



Legislation Text

File #: Int 0821-2018, **Version:** *

Int. No. 821

By the Public Advocate (Mr. Williams) and Council Members Ampry-Samuel and Reynoso

A Local Law to amend the administrative code of the city of New York, in relation to removing certain convictions from consideration for certain city-issued licenses.

Be it enacted by the Council as follows:

Section 1. Subdivision a of 19-512.1 of the administrative code of the city of New York is amended to read as follows.

a. The commission or successor agency may, for good cause shown relating to a direct and substantial threat to the public health or safety and prior to giving notice and an opportunity for a hearing, suspend a taxicab, for-hire vehicle license or a HAIL license issued pursuant to this chapter and, after notice and an opportunity for a hearing, suspend or revoke such license except that any conviction for the offenses defined in sections 221.05, 221.10, or 221.15 of the penal law shall not be considered good cause for a revocation or suspension. The commission or successor agency may also, without having suspended a taxicab, for-hire vehicle license or a HAIL license, issue a determination to seek suspension or revocation of such license and after notice and an opportunity for a hearing, suspend or revoke such license. Notice of such suspension or of a determination by the commission or successor agency to seek suspension or revocation of a taxicab, for-hire vehicle license or a HAIL license shall be served on the licensee by personal delivery or by certified and regular mail within five calendar days of the pre-hearing suspension or of such determination. The licensee shall have an opportunity to request a hearing before an administrative tribunal of competent jurisdiction within ten calendar days after receipt of any such notification. Upon request such hearing shall be scheduled within ten calendar days, unless the commission or successor agency or other administrative tribunal of competent

jurisdiction determines that such hearing would be prejudicial to an ongoing criminal or civil investigation. If the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day. A decision shall be made with respect to any such proceeding within sixty calendar days after the close of the hearing. In the event such decision is not made within that time period, the license or medallion which is the subject of the proceeding shall be returned by the commission or successor agency to the licensee and deemed to be in full force and effect until such determination is made, unless the commission or successor agency or other administrative tribunal of competent jurisdiction determines that the issuance of such determination would be prejudicial to an ongoing criminal or civil investigation.

§ 2. Subdivision h of section 19-530 of the administrative code of the city of New York is amended to read as follows:

h. An application for a license required by this section or the renewal thereof may be denied where the proprietor, any general partner, officer, director or any owner of ten percent or more of the outstanding stock of the applicant or the chief executive of the applicant as is appropriate, has been convicted of a crime which under article twenty-three-A of the correction law would provide a basis for the denial of such license or renewal, except that any conviction for the offenses defined in sections 221.05, 221.10, or 221.15 of the penal law shall not be considered in such determination.

§ 3. This local law takes effect immediately.

NKA
LS 7744/Int. 1839/2017
12/22/2017
LS 687