

Legislative History for Connecticut Act

SB 375	(PA 599)	May	1959
House	5595		(1)
Senate	3211-3212		(2)
TRANS.	194-199		(6) <del>194-199</del>
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1959

VOL. 8  
PART 13  
5565-6111

Tuesday, June 2, 1959

LFS  
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THE SPEAKER:

Will you remark further. If not the question is on the Acceptance of the Committee's Favorable Report and Passage of the Bill as amended by House Amendment Schedule "A". All those in favor say 'aye'. Those opposed 'no'. The 'ayes' have it. The Bill is passed.

THE CLERK:

Calendar No. 1924. File No. 1205. Senate Bill No. 375. An Act concerning the Regulation and Control of Motor Vehicles in Livery Service. Committee on Transportation.

THE SPEAKER:

The gentleman from East Hartford.

MR. BURKE OF EAST HARTFORD:

Mr. Speaker, I move for the Acceptance of the Committee's Favorable Report and Passage of the Bill.

THE SPEAKER:

The question is on the Acceptance of the Committee's Favorable Report and Passage of the Bill. Will you remark.

MR. BURKE OF EAST HARTFORD:

Its a good Bill and I urge its passage.

THE SPEAKER:

Any remarks further. If not, the question is on the Acceptance of the Committee's Favorable Report and Passage of the Bill. All those in favor say 'aye'. Those opposed 'no'. The 'ayes' have it. The Bill is passed. For what purpose does the gentleman from Waterbury rise.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1959

VOL. 8

PART 7

276-3924

WEDNESDAY

MAY 27, 1959.

THE CHAIR:

. Referred to the Committee on Executive Nominations.

THE CLERK:

Cal. No. 1419. File No. 1205. Substitute for Senate Bill No. 375. An Act concerning the Regulation and Control of Motor Vehicles in Livery Service. Favorable report of the Committee on Transportation.

SENATOR PICKETT:

. Mr. President..

THE CHAIR:

Senator from the 33rd.

SENATOR PICKETT:

I move acceptance of the committee's favorable report and passage of the substitute bill.

THE CHAIR:

Question is on acceptance of the committee's favorable report and passage of the substitute bill. Will you remark?

SENATOR PICKETT:

Mr. President, this bill would require persons to operate, desiring to operate a livery service, to show the need for public convenience and necessity for operating such a livery service. There are certain exceptions to this showing of public convenience and need set forth in the bill. Namely, the persons operating a service, of vehicles rather, having a capacity of less than ten adults or those persons operating vehicles used exclusively at funerals, weddings, christenings, processions and cele-

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brations need not make such a showing of public convenience and that proves the need for the livery service. Mr. President, this bill also provides for norms for the public convenience and necessity which are set forth in onpage 2 of the bill. The bill is designed to assist in some small way the public transportation operators and owners of this state. Because of the competition of mass transportation system owners receiving from persons operating livery services in competition with our bus lines. For the reasons set forth I move passage of the bill.

THE CHAIR:

Will you remark further? If not all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Cal. No. 1420. File No. 1217. Substitute for Senate Bill No. 1025. An Act concerning Removal of Unsafe Motor Vehicles from the Highways. Favorable report of the Committee on Transportation.

SENATOR PICKETT:

Mr. President..

THE CHAIR:

Senator from the 33rd.

SENATOR PICKETT:

I move for acceptance of the committee's favorable report and passage of the bill.

JOINT  
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COMMITTEE  
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TRANSPORTATION

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1959

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## TRANSPORTATION COMMITTEE

FRIDAY

MARCH 13, 1959

Joseph P. Cooney, Association of Casualty Companies: May I say a word?

Chr. Burke: Go ahead.

Joseph P. Cooney: I think my friend will agree the situation that he talks about if he means that the insurance company going sour, or cancelling the lessor's insurance, that possibility would still exist under an amended bill or under any situation. What actually seems to be the situation that if a man works for H.J. Heintz and they lease the vehicle, he doesn't know the name of the insurance company. Now it seems to us that that's a matter that H.J. Heintz and their salesman, and H.J. Heintz's lessor ought to straighten out so when the salesman comes up to register the vehicle, the Motor Vehicle Department needn't be embarrassed. It's up to him to have that information. I admit it may create some inconvenience, but the inconvenience on the other hand, is magnified many more times. It isn't an easy subject and I sympathize with your problem. I think I have a difficult time with it myself. That's why we're hear. If we could give you any information from our side of the fence we'd be very glad to.

Francis P. Murray, Motor Vehicle Department: I didn't want to infer that the insurance company went sour. It was the leasing company that went sour and didn't buy the insurance.

Joseph P. Cooney: Well, couldn't that happen under the new bill....it could happen too.

Francis P. Murray: I doubt it because you see a certificate can't be cancelled for less than ten days.....we have to have ten days' notice and in those ten days we could get a new certificate.

Joseph P. Cooney: Well immediately it would be your duty to cancel every outstanding registration.

Francis P. Murray: After ten days but in those....ah....see....ah...with this... we had sent the certificate....

Chr. Burke: Probably you people better get together. There are a lot of people here with other bills and we'd like to expedite the hearing. Is there anybody else opposed to S.B.278 and 279? If not, we will take up S.B.375.

S.B.375 (Kerrigan) AN ACT CONCERNING THE REGULATION AND CONTROL OF MOTOR VEHICLES IN LIVERY SERVICE

Chr. Burke: I might mention up here.....we have registration blanks up here.... that anybody can register for any of these bills, or against any of these bills and we will take it up in Executive Session. We are now hearing S.B.375.

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Reubin Kaminsky, Hartford, Connecticut: My name is, Mr. Chairman and Members of the Committee, my name is Reubin Kaminsky, Hartford, Connecticut. I am an attorney and I specialize in the practice of law representing motor carriers, both passenger and commodity carriers. I appear here today in behalf of the group, not organized, but individual owners of businesses engaged in the motor vehicle livery service presently holding permits from the Public Utilities Commission. As the result of the discussion with regard to the proposal as you have it before you, Senate Bill No. 375, I have prepared and would like to submit for consideration by this Committee a substitute for that bill which I believe simplifies the elements that are desired to be enacted under S.B.375. You will note, if you please, that in the substitute, we are merely amending Section 14-326 of the present Statute, breaking down that particular section into several, in fact four sub-paragraphs for ease of reading and to understand, and changing the phraseology of some of the present wording and incorporating in addition to what now exists in that particular act, a provision that the issuance of a permit for the operation of a motor vehicle livery service shall be based upon or shall certify that public convenience and necessity require the operation and the conduct of such a livery service. In addition to that, I might add that under sub-section (a) we have exempted certain type of operation from the need of such a service or such a certification, rather. It has been called to my attention only this morning that there is a situation which should be added to that perhaps and the discretion of this Committee if they propose to act favorably on this substitute bill which would include the exclusion from certification of public convenience and necessity from so-called small type passenger vehicles such as sedans or station-wagons used in what is known as commuter livery service for private schools and for religious schools. To incorporate that I would suggest that the second sentence of the first sub-section might be amended to read: "Such permits shall also be....shall be so issued only after written application for the same has been made and public hearing held thereon except that a permit for the operation of such vehicles exclusively at funerals, weddings, christenings, processions, and celebrations, and vehicles having a carrying capacity....carrying capacity, of not more than seven (7) passengers used in the service of.... special commuters service of private schools may be issued in the discretion of the commission without hearing and without certification that public convenience and necessity require the same."

The purpose of this, of course, is rather obvious in that at the present time under the enactments as they now exist, the Public Utility Commission does issue and rightfully so under the present (inaudible), a permit to almost any individual who may come along and desire to engage in this particular type of service without any requirement of proving that there is any need for this service.

I might call to your attention, if you gentlemen please, that the people who are engaging in this business for a livelihood in the main, are the so-called bus operators, the taxi operators, people who have large investments, and as we all know it's a public service company

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Reubin Kaminsky, Hartford, (continued): that has been suffering in the past years financially because of the increased traffic and other elements, and as a matter of fact has been seeking relief in other fashions. It seems to me though this is one fashion, one method by which we could insure these companies that they would have available to them all of the services which they should be able to provide without having it drained off by individuals who engage in the motor vehicle livery operations periodically, or as a side line, or merely for the purpose of making an extra penny or two out of the automobile that they happen own and is idle at some time which is what is occurring at the present time.

As a matter of fact I should like to also point out to you gentlemen, that this phase of for hire carrier operations is the only phase which is open in the manner in which it now exists. In other words, the passenger carrier, the so-called regular route passenger carrier, the taxi-cab operator, the irregular route passenger carrier, charter carrier, special operation, the commodity carrier, common carrier, or contract carrier for that matter must come before this commission and show that there is a need for the service in one form or another. But a livery operator can come up there and show that he is fit. That he is a man of good character; that he has a unit available for this type of service and practically automatically without any proof whatsoever virtually obtains the authority to engage in a for-hire service, which appears to me to be rather contradictory in view of all of the other services.

Senator Joseph A. Coutu: If I understand this bill correctly, it would eliminate the car-pools, so-called?

Reubin Kaminsky: No, there is a separate provision in the act as it now stands and that isn't being changed, which provides for this so-called car-pool if they carry not more than five (5) passengers in one vehicle, I believe.....and not more than one round trip a day to and from a place of employment I believe that's the way the act reads, and that isn't being bothered at all.

Chr. Burke: Any other questions?

Senator John F. Pickett, Jr: Yes, I see that this is a .....Pickett...this is a repealing section 16-326. Could you tell us in section 16-326 now carries parts of the proposed bill?

Reubin Kaminsky: Oh yes. It carries....in the main it carries sub-section (a) with the exception of the provision for certifying the public convenience and necessity require the issuance of the permit. It does not contain within it sub-section (b) which is merely the service for the purpose of setting up standards by which the commission can determine the issue....issuance of such permit. It does not contain Paragraphs....

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Reubin Kaminsky, Hartford, (continued): Sub-Paragraphs (3) because, of course, that's a grandfather clause which might be present at the present time. It does contain sub-section (d) and it does not contain section (2) which is the provision for permitting the commission to act in an emergency situation and give temporary authority but not exceeding 180 days. Thank you very much.

Chr. Burke: Anyone else wish to speak in favor of S.B.375?

John F. Maerz, Motor Transport Association: Mr. Chairman and Members of the Committee, John F. Maerz, Motor Transport Association. We have a number of members that are interested in this type of operation and wish to register in favor of this bill.

Chr. Burke: Anyone else?

Frank T. Healey, Jr., Connecticut Motor States Association: We are in favor in general to this type of legislation. A bill similar to the one before you, 375, was passed at the last session and wasn't signed by the Governor because it was rather a cumbersome type bill as the one that was originally before you this morning. I don't think there are any objections on the part of the Governor or the Public Utilities Commission, to bill more on the type of this substitute bill that has been furnished this morning. I saw this bill for the first time today and the concern of members of my Association were to the effect that we are the common carriers. We have to show public convenience and necessity. We have regular routes. Anyone today can come up before the Public Utility Commission and even over our very own routes get a livery permit to pick up people that they contract to or otherwise, and we lose the passenger. We can go and oppose them at the hearing when they ask for a livery permit but the only things that we can oppose them on are the fact that they aren't financially responsible, or that they had just gotten out of Wethersfield, or one of the other jails. We can't oppose them at all on the fact that public convenience and necessity doesn't require this type of an operation. It's one of the ways to that the bus companies have been trying to help themselves by the passage of this type legislation. We come to you and to the various committees of the Legislature for other types of relief, but this is one of the very ways that we can help ourselves by seeing that the passengers along our lines aren't stolen from us.....the business has been stolen from us.

I mentioned to the previous speaker when I saw this bill that sub-section (b) I thought his language was too restrictive and I think he has corrected that striking out the portions of the second sentence and portions of the third sentence so that all types of other vehicles who have authority to operate would be considered by the Public Utility Commission in granting such a permit for operation. Thank you very much.

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Chr. Burke: Thank you. Anyone else wish to speak in favor of S.B.375?

Chester Menne, Connecticut Railway and Lighting Company: Mr. Chairman and members of the Committee, I'm Chester Menne from the Connecticut Railway and Lighting Company. We operate over two hundred (200) busses in Connecticut both in public transportation service and in livery service. We would like to register in favor of this type of legislation.

Chr. Burke: Thank you. Anyone else?

A. D. Know, Connecticut Company: Mr. Chairman, A. D. Knox, the Connecticut Company. I would like to register for the Company in favor of this legislation.

Chr. Burke: I thank you. Anyone else?

Samuel Kanell, Assistant Counsel, Public Utilities Commission: Honorable members of the Committee on Transportation, Mr. Chairman, my name is Samuel Kanell. I am counsel for the Public Utilities Commission and appear here today on behalf of the Commission. We are neither in favor nor opposed to S.B.375 as it stands but would point out that for some technical reasons there are features of the bill that if it were to be enacted should be considered. For example, S.B.375 provides a restrictive interpretation of the livery operations with the result that many of the services that are now subject to regulation would be exempt. The bill also provides for the payment on the basis of a single contract, and under current practices especially providing transportation to schools changes made under current with the services on the behalf of each passenger on individual basis.

We will also point out the bill would bar the operation of regularly schedule service and under present practice such service is provided by the livery operators as a commuter school service.

Now, as to the substitute bill, the Commission has no stand on that until it has an opportunity to evaluate that. It does appear on the surface to be somewhat simpler but until we have a change to review that we have no comments on it.

Chr. Burke: Have you a copy of the substitute bill?

Samuel Kanell: Yes, I do.

Senator Joseph A. Coutu: Would you give us in writing your views on that?

Samuel Kanell: Yes sir, very glad to do so. Yes sir.

Senator Coutu: Thank you.

Chr. Burke: Anyone else wish to speak in favor of S.B. 375?

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Harold Collins, Collins Bus Service: I'm Harold Colling, partner in the Collins Bus Service, and Manager of the Post Road Stages, Inc., and I would like to register in favor of this bill. Thank you.

Chr. Burke: Anyone else?

Edward Royce, Manchester, Connecticut: I'm Edward Royce. I'm President of the Silver Lane Bus Line of Manchester. We operate a regular route service between Manchester and Hartford and we operate some odd 44 trips a day. You are all familiar with private bus companies, the planned patronage, increased fares, etc. I think this is a good thing for bus companies. We have a certain number of pieces idle in the day, evenings, Saturdays and Sundays. This additional revenue would help us in maintaining low fares and I'm in favor of it.

Chr. Burke: Thank you. Anyone else wish to speak in favor of S.B.375? ✓  
If not, anyone opposed to S.B.375? ✓ We will declare the hearing closed on S.B.375. ✓

S.B.662 (Healey) AN ACT CONCERNING AIR CARRIERS

Chr. Burke: Anyone in favor? Anyone opposed to S.B.662? ✓ If not we will declare the hearing closed on S.B.662. ✓

S.B.862 (Marcus) AN ACT CONCERNING TRUCK TRAFFIC REGULATION.

Chr. Burke: Anyone want to say anything about S.B.862 that came in late? We have already heard that bill. Anyone opposed to S.B.862? ✓  
(Pages 1 thru 5, 3-13-59 hearing).

S.B.1019 (Ferland) AN ACT CONCERNING THE ESTABLISHMENT OF A STATE AIRPORT IN DANIELSON, CONNECTICUT

Chr. Burke: Anyone wish to speak in favor of S.B.1019? ✓

Senator Joseph A. Coutu, Willimantic: On that S.B.1019, Senator Ferland introduced that and has asked me if we would reschedule it for hearing. There are some maps and data that he wants to present to us that have not come through as yet.

Chr. Burke: Thank you. We will reschedule that bill later. We will now take up.....Anybody opposed to S.B.1019? ✓ If not, we will take up H.B.2702. ✓