

**HOUSE . . . . . No. 3712**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the sale of taxi licenses in the town of Brookline.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The purposes of this Act consist of the following:

2 to generate revenue for the Town of Brookline by selling licenses to operate taxis, and in  
3 doing so, balance any competing interests in maintaining the continuity of existing taxi  
4 businesses, acknowledging the investment by existing taxi license holders in their businesses,  
5 and augmenting the portion of the taxi fleet serving the town that meets the needs of its elderly  
6 and disabled residents and that minimizes the fleet’s detrimental impact on the town’s air quality  
7 and on the level of the town’s carbon emissions as a whole;

8 notwithstanding the requirements of General Laws Chapter 40, Section 3, and General  
9 Laws Chapter 30B, to create a mechanism for the town to sell taxi licenses that expedites the  
10 process to the extent possible, giving due consideration to the interest of town residents, existing  
11 taxi businesses and other stakeholders in having input into the process.

12 SECTION 2. Section 1 of chapter 317 of the acts of 1974 is hereby amended by striking  
13 out the second sentence and inserting in place thereof the following sentence: -

14 Except as otherwise provided herein, all statutes and by-laws applicable to transportation,  
15 vehicular licensing and traffic rules, regulations and orders shall apply to the division of  
16 transportation.

17 SECTION 3. Section 4 of chapter 317 of the acts of 1974 is hereby amended by striking  
18 out the first sentence of the first paragraph and inserting in place thereof the following sentence:  
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20 Except as otherwise set forth herein with regard to taxi license sales, the Board shall have  
21 exclusive authority, generally consistent with the transportation policies of the Board of  
22 Selectmen and except as otherwise provided in this act, to take any and all of the following  
23 actions after public notice and at a public meeting, if it determines, by the vote of at least four  
24 members, that such actions serve the public safety, welfare, environment or convenience.

25 SECTION 4. Section 4 of chapter 317 of the acts of 1974 is hereby amended by striking  
26 out the second sentence of the second paragraph and inserting in place thereof the following  
27 sentence:-

28 The Board shall also have all authority previously granted to the Selectmen by virtue of  
29 the provisions of Section Twenty-Two for Chapter Forty of the General Laws, except with  
30 respect to the sale of taxi licenses as set forth in Section 4A below.

31 SECTION 5. Section 4 of chapter 317 of the acts of 1974 is hereby amended by striking  
32 out the third paragraph and inserting in place thereof the following paragraph:-

33 Except as otherwise set forth herein with regard to taxi license sales, no such adoption,  
34 alteration or repeal of a rule or regulation shall take effect, except for special rules or regulations

35 that are declared by the Board to be urgently required for public safety or welfare or are of  
36 temporary nature and are able to be effective for a period of not more than 60 days, until 30 days  
37 have expired after both publication in a newspaper published or distributed in the Town and  
38 action on any appeal petition filed under this section.

39 SECTION 6. Section 4 of chapter 317 of the acts of 1974 is hereby amended by  
40 inserting as the first sentence of the fourth paragraph the following sentence:-

41 Except as set forth herein with regard to taxi license sales, the following describes the  
42 appeal procedures applicable to any board action.

43 SECTION 7. Chapter 317 of the acts of 1974 is hereby amended by inserting after  
44 Paragraph 4 the following Paragraph 4A: -

45 Notwithstanding the provisions of General Laws Chapter 40, Section 3, General Laws  
46 Chapter 30B, or any other general or special law to the contrary, the board of selectman shall  
47 have the exclusive authority to sell taxi licenses by public auction, public sale, sealed bid or other  
48 competitive process established by regulations promulgated by the board after public hearing.  
49 The board of selectmen may entrust to the board broad discretion to take such actions as are  
50 necessary to implement this section and to sell taxi licenses, including, but not limited to,  
51 determining the number of licenses that shall be sold, the timing of any such sale(s), and any  
52 conditions and limitations pertaining to such sale(s) (including the power to revoke, suspend,  
53 renew and assign such licenses), except that the board of selectman shall approve sales prices  
54 and execute sales contracts. Proceeds from any such sale(s) of licenses shall be paid to the  
55 collector-treasurer of the town of Brookline for deposit into the general fund to be appropriated  
56 pursuant to the provisions of General Laws Chapter 40, Section 5. Notwithstanding the

57 provisions of General Laws Chapter 30B, the board of selectmen may direct the board that in  
58 taking any action the board deems necessary to implement this section and to sell taxi licenses  
59 (including the adoption, alteration or repeal of rules and regulations after public hearing), the  
60 board may balance, in its discretion, the interest of Brookline residents in the continuity of  
61 existing Brookline taxi businesses, the interest of existing license holders in their investment in  
62 their businesses, the interest of the town in augmenting the portion of the taxi fleet serving the  
63 town that meets the needs of its elderly and disabled residents and that minimizes the fleet's  
64 detrimental impact on the town's air quality and on the level of the town's carbon emissions as a  
65 whole, and the town's interest in maximizing revenue generated from sales of taxi licenses. The  
66 board of selectmen may consider these factors in determining whether to agree to a taxi license  
67 sales price. Any appeal from the board of selectmen's sale of a taxi license shall be to a court of  
68 competent jurisdiction.

69         The provisions of this section shall not apply to a license issued and outstanding on the  
70 effective date of this Act.

71         Any rules and regulations adopted, altered, or repealed by the board after public hearing  
72 in connection with implementing this section, including any rules or regulations adopted, altered,  
73 or repealed for the purpose of creating a property interest in the licenses and of undertaking the  
74 sales of taxi licenses, shall not take effect until 30 days have expired after publication of such  
75 rules and regulations in a newspaper published or distributed in the town and on the town's  
76 website. Any appeal from the board's adoption, alteration, or repeal by the board in connection  
77 with implementing this section shall be to a court of competent jurisdiction.

78         SECTION 8. This act shall take effect upon its passage.