



Legislation Text

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Int. No. 991

By Council Members Cabrera, Yeger and Holden

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of administrative trials and hearings to dismiss a taxi and limousine commission-related violation pertaining to vehicle lights upon proof of correction

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9

SPECIAL HEARING PROCEDURES APPLICABLE TO VIOLATIONS OF TAXI AND LIMOUSINE

COMMISSION LAWS OR REGULATIONS

§ 19-901 Definitions. For purposes of this chapter, the following terms have the following meanings:

Business day. The term “business day” means any calendar day except Saturday and Sunday and the following legal holidays: New Year’s day, the birthday of Martin Luther King, Jr., Washington’s birthday, Memorial day, Independence day, Labor day, Columbus day, Election day, Veterans day, Thanksgiving day and Christmas day.

Commission. The term “commission” means the New York city taxi and limousine commission.

Driver. The term “driver” means a person licensed by the commission to drive a vehicle in the city.

OATH. The term “OATH” means the office of administrative trials and hearings.

State. The term “state” means the state of New York.

Summons. The term “summons” means the document, including a notice of violation, that specifies the

charges forming the basis of an adjudicatory proceeding before the tribunal.

Tribunal. The term “tribunal” means the OATH hearings division, which includes the administrative tribunal referenced in section 19-506.1.

Vehicle. The term “vehicle” means any vehicle referenced in subdivision b of section 80-22 of title 35 of the rules of the city of New York or any successor provision that requires a driver to inspect and determine that the driver’s vehicle lights are in good working order.

§ 19-902 Dismissal of vehicle lights violation upon proof of correction. a. Notwithstanding any rule promulgated by OATH or the commission, the tribunal shall dismiss a violation enforced by the commission against a driver for failing to personally inspect and reasonably determine the good working order of the driver’s vehicle lights when such driver (i) corrects such violation not later than one-half hour after sunset on the first full business day after the date of the violation as specified on the summons and (ii) provides a copy of the summons and any of the following forms of proof of such correction to the tribunal on or before the return date of the summons:

1. A statement of correction from an officially designated state inspection station, duly executed by the person who made such correction and bearing the facility number of the state inspection station;

2. A statement of correction from an automobile repair shop on its letterhead, duly executed by the person who made such correction;

3. A statement of correction from a person administering a fleet maintenance program and having more than 25 vehicles, as the term “vehicle” is defined in section 159 of the vehicle and traffic law, registered in such program, duly executed by the person who made such correction and countersigned by the fleet maintenance supervisor;

4. A signed statement of any police officer that the necessary correction has been made;

5. Evidence acceptable to the tribunal from any person that such person made the correction together with proof of purchase of any equipment needed to make such correction; or

6. In the discretion of the tribunal, submission of the vehicle to the tribunal for inspection not later than one-half hour after sunset on the first full business day after the date of the violation as specified on the summons.

b. Any person making a statement required by this section shall submit such statement to the tribunal, affirm such statement as true under penalty of perjury and include in such statement:

1. The name, occupation and position of such person;

2. The time and date that the required correction was made; and

3. An affirmation that the defective vehicle light cited in the summons is in proper working order.

c. This section does not affect any cause of action or the rights or liabilities of any person with respect to damages or injuries caused or suffered as a result of the operation of a vehicle.

§ 2. This local law takes effect 180 days after it becomes law, except that the office of administrative trials and hearings and the New York city taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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