

Utah taxi firms not shielded by new law, judge says

Judge rejects Ute, Yellow cabs' claim that new law barring tighter age, mileage rules is retroactive.

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A state judge Wednesday ruled that a law recently enacted by the state Legislature cannot be used to stop Salt Lake City from implementing new taxi services.

Judge Kate Toomey's decision goes against two Utah-based cab companies' assertion in a lawsuit that HB104 prohibits Salt Lake City International Airport from imposing age and mileage requirements on ground transportation vehicles.

The Yellow Cab Drivers Association and Ute Cab Co., which brought the legal action, asserted that HB104 invalidated contracts the airport awarded last year to two out-of-state firms for taxi services. The awards were largely based on the companies' promise to provide newer vehicles.

Last year, airport administrators awarded new contracts to the Cleveland-based Ace Taxi Service and Total Transit, headquartered in Glendale, Ariz. Under the new contracts, those companies' taxis would be the only ones allowed to transport passengers from the airport or pick up riders anywhere in the city on demand, meaning no prior arrangements need to be made.

The new services have been put on hold until the entire court case is resolved.

HB104 forbids cities from enacting ordinances that establish maximum age and mileage restrictions as long as ground transportation vehicles pass state safety inspections. But Toomey ruled that state statutes are not retroactive unless the Legislature expressly says so.

HB104 "does not use the word retroactive," Toomey said in the four-page ruling. She also pointed out that language in the statute is in the present tense, suggesting a "prospective" or anticipated future action.

"In further support of this conclusion," the judge added, "it is worth noting that the Legislature could have expressed its intent to make the statute retroactive, and has done so in other statutes, but did not include such language here. This omission is meaningful."

Sen. Ben McAdams, D-Salt Lake City, who was involved in negotiations over HB104, said he does not recall any discussions about the bill being retroactive.

"The ruling is significant," said McAdams. "It supports the ability of local governments to make policies that affect operations of businesses within their jurisdictions."

Airport spokeswoman Barbara Gann said the decision "brings us closer to delivering improved taxi cab service to Salt Lake City customers. We look forward to working through this process and moving ahead with the initiative."

Cab attorney Don Winder called Toomey's decision "one skirmish" in a long legal process. He pointed to Toomey's earlier determination that the complaint should not be dismissed until Yellow and Ute Cabs are able to exhaust all administrative appeals. The companies currently are providing airport services.

"First we'll ask the Legislature to review the situation, because we think they thought it was to be made retroactive," said Winder. "If we are correct, we would expect a new bill saying expressively that it is, in fact, retroactive."

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