



Legislation Text

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Int. No. 735-A

By Council Members Vacca, Crowley, Cabrera, Comrie, Fidler, James, Koslowitz, Levin, Nelson, Palma, Reyna, Williams, Lappin, Van Bramer, Vallone, Garodnick, Chin, Jackson, Arroyo, Koo, Gennaro, Mealy, Halloran and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegally operating vehicles for hire.

Be it enacted by the Council as follows:

Section 1. Section 19-502 of the administrative code of the city of New York is amended by adding a new subdivision x to read as follows:

x. “HAIL vehicle” means a for-hire vehicle or wheelchair accessible van whose owner holds a license issued by the commission authorizing such vehicle to accept hails from passengers on the street in specified geographical areas of the city.

§ 2. Paragraph 2 of subdivision b of section 19-506 of the administrative code of the city of New York is renumbered paragraph 3, a new paragraph 2 is added, and paragraph 1, as renumbered by local law number 35 for the year 1998 and amended by local law number 87 for the year 1989, is amended to read as follows:

1. [Any] Except as provided in paragraph 2 of this subdivision, any person who shall 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 [an appropriate] or knowing that another has obtained a license [therefor] for such vehicle pursuant to the provisions of section 19-504 of this chapter, shall be guilty of a violation [hereof], and upon conviction in the criminal court shall be punished by a fine of not less than [four hundred] one thousand dollars or more than [one] 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.

2. Any person who shall 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.

§ 3. Subdivisions d and e of section 19-506 of the administrative code of the city of New York, subdivision d as amended by local law number 115 for the year 1993 and subdivision e as amended by local law number 51 for the year 1996, are amended to read as follows:

d. Any person, other than a person holding a driver's license issued pursuant to section 19-505 and a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a violation [hereof], and upon conviction in the criminal court, shall be punished by a fine of not less than [one] five hundred dollars nor more than [five hundred] one thousand dollars or imprisonment for a term not exceeding thirty days, or both such fine and imprisonment.

e. [As an alternative to the penalties provided for the violation of subdivisions b, c and d of this section, any person who shall violate any of the provisions of such subdivisions shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand five hundred dollars for each violation.] (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.

(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 be liable for a civil penalty of not less than two hundred dollars nor more than one thousand five hundred dollars for each violation.

(3) A proceeding to impose [such] a civil penalty [or a civil penalty] prescribed in paragraphs one or two of this subdivision or in subdivision f of this section shall be commenced by the service of a notice of violation returnable before the commission or an administrative tribunal of the commission. The commission or such tribunal, after a hearing as provided by the rules of the commission or its successor agency, shall have the power to enforce its decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision c of section two thousand three hundred three of the charter.

§ 4. Paragraphs (1) and (2) of subdivision h of section 19-506 of the administrative code of the city of New York, as added by local law number 90 for the year 1989, subdivision h as relettered by local law number 13 for the year 1992, are amended to read as follows:

(1) Any officer or employee of the commission designated by the chairperson of the commission and any police officer may seize any vehicle which he or she has probable cause to believe is operated or offered to be operated without a vehicle license in violation of paragraph one of subdivision b of this section or without an appropriate vehicle license for such operation in violation of paragraph two of subdivision b[,] or of subdivision c or subdivision k of this section. Therefore, either the commission or an administrative tribunal of the commission at a proceeding commenced in accordance with subdivision e of this section, or the criminal court, as provided in this section, shall determine whether a vehicle seized pursuant to this subdivision was operated or offered to be operated in violation of [either] any such subdivision. The commission shall have the power to promulgate regulations concerning the seizure and release of vehicles and may provide in such regulations for reasonable fees for the removal and storage of such vehicles. Unless the charge of violating

subdivision b, c or k of this section is dismissed, no vehicle seized pursuant to this subdivision shall be released until all fees for removal and storage and the applicable fine or civil penalty have been paid or a bond has been posted in a form and amount satisfactory to the commission, except as is otherwise provided for vehicles subject to forfeiture pursuant to paragraph two of this subdivision.

(2) In addition to any other penalties provided in this section, if the owner is convicted in the criminal court of, or found liable in accordance with subdivision e of this section for, a violation of [either] paragraphs one or two of subdivision b[,] or of subdivision c or subdivision k of this section [three] two or more times, and all of such violations were committed on or after the effective date of this section and within a thirty-six month period, the interest of such owner in any vehicle used in the commission of any such [third] second or subsequent violation shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules. The penalties provided for in this paragraph shall also apply to any owner who has been convicted of or found liable for one violation of paragraphs one or two of subdivision b or of subdivision c or subdivision k of this section at the time the local law that added this paragraph was enacted and who commits another violation within thirty-six months of the first violation.

§ 5. Section 19-506 of the administrative code of the city of New York is amended by adding a new subdivision m to read as follows:

m. On or before February 1, 2013 and on a quarterly basis thereafter, the commission shall post on its website and provide to the council a report for the prior quarter that includes, at a minimum, the following information, subject to the manner that such data is available: (i) the number of criminal actions commenced pursuant to paragraph one of subdivision b of this section; (ii) the number of criminal actions commenced pursuant to paragraph two of subdivision b of this section; (iii) the number of civil actions commenced pursuant to paragraph one of subdivision e of this section; (iv) the number of civil actions commenced pursuant to paragraph two of subdivision e of this section; and (v) the number of vehicles seized pursuant to paragraph one

of subdivision h of this section, disaggregated by whether such vehicle was seized for a violation of paragraph one or two of subdivision b of this section. Such report shall also be disaggregated by borough and precinct.

§ 6. This local law shall take effect immediately after its enactment into law.

TM/lf

LS# 2060

6/5/12 7:06 p.m.