

Minutes



LEGISLATION COMMITTEE

Monday January 8, 2007 3:00 PM to 4:30 PM

Governor's Commission on Disabilities

John O. Pastore Center (Formerly the Howard Center)

- 41 Cherry Dale Court

Cranston, RI 02920

(voice) 401-462-0100 (tty) 462-0101 (fax) 462-0106

(e-mail) disabilities@gcd.ri.gov

(website) www.disabilities.ri.gov

Secretary: Bob Cooper

Attendees: Kate McCarthy-Barnett, EdD (Vice Chair);; Jeanne Behie; Sharon Brinkworth; Liberty Goodwin; Bill Inlow; Arthur M. Plitt; Gwen Reeve; & Michael Spoerri

Excused: Tim Flynn (Chair); Raymond Bandusky; Rosemary C. Carmody; Paul Choquette; Joseph Corrente; Linda Deschenes; Elaina Goldstein; Kenneth Pariseau; Rev. Gerard O. Sabourin; Janet Spinelli; & Marie Strauss

Minutes

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

Discussion: Vice Chair called the meeting to order at 3:12 PM.

Members and guests introduce themselves

MOTION: To accept the minutes as presented AP/BI passed unanimously

3:05 PM Status of GCD Legislative Package Bob Cooper

Members reviewed comments from the Division of Public Utilities and Carriers and the Division of Taxation concerning the Wheelchair Accessible Taxicab bill (see attached letters), and discussed rewording the bill to address those concerns.

MOTION: To adopt the revised taxicab bill (attached) AP/LG passed unanimously

Members discussed the Health Professional Loan Repayment Program bill and reviewed the prior years' expenditures. Through FY 05 the full funding hadn't been used.

MOTION: To adopt Health Professional Loan Repayment Program bill, as presented. GW/LG passed unanimously

Members discussed the Traumatic Brain Injury and felt no changes are needed.

MOTION: To adopt the Traumatic Brain Injury, as presented. BI/AP passed SB abstained

The Executive Secretary distributed 4 draft budget articles that the Commission submitted to the Budget Officer and Governor concerning a proposal to reduce the Commission's staff by 1/3rd. The Commission has advised the Governor and Budget Officer that if the

staff reduction proposal remains then the:

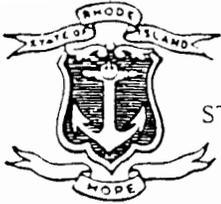
1. Disability Business Enterprise Law needs to be repealed,
2. Disability Parking Enforcement Law's provision requiring annual reports be submitted to the Commission for the Commission's review; and
3. Equal Opportunity & Affirmative Action - State Employment Services Law's should no longer include the Commission.

Regardless of cuts to the Commission's budget the 4th draft budget article should be enacted – to extend the state's liability coverage to volunteers serving on state boards and commissioners.

4:25 PM Announcements and Schedule of Meetings

The next Legislation Committee meeting is Monday February 12th.

Adjourned at:	4:32 PM
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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
DIVISION OF TAXATION
One Capitol Hill
Providence, RI 02908-5800

RECEIVED

JAN 03 2007

RI Governor's Commission
on Disabilities

January 2, 2007

Bob Cooper, Executive Secretary
Governor's Commission on Disabilities
John O. Pastore Center
41 Cherry Dale Court
Cranston, RI 02920-3049

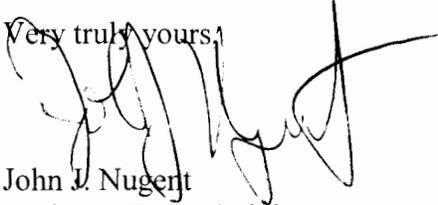
Dear Mr. Cooper:

Your letter addressed to David Sullivan has been referred to me for a reply.

The Division of Taxation has reviewed the draft legislation and the changes it would make in §44-18-30. It is our opinion that this is not an administrative burden and we do not recommend any changes in the proposed language.

If you have any questions, please do not hesitate to contact me at 401-222-3050.

Very truly yours,


John J. Nugent
Assistant Tax Administrator

JNCORR.07-003



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

Motor Carriers Section

89 Jefferson Blvd.
Warwick, R.I. 02888
(401) 941-4500

FAX (401) 941-4885

To: Tom Ahern
From: Terry Mercer
Date: December 11, 2006
Re: Proposed taxicab legislation

At your request, I have evaluated the applicability of proposed legislation regarding mandatory wheelchair accessibility in Rhode Island taxicabs.

Essentially, the bill would require taxicabs companies with authority for 25 vehicles or more to have at least two percent (2%) of its authorized fleet as wheelchair accessible vehicles. Below I have listed the only three taxicab companies with authority to operate 25 or more vehicles (if we're talking about actual fleet size, no company fits the description). As you know, many cab companies operate fewer vehicles than the number authorized. In fact, two of the companies listed below (with the exception of Airport Taxi) are currently operating significantly far fewer vehicles than the number authorized.

1. Cozy Cab of Newport has authority for **49** vehicles through a total of eight certificates (held by four different corporate entities but operating cooperatively as "Cozy Cab"), but currently has just 10 vehicles on the road.
2. Valley Cab has authority for **34** vehicles through two certificates, but currently has just 5 vehicles on the road.
3. Airport Taxi has authority for **33** vehicles through two certificates, but currently has just 23 on the road.

As you know, the Division discussed the topic of wheelchair accessibility with a number of the state's biggest cab companies a couple of years ago. At the time, Checker Cab had just retired its aging wheelchair accessible van and Airport Taxi was operating the state's only taxicab minivan fitted with a wheelchair lift. Airport Taxi has since retired that lone vehicle as well. All other taxicab companies contacted at that time, however, indicated that as matter of policy they do indeed provide transportation to wheelchair-bound individuals, as long as the person is able to lift himself/herself into the taxi. (Their insurance coverage, they said, forbids them from physically assisting or lifting a person into the cab.) The driver would then fold the passenger's wheelchair and place it into the trunk. The policy was identical for all the companies questioned and would appear to be the industry standard due to the nature of the insurance policies. The Division cannot dictate to the cab companies that they violate the provisions of such insurance policies.

Additionally, we must keep in mind that, even if we are talking about authorized fleet (instead of actual fleet) and the three companies listed above would be covered, two percent (2%) of 25 works out to just half a vehicle. Therefore, an authorized fleet of 50 cabs would be the minimum fleet size to require that one full vehicle be wheelchair accessible. Not even the three companies above fit that category.

Finally, we must also consider the expense that would be thrust upon taxi companies to either purchase a new accessible vehicle or retrofit an existing taxi. That expense most certainly would be recoverable in rates and could have the unintended consequence of increasing the fare for all individuals using that service, both handicapped and able-bodied passengers.

Please let me know if you have any additional questions.

2007 –

**STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2007**

AN ACT

RELATING TO ACCESSIBLE TAXICABS

Introduced By:

Date Introduced:

Referred To:

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 39-14-1 and 39-14-10 of the General Laws in Chapter 39-14 entitled "Taxicabs and limited
2 public 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 apparent from
5 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 engaging in the
8 transportation by motor vehicle of passengers for compensation in a taxicab or in a limited public motor vehicle;

9 (3) "Driver" means any person operating a motor vehicle used for the transportation of passengers which he or she owns or
10 is operating with the expressed or implied consent of the owner;

11 (4) "Limited public motor vehicle" means and includes every motor vehicle for hire, other than a jitney, as defined in § 39-
12 13-1, or a taxicab, as defined in this chapter, equipped with a taximeter used for transporting members of the general public
13 for compensation only from a designated location on private property to such points as may be directed by the passenger;

14 (5) "Motor carrier" means a common carrier by motor vehicle;

15 (6) "Person" means and includes any individual, firm, partnership, corporation, company, association, joint stock
16 association, or company, and his, her or its lessee, trustee, receiver, assignee, or personal representative, and, where the
17 context requires, "driver" as defined in this section;

18 (7) "Taxicab" means and includes every motor vehicle for hire, other than a jitney as defined in § 39-13-1, equipped with a
19 taximeter, used for transporting members of the general public for compensation to any place within this state as may be
20 directed by a passenger on a call and demand basis, when the solicitation or acceptance of the passenger occurs within the
21 location named in the certificate; provided, that the vehicle's driver may, if and when solicited on a public highway at any
22 location at which he or she is discharging a passenger, which location is not shown in the certificate, provide transportation
23 from the location only to a place named in the certificate;

24 (8) "Taximeter" means any instrument or device by which the charge for transportation in any taxicab or limited public
25 motor vehicle is mechanically calculated and indicated by means of figures, either for distances traveled or for waiting
26 time, or for both.

1 (9) "Wheelchair accessible taxicab" means a taxicab designed and equipped to allow the transportation of a person(s) who
2 uses a wheelchair without requiring that person(s) to be removed from the wheelchair, but such taxicab is not restricted to
3 transporting only persons using wheelchairs.

4 **39-14-10. ~~Repealed.~~ Wheelchair Accessible Taxicabs -** Any certificate holder authorized for 25 or more vehicles for
5 hire and purchases or leases a new vehicle (the solicitation for the vehicle being made after January 1, 2008) shall ensure
6 that the new vehicle is a wheelchair accessible taxicab (applies only to ground transportation service providers that furnish
7 taxicab service). Once two percent but not less than one vehicle is a wheelchair accessible taxicab, additional purchases or
8 leases of new vehicles will not have to be wheelchair accessible taxicabs.

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

11 44-18-30. Gross receipts exempt from sales and use taxes.

12 *****

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

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

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

23 (iii) From the sale of: (A) special adaptations, (B) the component parts of the special adaptations, for a "wheelchair
24 accessible taxicab" as defined in § 39-14-1.

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

28 SECTION 3. This act shall take effect on January 1, 2008.