii) any waiver decisions shall be a matter of public record.

12 (c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court
13 or municipal court proceedings in any city or town.

14 (d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the
15 extent that orderly conduct of the meeting is seriously compromised.

16 SECTION 2. This act shall take effect upon passage.

17 **EXPLANATION**
18 **BY THE LEGISLATIVE COUNCIL**
19 **OF**
20 **A N A C T**
21 **RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS**

22 ***

23 This act would authorize the use of electronic communication or telephone communications as
24 reasonable accommodation for a member of a public body who has a disability.

25 This act would take effect upon passage.

MOTION: To authorize the staff to have 2006 -- S 2879 AS AMENDED introduced on
behalf of the Commission AP/SB passed unanimously

2. Traumatic brain injury

1 SECTION 1. Section 42-12-30 of the General Laws in Chapter 42-46 entitled "Expenditures under the
2 traumatic brain injury program." is hereby amended to read as follows:

3 **42-12-30. Expenditures under the traumatic brain injury program.** – Expenditures of the assessments
4 under the traumatic brain injury program shall be for the following purposes:

5 (a) as the payor of last resort for individuals who have exhausted all other health or rehabilitation
6 benefit funding services for services covered under this section;:

7 (b) services including, but not limited to: case management; cognitive rehabilitation; transitional
8 living; structured day programs; assistive technology services; devices and equipment; transportation;
9 housing; neuropsychological evaluations; behavioral health treatment; substance abuse treatment; respite;
10 and other services and/or assistance as deemed appropriate by the commission for individuals with
11 traumatic brain injury to accomplish a successful re-entry and maintenance in the community;:

12 (c) grants to community-based programs, private providers and municipal governments for the purpose
13 of expanding or developing services targeted for individuals with brain injuries as well as for system
14 development and maintenance. Such grants shall be awarded only after consultation with the commission
15 and pursuant to the criteria developed jointly by that body, the department of human services, the
16 department of health and the department of mental health, retardation and hospitals;:

17 (d) funding for public information and prevention education and for the continuation of the resource
18 center coordinated by the brain injury association of Rhode Island; and

19 (e) The department of human services may utilize up to ten percent (10%) of the sums appropriated
20 for the purpose of administering the traumatic brain injury program

21 SECTION 2. This act shall take effect on July 1, 2007.

**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO TRAUMATIC BRAIN INJURY**

This act would authorize the department of human services to use up to ten percent (10%) of the sums appropriated for the purpose of administering the traumatic brain injury program.

This act would take effect on July 1, 2007.

MOTION: To direct the staff to invite the Department of Human Services to comment on the draft Traumatic Brain Injury bill, at the January Legislation Committee Meeting KP/JB passed unanimously

3. Loan repayment program for community-based psychiatric and other therapeutic services providers

SECTION 1. Chapter 23-14.1 of the General Laws in Chapter 42-46 entitled "Health professional loan repayment program" is hereby amended to read as follows:

23-14.1-1. Legislative findings.

The general assembly finds that:

- (1) It is the right of every citizen of the state to have ready access to quality health care; and
- (2) Health care facilities serving the poor, including community health centers throughout the state, are experiencing increasing difficulty in attracting and retaining physicians and other health professionals to administer to the needy populations they serve. Therefore, it is the general assembly's intent to provide incentives, in the form of loan repayment, to physicians, dentists, dental hygienists, nurse practitioners, certified nurse midwives, physician assistants and any other eligible health care professional under § 338A of the Public Health Service Act, 42 U.S.C. § 2541¹, or health care provider as defined in § 5-37.3-3(4)², who desire to serve the health care needs of medically underserved individuals in Rhode Island.

23-14.1-2. Definitions.

For the purpose of this chapter, the following words and terms have the following meanings unless the context clearly requires otherwise:

- (1) "Authority" means the higher education assistance authority.
- (2) "Board" means the health professional loan repayment board.
- (3) "Community health center" means a health care facility as defined and licensed under chapter 17 of this title.
- (4) "Director" means the director of the higher education assistance authority.
- (5) "Eligible health professional" means a physician, dentist, dental hygienist, nurse practitioner, certified nurse midwife, physician assistant, or any other eligible health care professional under § 338A of the

¹ Federal Requirements "(1)(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant;
(B) be enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, behavioral and mental health, or other health profession; or
(C) be enrolled as a full-time student -
(i) in an accredited (as determined by the Secretary) educational institution in a State; and
(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathic medicine, dentistry, or other health profession;"

² (4) "Health care provider" means any person licensed by this state to provide or lawfully providing health care services, including, but not limited to, a physician, hospital, intermediate care facility or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist, psychiatric social worker, pharmacist or psychologist, and any officer, employee, or agent of that provider acting in the course and scope of his or her employment or agency related to or supportive of health services.

23 Public Health Service Act, 42 U.S.C. § 254I, or health care provider as defined in § 5-37.3-3(4), licensed
24 in the state who has entered into a contract with the board to serve medically underserved populations.

25 (6) "Loan repayment" means an amount of money to be repaid to satisfy loan obligations incurred to
26 obtain a degree or certification in an eligible health profession as defined in subdivision (5).

27 **23-14.1-3. Health professional loan repayment program established.**

28 There is established within the higher education assistance authority, to be administered by the director,
29 the health professional loan repayment program whose purpose shall be to provide loan repayment to
30 eligible health professionals to defray the cost of their professional education.

31 **23-14.1-4. Health professional loan repayment board.**

32 (a) There is created the health professional loan repayment board, which shall consist of eleven (11)
33 members and is constituted as follows: one health care consumer, to be appointed by the governor; one
34 member of the Rhode Island Medical Society appointed by its president; the director of the Rhode Island
35 Health Center Association; one additional representative of the Rhode Island Health Center Association,
36 or his or her designee, and appointed by its president; one member of the house of representatives
37 appointed by the speaker; one member of the senate appointed by the president of the senate; the dean of
38 the Brown University Medical School, or his or her designee; the dean of the College of Nursing at the
39 University of Rhode Island, or his or her designee; the executive director of the Hospital Association of
40 Rhode Island, or his or her designee; the executive director of the Rhode Island higher education
41 assistance authority, or his or her designee; and the director of health, or his or her designee. All members
42 shall serve at the pleasure of the appointing authority and shall receive no compensation for their services.

43 (b) The director of health shall serve as chairperson. All meetings shall be called by the chairperson.

44 **23-14.1-5. Duties of the board.**

45 The board shall:

46 (1) Determine which areas of the state shall be eligible to participate in the loan repayment program each
47 year, based on health professional shortage area designations.

48 (2) Receive and consider all applications for loan repayment made by eligible health professionals.

49 (3) Conduct a careful and full investigation of the ability, character, financial needs, and qualifications of
50 each applicant.

51 (4) Consider the intent of the applicant to practice in a health professional shortage area and to adhere to
52 all the requirements for participation in the loan repayment program.

53 (5) Submit to the director a list of those individuals eligible for loan repayment and amount of loan
54 repayment to be granted.

55 (6) Promulgate rules and regulations to ensure an effective implementation and administration of the
56 program.

57 **23-14.1-6. Duties of the director.**

58 The director shall:

59 (1) Grant loan repayments to successful applicants as determined by the board.

60 (2) Enter into contracts, on behalf of the higher education assistance authority with each successful
61 applicant, reflecting the purpose and intent of this chapter.

62 **23-14.1-7. Conditions of loan repayment.**

63 (a) Loan repayments under the provisions of this chapter shall be based upon the condition that the
64 recipient apply for a license to practice medicine, dentistry, dental hygiene, nurse midwifery, as a
65 registered nurse practitioner, or as a health care professional under § 338A of the Public Health Service
66 Act, 42 U.S.C. § 254I, health care provider as defined in § 5-37.3-3(4), or be registered as a physician
67 assistant in Rhode Island at the earliest practicable opportunity.

68 (b) A recipient must agree to accept all patients regardless of their ability to pay for services received. A
69 recipient must agree to accept all forms of insurance as payment in full, including Titles XVIII and XIX
70 of the Social Security Act, 42 U.S.C. § 1395 et seq.

71 (c) A recipient shall be required to practice full-time in a health professional shortage area for a minimum
72 of two (2) years in order to be eligible to participate in the program.

73 **23-14.1-8. Contracts required.**

74 Prior to being granted loan repayment each eligible health professional shall enter into a contract with the
75 authority agreeing to the terms and conditions upon which the loan repayment is granted. The contract
76 shall include any provisions that are required to fulfill the purposes of this chapter and those deemed
77 advisable by the director.

78 **3-14.1-9. Penalty for failure to complete contract.**

79 (a) If the recipient of a loan repayment fails, without justifiable cause, to practice pursuant to the terms
80 and conditions of his or her contract with the authority, a penalty for the failure to complete the contract
81 will be imposed. If the recipient fails to complete the period of obligated service, he or she shall be liable
82 to the state of Rhode Island for:

- 83 (1) An amount equal to the total paid on behalf of the recipient; and
- 84 (2) An unserved obligation penalty equal to the number of months of obligated service not completed by
85 the recipient multiplied by one thousand dollars (\$1,000).

86 (b) If the recipient fails to complete one year of service, he or she shall be liable to the state of Rhode
87 Island for:

- 88 (1) An amount equal to the total paid on behalf of the recipient; and
- 89 (2) An unserved obligation penalty equal to the number of months in the full period multiplied by one
90 thousand dollars (\$1,000).

91 (c) Any amount owed shall be paid to the State of Rhode Island within one year of the date that the
92 recipient is in breach of contract.

93 (d) Where the director, subject to the approval of the board, determines that there exists justifiable cause
94 for the failure of a recipient to practice pursuant to the terms and conditions of the contract, he or she may
95 relieve the recipient of the obligation to fulfill any or all of the terms of the contract.

96 **23-14.1-10. Severability.**

97 The provisions of this chapter are severable. If any of its provisions shall be held unconstitutional by any
98 court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining
99 provisions.

100 **23-14.1-11. Appropriation.**

101 The general assembly shall annually appropriate one hundred thousand dollars (\$100,000) for the purpose
102 of repayment of health education loans as outlined in this bill. Those funds shall be taken from the
103 department of health appropriation for the governor's children's health initiative, (RIte Track program).
104 Funds in this account shall be used only for the purpose of repayment of health education loans as
105 outlined in this chapter. The state controller is authorized and directed to draw his or her orders upon the
106 general treasurer for the payment of that sum, or so much of it as may be required from time to time, upon
107 the receipt to him or her of duly authenticated vouchers. Implementation of this program is contingent
108 upon the appropriation of the required resources.

109 SECTION 2. This act shall take effect July 1, 2006.

110 **EXPLANATION**
111 **BY THE LEGISLATIVE COUNCIL**
112 **OF**
113 **A N A C T**

114 **RELATING TO HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM**

115 This act would expand the health professional loan repayment program to include physical therapists,
116 psychiatric social workers, and pharmacists.

117 This act would take effect on July 1, 2007.

118 The only other Loan Repayment Program is:

119 **CHAPTER 62.1 EDUCATION - NURSING LOAN REPAYMENT PROGRAM**

120 16-62.1-10. Termination of interest forgiveness on December 31, 2010.

121 16-62.1-1. Legislative findings.

122 The purpose of this chapter is to provide an incentive, in the form of interest reduction on certain types of education loans, to
123 students who desire to serve the health care needs of individuals in Rhode Island by enrolling in a registered nurse training

124 program. The general assembly has found and hereby declares that it is in the public interest and essential to the welfare and
125 well being of the inhabitants of the state that a sufficient number of registered nurses be attracted to Rhode Island to serve the
126 health care needs of our population. The general assembly further finds that there is a growing shortage of qualified registered
127 nurses to meet the needs of the state's population. The general assembly determines that it is vital to the welfare of the state's
128 citizenry that an incentive be provided to attract and retain registered nurses in the state to meet their needs.

129 16-62.1-2. Definitions.

130 For the purpose of this chapter, the following terms shall have the following meanings unless the context clearly requires
131 otherwise:

132 (1) "Authority" means the governmental agency and public instrumentality authorized, created and established pursuant to §
133 16-62-4.

134 (2) "Eligible registered nurse" means an individual who holds a valid Rhode Island license to practice as a professional
135 registered nurse and who works as a registered nurse in this state and can document that they work at least half time (average
136 of twenty (20) hours per week).

137 (3) "Loan" means a federal Stafford (FFELP) loan made by the authority or one of its participating lenders, issued after July 1,
138 2000 and not in default.

139 (4) "Eligible employment" shall mean employment as a registered nurse responsible for patient care at any Rhode Island
140 licensed health care facility, including, but not limited to, hospitals, nursing homes and home nursing care providers.
141 16-62.1-3. Interest forgiveness on loans.

142 An eligible registered nurse shall be eligible to have the interest on his or her loan forgiven for each year he or she has eligible
143 employment in the state up to a maximum of four (4) years and prior to the termination of this program.

144 16-62.1-4. Application for loan interest forgiveness.

145 Any individual seeking interest forgiveness pursuant to the provisions of this chapter shall apply to the authority on forms
146 prescribed by the authority containing any information that the authority deems advisable to fulfill the provisions of this
147 program. The authority's executive director, or his or her designee, shall determine the eligibility of each applicant.

148 16-62.1-5. Continued eligibility.

149 Any individual deemed eligible shall not less than annually submit to the authority any information that the authority may
150 prescribe to determine the individual's continued eligibility for the interest forgiveness on his or her eligible loan under this
151 chapter.

152 16-62.1-6. Penalty for failure to maintain eligibility.

153 In the event the authority determines that an individual is no longer eligible for the interest forgiveness on his or her loan as
154 provided in this chapter, that individual shall be required to pay the holder of his or her loan forthwith all accrued interest and
155 any late payment penalties which have accrued during the period of the ineligibility.

156 16-62.1-7. Regulations.

157 The authority may promulgate any regulations that it deems necessary to implement the provisions of this interest forgiveness
158 program.

159 16-62.1-8. No adverse effect on authority's bond issues or rating.

160 Notwithstanding any provision of this chapter to the contrary, to the extent, if any, that this interest forgiveness program shall
161 have any material adverse effect on the authority's ability to issue negotiable bonds and notes, the authority shall be empowered
162 to suspend this program on a prospective basis, provided that any individual who has previously been determined to be eligible
163 for the program's benefits shall retain their eligibility up to the maximum period prescribed in this chapter.

164 16-62.1-9. Severability of provisions.

165 The provisions of this chapter are severable. If any provisions are deemed invalid by a court of competent jurisdiction, that
166 determination shall not affect the validity of the remaining provisions.

167 16-62.1-10. Termination of interest forgiveness on December 31, 2010.

168 The interest benefits granted under this program shall cease after December 31, 2010.

Potential MOTION: To direct the staff to invite the Department of Health to comment on the draft Health Care Professionals Loan Repayment bill, as revised to include in the definition on line 66 identical wording from line 23 (health care provider as defined in § 5-37.3-3(4),) at the January Legislation Committee Meeting AP/JP passed unanimously

4. Accessible taxi fleet

1 SECTION 1. Chapter 23-14.1 of the General Laws in Chapter 39-14 entitled "Taxicabs and limited public
2 motor vehicles" is hereby amended to read as follows:

3 **39-14-1. Definitions.**

4 Terms used in this chapter shall be construed as follows, unless another meaning is expressed or is clearly
5 apparent from the language or context:

6 (1) "Certificate" means a certificate of public convenience and necessity issued to a common carrier;

- 7 (2) "Common carrier" means any person who holds himself or herself out to the general public as
8 engaging in the transportation by motor vehicle of passengers for compensation in a taxicab or in a
9 limited public motor vehicle;
- 10 (3) "Driver" means any person operating a motor vehicle used for the transportation of passengers which
11 he or she owns or is operating with the expressed or implied consent of the owner;
- 12 (4) "Limited public motor vehicle" means and includes every motor vehicle for hire, other than a jitney, as
13 defined in § 39-13-1, or a taxicab, as defined in this chapter, equipped with a taximeter used for
14 transporting members of the general public for compensation only from a designated location on private
15 property to such points as may be directed by the passenger;
- 16 (5) "Motor carrier" means a common carrier by motor vehicle;
- 17 (6) "Person" means and includes any individual, firm, partnership, corporation, company, association,
18 joint stock association, or company, and his, her or its lessee, trustee, receiver, assignee, or personal
19 representative, and, where the context requires, "driver" as defined in this section;
- 20 (7) "Taxicab" means and includes every motor vehicle for hire, other than a jitney as defined in § 39-13-1,
21 equipped with a taximeter, used for transporting members of the general public for compensation to any
22 place within this state as may be directed by a passenger on a call and demand basis, when the solicitation
23 or acceptance of the passenger occurs within the location named in the certificate; provided, that the
24 vehicle's driver may, if and when solicited on a public highway at any location at which he or she is
25 discharging a passenger, which location is not shown in the certificate, provide transportation from the
26 location only to a place named in the certificate;
- 27 (8) "Taximeter" means any instrument or device by which the charge for transportation in any taxicab or
28 limited public motor vehicle is mechanically calculated and indicated by means of figures, either for
29 distances traveled or for waiting time, or for both.
- 30 (9) "Wheelchair accessible taxicab" means a taxicab designed and equipped to allow the transportation of
31 a person(s) who uses a wheelchair without requiring that person(s) to be removed from the wheelchair,
32 but such taxicab is not restricted to transporting only persons using wheelchairs.

33 **39-14-2. Powers of division.**

34 Every person owning or operating a motor vehicle engaged or to be engaged in operating a taxicab or
35 limited public motor vehicle is declared a common carrier and subject as such to the jurisdiction of the
36 division of public utilities and carriers. The division shall prescribe such rules and regulations as it shall
37 deem proper to assure adequate, economical, safe, and efficient service at reasonable charges without
38 unjust discrimination, undue preference or advantages, or unfair or destructive competitive practices. The
39 division may require common carriers to prepare records and to preserve them, and to make such reports
40 to it as shall disclose to the division the character of service rendered, the safety of equipment used, and
41 the safety of operation, the character of the management and conduct of the common carrier business, and
42 its relation to and control of or by other carriers or other businesses. Upon complaint or upon his or her
43 own initiative, the administrator may investigate or conduct a hearing as to compliance by any common
44 carrier with the provisions of this title or regulations promulgated pursuant thereto, and shall issue such
45 orders as his or her findings shall indicate to be necessary or desirable for the public welfare. The findings
46 of the administrator shall be reported in writing and copies thereof shall be furnished to the parties
47 involved.

48 **39-14-2.1. Filing and availability of rate schedules.**

49 Every taxicab or limited public motor vehicle shall file with the public utilities administrator current
50 schedules which shall be open to public inspection, showing all rates, tolls, and charges which it has
51 established and which are in force at the time for any service performed by it within the state, or for any
52 service in connection therewith or performed by any taxicab or limited public motor vehicle controlled or
53 operated by it. A copy of so much of the schedules as the administrator shall deem necessary for the use
54 of the public shall be printed in plain type or typewritten, and kept on file in every station or office of the
55 taxicab or limited public motor vehicle, open to the public in such form and place as to be readily
56 accessible and conveniently inspected, as the administrator may order. The administrator may determine

57 and prescribe the form in which the schedules, required by this section to be kept open to the public
58 inspection, shall be prepared and arranged.

59 **39-14-2.2. Notice of change in rates.**

60 (a) No change shall be made in the rates, tolls, and charges which have been filed and published by any
61 taxicab or limited public motor vehicle in compliance with the requirements of § 39-14-2.1 except after
62 thirty (30) days written notice to the administrator which shall plainly state the changes proposed to be
63 made in the schedule then in force, and the time when the changed rates, tolls, or charges will go into
64 effect. A filing fee of fifty dollars (\$50.00) shall accompany all filings made pursuant to this section. All
65 revenues received under this section shall be deposited as general revenues. Whenever the administrator
66 receives notice of any change or changes proposed to be made in any schedule filed under the provisions
67 of § 39-14-2.1, the administrator may hold a public hearing and make investigation as to the propriety of
68 the proposed change or changes.

69 (b) After notice of any investigation, the administrator shall have power, by any order served upon the
70 taxicab or limited public motor vehicle affected, to suspend the taking effect of any change or changes
71 pending the decision thereof, but not for a longer period than five (5) months beyond the time when the
72 change or changes would otherwise take effect; provided, however, that in the event that any hearing
73 and/or investigation shall not have been completed at the expiration of the five (5) month period, the
74 administrator shall have power, by an order served upon the taxicab or limited public motor vehicle
75 affected, to further suspend the taking effect of the change or changes pending the decision thereon, but
76 not for a longer period than three (3) months beyond the expiration of the first mentioned five (5) month
77 period. Each hearing and investigation shall be conducted as expeditiously as may be practicable, and
78 with a minimum of delay. Within ninety (90) days after the completion of any hearing, the administrator
79 shall make such order in reference to any proposed rate, toll, or charge as may be proper.

80 (c) The administrator, in his or her discretion and for good cause shown, may allow the publication of
81 rates or charges upon notice less than that specified in this section, or may modify the requirements of this
82 section with respect to the posting and filing of tariffs, either in particular instances or by general order
83 applicable to special or peculiar circumstances or conditions. The administrator, after a hearing, may
84 establish from time to time such reasonable rules and regulations as he or she may deem necessary
85 pertaining to the form of tariffs, the time and manner of filing thereof, the suspension of rates before the
86 same become effective, and bearing upon the validity of any filed or existing rate. No taxicab or limited
87 public motor vehicle shall charge, demand, collect, or receive a greater or less compensation for
88 transportation or any service in connection therewith between points enumerated in the tariff than the
89 rates and charges specified in the filed tariffs in effect at the time.

90 (d) In the event of an appeal from an order of the administrator in any hearing under this section, the
91 order shall remain in full force and effect during the pendency of the appeal.

92 (e) The administrator shall implement a gasoline price emergency surcharge program whereby a taxicab
93 or limited public motor vehicle licensed under this chapter shall be permitted to impose and collect a
94 surcharge, during such times and under such conditions wherein the administrator determines that the
95 average price of gasoline in this state exceeds one dollar and fifty cents (\$1.50) per gallon. Provided, that
96 the administrator shall have discretion as to when to permit such surcharge to be imposed, except that the
97 administrator shall not impose the surcharge at any time when the average price of gasoline, as
98 determined by the administrator, does not exceed the price of one dollar and fifty cents (\$1.50) per gallon.

99 **39-14-3. Certificate required for operation - Application and fee.**

100 No person, association, or corporation shall operate a taxicab or taxicabs or a limited public motor vehicle
101 or vehicles in any city or town in the state until the person, association, or corporation shall have obtained
102 a certificate from the division certifying that public convenience and necessity require the operation of a
103 taxicab or taxicabs or a limited public motor vehicle or vehicles for transportation of passengers, the
104 acceptance or solicitation of which originate only within the territory specified in the certificate. The
105 certificate shall be issued only after written application for a certificate, accompanied by a fee of one
106 hundred dollars (\$100), has been made, and public hearing held thereon. All revenues received under this

107 section shall be deposited as general revenues. The administrator of the division of motor vehicles shall
108 not register any vehicle defined in this section unless the person, association, or corporation shall present
109 evidence of certification pursuant to this section to the administrator.

110 **39-14-4. Hearing on application.**

111 Upon receipt of an application, the division shall, within a reasonable time, fix the time and place of the
112 hearing on every application. Notice of the hearing shall be given by first class mail to the applicant and
113 shall be published in a newspaper with statewide distribution.

114 **39-14-4.1. Issuance of certificate to a taxicab or limited public motor vehicle.**

115 A certificate shall be issued by the administrator, after a hearing, to any qualified applicant therefor,
116 authorizing the whole or any part of the operations covered by the application, if it is found that the
117 applicant is fit, willing, and able properly to perform the service proposed and to conform to the
118 provisions of this chapter and the requirements, orders, rules, and regulations of the administrator
119 thereunder, and that the proposed service, to the extent to be authorized by the certificate, is or will be
120 required by the present or future public convenience and necessity; otherwise the application shall be
121 denied. Any certificate issued under this chapter shall specify the service to be rendered and, at the time of
122 the issuance and from time to time thereafter, attached to the exercise of the privileges granted by the
123 certificate, such reasonable terms, conditions, and limitations as the public convenience and necessity may
124 from time to time require. Certificates issued under this chapter shall be renewed before the close of
125 business on December 31 of each calendar year. The renewal fee shall be one hundred dollars (\$100) and
126 shall be submitted with the renewal form. All revenues received under this section shall be deposited as
127 general revenues.

128 **39-14-4.2. Registration and identification of taxicabs and limited public motor vehicles.**

129 Every taxicab and limited public motor vehicle engaged in the transportation of passengers for
130 compensation over the highways of this state, subject to the provisions of this chapter, shall apply to the
131 administrator for the issuance of a vehicle identification device for the registration and identification of
132 vehicles. The application shall be accompanied by a filing fee in the amount of twenty dollars (\$20.00) for
133 each identification device for which an application is made. All revenues received under this section shall
134 be deposited as general revenues. The identification device shall be furnished annually to every carrier
135 whose duty it shall be to apply therefor. It shall be unlawful for any taxi or limited public motor vehicle to
136 be engaged in transporting passengers for compensation without the owner thereof having applied for and
137 received the required identification device, unless the vehicle is exempted from the provisions of this
138 chapter. Each identification device shall be accompanied by a registration card issued by the administrator
139 which shall be in the possession of the vehicle's driver, when the vehicle is operating. Transfers of the
140 identification device from one vehicle to another are hereby prohibited unless authorized by the
141 administrator. The administrator, in his or her discretion, may refuse to reissue the identification device to
142 the holder of any certificate or permit pending any complaint or hearing upon the question of revocation
143 or suspension or in which such question is involved. The administrator shall prescribe reasonable rules
144 and regulations governing the registration and identification of motor vehicles authorized for operation
145 under this chapter.

146 **39-14-5. Certification of businesses previously established.**

147 The business of operating any limited public motor vehicle actually established in any city or town on or
148 before February 15, 1956, and in continuous operation from that date to the date of application, shall be
149 presumed to be required by public convenience and necessity, and certificates for operation shall be
150 issued as a matter of right without public hearing, the provisions of § 39-14-4 notwithstanding; provided,
151 however, that the certificates shall be limited to the number of public service registrations in effect, or for
152 which applications were on file in the division of motor vehicles on April 27, 1956, at five o'clock (5:00)
153 p.m. Pending the issuance of the certificates by the division, the continued operation by the applicant shall
154 be lawful.

155 **39-14-6. Safety and sanitary condition of vehicles - Inspection.**

156 The division of motor vehicles shall have jurisdiction over the lighting, equipment, safety, and sanitary
157 condition of all taxicabs or limited public motor vehicles, and shall cause an inspection thereof to be made
158 before registering the taxicabs or limited public motor vehicles, and from time to time thereafter, as it
159 shall deem necessary for the convenience, protection and safety of passengers and of the public. A fee of
160 one dollar (\$1.00) shall be paid to the division of motor vehicles for each annual inspection and for each
161 taxicab or limited public motor vehicle operator's license hereafter issued by the division.

162 **39-14-7. Display of certificate memorandum.**

163 The owner or operator of each taxicab or limited public motor vehicle subject to the provisions of §§ 39-
164 14-3 and 39-14-4, shall display, in a conspicuous place therein, a memorandum issued by the division of
165 the certificate provided for in this chapter.

166 **39-14-8. Base of operations of limited public vehicles.**

167 A limited public motor vehicle may only be operated from private property if the property is owned by the
168 owner of the vehicle or is used exclusively for the purpose of transportation of passengers for hire and is
169 leased by the owner of the vehicle; but no vehicle shall be operated from any taxicab stand on any public
170 highway; nor shall the operator thereof transport any passenger for hire unless the
171 transportation is requested by the passenger at an office of the owner of the vehicle, either personally or
172 by telephone.

173 **39-14-9. Vehicles to be operated by owner or employee - Assignment or lease of rights.**

174 No taxicab or limited public motor vehicle subject to the provisions of this chapter shall be operated
175 except by the owner or an employee of the owner, and it shall be unlawful for the owner of any taxicab or
176 limited public motor vehicle to enter into any contract, agreement, arrangement, or understanding, express
177 or implied, with an operator thereof, by the terms of which the operator pays to or for the account of the
178 owner a fixed or determinable sum for the use of the taxicab or limited public motor vehicle unless the
179 contract, agreement, arrangement, or understanding, express or implied, has been approved by the
180 division. Every person proposing to enter into a contract, agreement, arrangement, or understanding,
181 whereby the owner of a taxicab or limited public motor vehicle leases or otherwise lets a taxicab or
182 limited public motor vehicle to an operator, shall file with the administrator, in the form to be provided by
183 him or her, an application for approval of the agreement. The division shall, upon written application
184 setting forth the purpose, terms, and conditions of the lease agreement, after investigation, approve or
185 deny the request. The lease agreement shall be approved by the administrator if, after investigation, the
186 applicant operator is found to be fit, willing, and able to perform the authorized service and to conform to
187 the provisions of this chapter and the requirements, orders, rules, and regulations of the administrator
188 thereunder; provided, however, that any lease agreement may only be entered into on a vehicle or
189 vehicles, and the certificate or certificates issued pertaining to the vehicle or vehicles which has been
190 operating and actively and continuously engaged in the conduct of business on a daily basis for twelve
191 (12) months prior to the date of application.

192 **39-14-10. ~~Repealed.~~ Wheelchair Accessible Taxicabs - Any certificate holder authorized for 25 or**
193 **more vehicles for hire must have 2% of its authorized vehicles as wheelchair accessible taxicabs (applies**
194 **only to ground transportation service providers that furnish taxicab service), on or after January 1, 2009;**

195 **39-14-11. Penalties for violations.**

196 (a) Any person or the officers of any association or corporation who shall violate any provision of §§ 39-
197 14-1 - 39-14-17, 39-14-20(b), 39-14-25 and 39-14-26, or any order, rule, or regulation adopted or
198 established under any provision, shall be fined not more than one hundred dollars (\$100) or imprisoned
199 not more than sixty (60) days or both, and his or her certificate may be revoked, and the violation shall be
200 a separate and distinct offense for each day during which it shall continue.

201 (b) The administrator may in his or her discretion, in addition to seeking criminal sanctions, impose upon
202 its regulated taxicabs and limited public motor vehicles an administrative civil penalty (fine) in addition to
203 revoking or suspending the taxicab's and limited public motor vehicle's operating authority as conferred
204 under this chapter. The fine shall not exceed one thousand dollars (\$1,000) per each violation of the

205 sections contained in this chapter or the division's orders, rules and regulations issued and promulgated
206 thereunder.

207 **39-14-12. Administrative powers.**

208 The division is authorized to make such rules and regulations, to hold hearings, and issue certificates as
209 may be required under the provisions of §§ 39-14-1 - 39-14-14 and §§ 39-14-25 and 39-14-26.

210 **39-14-13. [Repealed.]**

211 **39-14-14. Provisions supplemental - Powers of cities and towns.**

212 The provisions of §§ 39-14-1 - 39-14-14 are hereby declared to be supplementary and in addition to the
213 provisions of other chapters of this title, and of title 31, and of §§ 39-14-15 - 39-14-23. The cities and
214 towns may continue to exercise by ordinance all lawful authority heretofore exercised by them, not
215 inconsistent with the express provisions of this chapter.

216 **39-14-14.1. Taximeter requirement.**

217 Every motor vehicle used in the transportation of passengers for compensation in a taxicab service over
218 the publicly used highways of this state shall be equipped with a taximeter. Any motor carrier or operator
219 who shall knowingly and willfully cause a motor vehicle to be operated as a taxicab which is not equipped
220 with a taximeter, or when so equipped the taximeter is not in a recording position for the purpose of
221 registering charges at the time the service is rendered, shall be guilty of a misdemeanor and shall, upon
222 conviction thereof, be fined not to exceed twenty-five dollars (\$25.00) for the first offense; and, upon
223 conviction for a second offense, shall be fined not to exceed fifty dollars (\$50.00) and shall have his or
224 her certificate suspended for a period not to exceed thirty (30) days; and upon conviction for a third
225 offense shall be fined not to exceed one hundred dollars (\$100) and shall have his or her certificate
226 suspended for a period not to exceed one hundred eighty (180) days.

227 **39-14-15. Posting of photograph of operator.**

228 The operator of every taxicab or limited public motor vehicle shall have a recent and distinct photograph
229 of himself or herself at least two and one-half inches (2 1/2") wide and four inches (4") high, together with
230 his or her full name and address, posted in a conspicuous place in the taxicab or limited public motor
231 vehicle operated by him or her.

232 **39-14-16. Posting of schedule of fares.**

233 The owner of every taxicab or limited public motor vehicle shall post in a conspicuous place, in each of
234 the taxicabs or limited public motor vehicles owned by him or her, a schedule of the fares to be collected
235 from the passengers therein, and the schedule shall be so written and arranged that the passengers can
236 readily determine the exact fare payable by them, and it shall be unlawful to collect any fare otherwise
237 than as appearing on and determinable from the schedule.

238 **39-14-17. Display of name of owner - Operator as agent.**

239 The full name of the owner of every taxicab or limited public motor vehicle shall be displayed on each
240 side of the rear doors of the taxicab or limited public motor vehicle in letters at least two inches (2") high
241 and whenever any taxicab or limited public motor vehicle shall be used or operated upon any public
242 highway of this state with the consent of the owner, express or implied, or under any agreement with the
243 owner, express or implied, the operator thereof, if other than the owner, shall, in case of accident, be
244 deemed to be the agent of the owner.

245 **9-14-18. Proof of financial responsibility.**

246 (a) The owner of every taxicab or limited public motor vehicle shall, before operating or continuing to
247 operate the taxicab or limited public motor vehicle on the public highways of this state, furnish to the
248 division of motor vehicles, as the owner shall elect, either:

249 (1) A certificate of insurance issued by an insurance company authorized to transact business in this state,
250 showing that the owner has a policy insuring him or her against liability for injury to persons and damage
251 to property which may be caused by the operation of the taxicab or limited public motor vehicle, such
252 policy to provide for indemnity in the sum of not less than twenty-five thousand dollars (\$25,000) in the
253 case of one person injured and not less than fifty thousand dollars (\$50,000) in the case of injury to two

254 (2) or more persons in any one accident, and indemnity of not less than ten thousand dollars (\$10,000) for
255 damage to property; or
256 (2) A certificate of the general treasurer of this state that the owner has filed in his or her office, a bond of
257 a surety company authorized to transact business in this state, payable to the general treasurer, in the penal
258 sum of at least twenty-five thousand dollars (\$25,000), to indemnify any person who may be injured or
259 whose property may be damaged as a result of the operation of the taxicab or limited public motor
260 vehicle, and of any other taxicab or limited public motor vehicle belonging to the owner; or
261 (3) Evidence of the financial responsibility of the owner to answer, in an amount not exceeding fifty
262 thousand dollars (\$50,000) over and above his or her fixed liabilities, but including the fair value of all his
263 or her real estate and tangible and intangible personal property, for injuries to persons or damage to
264 property which may thereafter result from the operation of the taxicab or limited public motor vehicle,
265 and of any other taxicab or limited public motor vehicle belonging to the owner, as the division may deem
266 adequate; provided, however, that the division may, if satisfied after a hearing that the bond as given
267 under subsection (a)(2) or the financial responsibility as shown by the statement filed in subsection (a)(3)
268 are inadequate to protect the public order, require the owner to file a new or additional bond within the
269 limits provided in this section unless the owner satisfies the registry of his or her financial responsibility
270 in an amount up to fifty thousand dollars (\$50,000) as provided in this section.
271 (b) The insurance and the bond shall be non-cancelable by either party to the contract, except after five
272 (5) days notice to the division of motor vehicles, furnished by the insurance company or the surety
273 company. Any person aggrieved by any decision of the division made pursuant to the provisions of this
274 section may, within ten (10) days after the rendition thereof, appeal to the sixth division of the district
275 court for a review of the decision. The court shall, as soon as may be, give a summary hearing upon the
276 appeal and shall have jurisdiction to affirm or reverse the decision, or make such order in the premises as
277 to the court shall seem just, and the decision shall be subject to appeal to the supreme court in the same
278 manner as provided for in civil actions. The court may make reasonable rules to insure a prompt hearing
279 of the appeals and a speedy disposition thereof. The appeals shall not, however, operate as a suspension of
280 any decision theretofore rendered by the division and all decisions shall continue in force and be operative
281 unless reversed by the court. A party aggrieved by a final order of the court may seek review thereof in
282 the supreme court by writ of certiorari in accordance with the procedures contained in § 42-35-16.
283 **39-14-19. Owners exempt from other financial responsibility requirements.**
284 No owner of a taxicab or limited public motor vehicle, who shall have complied with the requirements of
285 § 39-14-18, shall be required to furnish evidence of financial responsibility under any other provision of
286 law with respect to the taxicab or limited public motor vehicle.
287 **39-14-20. Licensing of operators.**
288 (a) No person shall operate a taxicab or limited public motor vehicle upon the public highways until the
289 person shall have first obtained an operator's license as provided for in chapter 10 of title 31.
290 (b) Further, no person shall operate a taxicab or limited public motor vehicle upon the highways until the
291 person shall have first obtained a special license from the division of public utilities and carriers under
292 such rules and regulations as the division of public utilities and carriers shall require.
293 **9-14-21. Penalty for violations.**
294 Any person, firm, or corporation violating any of the provisions of §§ 39-14-18 - 39-14-20(a) shall, upon
295 conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200) for each
296 violation.
297 **39-14-22. Enforcement of provisions.**
298 The administrator of the division of motor vehicles shall enforce the provisions of §§ 39-14-18, 39-14-19,
299 39-14-20(a), 39-14-21, and 39-14-22.
300 **39-14-23. Persons exempt.**
301 The provisions of this chapter shall not apply to any citizen of the town of New Shoreham owning or
302 operating a taxicab or limited public motor vehicle in the town of New Shoreham.
303 **39-14-24. Severability.**

304 Each section of this chapter and each part of each section is hereby declared to be an independent section,
305 and the holding of any section or sections or part or parts thereof to be void, ineffective, or
306 unconstitutional, for any cause, shall not be deemed to affect any other section or part thereof.

307 **39-14-25. Transfer of certificate.**

308 No certificate shall be sold or transferred until the administrator, upon written application setting forth the
309 purposes, terms, and conditions of the sale or transfer, shall, after a hearing, approve the application. The
310 application shall be accompanied by a fee of one hundred dollars (\$100). All revenues received under this
311 section shall be deposited as general revenues. A proposed transfer of a certificate shall be approved only
312 if the administrator finds the transferee to be fit, willing, and able, financially and otherwise, to render the
313 service described and authorized in the certificate; further, the administrator shall only reissue and transfer
314 a certificate upon evidence that the transferor of the certificate has, during the six (6) month period
315 immediately prior to receipt of the transfer application, or during the six (6) month period immediately
316 preceding the filing of a petition for bankruptcy, whether voluntary or involuntary, or the institution of a
317 petition for receivership, wherein the certificates are assets of the bankruptcy or receivership, been
318 rendering the service authorized by the certificate.

319 **39-14-26. Revocation or amendment of certificate.**

320 Any taxi or limited public motor vehicle certificate holder who, during any period of not less than one
321 hundred eighty (180) consecutive days, has failed to render the service authorized by his or her certificate,
322 except for reasonable cause, including bankruptcy, receivership, or other trustee proceedings, shall be
323 deemed to have abandoned the service; and if, after a hearing, the administrator finds the certificate holder
324 has failed to render service in accordance with the certificate, it shall be revoked. The administrator may,
325 for sufficient cause shown after a public hearing, amend, suspend, or revoke any certificate issued under
326 this chapter.

327 SECTION 2. Section 44-18-30 of the General Laws in Chapter 44-18 entitled "Sales and Use Tax" is
328 hereby amended to read as follows:

329 44-18-30. Gross receipts exempt from sales and use taxes.

330 *****

331 (19) Motor vehicle and adaptive equipment for persons with disabilities.

332 (i) From the sale of: (A) special adaptations, (B) the component parts of the special adaptations, or (C) a
333 specially adapted motor vehicle; provided, that the owner furnishes to the tax administrator an affidavit of
334 a licensed physician to the effect that the specially adapted motor vehicle is necessary to transport a
335 family member with a disability or where the vehicle has been specially adapted to meet the specific
336 needs of the person with a disability. This exemption applies to not more than one motor vehicle owned
337 and registered for personal, noncommercial use.

338 (ii) For the purpose of this subsection the term "special adaptations" includes, but is not limited to:
339 wheelchair lifts; wheelchair carriers; wheelchair ramps; wheelchair securements; hand controls; steering
340 devices; extensions, relocations, and crossovers of operator controls; power-assisted controls; raised tops
341 or dropped floors; raised entry doors; or alternative signaling devices to auditory signals.

342 (iii) For the purpose of this subdivision the exemption for a "specially adapted motor vehicle" means a use
343 tax credit not to exceed the amount of use tax that would otherwise be due on the motor vehicle, exclusive
344 of any adaptations. The use tax credit is equal to the cost of the special adaptations, including installation.

345 (iv) From the sale of: (A) special adaptations, (B) the component parts of the special adaptations, for an
346 "wheelchair accessible taxicab" as defined in § 39-14-1.

347 This act shall take effect on January 1, 2009.

348 **EXPLANATION**
349 **BY THE LEGISLATIVE COUNCIL**
350 **OF**
351 **A N A C T**
352 **RELATING TO ACCESSIBLE TAXIS**

353 This act would **require** taxicab fleets of 25 or more vehicles to have 2% of its authorized vehicles as
354 wheelchair accessible taxicabs on or after January 1, 2009.

Potential MOTION: To direct the staff to invite the Division of Public Utilities and Carriers & Division of Taxation to comment on the draft Accessible Taxicab Fleet bill, at the January Legislation Committee Meeting AP/KMcCB passed unanimously

4:25 PM Other Business

The 2007 schedule of Legislation Committee meeting: Mondays 3 – 4:30 PM:
01/08, 02/12, 03/12, 04/16, 05/14, 06/11, 07/16, 09/10, 10/15, 12/10

Members discussed the Environmental Resolution

Adjourned at: 4:20 PM

355