



Legislation Text

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Int. No. 991-C

By Council Members Cabrera, Yeger, Holden, Louis, Barron and Ayala

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

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-554 to read as follows:

§ 19-554 Dismissal of vehicle lights violation upon proof of correction. a. Definitions. For purposes of this section, the following terms have the following meanings:

Business day. The term “business day” means any calendar day, as such term is defined in section 19 of the general construction law, except Saturday, Sunday or a public holiday, as such term is defined in section 24 of the general construction law.

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 a document, including a notice of violation, issued by any agency authorized to issue notices of violation returnable to the tribunal that specifies the charges forming the basis of an adjudicatory proceeding before the tribunal.

Tribunal. The term “tribunal” means the OATH hearings division.

b. The tribunal shall dismiss a violation issued to a driver or an owner of a vehicle for failing to personally inspect and reasonably determine the good working order of the lights of such vehicle pursuant to

subdivision b of section 80-22 of title 35 of the rules of the city of New York or any successor provision when: (i) such driver or owner 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, (ii) such driver or owner provides to the commission, on or before the return date of such summons, a copy of such summons, any of the forms of proof of such correction listed in subdivision c of this section and an affirmation under penalty of perjury that such correction was made and (iii) the commission, upon inspection of such proof of correction, determines that such driver or owner corrected the violation and recommends that the tribunal dismiss the violation. Should the commission not recommend dismissal of such violation, such driver or owner may provide any of the forms of proof of correction described in subdivision c of this section at a hearing of the tribunal.

c. The following constitute proof of correction pursuant to subdivision b of this section:

1. A statement of correction from an official inspection station licensed pursuant to section 303 of the vehicle and traffic law, duly executed by the person who made such correction and bearing the facility number of the official 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, as such term is defined in section 51-03 of title 35 of the rules of the city of New York or any successor provision, 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; or

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

§ 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.

JJ/dfc
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