

2011 DRAFTING REQUEST

Bill

Received: 12/16/2011

Received By: **emueller**

Wanted: **As time permits**

Companion to LRB:

For: **Frank Lasee (608) 266-3512**

By/Representing: **Chris Reader**

May Contact:

Drafter: **emueller**

Subject: **Transportation - other
Local Gov't - 1st class cities**

Addl. Drafters:

Extra Copies: **ARG, MES**

Submit via email: **YES**

Requester's email: **Sen.Lasee@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow first class city to license taxis via taxicab medallions.

Instructions:

Companion to 11-3642

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			Local
/P1	emueller 01/19/2012	mduchek 01/24/2012	phenry 01/24/2012	_____	ggodwin 01/24/2012		Local
	emueller 02/03/2012	mduchek 02/03/2012		_____			
/1			jmurphy 02/03/2012	_____	lparisi 02/03/2012	ggodwin 02/06/2012	

FE Sent For:

AT INTRO
2/7/2012

<END>

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	emueller 02/03/2012	mduchek 02/03/2012		_____			
/1			jmurphy 02/03/2012	_____	lparisi 02/03/2012		

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/?							Local
/P1	emueller 01/19/2012 emueller	mduchek 01/24/2012	phenry 01/24/2012		ggodwin 01/24/2012		

FE Sent For:

MD
2/3/12
11
2/3
self
2/3
<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2/2 Sen Zippener's office
- Sen. Lasee is handling 11-3650

2/2 Jeremy Slyherd
- Sen. Lasee's bill is companion to 11-3612

2/2 OK by Rep. Farrow

2011 DRAFTING REQUEST

Bill

Received: 12/16/2011

Received By: emueller

Wanted: As time permits

Companion to LRB:

For: Rich Zipperer (608) 266-9174

By/Representing: Chris Reader

May Contact:

Drafter: emueller

Subject: Transportation - other
Local Gov't - 1st class cities

Addl. Drafters:

Extra Copies: ARG, MES

Submit via email: YES

Requester's email: Sen.Zipperer@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow first class city to license taxis via taxicab medallions.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			Local
/P1	emueller 01/19/2012	mduchek 01/24/2012	phenry 01/24/2012	_____	ggodwin 01/24/2012		

/1
EUA
2/3/12
FE Sent For:

<END>

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Wanted: As time permits

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For: Rich Zipperer (608) 266-9174

By/Representing: Chris Reader

May Contact:

Drafter: emueller

Subject: Transportation - other
Local Gov't - 1st class cities

Addl. Drafters:

Extra Copies: ARG, MES

Submit via email: YES

Requester's email: Sen.Zipperer@legis.wisconsin.gov

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Pre Topic:

No specific pre topic given

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Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller	<i>M</i>					Local
1/1	<i>EUNA</i> 1/19/12	<i>1/29/12</i>	<i>by ph</i>	<i>ptj gm</i>			
FE Sent For:		<i>IP1</i>					

<END>

Mueller, Eric

From: Godwin, Gigi
Sent: Thursday, December 15, 2011 4:41 PM
To: Mueller, Eric; Gary, Aaron
Subject: FW: drafting request
Attachments: 20111215162413475.pdf

Hi Eric, Hi Aaron. This draft request is on taxicab medallions. Would that be something you two would draft?
Thanks much, Gigi

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: Reader, Chris
Sent: Thursday, December 15, 2011 4:36 PM
To: LRB.Legal
Subject: drafting request

Attached is a drafting request. Please direct to the appropriate drafting attorney.

Thank you,

Chris Reader
Chief of Staff
Senator Rich Zipperer
State Capitol Room 323 South
(608) 266-9174

TAXICAB MEDALLIONS
DRAFTING INSTRUCTIONS

Objective: Establish a statutory framework that allows first class cities in Wisconsin to license taxicabs through taxicab medallions.

Section 1. 349.24 (1) (e) of the statutes is created to read:

349.24 (1) (e) In 1st class cities, issue taxicab medallion licenses;

NOTES: First class cities will be authorized to issue taxicab medallion licenses.

Section 2. 349.24 (4) of the statutes is created to read:

349.24(4) Any 1st class city that issues taxicab medallion licenses under par. (1)(e) must adopt an ordinance setting forth the details of regulation and a licensing system. Any such ordinance shall not conflict with and is subject to the following limitations:

(a) Any person holding on [insert effective date] an unexpired 1st class city taxicab license or permit issued after October 31, 2011 shall automatically be issued a taxicab medallion license by that 1st class city and the fee for these initial taxicab medallion licenses shall not exceed \$500 per license.

(b) Each 1st class city shall determine every year whether to issue any additional taxicab medallion licenses and any sale of new taxicab medallion licenses shall occur through a public auction. The number of new taxicab medallion licenses issued in a single calendar year shall not exceed 1% of the current number of taxicab medallion licenses that have been issued by the municipality. An initial public auction shall occur within 1 year of the date an ordinance is adopted under this subsection and there is no limit on the price paid to the municipality for a new taxicab medallion license.

(c) A taxicab medallion licensee may transfer ownership to any person provided that the new owner must pay a transfer fee imposed by the 1st class city and the transfer fee shall not exceed 10% of the price paid for a new medallion license at the most recent public auction under par. (b).

(d) A taxicab medallion licensee may enter into an agreement with another person to operate a taxicab under the licensee's taxicab medallion license and a taxicab medallion licensee is not required to be the operator of the taxicab provided that the operator may be subject to separate licensing regulations established by the municipality.

NOTES: A first class city must adopt an ordinance on implementation of a taxicab medallion system of regulation and an ordinance will be subject to limitations set forth in state law.

Section 3. 349.24(5) of the statutes is created to read:

(5) Definitions. In this section:

(a) "Taxicab" means a motor vehicle licensed by any city, village or town to accept passengers for hire and authorized to accept hails from prospective passengers in the street.

(b) "Taxicab medallion license" means a plate issued by any 1st class city pursuant to s. 349.24 (1)(e) as physical evidence of a taxicab license, and affixed to the outside of such taxicab.

(c) "Taxicab medallion licensee" means a person who has been issued a taxicab medallion license pursuant to s. 349.24 (1) (e).

NOTES: Definitions need to be established for certain key terms used in the new subsections.

Section 4. 66.0628 (2) of the statutes is amended to read:

66.0628 (2) Except for fees generated under s. 349.24(1)(e), any fee that is imposed by a political subdivision shall bear a reasonable relationship to the service for which the fee is imposed.

NOTES: This modification to current state law creates an exception so that a first class city may generate revenue through a public auction for a new taxicab medallion license without limit on the price paid. Moreover, a first class city would be able to charge higher transfer fees based on these auction prices.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3650/P1
EVM: /:....

med

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 1/19/12

Today

Geo

1 AN ACT relating to: licensing of taxicabs by a 1st class city.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, or town may regulate and license taxicabs and chauffeurs and operators of taxicabs and may prohibit the use of motor vehicles for taxicab purposes on the highways of the city, village, or town if the vehicle or operator of the vehicle is unlicensed.

Under this bill, a 1st class city (currently only the city of Milwaukee) may regulate and license taxicabs by use of a taxicab medallion license system. Under this system, licenses are initially issued to certain currently licensed taxicab operators upon payment of a fee not to exceed \$500 and, annually, the city may issue additional licenses by public auction. Not more than an additional percent of the number of existing medallion licenses may be issued annually. Medallion licenses are transferable upon the payment of a transfer fee to the city and a holder of a medallion license may allow another person to operate a taxicab under his or her medallion license.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 349.24 (1m) of the statutes is created to read:

1) 349.24 (1m) (a) The common council of a 1st class city may enact an ordinance
2 requiring that an operator of a taxicab hold a taxicab medallion license issued by the
3 city.

4 (b) An ordinance under par. (a) shall provide all of the following:

5 1. Any person holding an unexpired taxicab license from the city on the effective
6 date of this subdivision ... [LRB inserts date] that was issued after October 31,
7 2011 shall be issued a taxicab medallion license upon the payment of a fee
8 established by the city not exceeding \$500.

9 2. The city shall determine annually whether to issue additional taxicab
10 medallion licenses. If the city issues additional licenses in any year, the number of
11 new licenses may not exceed 1 percent of the number of taxicab medallion licenses
12 existing at the end of the previous year. An initial annual issuance shall occur within
13 1 year of enactment of an ordinance under this subsection.

14 3. Taxicab medallion licenses issued under subd. 2. shall be distributed by
15 public auction.

16 4. A taxicab medallion license is transferrable. A city may require a transferee
17 to pay a transfer fee of not more than 10% of the price paid for a new taxicab
18 medallion license at the most recent auction under subd. 3.

19 5. A taxicab medallion licensee may enter into an agreement with another
20 person to operate a taxicab using the licensee's taxicab medallion license. A person
21 operating a taxicab under an agreement under this subdivision is subject to any
22 other licensing requirements imposed by the city under this section.

23 (c) Upon granting a taxicab medallion license under this subsection, the city
24 shall issue a taxicab medallion plate to the licensee. The licensee shall affix the plate
25 to the outside of his or her taxicab in the manner directed by the city.

g

✓

1 (d) Notwithstanding s. 66.0628 (2), any fee imposed or price charged under par.
2 (b) is not required to bear a reasonable relationship to the cost of regulating taxicabs
3 in a 1st class city

4 →

(END)

has MD

DA Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3650/P1dn

EVM:./:....

Date

med

ATTN: Sen. Rich Zipperer:

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. I have somewhat altered the provided text to, I believe, state more directly what is permitted and required under the taxicab medallion license system. Please review the draft carefully to ensure the draft meets your intent.
2. There are two issues regarding the auction procedure. First, the text purports to require an initial annual auction within the first year of the enactment of a medallion license ordinance. However, the city is provided with only a maximum number of medallion licenses that may be auctioned. Do you wish to require an initial auction minimum as well? Second, the transfer fee is linked to the auction price for a new medallion license at the most recent public auction. If the city chooses not to auction any medallion licenses after enacting an ordinance, there is no base number upon which to establish a transfer fee. Also, will all medallion licenses in a particular year be auctioned for the same price? If not, the transfer fee is ambiguous.
3. Should the date on which initial medallion license recipients are determined be linked to the effective date of an ordinance enacted under the new provision rather than the effective date of this draft? The draft does not require a city to implement the medallion license system. There could, therefore, be a long delay before a medallion license ordinance is enacted. The date for determining initial medallion license holders, however, would be locked into the effective date of this draft. Also, is there a reason for the requirement that a license or permit have been issued after October 31, 2011, to qualify for initial medallion license issuance? If not, there is some potential that the provision could be challenged on equal protection grounds.
4. The provided language included several definitions. I have omitted these for the following reasons:
 - a) The definition provided for "taxicab" is dysfunctional in the context of s. 349.24, stats. Section 349.24 (1), stats, allows municipalities to license taxicabs, but "taxicabs" would be defined as motor vehicles that are licensed as, essentially, taxicabs. Is there some portion of the definition that is necessary to the proper interpretation of the new licensing procedure?

b) I have incorporated the requirements contained in the definition of "taxicab medallion license" into the new licensing system. See s. 349.24 (1m) (c), as created by this draft. I do not believe, therefore, that the definition would provide any additional necessary information.

c) I believe the provided definition of "taxicab medallion licensee" is simply adopting the plain-language meaning of the term.

Please let me know if you believe any of these definitions are essential to the draft.

5. Is a provision regarding the surrender or loss of a taxicab medallion license necessary? If nothing is provided, it is likely that the city would have substantial discretion to supply such provisions.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3650/P1ins
EVM:.....

INS MD

1 SECTION 1. 349.24 (1m) of the statutes is created to read:

2 349.24 (1m) (a) The common council of a 1st class city may enact an ordinance
3 establishing a taxicab medallion licensing system. Paragraphs (b) and (c) apply to a
4 city that has enacted an ordinance under this paragraph.

5 (b) 1. Any person holding an unexpired taxicab license from the city on the
6 effective date of this subdivision [LRB inserts date], that was issued after October
7 31, 2011 shall be issued a taxicab medallion license upon the payment of a fee
8 established by the city not exceeding \$500.

9 2. The city shall determine annually whether to issue additional taxicab
10 medallion licenses. If the city issues additional licenses in any year, the number of
11 new licenses may not exceed 1 percent of the number of taxicab medallion licenses
12 existing at the end of the previous year. An initial annual issuance shall occur within
13 1 year of enactment of an ordinance under this subsection. par. (a)

14 3. Taxicab medallion licenses issued under subd. 2. shall be distributed by
15 public auction.

16 4. A taxicab medallion license is transferrable. A city may require a transferee
17 to pay a transfer fee of not more than 10% of the price paid for a new taxicab
18 medallion license at the most recent auction under subd. 3.

19 5. A taxicab medallion licensee may enter into an agreement with another
20 person to operate a taxicab using the licensee's taxicab medallion license. A person
21 operating a taxicab under an agreement under this subdivision is subject to any
22 other licensing requirements imposed by the city under this section.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3650/P1dn
EVM:med:ph

January 24, 2012

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3. Should the date on which initial medallion license recipients are determined be linked to the effective date of an ordinance enacted under the new provision rather than the effective date of this draft? The draft does not require a city to implement the medallion license system. There could, therefore, be a long delay before a medallion license ordinance is enacted. The date for determining initial medallion license holders, however, would be locked into the effective date of this draft. Also, is there a reason for the requirement that a license or permit have been issued after October 31, 2011, to qualify for initial medallion license issuance? If not, there is some potential that the provision could be challenged on equal protection grounds.
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E-mail: eric.mueller@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3650/P1
EVM:med:ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 349.24 (1m) of the statutes; **relating to:** licensing of taxicabs
2 by a 1st class city.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, or town may regulate and license taxicabs and chauffeurs and operators of taxicabs and may prohibit the use of motor vehicles for taxicab purposes on the highways of the city, village, or town if the vehicle or operator of the vehicle is unlicensed.

Under this bill, a 1st class city (currently only the city of Milwaukee) may regulate and license taxicabs by use of a taxicab medallion license system. Under this system, licenses are initially issued to certain currently licensed taxicab operators upon payment of a fee not to exceed \$500 and, annually, the city may issue additional licenses by public auction. Not more than an additional one percent of the number of existing medallion licenses may be issued annually. Medallion licenses are transferable upon the payment of a transfer fee to the city and a holder of a medallion license may allow another person to operate a taxicab under his or her medallion license.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 349.24 (1m) of the statutes is created to read:

2 349.24 **(1m)** (a) The common council of a 1st class city may enact an ordinance
3 establishing a taxicab medallion licensing system. Paragraphs (b) and (c) apply to
4 a city that has enacted an ordinance under this paragraph.

5 (b) 1. Any person holding an unexpired taxicab license from the city on the
6 effective date of this subdivision [LRB inserts date], that was issued after October
7 31, 2011, shall be issued a taxicab medallion license upon the payment of a fee
8 established by the city not exceeding \$500.

9 2. The city shall determine annually whether to issue additional taxicab
10 medallion licenses. If the city issues additional licenses in any year, the number of
11 new licenses may not exceed 1 percent of the number of taxicab medallion licenses
12 existing at the end of the previous year. An initial annual issuance shall occur within
13 1 year of enactment of an ordinance under par. (a).

14 3. Taxicab medallion licenses issued under subd. 2. shall be distributed by
15 public auction.

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21 operating a taxicab under an agreement under this subdivision is subject to any
22 other licensing requirements imposed by the city under this section.

23 (c) Upon granting a taxicab medallion license under this subsection, the city
24 shall issue a taxicab medallion plate to the licensee. The licensee shall affix the plate
25 to the outside of his or her taxicab in the manner directed by the city.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3642/3 36501
EVM:med:ph

2011 BILL

No changes/
Companion Bill

5/2/12
RMNR

In 2/3/12

Today

- 1 AN ACT *to create* 349.24 (1m) of the statutes; **relating to:** licensing of taxicabs
- 2 by a 1st class city.

Analysis by the Legislative Reference Bureau

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Under this bill, a 1st class city (currently, only the city of Milwaukee) may regulate and license taxicabs by use of a taxicab medallion license system. Under this system, medallion licenses are initially issued to certain currently licensed taxicab operators upon payment of a fee not to exceed \$500 and, annually, the city may issue additional medallion licenses by public auction. Not more than an additional two percent of the initial medallion licenses issued during the first five years, and one percent of existing medallion licenses thereafter, may be issued annually. Medallion licenses are transferable upon the payment of a transfer fee to the city and a holder of a medallion license may allow another person to operate a taxicab under his or her medallion license.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 349.24 (1m) of the statutes is created to read:

2 349.24 **(1m)** (a) The common council of a 1st class city may enact an ordinance
3 establishing a taxicab medallion licensing system. An ordinance under this
4 paragraph shall provide all of the following:

5 1. That the city shall issue to any person holding an unexpired taxicab license
6 from the city on the effective date of this subdivision [LRB inserts date], that was
7 issued after October 31, 2011, a taxicab medallion license upon the payment of a fee
8 established by the city not exceeding \$500, in addition to any renewal or inspection
9 fees charged by the city.

10 2. That the city shall annually commission a study regarding whether there is
11 new demand for the issuance of additional taxicab medallion licenses and hold a
12 hearing on the study and that, after the hearing, the city shall determine whether
13 to issue additional taxicab medallion licenses.

14 3. That if the city issues additional taxicab medallion licenses in any year, the
15 number of new taxicab medallion licenses may not exceed 2 percent of the number
16 of taxicab medallion licenses issued under subd. 1. for the first 5 years beginning
17 after the enactment of the ordinance, and may not exceed 1 percent of the number
18 of taxicab medallion licenses existing at the end of the previous year for each year
19 thereafter.

20 4. Notwithstanding subd. 2., that an initial annual issuance of taxicab
21 medallion licenses under subd. 2. shall occur within 1 year of the enactment of an
22 ordinance under this paragraph.

23 5. That taxicab medallion licenses issued under subd. 2. shall be distributed
24 by public auction.

Godwin, Gigi

From: Kovach, Robert

Sent: Monday, February 06, 2012 10:27 AM

To: LRB.Legal

Subject: Rush :please Jacket for senate: LRB 3650/1

please Jacket for senate: LRB 3650/1

Please consider it as a rush. Thanks!

Rob Kovach
Chief of Staff
Office of State Senator Frank Lasee
608-266-3512