**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4469**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. T.R. Young, Ballentine and Huggins

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Introduced in the House on January 28, 2010

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Taxis

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑7

1/28/2010 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑7

**VERSIONS OF THIS BILL**

[1/28/2010](file:///p:\pprever\2009-10\4469_20100128.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑23‑1245 SO AS TO REQUIRE A CLASS C TAXI CERTIFICATE HOLDER IN CERTAIN COUNTIES TO MAINTAIN A PHYSICAL OFFICE LOCATION AND FILE PROOF OF COMPLIANCE; TO AMEND SECTION 58‑23‑60, AS AMENDED, RELATING TO THE EXEMPTION OF CERTAIN ACTIVITIES NOT SUBJECT TO TAXI REGULATIONS, SO AS TO DELETE CERTAIN EXEMPTIONS; AND TO AMEND SECTION 58‑23‑330, AS AMENDED, RELATING TO GROUNDS FOR ISSUANCE OR DENIAL OF A CERTIFICATE TO OPERATE AS A MOTOR VEHICLE COMMON CARRIER, SO AS TO PUT THE BURDEN OF PROOF ON AN APPLICANT SEEKING A CLASS C TAXI CERTIFICATE THAT THE PUBLIC CONVENIENCE AND NECESSITY IS NOT BEING SERVED BY EXISTING CERTIFICATE HOLDERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 13, Chapter 23, Title 58 of the 1976 Code is amended by adding:

“Section 58‑23‑1245. A class C taxi certificate holder operating in a county where the most recent census data shows the population to be two hundred thousand or more shall maintain a physical office location in a suitable commercially zoned location, staffed, and open for inspection twenty‑four hours a day. A class C taxi certificate holder shall file proof of compliance with the Office of Regulatory Staff by January 1, 2011. The commission shall revoke the certificate of a class C taxi certificate holder not in compliance by January 1, 2011.”

SECTION 2. Section 58‑23‑60 of the 1976 Code, as last amended by Act 487 of 1990, is further amended to read:

“Section 58‑23‑60. Nothing in Articles 1 to 11 of this chapter applies to motor vehicles:

(1) ~~carrying on the business of transporting passengers or property within the limits of a municipality in this state;~~

~~(2)~~ transporting passengers to or from state institutions located in Richland County;

~~(3)~~(2) transporting passengers within a distance of ten miles from the limits of municipalities in Chester and Lancaster counties when substantially all of the passengers are workers in industrial plants, eighty percent of the production of which is for defense materials;

~~(4)~~(3) having a seating capacity of twenty or more passengers which are operated ~~within ten miles from the limits of a municipality with a population of seventy thousand or more inhabitants, according to the United States Census for 1940,~~ by an electric utility company which regularly provides transportation service within the municipality itself. This item does not permit the substantial duplication of a franchise or license in effect at the time service is undertaken by the electric utility company; or

~~(5)~~(4) used by a county to transport passengers or property.”

SECTION 3. Section 58‑23‑330 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“Section 58‑23‑330. (A) An applicant applying for a certificate or applying to amend a certificate to operate as a motor vehicle common carrier may be approved upon a showing based on criteria established by the commission that the applicant is fit, willing, and able to perform appropriately the proposed service. If an intervenor shows or if the commission determines that the public convenience and necessity is being served already, the commission may deny the application. If the commission approves the issuance of a restricted certificate to operate, the reason for the restriction must be justified in writing.

(B) An applicant seeking a class C taxi certificate has the burden of proof by a preponderance of the evidence that the public convenience and necessity is not already being served by the existing certificate holder in the intended area of operation. If the burden is not carried, the commission shall deny the application.

(C) If an application is denied, another application may not be made until at least six months have elapsed since the date of the denial.”

SECTION 4. This act takes effect upon approval by the Governor.

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