



Legislation Details (With Text)

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Attachments: 1. Summary of Int. No. 1044, 2. Int. No. 1044, 3. July 18, 2018 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 7-18-18, 5. Minutes of the Stated Meeting - July 18, 2018

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Int. No. 1044

By Council Member Powers

A Local Law to amend the administrative code of the city of New York, in relation to curtailing solicitation of passengers by certain for-hire vehicles

Be it enacted by the Council as follows:

Section 1. Paragraphs 1 and 2 of subdivision b of section 19-506 of the administrative code of the city of New York, paragraph 1 of such subdivision as amended by local law number 8 for the year 2017 and paragraph 2 of such subdivision as added by local law number 32 for the year 2012, are amended to read as follows:

b. 1. Except as provided in paragraph 2 of this subdivision, any person who shall expressly or impliedly permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city, without first having obtained or

knowing that another has obtained a license for such vehicle pursuant to the provisions of section 19-504 of this chapter, shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than one thousand dollars or more than two thousand dollars or imprisonment for not more than sixty days, or both such fine and imprisonment. This paragraph shall apply to the owner of such vehicle and, if different, to the operator of such vehicle. An owner of such vehicle, if different from the operator, shall be presumed to have permitted the operation of such vehicle in violation of this paragraph.

2. Any person who shall expressly or impliedly permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle licensed as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city in a manner that is beyond the scope of the activities permitted by such vehicle's license shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than four hundred dollars nor more than one thousand dollars, or imprisonment for not more than sixty days or both such fine and imprisonment. This paragraph shall apply to the owner of such vehicle and, if different, to the operator of such vehicle. An owner of such vehicle, if different from the operator, shall be presumed to have permitted the operation of such vehicle in violation of this paragraph.

§ 2. Paragraphs (1) and (2) of subdivision e of section 19-506 of the administrative code of the city of New York, as added by local law number 32 for the year 2012, are amended to read as follows:

e. (1) In addition to or as an alternative to the penalties provided for the violation of the provisions of paragraph one of subdivision b or subdivision d of this section, any person who shall violate such provisions shall, for the first violation, be liable for a civil penalty of one thousand five hundred dollars, and for the second violation committed within a thirty six month period, for a civil penalty of two thousand dollars. In addition to such penalties, the commission shall suspend for a period of fifteen days the driver's license of any licensee who operates a vehicle in violation of paragraph one of subdivision b of this section a second time within a thirty six month period, and shall revoke the driver's license of any licensee who operates a vehicle in violation of paragraph one of subdivision b of this section a third time within a thirty six month period.

(2) As an alternative to the penalties provided for the violation of the provisions of paragraph two of subdivision b or subdivision c of this section, any person who shall violate such provisions shall, for the first violation, be liable for a civil penalty of [not less than two hundred dollars nor more than one thousand five hundred dollars for each violation] one thousand five hundred dollars, and for the second violation committed within a thirty six month period, for a civil penalty of two thousand dollars. In addition to such penalties, the commission shall suspend for a period of fifteen days the appropriate license of any licensee who violates paragraph two of subdivision b of this section a second time within a thirty six month period, and shall revoke the appropriate license of any licensee who violates paragraph two of subdivision b of this section a third time within a thirty six month period.

§ 3. Subdivisions d and e of section 19-506.1 of the administrative code of the city of New York, as added by local law number 16 for the year 2008, are amended to read as follows:

d. If, for the purposes of appealing a decision, a respondent requests a copy of the hearing recording, such recording shall be produced to such respondent within thirty days after receipt of a written request from such respondent. The absence of a recording of the hearing does not prevent determination of any appeal. [If the commission cannot produce the recording within the thirty day period, the determination being appealed shall be dismissed without prejudice.]

e. Notwithstanding any other laws, rules or regulations, where a respondent fails to appear at a scheduled hearing, such respondent [shall have two years from the entry of any determination to] may move to vacate [such] entry of any determination and seek a new hearing no later than 60 days from the entry of such determination, except that such respondent may move to vacate such determination and seek a new hearing more than 60 days but no later than 120 days from the entry of such determination if the motion to vacate shows both a reasonable excuse for the respondent's failure to appear and a meritorious defense to the notice of violation. A motion to vacate a second default determination on the same notice of violation shall not be granted. The basis for granting or denying any motion to vacate, including the reasoning, shall be set forth in

writing. After mailing a notice of default to a respondent, the commission shall prepare a record containing the name of the person who mailed such notice, and the date, time and method used to mail such notice. The commission shall make such record available upon request to such respondent.

§ 4. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding new sections 19-507.4 and 19-507.5 to read as follows:

§ 19-507.4 Affiliation with base. a. No person shall advertise or hold oneself out as being affiliated with a base station or dispatch service provider unless:

(1) Such person holds a valid universal driver's license issued pursuant to section 19-505;

(2) Such person operates a for-hire vehicle licensed pursuant to section 19-504; and

(3) Such base station or dispatch service provider is authorized to dispatch such vehicle.

b. Any person who violates this section is punishable by a monetary penalty of \$500 for the first violation. Any person who violates this section a second time within 24 months of the first violation is punishable by a monetary penalty of \$1,500, and the commission may suspend any driver's license of such person for a period not to exceed 30 days. Any person who violates this section a third or subsequent time within 36 months of the first violation is punishable by a monetary penalty of \$3,000 for each such third or subsequent violation, and the commission shall revoke any driver's license of such person.

§ 19-507.5 Solicitation of passengers. a. No person who operates a for-hire vehicle shall solicit or accept a passenger who has engaged the use of a for-hire vehicle on the basis of telephone contract or prearrangement unless a base station or dispatch service provider has dispatched such person's for-hire vehicle to pick up such passenger and such prearrangement is evidenced by records required by the commission to be maintained.

b. Any person who violates this section is punishable by a monetary penalty of \$2,000 for the first violation. Any person who violates this section for a second time within 24 months of the first violation is punishable by a monetary penalty of \$4,000, and the commission may suspend any driver's license of such person for a period not to exceed 30 days. Any person who violates this section a third or subsequent time

within 36 months of the first violation is punishable by a monetary penalty of \$7,000 for each such third or subsequent violation, and the commission shall revoke any driver's license of such person.

§ 5. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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