Legislation Details (With Text)

File #:	Int 1608-2019 **Version:** A	**Name:**	Requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Transportation
On agenda:	6/13/2019		
Enactment date:	11/15/2020	**Enactment #:**	2020/110

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees

Sponsors: Ydanis A. Rodriguez, Ritchie J. Torres, Corey D. Johnson, Justin L. Brannan, Farah N. Louis, Helen K. Rosenthal, Margaret S. Chin, Carlina Rivera, Inez D. Barron

Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 1608-A, 2. Summary of Int. No. 1608, 3. Int. No. 1608, 4. June 13, 2019 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 6-13-19, 6. Minutes of the Recessed Meeting of May 29, 2019 Held on June 13, 2019, 7. Minutes of the Stated Meeting - June 13, 2019, 8. Committee Report 6/24/19, 9. Hearing Testimony 6/24/19, 10. Hearing Transcript 6/24/19, 11. Proposed Int. No. 1608-A - 10/13/20, 12. Committee Report 10/15/20, 13. Hearing Transcript 10/15/20, 14. Committee Report - Stated Meeting, 15. October 15, 2020 - Stated Meeting Agenda with Links to Files, 16. Hearing Transcript - Stated Meeting 10-15-20, 17. Minutes of the Stated Meeting - October 15, 2020, 18. Int. No. 1608-A (FINAL), 19. Fiscal Impact Statement, 20. Legislative Documents - Letter to the Mayor, 21. Local Law 110

Date	Ver.	Action By	Action	Result
6/13/2019	*	City Council	Introduced by Council	
6/13/2019	*	City Council	Referred to Comm by Council	
6/24/2019	*	Committee on Transportation	Hearing Held by Committee	
6/24/2019	*	Committee on Transportation	Laid Over by Committee	
6/24/2019	*	Committee on Oversight and Investigations	Hearing Held by Committee	
6/24/2019	*	Committee on Oversight and Investigations	Laid Over by Committee	
10/15/2020	*	Committee on Transportation	Hearing Held by Committee	
10/15/2020	*	Committee on Transportation	Amendment Proposed by Comm	
10/15/2020	*	Committee on Transportation	Amended by Committee	
10/15/2020	A	Committee on Transportation	Approved by Committee	Pass
10/15/2020	A	City Council	Approved by Council	Pass
10/15/2020	A	City Council	Sent to Mayor by Council	
11/15/2020	A	Administration	City Charter Rule Adopted	
11/16/2020	A	City Council	Returned Unsigned by Mayor	

Int. No. 1608-A

By Council Members Rodriguez, Torres, the Speaker (Council Member Johnson), Brannan, Louis, Rosenthal, Chin, Rivera and Barron

A Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees

Be it enacted by the Council as follows:

Section 1. Section 19-504 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

d-1. An application for a taxicab license and for the renewal thereof shall be filed with the commission and shall be in such form as the commission shall prescribe. Each application and renewal application for such license shall be submitted on behalf of a sole proprietorship by the proprietor; on behalf of a partnership by a general partner thereof; on behalf of a corporation by an officer or director thereof; or by any other type of business entity by the chief executive officer thereof, irrespective of organizational title. The application shall contain a sworn and notarized statement by such individual that the statements therein are true under the penalties of perjury.

1. In addition to any other information required by the commission, each applicant and renewal applicant shall provide:

(a) Fingerprints unless the applicant has previously submitted fingerprints to the commission;

(b) Proof of payment of all penalties, fines, fees, taxes and surcharges, including any tax or surcharge required to be paid pursuant to section 1281 of the tax law or article 29-C of the tax law, and proof of compliance with subdivision q of this section; and

(c) The applicant's current mailing address, business address where applicable, and an email address for the applicant and for each officer if the applicant is a partnership or corporation.; and

(d) The applicant’s social security number.

2. In addition to other information required by this section, each applicant that is a business entity shall also provide proof of active status with the department of state and the following information:

powered by Legistar™

(a) An applicant that is a sole proprietorship shall provide a copy of the certificate required to be filed with the clerk of the county in which such sole proprietor conducts or transacts business pursuant to section 130 of the general business law.

(b) An applicant that is a partnership shall provide a copy of the certificate required to be filed with the clerk of the county in which such partnership conducts or transacts business pursuant to section 130 of the general business.

(c) An applicant that is a corporation shall provide a certified copy of its certificate of incorporation, a list of all officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected.

(d) An applicant that is a limited liability company shall provide a copy of its articles of organization and a list containing the name of each member and the percentage of such company owned by each member.

3. Before issuing a taxicab license or the renewal thereof, the commission shall investigate and make an assessment of the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(a) Failure by such applicant to provide truthful information in connection with the application;

(b) A conviction of such applicant or any officer thereof for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis for the refusal or revocation of such license;

(c) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant or an officer thereof to conduct the business for which such license is sought;

(d) Whether the applicant or an officer thereof is or has been a principal or officer of a business entity conducting business as a licensed taxicab business where the commission would be authorized to deny a license to such business entity pursuant to this paragraph;

(e) Failure to pay any tax, fine, penalty or fee related to the applicant's business for which judgment has

powered by Legistar™

been entered by a court or administrative tribunal of competent jurisdiction; and

(f) Any other relevant information.

4. A taxicab license shall be valid for a period of one year, upon the expiration of which a taxicab licensee may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

5. In addition, the commission may also deny or revoke a taxicab license where the licensee or applicant has:

(a) Made a material misstatement or misrepresentation on an application for a taxicab license or the renewal thereof; or

(b) Made a material misrepresentation or committed a fraudulent, deceitful or unlawful act or omission while engaged in the business or occupation of or holding such licensee or applicant out or acting temporarily or otherwise as a taxicab licensee.

§ 2. Subdivision d of section 19-527 of the administrative code of the city of New York is amended to read as follows:

d. Applications for taxicab broker licenses and for the renewal thereof shall be filed with the commission in such form and containing such detail as the commission shall prescribe. Each application and renewal application shall be subscribed by the applicant; or if made by a partnership it shall be subscribed by a member thereof; or if made by a corporation it shall be subscribed by an officer thereof. Each application and renewal application shall contain an affirmation by the person so subscribing that the statements therein are true under the penalties of perjury.

1. In addition to any other information required by the commission, each applicant and renewal applicant shall provide:

(a) Fingerprints, unless the applicant has previously submitted fingerprints to the commission;

powered by Legistar™

(b) Proof of payment of all penalties, fines, and fees owed to the commission, department of finance, or department of motor vehicles;

(c) The applicant's current mailing address, business address where applicable, and an email address for the applicant and for each officer if the applicant is a partnership or corporation; and

(d) The applicant's social security number.

2. In addition to other information required by this section, each applicant that is a business entity shall provide proof of active status with the department of state and the following information:

(a) An applicant that is a sole proprietor shall provide a copy of the certificate required to be filed with the clerk of the county in which such sole proprietor conducts or transacts business pursuant to section 130 of the general business law.

(b) An applicant that is a partnership shall provide a copy of the certificate required to be filed with the clerk of the county in which such partnership conducts or transacts business pursuant to section 130 of the general business law.

(c) An applicant that is a corporation shall provide a certified copy of its certificate of incorporation, a list of all officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected.

(d) An applicant that is a limited liability company shall provide a copy of its articles of organization and a list containing the names of each member and the percentage of such company owned by each such member.

3. Before issuing a taxicab broker license or the renewal thereof, the commission shall investigate and assess the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(a) Failure by such applicant to provide truthful information in connection with the application;

powered by Legistar™

(b) A conviction of such applicant or any officer thereof for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis for the refusal of such license;

(c) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant or an officer thereof to conduct the business for which such license is sought;

(d) Whether the applicant or an officer thereof is or has been a principal or officer of a business entity conducting business as a taxicab broker where the commission would be authorized to deny a license to such business entity pursuant to this paragraph;

(e) Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(f) Any other relevant information.

4. A taxicab broker license shall be valid for a period of one year, upon the expiration of which a taxicab broker may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

§ 3. Subdivision d of section 19-530 of the administrative code of the city of New York, as added by local law number 83 for the year 1995, is amended to read as follows:

d. An application for a license required by subdivision a of this section and for the renewal thereof shall be filed with the commission and shall be in such form as the commission shall prescribe. An application and renewal application for such license shall be submitted on behalf of a sole proprietorship by the proprietor; on behalf of a partnership by a general partner thereof; on behalf of a corporation by an officer or director thereof; or by any other type of business entity by the chief executive officer thereof, irrespective of organizational title. The application or renewal application shall contain a sworn and notarized statement by such individual that the statements therein are true under the penalties of perjury.

1. In addition to any other information required by the commission, each applicant and renewal

powered by Legistar™

applicant shall provide:

(a) Fingerprints, unless the applicant has previously submitted fingerprints to the commission;

(b) Proof of payment of all penalties, fines and fees owed to the commission, department of finance, or department of motor vehicles;

(c) The applicant's current mailing address, business address where applicable, and an email address for the applicant and for each officer if the applicant is a partnership or corporation; and

(d) The applicant’s social security number.

2. In addition to other information required by this section, each applicant that is a business entity shall provide proof of active status with the department of state and the following information:

(a) An applicant that is a sole proprietor shall provide a copy of the certificate required to be filed with the clerk of the county in which such sole proprietor conducts or transacts business pursuant to section 130 of the general business law.

(b) An applicant that is a partnership shall provide a copy of the certificate required to be filed with the clerk of the county in which such partnership conducts or transacts business pursuant to section 130 of the general business law.

(c) An applicant that is a corporation shall provide

a certified copy of its certificate of incorporation, a list of all officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected.

(d) An applicant that is a limited liability company, shall provide a copy of its articles of organization and a list containing the names of each member and the percentage of such company owned by each such member.

3. Before issuing a taxicab agent license or the renewal thereof, the commission shall investigate and make an assessment of the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

powered by Legistar™

(a) Failure by such applicant to provide truthful information in connection with the application;

(b) A conviction of such applicant or any officer thereof for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis for the refusal of such license;

(c) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant or an officer thereof to conduct the business for which such license is sought;

(d) Whether the applicant or an officer thereof is or has been a principal or officer of a business entity conducting business as a taxicab agent where the commission would be authorized to deny a license to such business entity pursuant to this paragraph;

(e) Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(f) Any other relevant information.

4. A taxicab agent license shall be valid for a period of one year, upon the expiration of which a taxicab agent may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

§ 4. This local law takes effect 180 days after it becomes law, except that the taxi and limousine commission may take such measures as are necessary for its implementation, including the promulgation of rules, before such date and except that this local law shall not apply to any person or business that was issued a license by the taxi and limousine commission on or prior to such date until the next renewal of such license.

JG/EL
LS # 11040
10/7/20 7:05PM