

L Aid ON DESKS 11/7/16
GOVERNMENT SERVICES & ADMINISTRATION
RE-LAID ON DESK BY MAIL, E-MAIL, AND IN MAIL BOXES 12/6/16

RESOLUTION NO. 2016275

RE: LOCAL LAW NO. _____ OF 2016, A LOCAL LAW
AUTHORIZING THE COUNTY OF DUTCHESS TO REGULATE
THE REGISTRATION AND LICENSING OF TAXICABS IN DUTCHESS
COUNTY

Legislators BORCHERT, MICCIO, FLESLAND, SAGLIANO, LANDISI, TRUITT,
PULVER, BOLNER, and HORTON offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2016 which has been submitted this day for consideration by said Legislature.

CA-165-16
CRC/kvh/G-1664
10/24/16

Fiscal Impact: None
STATE OF NEW YORK

ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RE: A LOCAL LAW AUTHORIZING THE COUNTY OF DUTCHESS
TO REGULATE THE REGISTRATION AND LICENSING OF
TAXICABS IN DUTCHESS COUNTY

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT. New York General Municipal Law Section 181(1) was amended effective August 31, 2016, to authorize the County of Dutchess to adopt a local law regulating the registration and licensing of taxicabs, limousines, and livery vehicles. It is hereby determined that the enactment of this local law will be in the best interests of the County of Dutchess. It is the intent of the Dutchess County Legislature to remedy an inequity that exists due to the fact that Dutchess County taxicabs, limousines, and livery vehicles may not currently legally operate in jurisdictions outside of Dutchess County such as New York City or Westchester County without risking being fined or having their vehicles seized, for example by the New York City Taxi and Limousine Commission. This local law will enable the County of Dutchess to be entitled to reciprocity with jurisdictions outside of the County of Dutchess who require operators to have a local taxicab, limousine, or livery vehicle license, thereby preventing the fining and/or seizure of vehicles of County of Dutchess licensees.

~~SECTION 2: LICENSES REQUIRED~~

~~It shall be unlawful for any person to drive, operate, offer or keep for hire or charge within the limits of the County, any taxicab or other motor vehicle providing transportation service for charge or fee without first having obtained and paid for a taxi driver's license, a taxicab vehicle license, and a taxicab company license, if applicable, and all other licenses and permits required by law, and causing the same to be and remain in force and effect at all times under the provisions of this Local law. This Local Law and any rules and regulations promulgated incident thereto may be administered on behalf of the County by a licensing jurisdiction with whom the County enters into an inter-municipal agreement with for that purpose.~~

**SECTION 2: LICENSES OPTIONAL FOR INTER-JURISDICTIONAL TAXICAB
OPERATION PURSUANT TO NY VEHICLE AND TRAFFIC LAW SECTION 498**

Any person wishing to drive, operate, offer or keep for hire or charge within the limits of the County for inter-jurisdictional operation, any taxicab or other motor vehicle providing transportation service for charge or fee may obtain and pay for a taxi driver's license, a taxicab vehicle license, and a taxicab company license, if applicable, and all other licenses and permits required by law, and cause the same to be and remain in force and effect at all times under the provisions of this Local Law. This Local Law and any rules and regulations promulgated incident thereto may be administered on behalf of the County by a licensing jurisdiction with whom the County enters into an inter-municipal agreement with for that purpose.

SECTION 3: PENALTIES FOR OFFENSES.

Any person violating any of the provisions of this local law shall, upon conviction, be punished as provided in applicable law; and in addition thereto, if a licensee, or the owner, operator or driver of a licensed vehicle, his license or licenses or those issued to or for such vehicle may be suspended or revoked. The County may, in its discretion, temporarily suspend a license pending outcome of the prosecution of the licensee under this local law or under any other provision of any applicable law, code, rule or regulation. The penalties set forth herein shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

SECTION 4: PUBLIC EMERGENCY; POLICE POWERS.

Whenever a state of emergency is declared by the County Executive, the County may suspend the provisions of this local law, in whole or in part, for part or all of the period during which such emergency conditions may prevail. Such power shall include but not be limited to the suspension of the requirement that fares be paid by passengers; and/or other requirements of this Local law. Under such circumstances, all drivers and operators shall endeavor to keep and maintain accurate records showing the trips provided and the details of same during such period, similar to such records as would be required to be kept by this local law if such period of emergency had not existed.

SECTION 5: DEPARTMENT OF PUBLIC WORKS.

The responsibility of the administration and enforcement of this Local Law shall be with the Dutchess County Department of Public Works. The Commissioner of Public Works shall be vested with the power to promulgate rules and regulations consistent with this Local Law. Taxicab Licensing Rules and Regulations are submitted herewith for adoption by local law.

SECTION 6: SEVERABILITY; WHEN EFFECTIVE.

- (a) The provisions of this local law shall be deemed severable. The finding of the invalidity, illegality or unenforceability of any one or more provisions hereof shall not be deemed to affect the validity of the other sections or provisions of this local law, as long as the sense thereof remains.
- (b) This local law shall take effect immediately upon filing with the New York Secretary of State.

DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS, HIGHWAY DIVISION **TAXICAB LICENSING RULES AND REGULATIONS**

SECTION 1: DEFINITIONS

Unless otherwise expressly stated, whenever used in this regulation, the following words shall have the meanings given to them by this section. Whenever used in this regulation, pronouns and other references to persons and entities shall be considered to include the masculine and the

feminine, and the singular and the plural, as the sense and neutral application thereof shall require.

COUNTY -- The County of Dutchess, New York or its designee unless otherwise specified.

FARE -- Either: a customer or passenger paying or for whom a charge has been paid to hire a lawfully licensed taxicab for transportation services under this Regulation; or the charge so levied and lawfully incurred by such passenger; according to the sense thereof as used herein.

OPERATOR -- Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the County or engaged in the business of operating a taxicab or a taxicab company in the County.

PRIVATE LIVERY CAB: A taxicab, except that such "private livery cab" shall possess within the vehicle for inspection upon request by any police officer a valid contract for hire executed by all parties and be registered with the New York State Department of Motor Vehicles as a "livery" and shall bear a livery license plate. Livery cabs shall undergo biannual vehicle inspections and business owners shall file proof of workers compensation coverage and registration and insurance information with the County.

Livery cabs shall undergo biannual vehicle inspections and business owners shall file proof of workers compensation coverage and registration and insurance information with the County.

A private livery cab shall not:

- (1) Have a dome light or external markings for taxicab prescribed by this regulation;
- (2) Be allowed to use taxicab stands prescribed in this regulation; and
- (3) Be used in the County for hire except upon a unit of time for hire by the hour, day or week which unit may exceed that prescribed for taxicabs in this regulation.

RATE CARD -- A card on which is printed the tariff rates or fares charged for taxicabs service in the County as provided by this regulation.

ROOF LIGHT- Roof light means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, and containing the words "Taxi", "Taxicab" or "Cab".

STREET -- Includes any street, alley, avenue, thoroughfare, court, bridge, lane or similar public place in the County.

TAXICAB -- A Taxicab is a motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Law, and vehicles used by funeral homes or undertakers in carrying on their business.

TAXICAB DRIVER -- Any person who drives a taxicab available for hire or under hire, whether such person is the owner or lessee of such taxicab or employed by or in contract with a taxicab owner, operator or lessor.

TAXICAB DRIVER'S LICENSE -- A license granted by the County to any otherwise-qualified person to drive any licensed taxicab for hire or under hire upon the streets of the County.

TAXICAB LICENSE -- A license granted by the County to any business or person to keep for hire any vehicle to be used as a taxicab in such County; each such license being specifically issued to one specified vehicle only.

TAXICAB NUMBER -- A number included on each taxicab vehicle license and sticker issued by the County Clerk; each vehicle so licensed shall be assigned one unique number as described in this regulation.

TAXICAB STAND -- Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the County and/or by the codes and rules of the County for the use of taxicabs and specifically designated therefor.

TAXIMETER—A mechanical instrument or device, approved by the County, by which the charge for hire of a taxicab is mechanically calculated and on which said charge is plainly indicated.

TRIP SHEET -- One or more sheets of paper upon which the driver and/or operator records information pertaining to each trip carrying one or more paying passengers, as described in this regulation.

SECTION 2: DRIVER'S LICENSE REQUIRED.

- (a) No person shall drive a taxicab and no person shall permit anyone to drive a taxicab within the limits of the County without such driver having first obtained and paid for, and having in force and effect at all times, both a valid New York State driver's license of the appropriate class and certification, including but not limited to a chauffeur's license, and a taxicab driver's license issued under the provisions of this regulation. Any taxicab company, taxicab owner or taxicab operator who allows any driver to operate a taxicab or livery without said licenses as required by this section shall be in violation of this section and subject to prosecution separate and aside from any driver who operates a taxicab in violation of this section. It shall be the duty of every taxicab company, taxicab owner or operator to ensure all drivers permitted to operate a taxicab possess the required licenses under this section.
- (b) In addition to the penalty provided for in *Section 3*, when a taxicab is found to be operating in violation of this Section, the Operator shall be assessed a civil penalty by the County as follows:
 1. Violations 1-3= \$100 per violation
 2. Violations 4-6 =\$ 250 per violation
 3. Violations 7+ = \$500 per violation
- (c) Failure to pay such fee could result in the suspension or revocation of the Operator's

Taxicab License pursuant to Section 18. The Operator may appeal such civil penalty pursuant to Section 10(b).

SECTION 3: TAXICAB DRIVER'S LICENSE APPLICATION INFORMATION

(a) Each applicant for a taxicab driver's license must comply with the following requirements and provide the required information to the satisfaction of the County:

- (1) He/She must first have obtained all required State licenses including a State chauffeur's license, if applicable. The full residence address of the applicant must be entered on the Department of Motor Vehicles Driver's License. P.O. Box numbers are not acceptable.
- (2) She/He shall fill out, upon a form to be provided by the County, a statement giving her/his full name, current residence, places of residence for the five (5) years immediately preceding his moving to his present address, age, date of birth, height, color of eyes and hair, place of birth, whether a citizen of the United States, places of previous employment for the immediately past five (5) years, whether married or single, whether she/he has ever been arrested or convicted of a felony or misdemeanor, or Driving While Intoxicated ("DWI"), or criminal charges involving illegal drugs, whether he/she has any previous violations of this regulation whether he has been previously licensed as a driver or chauffeur and, if so, whether his license has ever been revoked and for what cause, and the number of the chauffeur's license issued by the State, and the company name, business address and telephone number from which the applicant will operate and/or drive any taxicab, which statement shall be signed and sworn to by the applicant and filed with the County as a permanent record.
- (3) He/She shall additionally submit the following:
 - a. The results of a drug screening test performed within ten (10) days of the date of the applicant's submission from a laboratory certified to perform toxicology tests and certify the results thereof by the New York State Department of Health and which performs drug abuse testing, indicating the applicant does not use amphetamines, barbiturates, benzodiazepines, benzoylcegonine, ethanol, fentanyl, methadone, opiates, phencyclidine, propoxyphene, THC-cannabinoids, and tricyclic antidepressants, unless prescribed by a licensed health care provider who attests, in writing, that such drug when consumed by the applicant, in no way impairs the applicant's ability to operate a motor vehicle.. The applicant shall be responsible for all costs associated with the test required for application and renewal, including but not limited to all costs associated with such testing, as may be required by the County.
 - b. A copy of his current New York State Department of Motor Vehicles drivers license abstract; and true and accurate copies of certificates of disposition for any and all arrests of such applicant.

(b) Each application for a taxicab driver's license shall contain the following statement:

“PURSUANT TO THE NEW YORK STATE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.”

- (d) The County is hereby authorized and empowered to require such additional information as same shall be reasonably related to the applicant's fitness and/or eligibility as he may deem necessary from any applicant for any license required by this Regulation. The County requires that every individual applying for a taxicab or pre-arranged for-hire vehicle driver's license submit proof of completion of a state-approved defensive driving course no more than six months prior to the date of application. The County further requires that any individual renewing a taxicab or pre-arranged for-hire vehicle driver's license must submit proof of completion of a state-approved defensive driving course no more than three years prior to the date of the renewal application. The County is hereby authorized to waive the production of any information from any applicant as may otherwise be required under this regulation if in its opinion such requirement is unreasonable, unnecessary, inappropriate or unjust under the circumstances.

SECTION 4: PHOTOGRAPH AND FINGERPINTS REQUIRED; FEES; REVIEW BY COUNTY; DENIAL OF APPLICATION.

- (a) Each applicant for a taxicab driver's license shall file with his application clear images, inked prints or other impressions of the fingers of his right and left hands to the satisfaction of the County. Such impressions shall be placed upon forms furnished by the County, the impressions to be taken under the supervision of the County or someone designated by the County, at such place or places as may be designated by such licensing official. Each applicant shall also file two unmounted, unretouched photographs of himself, size 2 ¼ inches by 2 ¼ inches, taken within thirty (30) days preceding the filing of the application. The filing required by this Section shall be accompanied by a non-refundable application fee of Ten (\$10.00) Dollars and a tri-annual nonrefundable administrative fee of Two-hundred (\$200.00) Dollars which includes the cost of a tri-annual fingerprinting fee. The County is hereby authorized to submit such fingerprints to any agency of the State of New York or subdivision thereof for the purpose of conducting a criminal history and background check for such applicant, which shall be used to evaluate and determine the qualifications and fitness of such applicant to be issued a license hereunder.
- (b) Applications, with photographs, fingerprint images and/or impressions and drug tests attached, shall forthwith be sent to the County, and no license shall be issued under the provisions of this regulation until the approval of the issuance of such license(s) in writing from the County. The County shall conduct an investigation of each applicant for a taxicab driver's license, and the report of this investigation and a copy of the traffic and police record, if any, shall be attached to the application and filed with the County. The County shall refuse to issue or renew a taxicab driver's license if the driver:
- (1) Does not meet a qualification for a license; or
 - (2) Has made a material false statement on the application; or
 - (3) Has submitted a drug screening test with a positive result unless the drug that applicant tested positive for was prescribed by a licensed health care

provider who attests, in writing, that such drug when consumed by the applicant, in no way impairs the applicant's ability to operate a motor vehicle, or has refused to submit to a test, or has failed to provide a test result or information regarding same; or

(4) Has been convicted of, pled guilty to or forfeited bond or collateral upon any of the following charges, whether the conviction, plea or forfeiture occurred in the State of New York or elsewhere:

(a) Any offense which constitutes a "serious offense" as the term is defined by Section 265.00 of the Penal Law of the State of New York or any act supplementary thereof or amendment thereto; or

(b) Any felony offense for which the conviction, plea or forfeiture occurred within seven (7) years of the date of application; or

(c) Any sex offense, regardless of the date of occurrence; or

(d) Any offense, regardless of the date of occurrence; or

(e) Any penal law offense committed during the course of, or in the furtherance of, employment, management or ownership of a taxicab or a taxicab company, or

(f) Unfit applicant or licensee: if the applicant in the opinion of the County or its designee, is not fit to be a licensee hereunder in the best interest of the general public welfare and safety or for a specific breach of one or more of the requirements of this regulation.

(5) Has accumulated, within the past thirty-six months, six (6) or more points on his or her driver's license, as such points are determined by the Department of Motor Vehicles of the State of New York. Point reductions pursuant to any accident prevention course, driver safety course, or other similar point reduction course are inapplicable to this section if taken online or on the Internet; or

(6) Has outstanding traffic tickets in any court of competent jurisdiction which, if convicted, would result in the applicant accumulating six (6) or more points as such points are determined by the Department of Motor Vehicle of the State of New York.

(7) Has had any taxicab driver's license or a similar license or permit revoked; or

(8) Has three or more violations of this regulation within the previous twenty-four months.

(c) The County shall notify the applicant in writing of any refusal to approve any application, and the reason therefor. Any applicant whose application is not approved pursuant to this section shall have sixty (60) days from the date of denial as indicated in the County's notification to correct any deficiency. Upon the first reapplication within said sixty (60) day period, any fingerprinting fees associated with the application process are waived.

(d) Hearings:

(1) *Notice:* Any suspension, cancellation or refusal to issue a license or to renew a license made hereunder shall be by written notice issued by the County, or its designee, to the applicant or licensee. Said notice shall include a statement

that the applicant or licensee is entitled to demand a hearing, provided such demand is made in writing to the County, and such hearing shall be conducted within seven (7) business days after the applicant or licensee's request for a hearing is received by the County or its designee.

- (2) *Demand for hearing:* Any demand for a hearing must be made within thirty (30) days after mailing of the notice of the suspension, revocation or refusal to issue a license.
- (3) Hearings shall be conducted before a Hearing Officer designated by the County who shall render a determination.

SECTION 5. FORM AND TERMS OF TAXICAB DRIVER'S LICENSE; FEE; DISPLAY OF LICENSE

- (a) *Issuance and form.* Upon satisfactory fulfillment of the foregoing requirements and upon the payment of a non-refundable driver's license fee of Fifteen (\$15.00) Dollars, the County shall issue to the applicant a license which shall be in such form as to contain a photograph and signature of the licensee and blank spaces upon which a record may be made of any arrest of or such complaint(s) against him as may be required by the County. Each license shall be stamped by the Seal of the County upon at least a portion of the photograph. All licenses shall be numbered in the order in which they are issued and shall contain the driver's name and expiration date of the license.
- (b) *Tampering.* Any licensee who alters, defaces, mutilates, changes, removes or obliterates any official entry made upon his license or of any other form, format, color, content or component thereof, shall be punished by the revocation of his license, after a hearing pursuant to Section 10(b).
- (c) *Duration.* Taxicab driver's licenses shall be valid for one (1) calendar year from the date of issue and shall remain valid unless otherwise revoked or suspended for the next succeeding calendar year up to the anniversary of the date of issue.
- (d) *Display.* Each such license shall be placed in a transparent plaque or frame the size of four by six inches and shall at all times, when the driver is operating the cab for hire, be attached inside the taxicab on the rear of the right or passenger side seat thereof in a position readily visible to the passengers of said taxi and to persons looking in or through the window of the rear passenger door on the right or passenger side thereof.

SECTION 6: RENEWAL OF TAXICAB DRIVER'S LICENSE; FEE

- (a) When applying for a renewal of a taxicab driver's license, every applicant shall make such application at least thirty (30) days prior to its expiration upon a form to be furnished by the County, entitled "Application for Renewal of Taxicab Driver's License," which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which the original license was granted and the number thereof and such other information as the County licensing official may deem necessary. Such application for renewal shall be accompanied by a non-refundable fee of Ten (\$10.00)

Dollars and a background check fee of One Hundred Twenty Five (\$125.00) Dollars. The Driver shall submit with such application the results of a drug screening test performed within ten (10) days of the date of the application's submission in accordance with the requirements of Section 3(a)(3) above.

- (b) Each Application for Renewal of Taxicab License shall contain the following statement: "PURSUANT TO THE PENAL LAW 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."
- (c) Provided the applicant for renewal submits on application more than thirty days prior to the expiration of his/her taxicab license is set to expire, he/she may apply to the County for a temporary license which shall remain in full force and affect until a determination is made on his/her application for renewal. If such application for renewal is denied, the applicant shall surrender such temporary license immediately to the County.
- (d) Applications for a renewal of a taxi driver's license submitted less than thirty (30) days after the expiration date of same shall be treated as a new application according to the requirements of this regulation.

SECTION 7: TAXICAB DRIVER'S LICENSES NOT TRANSFERABLE; FEES NOT PRORATED.

Such licenses shall not be transferable. No license fee shall be prorated or refunded. Each fee in its entirety shall accompany each application.

SECTION 8: TAXICAB VEHICLE LICENSE REQUIRED; FEE.

- (a) It shall be unlawful for any person to drive, operate or permit to be operated a taxicab upon the streets of the County or to solicit or pick up taxicab passengers within the County without first having paid a non-refundable fee as provided for herein for each such vehicle so licensed and without first having obtained for each such vehicle a taxicab vehicle license under the provisions of this regulation from the County. Such license shall be valid for one (1) calendar year from the date of issue and shall expire on the anniversary of the date of issue of the next succeeding calendar year unless sooner suspended or revoked. It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the County any taxicabs not equipped as required by Section 14 or which have not been inspected as required by Section 14 or which do not display the inspection sticker as required by Section 14. The fee for each vehicle so licensed shall be Two Hundred and Fifty (\$250.00) Dollars, until further amended by the County.
- (b) For each vehicle licensed as a taxicab hereunder the County shall issue three stickers of uniform design. Each sticker shall display a unique number as provided in this Section and shall show the expiration date of said taxicab vehicle license. Such stickers shall be affixed to the windshield, bumper, and side of the vehicle for which same shall have been issued, so as to be clearly visible. Each taxi company shall be assigned a unique number and each vehicle operated by each such company shall be assigned a unique number with said company; thus each vehicle shall have a unique number in the form AB-CD where

AB is the number assigned to the company and CD is the number assigned to each vehicle operated by each such company.

- (c) The acceptance by an owner or operator of a license issued under this Regulation is conditioned upon and shall be sufficient evidence of the continuing consent of such owner or operator and of the driver of each and every taxicab vehicle to display the Public Notice as required by and described in Section 15(b)(20) of this regulation and to consent to any such stop and visual inspection by any police officer as described in such Public Notice as provided by the County.
- (d) The County shall issue new stickers as described in this Section annually or at such other times as the County shall determine to be appropriate and necessary.
- (e) A statement from the Building Inspector or a certificate of occupancy in which the taxicab Operator is located and vehicles are to be stored that said location(s) and premises are in compliance with the municipality's building and zoning ordinance and that such location is of sufficient size to accommodate the operator's vehicle fleet.

SECTION 9: TAXICAB VEHICLE LICENSE APPLICATION INFORMATION.

One application for each taxicab vehicle license shall be made by the owner or other person with legal authority over same upon forms furnished by the County. Such application shall contain:

- (1) The name, age and residence of the person applying for the license, proof of his ownership and/or legal authority over each such vehicle, and what, if any, previous experience he has had in the business of owning, furnishing, leasing, operating, driving, repairing or other enterprises in connection with providing transportation or related services for hire or charge.
- (2) For each such vehicle, the type of motor vehicle to be used, the horsepower, the vehicle identification number, the state license and registration numbers, any periods during which the vehicle has been used as a taxicab or vehicle for hire, and the seating capacity according to its trade rating.
- (3) Whether and when the vehicle has ever been previously licensed to operate as a taxicab or vehicle for hire and, if so, where.
- (4) Whether such vehicle's license to operate as a taxicab or vehicle for hire has ever been revoked or suspended, when, and for what cause.
- (5) Such other information as the County may deem necessary, including but not limited to any and all information concerning the current and former state and history of repairs to such vehicle.
- (6) Copy of the New York State vehicle registration and expiration date of current New York State motor vehicle inspection and sticker number. The full address of the registered owner must be on the Department of Motor Vehicle registration. P.O. Box numbers are not acceptable. The County requires that the owner of each motor vehicle licensed as a taxicab or pre-arranged for-hire vehicle maintain at all times a valid vehicle

registration for such vehicle issued by the department for which a registration fee has been paid pursuant to schedule C of subdivision seven of section four hundred one of the New York State Vehicle and Traffic Law, or, in the case of a non-resident of this state, a vehicle registration issued by the state of residence.

- (7) Miscellaneous.
- (a) Each taxicab vehicle license application shall contain the following statement: "PURSUANT TO THE PENAL LAW SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN"
 - (b) Any false statements by the owner, applicant, operator and/or driver for a taxicab vehicle license shall be reported to the police. The County is hereby authorized and empowered to require such additional information as may be deemed necessary by the County.
 - (c) The application must include the approved assigned unique official taxicab vehicle number assigned by the Police; which shall be added to such application by the applicant, County when such application is approved.

SECTION 10: DENIAL, SUSPENSION OR REVOCATION OF A TAXICAB COMPANY'S RIGHT TO OPERATE WITHIN THE COUNTY; RELICENSING.

- (a) *Reasons.* The County or its designee may suspend, cancel or revoke any license issued pursuant to this regulation and may refuse to approve an application or renewal for any of the following reasons:
- (1) *Conviction:* The conviction of the applicant or licensee of a felony or any crime or offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, gambling, frequent public intoxication, or illegal use, sale or possession of drugs. The County shall nevertheless, apply the standards of licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in Article 23-a of the Correction Law.
 - (2) *Outstanding judgment or an unpaid civil penalty:* Outstanding judgment or an unpaid civil penalty owed for a violation of New York State Vehicle and Traffic Law relating to traffic in any other licensing jurisdiction meeting the standards and requirements of New York Vehicle and Traffic Law Section 498, subdivisions three, four, and six, or a violation of regulations promulgated by such other licensing jurisdiction duplicating or incorporating by reference any of the provisions of New York State Vehicle and Traffic Law, until such judgment is satisfied or such civil penalty is paid.
 - (3) *False application:* If the licensee or applicant has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof.

- (4) *Violations*: If the licensee, principal(s) of any entity owning or operating a taxicab company, or any driver operating a taxicab licensed to such licensee has violated any provision of this regulation;
 - (a) ten or more times in the twenty-four (24) months prior to the date of application when the taxicab company owns or operates no more than six (6) taxicabs;
 - (b) Fifteen (15) or more times in the twenty-four (24) months prior to the date of application when the taxicab company owns or operates seven (7) to twelve (12) taxicabs;
 - (c) Twenty (20) or more times in the twenty-four (24) months prior to the date of application when the taxicab company owns or operates thirteen (13) or more taxicabs.
- (5) *Prior revocation or suspension*: If the applicant, any officer, director, stockholder, or partner or any other person directly or indirectly interested in the application for a taxicab license was the former holder, or was an officer, director, or partner or stockholder in a corporation or a partnership which was the former holder of a taxicab license which had been revoked or suspended.
- (6) *True ownership requirement*: If the applicant is not the true owner of the vehicle or the taxicab business.
- (7) *Unfit applicant or licensee*: If the applicant, in the opinion of the County or its designee, is not fit to be a licensee, hereunder, in the best interest of the general public welfare and safety, or for a specific breach of one or more of the requirements of this regulation.
- (8) Any taxicab owner found to be operating a taxicab, or causing a taxicab to be operated, within a revoked or suspended right to operate a taxicab shall be assessed a civil penalty by the County as follows:
 - (a) For the first violation: \$1,000;
 - (b) For the second violation: \$1,500;
 - (c) For the three or more violations: \$2,000.

(b) *Hearings*:

- (1) *Notice*: Any suspension, cancellation or refusal to issue a license or to renew a license made hereunder shall be by written notice issued by the County, or its designee, to the applicant or licensee. Said notice shall include a statement that the applicant or licensee is entitled to demand a hearing, provided such demand is made in writing to the County, and such hearing shall be conducted within seven (7) business days after the applicant or licensee's request for a hearing is received by the County or its designee.
- (2) *Demand for hearing*: Any demand for a hearing must be made within thirty (30) days after mailing of the notice of the suspension, revocation or refusal to issue a license.

(3) Hearings shall be conducted before a Hearing Officer designated by the County who shall render a determination.

(c) *Surrender of License:* In the event of a suspension or cancellation as provided for herein of a taxicab operator's or owner's license, the holder thereof shall deliver the license and any badge issued in conjunction therewith to the County.

SECTION 11: RECORDKEEPING.

There shall be kept in the office of the County a complete record of each license or permit issued to a driver and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a taxicab driver's license.

SECTION 12: INSURANCE; SUITABILITY OF VEHICLE.

- (a) No vehicle shall be licensed as a taxicab hereunder unless it has a "For Hire" insurance policy in effect. No vehicle shall be licensed as a taxicab hereunder unless it is insured by a public policy for damages for death or injuries to persons in the amount provided in the laws, rules and regulations established by the State of New York as the minimum required of any vehicle operated as a taxicab and maintains coverage in a specified amount per person, payable for those expenses specified in paragraphs one, two and three of subsection (a) of section five thousand one hundred two of the New York State Insurance Law, and coverage in specified amounts of minimum and maximum liability for bodily injury and death, as said terms are defined in subdivision one of section three hundred seventy of the New York State Vehicle and Traffic Law.
- (b) The County shall refuse to issue a taxicab vehicle license or, if already issued, shall revoke or suspend a license if the vehicle is unsuitable for public patronage, by virtue of being unclean, unsafe, or out of compliance with any applicable law, rule or regulation; or if in the discretion of the County the design, capacity or other specifications of such vehicle render it unsuitable for use as a taxicab.

SECTION 13: LICENSE CARD.

If, upon inspection, a vehicle is found to be in proper condition and in compliance in accordance with the provisions of all applicable laws, rules and regulations; and upon the approval of the application for a taxicab vehicle license and the payment of the license fee hereinafter set forth, such vehicle shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the County. The card shall contain the official license number of the taxicab vehicle and a statement to the effect that, in case of any complaints, the County shall be notified, giving the license number of the taxicab and the telephone number and address via which such complaints may be made. Such card shall be signed by the County. The taxicab vehicle license number assigned hereunder shall, in each case, be the same as that assigned to the vehicle for that year pursuant to law. Taxicab vehicle license cards must be displayed in a prominent place visible to all passengers in the taxicab vehicle for which the license card is issued. For each such vehicle the license number shall correspond to the number appearing on the sticker required to be affixed to the left rear bumper of each such vehicle as required by this regulation.

SECTION 14: INSPECTION OF TAXICABS.

- (a) No vehicle shall be licensed as a taxicab pursuant to this regulation until it has been inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers; clean, fit, of good appearance, well painted in accordance with this regulation and in complete compliance with all requirements of the applicable laws, codes and regulations, including that each such vehicle shall bear "taxi" or "livery" license plates issued by the New York State Department of Motor Vehicles. The County requires (i) each taxicab or pre-arranged for-hire vehicle it licenses to be inspected no less frequently than every twelve months by an official inspection station licensed pursuant to section three hundred three of the New York State Vehicle and Traffic Law, or, if the taxicab or pre-arranged for-hire vehicle is registered in another state, by the agency responsible for vehicle registration and inspection in that state, and (ii) each taxicab or pre-arranged for-hire vehicle to display a valid inspection sticker indicating the date of the last inspection and/or the expiration date, if such stickers are issued by the state of registration.
- (b) Taxicabs are to be inspected by the County or other facility designated by the County. There shall be an inspection fee of Fifty (\$50) Dollars paid to the County for each vehicle inspected.
- (c) Such inspection shall occur prior to licensing of such vehicle as a taxicab, and thereafter twice per year.
- (d) A copy of the inspection report shall be given to the vehicle owner and/or operator and/or driver and the County at the completion of the inspection.
- (e) The inspection of the taxi shall include, but not be limited to, a review of those conditions set for in Section 15, below.
- (f) Upon passing inspection, the County or other inspection facility designated by the County shall notify the County, who shall provide a sticker to be placed on the rear of the Taxicab.
- (g) Upon receipt of a report from any designated inspection station which finds a Taxicab to be unfit or unsuited for public patronage or which shall fail to comply with the requirements of this regulation, the licensing official shall refuse a license or shall revoke or suspend the license previously issued.
- (h) It shall be unlawful to possess or display a forged, altered or unauthorized County Inspection Sticker.
- (i) The County may additionally inspect or cause to be inspected all taxicabs from time to time, as often as it may deem necessary for the public health, safety and welfare. Said inspections shall not be evidence to be used against the County with respect to any claim of liability and the County assumes no special duty or obligation to any person with respect to same but shall be evidence merely that the licensee has had inspections made as required by this regulation.

SECTION 15: TAXICAB VEHICLE REQUIREMENTS.

(a) Taxi Vehicle Identification/condition

(1) The County shall issue a Taxicab Vehicle License to each such vehicle which shall assign a unique taxicab number as described in this regulation to each vehicle so licensed. Taxicab markings must be permanently displayed on both front doors of each vehicle. Markings must include (a) taxi owner or company name, (b) taxicab number, (c) words "TAXI" or "TAXICAB" or "CAB" and (d) Dutchess County, New York.

(2) The Taxicab number must also be permanently and visibly displayed on the rear of such vehicle (left and right rear fenders, and left side of trunk lid or tailgate).

(3) Taxicabs shall each be numbered, with a unique four-digit number. Companies will be assigned a two-digit number (for example, Company A = 20, Company B = 30, etc.) Each taxicab vehicle will be assigned a two-digit number within each company. Thus each vehicle shall have a unique four digit number, the first two indicating the company and the second two indicating the vehicle within the company fleet. Numerical assignments are to be approved by the County or its designee.

(4) Each taxicab vehicle shall prominently display on the outside of the driver's side door and on the outside of the front passenger's side door the schedule of fares for trips originating and ending within the County, known as "in-County trips," charged to passengers for the hire of such taxicab. In addition each taxicab vehicle shall prominently display such information on a fare card in the interior of the vehicle such that it is clearly visible and readable by all passengers.

(5) The signs and numbers described herein as required must contain lettering not less than 3 inches in height and 3 inches in width with a quarter inch paint stroke between each figure. Letter color must contrast to the door color and be readable from a minimum distance of one hundred fifty (150) feet. Background of sign must be of white reflective material.

(6) The County shall issue a sticker for each vehicle so licensed which shall be affixed to the left rear of the subject vehicle. Each such sticker shall display the unique four-digit number assigned to such vehicle.

(7) Every taxicab shall be equipped with an exterior roof light, which must contain the name of the company or the word "TAXI" or "TAXICAB" or "CAB". The exterior roof light must be permanently mounted and lit when in service. The exterior roof light must be lit to an extent to be clearly visible during daylight hours. It shall be presumptive evidence that when a taxicab roof light is lit, the taxicab is in service and in operation.

(8) Each cab shall contain a three inch reflective stripe the entire length of the vehicle on the driver side, rear and passenger side of the vehicle.

(b) In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this Regulation, each licensed taxicab operating within the County shall at all times remain in compliance with each of the following VEHICLE requirements:

- (1) No vehicle shall be licensed as a taxi for the first time if it was manufactured ten (10) years or more prior to the date of registration or has more than 200,000 miles.
- (2) Every vehicle shall be kept mechanically fit, interior and exterior kept in a clean and sanitary condition and shall at all times bear a current New York State Inspection Sticker and a County Inspection Sticker.
- (3) Under no circumstances shall any two (2) door vehicle be licensed as a taxicab. Vans may be licensed and approved for use as taxicab vehicles only if each such van provides a seat and a seat belt for each passenger and carries no more than ten (10) passengers at any given time.
- (4) Every vehicle shall be equipped with an adequate heater of a type which will not permit exhaust gasses to enter the interior of the vehicle.
- (5) Every vehicle shall be equipped with at least three (3) adjustable rear-view mirrors, one (1) in the driver's compartment and two (2) exterior mirrors installed on the exterior of the vehicle, one (1) on the driver's side door and one (1) on the passenger-side door.
- (6) Every vehicle shall be equipped with a standard speedometer properly installed and maintained in good working order. No licensed vehicle shall be operated in public while such speedometer is inoperative or disconnected.
- (7) Every vehicle shall have either acceptable snow tires, all-weather radial tires or tire chains on the drive wheels of such vehicle when pavement conditions are such as to require said use for the safety of the driver, passenger and the general public.
- (8) Every vehicle shall be equipped with dual windshield wipers properly installed and maintained in good working order, which shall be operated whenever weather conditions require. This shall include windshield washers in proper working condition. In addition, each licensed vehicle shall at all times remain in compliance with New York State Regulations requiring that headlights be turned on at any time windshield wipers are in operation.
- (9) Every vehicle shall contain original or replacement upholstery and floor mats in good and suitable condition for satisfactory use by the public. In the event that original upholstery or floor mats are found to be worn or otherwise deteriorated, such upholstery or floor mats must be replaced prior to the use of the licensed vehicle for conveyance of the public.
- (10) Every vehicle shall be equipped with an interior light capable of illuminating the entire interior of taxicab after sundown. The light shall be so arranged as to be automatically turned on by the opening of any door to the vehicle and shall also have a switch easily accessible to passengers.
- (11) Wherever glass is used in the construction of any licensed vehicle, such glass shall be safety glass, clearly and permanently marked as such and of a type approved by

the Commissioner of Motor Vehicles of the State of New York. All glass in said licensed vehicle shall be in good condition and shall not contain air bubbles, cracks or fractures. Glass shall not be tinted; however, vehicles licensed prior to the enactment of this ordinance shall be permitted to have manufactured installed tint only.

(12) The fenders, bumpers and body of each licensed vehicle must be rigidly and tightly fastened to said vehicle, free from significant or extensive dents or mutilation, and shall be so constructed as to allow the full opening of all doors of the vehicle. The exterior of the vehicle shall be properly maintained, painted and the finish in good condition. This includes all exterior light lenses to be free from cracks and to be the proper color.

(13) The vehicle must be equipped with both front and rear window defroster/defogger. They are to be in proper working condition.

(14) Every vehicle shall be equipped with hubcaps on all four (4) wheels or shall have uniformly painted wheels in lieu thereof.

(15) Shades, window tinting of any degree or curtains are prohibited on the any taxicab. Window tinting shall be permitted on cabs licensed at the time of the enactment of this ordinance provided the tinting was installed by the manufacturer of the vehicle.

(16) New York State license plates, County Inspection Sticker and any other licensing and inspection identification shall be placed and maintained in such manner as to be clearly visible and unobstructed at all times.

(17) No licensed vehicle shall be equipped with any equipment which is not reasonably useful or necessary to furnish safe, adequate and convenient taxicab service to the public.

(18) Each vehicle used as a taxicab shall be equipped with a roof light which shall be illuminated by an electrically-powered light and controlled by the driver.

(19) Each vehicle used as a taxicab shall comply with all applicable federal, state and other laws, rules and regulations pertaining to its use by and accessibility to persons with disabilities.

(20) Each taxicab vehicle shall display upon the inside of both the right and left passenger doors a sticker stating the following in both the English and Spanish language in no smaller than 18- point type in capital letters:

“PUBLIC NOTICE/AVISO PUBLICO

THIS VEHICLE MAY BE STOPPED AND VISUALLY INSPECTED BY ANY POLICE OFFICER AT ANY TIME TO ENSURE THE SAFETY OF THE DRIVER AND THE OCCUPANTS AND COMPLIANCE WITH THIS REGULATION.

DRIVER'S SAFETY./

ESTE VEHICULO PUEDE SER DETENIDO E INSPECCIONADO VISUALMENTE POR LOS AGENTES DE PLICIA EN CAULQUIER MOMENTO PARA GARANTIZAR LA SEGURIDAD DEL CONDUCTOR Y LOS OCUPANTES Y EL CUMPLIMIENTO DE ESTE CAPITULO.

COUNTY TAXI INSPECTION SAFETY PROGRAM/PROGRAMMA DE INSPECCION DE SEGURIDAD DE TAXI DE DUTCHESS COUNTY.

- (21) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in both English and Spanish language in no less than 18-point type advising that seat belts are available and shall be used by all passengers.
- (c) Taxicabs licensed in accordance with this regulation may be equipped with a partitions or shields made of plexiglass or other shatterproof material located between and effectively separating the front and rear seats .

SECTION 16: REQUIREMENT OF COMPANY TO MAINTAIN RECORDS.

- (a) Every company operating any taxicab shall designate an employee such as a dispatcher or other such person who shall be responsible to keep and maintain a trip sheet at all times during the operation of such Taxicab(s). In addition, every taxicab operator shall keep and maintain a trip sheet at all times during the operation of such taxicab. Such trip sheet shall record at a minimum the following information:
- (1) The name, driver's license number, Taxicab Driver's License number and expiration date of each and every driver operating such vehicle for the trips recorded on the trip sheet;
 - (2) Date, commencement time in hour and minute(s) and origin point of each trip for each passenger;
 - (3) Date, drop-off or termination time in hour and minute(s) and destination or termination location of each trip for each passenger;
 - (4) Fare charged and collected for each trip for each passenger;
 - (5) Date, time in hour and minute(s) and location of any accident(s) or breakdown causing an interruption or discontinuance of the operation of such taxicab, and a description thereof;
 - (6) The issuance of any citation or violation of any law, rule or code involving the operation of such taxicab and/or the conduct of the driver of same.
- (b) The operator of any taxicab business shall produce any and all such trip sheets for any and all taxicabs operated, owned or controlled by such persons upon demand therefore by any police officer or the County.
- (c) All such trip sheets shall be retained and kept on file and made available for audit, examination and inspection by the County or its designee at all reasonable times for a minimum period of two (2)years by every owner, Operator and/or proprietor of every taxicab and company operating and/or owning same.
- (d) In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this regulation, each licensed taxicab operating within the County shall at all times remain in compliance with each of the following requirements applicable to all owners and operators thereof:
- (1) Must maintain and furnish a current list of drivers and employees to the County.

- (2) Must provide a letter to the County upon the discharge or termination for any reason of a driver and/or employee, giving the reason for such discharge or termination.
- (3) Must promptly report to the County the transfer of ownership of any vehicle licensed by the County and concurrently turn in to the County the taxicab vehicle license of such vehicle.
- (4) Must report in writing changes of address of the owner, operator or driver of a taxicab to the County within three (3) days of said change.
- (5) Must maintain proper vehicle insurance for all owned or operated taxis in accordance with New York State Vehicle and Traffic Law or other laws, rules or regulations and report a revocation or cancellation of insurance immediately to the County. Proof that the vehicle is covered by current liability insurance policy shall be attached to the application in the form of a Certificate of Insurance.

SECTION 17: REQUIREMENTS OF DRIVERS.

In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this Regulation, each licensed taxicab driver operating within the County shall at all times remain in compliance with each of the following DRIVER requirements:

- (1) Shall keep the interior and exterior of the taxicab in clean and sanitary condition and shall at all times maintain the vehicle in compliance with this regulation.
- (2) Shall not smoke while the vehicle is carrying passengers.
- (3) Shall at all times, while on duty, have displayed in the interior of the vehicle which He/she is operating, his/her Taxicab Driver's License. The license shall be displayed as required by Section 5.
- (4) In the event a driver's appearance changes substantially, he shall provide the County with a new photograph and shall accompany such photograph with an application fee of two (\$2.00) dollars. Fifteen (\$15.00) dollars shall be the fee charged for a replacement license.
- (5) Shall report to the police any unlawful act committed in, with or in connection with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime.
- (6) Shall not permit any passenger in the taxicab except a paying fare during such time as the taxi is being used for business purposes.
- (7) Shall not operate a taxicab when there is snow or ice on the pavement unless there are chains, all weather radial tires or snow tires on the drive wheels.
- (8) While on duty, the driver shall state his/her name and employer's name to any passenger or police officer on request. Also, it shall be unlawful for any driver of any taxicab to misrepresent or withhold the name of his employer or the business address and business telephone of the same.
- (9) Shall not cruise within the County seeking passengers nor make any personal solicitation on any street or other public place for passengers to ride or hire any particular taxicab other than from immediately adjacent to such taxicab while parked at a designated taxicab stand, in compliance with Section 22 hereof. Taxicabs shall not stand on any public street or place other than at or upon a taxicab stand designated by the County.

- (10) No vehicle licensed as a taxicab shall be used for the carrying of any freight, goods or merchandise of any nature whatsoever while carrying a fare unless such goods or merchandise are owned by the fare riding with same.
- (11) Carriage of infected persons. Should it be found by the owner, Operator or driver that a taxicab has been used to convey any person infected with a contagious disease or if any blood or bodily fluids or discharges have contaminated the passenger area of the taxi, such vehicle shall not be used until it has been thoroughly cleaned and disinfected in accordance with applicable laws, rules and regulations related to public health.
- (12) Any owner or operator shall not permit any one driver to operate a taxicab more than twelve (12) hours in any continuous twenty-four (24) hour period, except the driver of a taxicab exclusively hired or engaged for special trips or excursions.
- (13) Shall not be permitted to carry more than five (5) passengers including children in a 4-door sedan vehicle and shall not be permitted to carry more than ten (10) passengers including children in a station wagon or van.
- (14) Shall not operate a taxicab if the vehicle has any equipment violations as defined in this Regulation or in the Vehicle and Traffic Law, Section 375, or other laws, rules and regulations.
- (15) Must not consume alcohol or intoxicating drugs prior to or during the driving or other operation of a taxicab. This excludes prescription and over the counter medications which do not cause drowsiness, fatigue, blurred speech or vision or other conditions which may impair the ability to drive safely.
- (16) Except when authorized in the Vehicle and Traffic Law, driver shall not use the horn or otherwise make or create loud or unnecessary noise, such as for announcing arrival or alerting potential patrons.
- (17) Shall not obstruct traffic. Driver shall pull to the curb to pick up and discharge passengers. Driver shall not intrude upon or obstruct pedestrian crossings, bus stops, loading zones, driveways, intersections or other areas requiring the free and unobstructed flow of traffic when stopped to pick up or discharge passengers.
- (18) Shall provide a written receipt accurately stating the exact fare paid by any passenger requesting same.
- (19) Each and every operator and driver of a taxicab vehicle operating as such in the County is required to accept as a paying fare every orderly adult person, and shall not refuse to accept as a paying fare any adult person on the basis of any disability, or on the basis of their race, ethnicity, religion, sex, age, sexual preference or other discriminatory basis or criteria prohibited by law.
- (20) Shall not illegally use, consume, possess or deal in intoxicating liquors or drugs.

SECTION 18: SUSPENSION OR REVOCATION OF TAXICAB VEHICLE AND/OR DRIVER'S LICENSE.

Taxicab vehicle and/or driver's licenses may be revoked or suspended at any time for cause after a hearing by the County. Cause includes but is not limited to: violation of any Sections of this Regulation; conviction of a violation, misdemeanor or felony pursuant to the Laws of the State of New York; transporting, soliciting or procuring any person to ride in a licensed taxicab for the purpose of commission of a crime. Licenses shall be revoked if the vehicle shall be used for

immoral or illegal purposes. Licenses and permits may be suspended or revoked for failing to be and remain in compliance with all applicable laws, rules and regulations. Licenses and permits may be suspended or revoked for having an outstanding judgment or an unpaid civil penalty owed for a violation of New York State Vehicle and Traffic Law relating to traffic in any other licensing jurisdiction meeting the standards and requirements of New York Vehicle and Traffic Law Section 498, subdivisions three, four, and six, or a violation of regulations promulgated by such other licensing jurisdiction duplicating or incorporating by reference any of the provisions of New York State Vehicle and Traffic Law, until such judgment is satisfied or such civil penalty is paid. There shall be a continuing review of the driving record of every taxicab or pre-arranged for-hire vehicle driver licensed by the County, as reflected in the number and type of convictions accumulated on the driver's license issued to such driver. There shall be a mandatory suspension for a thirty-day period of a taxicab or pre-arranged for-hire vehicle driver's license upon the accumulation of one and one quarter (1.25) or more points on such person's driver's license within a fifteen-month period, and the mandatory revocation of a taxicab or pre-arranged for-hire vehicle driver's license upon the accumulation of two and one half (2.5) or more points on such person's driver's license within a fifteen-month period. When the license is suspended or revoked, the taxicab driver's and/or vehicle license card hereinbefore provided for shall be retained by the County and shall be returned only after the expiration of the suspension period with suitable entry being made thereon by the County or its authorized designee as to the reason for and duration of the suspension. The County upon determination to revoke or suspend a license shall notify the holder of his decision in writing by certified mail and state the reasons for his action.

SECTION 19: REGISTER OF LICENSED TAXICABS.

The County shall keep a register of the name of each person owning or operating or otherwise legally responsible for a taxicab vehicle licensed under this regulation, together with the license numbers of vehicles and drivers. Such record shall be open to the inspection of the public at all reasonable times.

SECTION 20: RETURN OF LICENSES, CARDS AND PERMITS; NON-ASSIGNABILITY; TRANSFER OF VEHICLE LICENSE EXCEPTION, FEE.

Every person to whom a license card, license or permit has been issued under the provisions of this regulation shall, upon discontinuing or abandoning the ownership, operation or driving of a taxicab, return such license card, license or permit to the County unless such card, license or permit has been lost or for other reason cannot be restored. Such card, license or permit shall not be assigned or transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits his license, permit or card to be used by any other person or for any vehicle other than the one for which same was issued and any person who uses such license, permit or card granted or given to any other person or who uses such permit or license for a vehicle other than the one for which it was issued shall each be guilty of a violation of this regulation. Notwithstanding the foregoing, the owner or operator of a vehicle licensed as a taxicab under this Regulation may take such vehicle out of service as a taxicab for any reasonable cause, such as damage, wear and tear, sale of the vehicle, age of the vehicle or other. In such case, such owner or operator may apply to the County for permission to transfer the license issued to such vehicle to another vehicle to be put in service as a taxicab to replace the vehicle originally licensed. Such application shall include all the information pertaining to the replacement vehicle required for a taxicab vehicle license, and such replacement vehicle shall

meet all the requirements applicable to taxicabs, as required by this regulation. Such application to transfer such taxicab vehicle license shall be accompanied by a non-refundable One Hundred (\$100.00) Dollar transfer application fee.

SECTION 21: DUPLICATE LICENSE, PERMIT OR CARD.

Whenever a license, permit, badge or card shall be lost, stolen or destroyed, without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof, under the original application, may be issued by the County upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the cost of such duplicate license, permit, card, badge or tag. The replacement fee for a lost, stolen or destroyed license, permit, badge or card shall be twenty-five (\$25.00) dollars.

SECTION 22: TAXICAB STANDS.

Taxicab stands may be established by local law or duly promulgated regulation and subject to such approval as may require, and shall be used only by taxicab drivers in the order of their arrival at said stands. Taxicab stands may be used only by licensed taxicabs then available for hire and being driven only by licensed taxicab drivers.

SECTION 23: SOLICITING; NO CRUISING.

No taxicab, while awaiting employment, shall stand or travel on any public street except stopped at a stand designated in accordance with this Regulation. No person shall solicit passengers from any point other than immediately adjacent to his taxicab. Taxicabs shall not cruise or operate on the streets of the County, without a fare under hire, for the purpose of soliciting business. No taxicab owner, operator or driver shall employ radios, telephones, or other methods or means of remote communicating in order or so as to pre-empt, intercept, precede or otherwise interfere with any other driver or operator of a taxicab which has lawfully been called, appointed or retained to serve a fare.

SECTION 24: SCHEDULE OF CHARGES.

- (a) Except as provided in Subdivision (B) of this Section, the rate of fare for the transport of passengers and/or baggage to and from destinations within the County shall be no more than five (\$5.00) dollars for the first four (4) miles and \$2.00 for each additional mile. A fee of no more than \$2.00 may be charged for each additional passenger who originates and terminates at the same location.
- (b) Passengers who are 65 years or older from any point having its origin within the County to any point having its destination within the County shall be discounted ten (10%) percent.
- (c) Owners, Operators and Drivers must display fare rates visible to all passengers.
- (d) Owners must submit along with the Taxi Vehicle License Application its established fare rate for transports within, through and outside the County limits.

(e) The soliciting of tips, gratuities or any charges in addition to those authorized herein is prohibited. This clause shall not prohibit the voluntary offer or acceptance of a tip or gratuity.

(f) No person shall charge or attempt to charge any passenger a greater fare than that to which the taxicab driver is entitled to collect under the provisions of this regulation.

(g) If a taxicab waits for more than five (5) minutes for a passenger at the passenger's request, there may be a charge for waiting of one (\$1.00) dollar for each five (5) minutes or fraction thereof after the first five (5) minutes.

(h). Transport of animals.

(1) There is no additional charge for carrying a guide, hearing, or service dog accompanying a blind person or a hearing impaired person; or other person whose physical or medical condition requires the assistance of such animal; and no driver shall refuse or decline to carry a passenger or fare for the reason that such person is accompanied by such an animal.

(2) Drivers may refuse to transport any other animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle; or is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

(i). The Schedule of Fares herein established may be amended by promulgation of a regulation.

SECTION 25: PAYMENT OF FARES.

(a) Prepayment. Every driver of a taxicab shall have the right to demand payments of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request to any lawful destination anywhere in the County, unless previously engaged, off duty or otherwise lawfully unable to do so.

(b) Disputed fares. All complaints as to fares shall be submitted in writing to the County on a form provided by the County. The complaint shall provide a brief description of the nature of the facts, the date, time and place of the incident, the name of the taxicab company and operator if known, and the name, address and telephone number of the person making the complaint. The same will be forwarded to the County or its designee for review and investigation. The taxicab owner or operator shall have an affirmative obligation to provide the relevant trip sheet to the County or its designee in furtherance of his investigation. Failure to provide said trip sheet to the County or its designee shall result in an automatic finding in favor of the complainant. Within thirty (30) days from the date the complaint form is submitted to the County or its designee shall issue a written finding, which shall be provided to the complainant and taxicab company and/or Operator.

(c) Penalties. When a taxicab owner or Operator is found to be in violation of the fare provision, the owner or operator shall be assessed a civil penalty by the County in the

amount of \$100 per violation. In addition to the civil penalty assessed, any taxicab owner or operator found to be in violation of the fare provision shall be required to reimburse the complainant in the amount found to have been overcharged by the County or its designee after his investigation. Said reimbursement funds shall be collected by the County in the form of a check or money order made payable to the complainant. The County shall notify the complainant of the receipt of reimbursed funds using the contact information provided by the complainant in the form described in Section (b). The County shall make reasonable efforts, including telephone contact and/or regular mail correspondence, to locate the complainant and provide said funds. In addition to the amount to be reimbursed to the complainant, any outstanding civil penalty shall be reassessed at the time of the owner or operator's license renewal. No license pursuant to this regulation shall be issued if any civil penalty is unpaid at the time of renewal. Any operator found in violation of the fare provision three or more times may have their taxicab driver's license, vehicle license or license to operate suspended or revoked by the County or its designee.

SECTION 26: RECEIPTS OF FARES.

Whenever a passenger in a taxicab asks for a receipt for the fare paid by him, it shall be given to him by the driver. Such receipt shall show the name of the driver, the name of the owner of the taxicab, the number of the Taxicab, the time when the trip began and ended, the origin, any stops, and final destination of the trip, and the amount of fare collected.

SECTION 27: RIDERS PROHIBITED.

No person shall be allowed to ride on the front seat of any taxicab next to the driver except paying passengers, and any driver who shall permit this may be deprived of his license via suspension or revocation of same by the County. It shall be the duty of all police officers to issue violations to offenders and notify the County of any violation of this provision.

SECTION 28: COMPLIANCE WITH NOISE ORDINANCE; SOUNDING OF HORN PROHIBITED.

Every driver of a taxicab shall at all times comply with all applicable laws, rules and regulations, prohibiting loud or unnecessary noise in disturbance of peace and quiet. At no time shall a taxicab driver sound the horn or otherwise make noise to notify another person of his presence or to notify, attract or solicit a customer or passenger. Taxicab drivers violating this section are subject to any and all penalties provided for violations of this regulation, including but not limited to suspension and/or revocation of said driver's taxicab driver's license, and/or the taxicab vehicle permit or license issued to such vehicle. This shall be in addition to and not instead of subjecting such offender to other penalties prescribed by the County and any other law for violating such other laws or ordinances prohibiting loud or unnecessary noise and/or cruising.

SECTION 29: ARTICLES FOUND IN TAXICABS.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, must be taken to the police station and deposited with the officer in charge within 24 hours after the finding thereof.

SECTION 30: USE OF VEHICLE FOR UNLAWFUL PURPOSES; DECIVING OR MISINFORMING PASSENGERS PROHIBITED.

(a) It shall be unlawful for any licensed driver of any taxicab to misrepresent his own name, and/or the name of his employer, or knowingly to receive or transport any person or persons who intend any unlawful act in such vehicle, during the voyage or at the termination thereof, whether within such vehicle or not. It shall be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab with the intent of the driver or of any or all passengers to commit any unlawful act therein or at any time during the voyage or immediately following the termination thereof, whether within the vehicle or not.

(b) It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure the sale or distribution of controlled substances. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure any person to ride in a licensed taxicab for the purpose of sale or distribution of controlled substances.

(c) Operating a vehicle under the influence of alcohol or a controlled substance shall be grounds for immediate suspension and revocation of a driver's license. The County may require a licensee to submit to drug and alcohol screening tests upon reasonable cause. Refusal to submit to such screening test or a positive test result shall constitute grounds for revocation of a license.

(d) No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger who may pay for taxicab service, or who may ride or desire to ride in any such vehicle as to the shortest route to a destination or as to the lawful fare to be charged. No person owning operating or driving a taxicab shall deceive or misinform any customer or passenger as to the location or distance of the destination requested; nor shall any passenger be transported to any destination other than the one specified and/or by any route directed or requested by such person.

SECTION 31: NOTIFICATION.

The County, upon both the issuance and disposition of a summons issued in County to a taxicab or pre-arranged for-hire vehicle licensed in another jurisdiction, shall notify such other jurisdiction of such issuance and disposition.

SECTION 32: INTERJURISDICTIONAL INFORMATION SHARING.

The County shall provide, by means of a dedicated telephone line or read-only access to an electronic database, the following information to other jurisdictions meeting the standards and requirements set forth in New York State Vehicle and Traffic Law Section 498, subdivisions three, four, and six: the name of the holder of a taxicab or pre-arranged for-hire vehicle license; the vehicle identification number of a licensed taxicab or pre-arranged for-hire vehicle; the date first licensed; the date such licenses were most recently renewed; and all violations issued to each licensee and the disposition of each such violation. Such information obtained by a licensing jurisdiction from other licensing jurisdictions shall be used solely for the enforcement

of laws and regulations applicable to the provision of transportation for compensation on a pre-arranged basis.

SECTION 33: "DOING BUSINESS" PROHIBITED IN ANOTHER JURISDICTION.

No owner of a vehicle licensed as a taxicab or pre-arranged for-hire vehicle by the County or any person or business engaged in the for-hire transportation of passengers by motor vehicle that is affiliated with such licensee shall do business within any jurisdiction in which it seeks to operate on an inter-jurisdictional basis. "Do business" shall mean having a place of business or telephone number in such jurisdiction relating to for-hire transportation of passengers by motor vehicle.

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 9. Regulation of Use of Bicycles and Similar Vehicles

McKinney's General Municipal Law § 181

§ 181. Ordinances to regulate taxicabs and limousines

Effective: August 31, 2016
Currentness

The municipal officers and boards in the several cities, towns and villages of this state now having the authority to enact ordinances, may adopt ordinances regulating:

1. The registration and licensing of taxicabs and may limit the number of taxicabs to be licensed and the county of Westchester may adopt ordinances regulating the registration and licensing of taxicabs and limousines and may limit the number to be licensed; the county of Nassau may adopt ordinances regulating the registration of taxicabs and limousines; and the county of Suffolk may adopt local laws or ordinances regulating the registration of taxicabs, limousines, and livery vehicles; the county of Rockland may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles and may limit the number to be licensed; and the county of Dutchess may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines and livery vehicles; and the county of Ulster may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles.

2. Parking and passenger pick-up and discharge by taxicabs, limousines and livery vehicles. Establishment of such local laws or ordinances and regulations regulating parking and passenger pick-up and discharges may be based upon recommendations from municipal planning officials or other public entities and may address and take into consideration such factors, including, but not limited to, geographic areas, vehicle type, limiting the number of parked vehicles and activities undertaken while parked, and periods of idling.

Credits

(Added L.1956, c. 209, § 1, eff. April 2, 1956. Amended L.1992, c. 829, § 1; L.1993, c. 579, § 1; L.2003, c. 430, § 1, eff. Sept. 1, 2003; L.2012, c. 382, § 1, eff. Aug. 17, 2012; L.2012, c. 385, § 1, eff. Aug. 17, 2012; L.2015, c. 498, § 1, eff. Nov. 20, 2015; L.2016, c. 287, § 1, eff. Aug. 31, 2016; L.2016, c. 289, § 1, eff. Aug. 31, 2016.)

McKinney's General Municipal Law § 181, NY GEN MUN § 181
Current through L.2016, chapters 1 to 442.

McKinney's Consolidated Laws of New York Annotated
Penal Law (Refs & Annos)
Chapter 40. Of the Consolidated Laws (Refs & Annos)
Part Three. Specific Offenses
Title L. Offenses Against Public Administration
Article 210. Perjury and Related Offenses (Refs & Annos)

McKinney's Penal Law § 210.45

§ 210.45 Making a punishable false written statement

Currentness

A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable.

Making a punishable false written statement is a class A misdemeanor.

Credits

(L.1965, c. 1030.)

McKinney's Penal Law § 210.45, NY PENAL § 210.45

Current through L.2016, chapters 1 to 442.

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Correction Law (Refs & Annos)
Chapter 43. Of the Consolidated Laws (Refs & Annos)
Article 23-a. Licensure and Employment of Persons Previously Convicted of One or More Criminal
Offenses (Refs & Annos)

McKinney's Correction Law § 750

§ 750. Definitions

Effective: July 18, 2007

Currentness

For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

Credits

(Added L.1976, c. 931, § 5, eff. Jan. 1, 1977. Amended L.2007, c. 284, § 1, eff. July 18, 2007.)

McKinney's Correction Law § 750, NY CORRECT § 750
Current through L.2016, chapters 1 to 442.

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Vehicle and Traffic Law (Refs & Annos)
Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)
Title IV. Registration of Vehicles
Article 17-B. Interjurisdictional Pre-Arranged for-Hire Vehicle Operation (Refs & Annos)

McKinney's Vehicle and Traffic Law § 498

§ 498. Interjurisdictional pre-arranged for-hire vehicle operation

Effective: August 31, 2016
Currentness

1. Definitions: When used in this section, the following terms shall have the following meanings:

a. "Driver's license" shall mean a license issued by the department pursuant to article nineteen of this chapter or by a similar regulatory agency of another state.

b. "Licensing jurisdiction" shall mean a city with a population of one million or more, or a county within New York state contiguous to such city, the county of Suffolk, the county of Rockland or the county of Dutchess or the county of Ulster, that requires the issuance of a license, permit, registration, certification or other approval for a vehicle to perform the pre-arranged pick up or drop off of one or more passengers in such jurisdiction for compensation.

c. "Pre-arranged for-hire vehicle" shall mean a motor vehicle, other than a bus, that is used in the business of transporting passengers for compensation on a pre-arranged basis, and operated in such business under a license or permit issued by a licensing jurisdiction. The term "pre-arranged for-hire vehicle" shall apply to vehicles as defined herein regardless of any other provision of local law or rule defining or describing such vehicles by any other terms such as livery, black car, or luxury limousine.

d. "Pre-arranged for-hire vehicle license" shall mean a license, permit, registration, certification or other approval issued by a licensing jurisdiction to the owner of a pre-arranged for-hire vehicle for the purpose of providing pre-arranged transportation for compensation.

e. "Pre-arranged for-hire vehicle driver's license" shall mean a license, permit or other approval to operate a pre-arranged for-hire vehicle issued by a licensing jurisdiction.

f. "Serious criminal offense" shall mean a conviction of (i) a felony involving the use of a motor vehicle except a felony as described in subparagraph (ii) of this paragraph; (ii) a felony involving manufacturing, distributing or dispensing a drug as defined in section one hundred fourteen-a of this chapter or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (iii) a violation of subdivision one or two of section six hundred of this chapter; (iv) operating a pre-arranged for-hire vehicle when, as a result of prior violations committed

while operating a pre-arranged for-hire vehicle, the driver's license is revoked, suspended, or canceled; (v) causing a fatality through the negligent operation of a pre-arranged for-hire vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide; (vi) homicide; and (vii) a felony for assault, sexual offenses, kidnapping, or burglary.

2. Reciprocity. a. A pre-arranged for-hire vehicle that is licensed to provide pre-arranged transportation for compensation by a licensing jurisdiction meeting the standards and requirements set forth in subdivisions three, four and six of this section shall be authorized to pick up passengers in such jurisdiction for drop off within the same jurisdiction, to pick up passengers in another licensing jurisdiction for drop off within the licensing jurisdiction licensing such pre-arranged for-hire vehicle, to drop off passengers in another licensing jurisdiction who were picked up within the licensing jurisdiction licensing such pre-arranged for-hire vehicle, and to transit other licensing jurisdictions. No other licensing jurisdiction may require a pre-arranged for-hire vehicle providing pre-arranged transportation for compensation, which is licensed by a licensing jurisdiction meeting the standards and requirements set forth in subdivisions three, four and six of this section, to also be licensed by such other licensing jurisdiction or to pay any pre-arranged for-hire vehicle license fee in order to be allowed to pick up or drop off passengers within or to transit such jurisdiction. A licensing jurisdiction meeting the standards and requirements set forth in subdivisions three, four and six of this section shall provide written confirmation thereof to other licensing jurisdictions, containing information sufficient to establish that such licensing jurisdiction meets all such standards and requirements, and which shall be verifiable by such other licensing jurisdictions. Such written confirmation shall be resubmitted to such other licensing jurisdictions every three years.

b. A pre-arranged for-hire vehicle licensed by a licensing jurisdiction not meeting the standards and requirements set forth in subdivisions three, four and six of this section shall be authorized to pick up and/or drop off passengers in any other licensing jurisdiction only (i) pursuant to the terms of a separate written agreement or memorandum of understanding entered into between such licensing jurisdictions or (ii) if the owner of such vehicle obtains a pre-arranged for-hire vehicle license from such other licensing jurisdiction.

c. Where pre-arranged transportation is provided by a pre-arranged for-hire vehicle licensed by a licensing jurisdiction meeting the standards and requirements set forth in subdivisions three, four and six of this section and such transportation begins with the pick up or the drop off of a passenger outside of such jurisdiction, such pre-arranged for-hire vehicle shall be authorized to temporarily discharge and subsequently pick up such passenger outside the licensing jurisdiction during the course of such transportation, provided no intra-jurisdictional transportation is provided at that time to any other person who is not covered by the pre-arranged transportation agreement.

3. Standards for pre-arranged for-hire vehicle transportation. A licensing jurisdiction shall be deemed to comply with the provisions of this subdivision if the following conditions are met:

a. The licensing jurisdiction requires the suspension of the pre-arranged for-hire vehicle license of a pre-arranged for-hire vehicle owner, or the pre-arranged for-hire vehicle driver's license of a driver, against whom there is an outstanding judgment or an unpaid civil penalty owed for a violation of this chapter relating to traffic in any other licensing jurisdiction meeting the standards and requirements of this subdivision and subdivisions four and six of this section, or a violation of regulations promulgated by such other licensing jurisdiction duplicating or incorporating by reference any of the provisions of this chapter, until such judgment is satisfied or such civil penalty is paid.

b. The licensing jurisdiction requires that each pre-arranged for-hire vehicle it licenses shall display evidence of a current, valid pre-arranged for-hire vehicle license affixed to the windshield in a form and manner that may be further specified by the regulations of such jurisdiction.

c. The licensing jurisdiction requires the owner of each pre-arranged for-hire vehicle it licenses to maintain, for purposes of insurance or other financial security, coverage in a specified amount per person, payable for those expenses specified in paragraphs one, two and three of subsection (a) of section five thousand one hundred two of the insurance law, and coverage in specified amounts of minimum and maximum liability for bodily injury and death, as said terms are defined in subdivision one of section three hundred seventy of this chapter.

d. The licensing jurisdiction requires (i) each pre-arranged for-hire vehicle it licenses to be inspected no less frequently than every twelve months by an official inspection station licensed pursuant to section three hundred three of this chapter, or, if the pre-arranged for-hire vehicle is registered in another state, by the agency responsible for vehicle registration and inspection in that state, and (ii) each pre-arranged for-hire vehicle to display a valid inspection sticker indicating the date of the last inspection and/or the expiration date, if such stickers are issued by the state of registration.

e. The licensing jurisdiction provides, by means of a dedicated telephone line or read-only access to an electronic database, the following information to other jurisdictions meeting the standards and requirements set forth in this subdivision and subdivisions four and six of this section: the name of the holder of a pre-arranged for-hire vehicle license; the vehicle identification number of a licensed pre-arranged for-hire vehicle; the date first licensed; the date such licenses were most recently renewed; and all violations issued to each licensee and the disposition of each such violation. Such information obtained by a licensing jurisdiction from other licensing jurisdictions shall be used solely for the enforcement of laws and regulations applicable to the provision of transportation for compensation on a pre-arranged basis.

f. The licensing jurisdiction requires that a pre-arranged for-hire vehicle be driven only by the holder of a driver's license which is valid to operate such motor vehicle in this state.

g. The licensing jurisdiction requires that a pre-arranged for-hire vehicle be driven only by the holder of a pre-arranged for-hire vehicle driver's license.

h. The licensing jurisdiction requires that a pre-arranged for-hire vehicle driver display his or her pre-arranged for-hire vehicle driver's license in such vehicle in a manner clearly visible to passengers or have such license readily available to produce upon the request of a passenger or law enforcement personnel.

i. The licensing jurisdiction requires that a record of each interjurisdictional trip be entered prior to the commencement of such trip in a log maintained and kept readily accessible in the vehicle in a form and manner prescribed by the licensing jurisdiction and produced at the request of any police officer or peace officer acting pursuant to his or her special duties or other enforcement personnel authorized by such jurisdiction. Such record shall be kept for a period of no less than one year after such trip. Failure to produce such a log maintained in the manner prescribed by such jurisdiction when requested by a police officer or other enforcement personnel shall be presumptive evidence of illegal interjurisdictional operation.

j. The licensing jurisdiction requires that the owner of each motor vehicle licensed as a pre-arranged for-hire vehicle hold a valid vehicle registration for such vehicle issued by the department for which a registration fee has been paid pursuant to schedule C of subdivision seven of section four hundred one of this title, or, in the case of a non-resident of this state, a vehicle registration issued by the state of residence.

k. No owner of a vehicle licensed as a pre-arranged for-hire vehicle by a licensing jurisdiction meeting the standards and requirements of this subdivision and subdivisions four and six of this section or any person or business engaged in the for-hire transportation of passengers by motor vehicle that is affiliated with such licensee shall do business within any jurisdiction in which it seeks to operate on an interjurisdictional basis. "Do business" shall mean having a place of business or telephone number in such jurisdiction relating to for-hire transportation of passengers by motor vehicle.

4. Standards for drivers of pre-arranged for-hire vehicles. A licensing jurisdiction shall be deemed to comply with the provisions of this subdivision if it requires the following as conditions of licensure of pre-arranged for-hire vehicle drivers:

a. The pre-arranged for-hire vehicle driver is fingerprinted and his or her criminal history obtained from the department of criminal justice services.

b. The licensing jurisdiction adopts criteria pursuant to which an applicant for a new or renewal pre-arranged for-hire vehicle driver's license shall be denied, and a pre-arranged for-hire vehicle driver's license shall be suspended or revoked, upon conviction of the applicant or licensee for a serious criminal offense, subject to applicable laws, including, but not limited to, article twenty-three-A of the correction law.

c. The licensing jurisdiction provides by regulation for the continuing review of the driving record of every pre-arranged for-hire vehicle driver licensed by such jurisdiction, as reflected in the number and type of convictions accumulated on the driver's license issued to such driver. Such regulation shall provide for the mandatory suspension for a thirty-day period of a pre-arranged for-hire vehicle driver's license upon the accumulation of a specified number and type of conviction on such person's driver's license within a fifteen-month period, and the mandatory revocation of a pre-arranged for-hire vehicle driver's license upon the accumulation of an additional number of convictions of a specified number and type on such person's driver's license within a fifteen-month period.

d. The licensing jurisdiction requires that an applicant for a pre-arranged for-hire vehicle driver's license submit to drug testing, and that licensed pre-arranged for-hire vehicle drivers be required to submit to additional drug testing upon each application for renewal of such person's pre-arranged for-hire vehicle driver's license, and additional drug testing such that each licensee shall submit to such drug testing no less often than once each year; and that any applicant who tests positive for drugs or intoxicating liquors shall be denied a pre-arranged for-hire vehicle driver's license, and the pre-arranged for-hire vehicle driver's license of any licensee who tests positive for drugs or intoxicating liquors shall be revoked after notice and an opportunity to be heard. Such drug test shall be administered by a person or entity holding the requisite permit from the New York state department of health. Individual test results and any related medical information about such applicant or licensee shall be confidential, shall not be disclosed except to the applicant or licensee or his or her representative, and shall not be entered or received as evidence at any civil, criminal or administrative trial, hearing or proceeding other than an administrative trial, hearing or proceeding for the denial or revocation of the pre-arranged for-hire vehicle driver's license as set forth in this paragraph. No person, other than an applicant or licensee who is the subject of such records to whom such records are disclosed, may redisclose such records.

e. The licensing jurisdiction requires that every individual applying for a pre-arranged for-hire vehicle driver's license must submit proof of completion of a state-approved defensive driving course no more than six months prior to the date of application. The licensing jurisdiction shall further require that any individual renewing a pre-arranged for-hire vehicle driver's license must submit proof of completion of a state-approved defensive driving course no more than three years prior to the date of the renewal application.

5. On-street inspections. The enforcement authorities of a licensing jurisdiction meeting the standards and requirements set forth in subdivisions three, four and six of this section may conduct on-street inspections of all vehicles operating as pre-arranged for-hire vehicles within such jurisdiction. A pre-arranged for-hire vehicle owner may be ordered by such licensing jurisdiction to repair or replace such vehicle where it appears that it no longer meets the reasonable standards for safe operation prescribed by regulations of such jurisdiction. Upon failure of the pre-arranged for-hire vehicle owner to comply with such an order within ten days after service thereof, the recognition of such owner's pre-arranged for-hire vehicle license shall be suspended by the licensing jurisdiction. Provided, however, that this subdivision shall not impair such authority to conduct on-street inspections of pre-arranged for-hire vehicles as may otherwise exist.

6. Notification. A licensing jurisdiction meeting the standards and requirements set forth in this subdivision and subdivisions three and four of this section shall, upon both the issuance and disposition of a summons issued in such jurisdiction to a pre-arranged for-hire vehicle licensed in another jurisdiction, notify such other jurisdiction of such issuance and disposition.

Credits

(Added L.2006, c. 549, § 2, eff. Nov. 14, 2006. Amended L.2012, c. 382, § 2, eff. Aug. 17, 2012; L.2012, c. 385, § 2, eff. Aug. 17, 2012; L.2016, c. 287, § 2, eff. Aug. 31, 2016; L.2016, c. 289, § 2, eff. Aug. 31, 2016.)

McKinney's Vehicle and Traffic Law § 498, NY VEH & TRAF § 498
Current through L.2016, chapters 1 to 442.

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Vehicle and Traffic Law (Refs & Annos)
Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)
Title III. Safety Responsibility; Financial Security; Equipment; Inspection; Size and Weight; and Other Provisions
Article 8. Indemnity Bonds or Insurance Policies on Vehicles Transporting Passengers for Hire (Refs & Annos)

McKinney's Vehicle and Traffic Law § 370

§ 370. Indemnity bonds or insurance policies; notice of accident

Effective: October 3, 2011

Currentness

1. Every person, firm, association or corporation engaged in the business of carrying or transporting passengers for hire in any motor vehicle or motorcycle, except street cars, and motor vehicles or motorcycles owned and operated by a municipality, and except as otherwise provided in this section, which shall be operated over, upon or along any public street or highway of the state of New York shall file with the commissioner of motor vehicles for each motor vehicle or motorcycle intended to be so operated evidence, in such form as the commissioner may prescribe, of a corporate surety bond or a policy of insurance, approved as to form by the superintendent of financial services in a company authorized to do business in the state, approved by the superintendent as to solvency and responsibility, conditioned for the payment of a minimum sum, hereinafter called minimum liability, on a judgment or judgments for damages, including damages for care and loss of services, because of bodily injury to, or death of any one person in any one accident, and subject to such minimum liability a maximum sum, hereinafter called maximum liability on a judgment or judgments for damages, including damages for care and loss of services because of bodily injury to, or death of two or more persons in any one accident and for the payment of a minimum sum, called minimum liability on all judgments for damages because of injury to or destruction of property of others in any one accident, recovered against such person, firm, association or corporation upon claims arising out of the same transaction or transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments for damage or injury caused in the operation, maintenance, use or the defective construction of such motor vehicle or motorcycle as follows:

(a) For damages for and incident to death or injuries to persons: For each motorcycle and for each motor vehicle having a seating capacity of not more than seven passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of fifty thousand dollars for bodily injury, and a minimum liability of fifty thousand dollars and a maximum liability of one hundred thousand dollars for death; for each motor vehicle having a seating capacity of not less than eight nor more than twelve passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of eighty thousand dollars for bodily injury, and a minimum liability of fifty thousand dollars and a maximum liability of one hundred fifty thousand dollars for death; for each motor vehicle having a seating capacity of not less than thirteen nor more than twenty passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of one hundred twenty thousand dollars for bodily injury and a minimum liability of fifty thousand dollars and a maximum liability of one hundred fifty thousand dollars for death; for each motor vehicle having a seating capacity of not less than twenty-one nor more than thirty passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and

a maximum liability of one hundred sixty thousand dollars for bodily injury and a minimum liability of fifty thousand dollars and a maximum liability of two hundred thousand dollars for death; for each motor vehicle having a seating capacity of more than thirty passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of two hundred thousand dollars for bodily injury and a minimum liability of fifty thousand dollars and a maximum liability of two hundred fifty thousand dollars for death;

(b) For damages for and incident to injury to or destruction of property; for each motor vehicle and each motorcycle a bond or insurance policy with a minimum liability of ten thousand dollars.

Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon. Any such bond or policy of insurance shall also contain a provision that such bond or policy of insurance shall inure to the benefit of any person legally operating the motor vehicle or motorcycle in the business of the owner and with his permission, in the same manner and under the same conditions and to the same extent as to the owner. If at any time, in the judgment of the commissioner, such bond or policy is not sufficient for any cause the commissioner may require the owner of such motor vehicle or motorcycle to replace such bond or policy with another approved by the commissioner. A corporate surety or an insurance company evidence of whose bond or policy has been so filed, must file a notice in the office of the commissioner that upon the expiration of twenty days from such filing such surety will cease to be liable upon such bond, or in the case of such insurance company, that upon the expiration of such time such policy will be cancelled; provided, however, that where the owner of such motor vehicle or motorcycle has replaced coverage with another insurer, the expiration date shall be the date the new coverage has commenced; further provided that where such owner has had a total loss, the expiration date shall be the earlier of twenty days or when the plates have been turned in to the commissioner. The commissioner shall thereupon notify the owner of such motor vehicle or motorcycle of the filing of such notice, and unless such owner shall file a new bond or evidence of new bond or policy, as provided by this section, on or before such date as shall be specified by the commissioner, or shall place the number plates belonging to the motor vehicle or motorcycle in the custody of the commissioner or his agent within such time, to remain in such custody until a new bond or evidence of a new bond or policy is filed, the registration of such motor vehicle or motorcycle shall be revoked as of the date specified in said notice of the commissioner and no new registration shall be issued for a period of thirty days. Forthwith after his registration has been so revoked such owner shall return the number plates issued for such vehicle to the commissioner. The provisions of subdivision seven of section five hundred ten of this chapter shall apply to such revocations.

Notwithstanding any contrary provision of this chapter, any such bond, or policy of insurance shall also provide for uninsured motorists coverage in the minimal amount and in the form provided for in subsection (f) of section three thousand four hundred twenty of the insurance law.

Nothing in this subdivision shall be construed to prevent compliance therewith by filing a combination of bonds or policies or of a bond and policy or evidence thereof if the commissioner approves and the requirements of this subdivision are otherwise met.

(c) As a condition to filing evidence of a corporate surety bond, the registrant shall pay annually in addition to any other fee prescribed by this chapter, a fee of one dollar and fifty cents for each motor vehicle registered in his name and the aggregate amount of such fees shall be applied in the reduction of the assessment levied pursuant to section three hundred seventeen of this chapter.

(d) As used in this section, a judgment or judgment for damages shall include a final arbitration award and any unpaid fees due to the arbitration forum established pursuant to section five thousand one hundred six of the insurance law.

1-a. Every person, firm, association or corporation engaged in carrying or transporting sick or injured persons in any hearse, combination hearse or ambulance operated over, upon or along a public street or highway within a town having a population of less than two thousand inhabitants, shall secure either a corporate surety bond or policy of insurance executed by a surety or insurance company authorized to do business in this state, containing like conditions to secure the payment of damages as is required to be provided for motor vehicles operated for the transportation of passengers for hire; provided, however, that any bond or policy of insurance so secured, may contain the condition that it shall secure the payment of damages only during the time or times such hearse or combination hearse or ambulance is used or operated for the transportation of sick or injured persons and shall not be operative or effective during any other time or times or for the payment of damages incurred while being operated for any other purpose. A bond or policy of insurance executed pursuant to the provisions of this subdivision need not be approved or filed notwithstanding any inconsistent provision of this section.

2. Any person, firm, association or corporation operating a motor vehicle or motorcycle as to which a bond or policy of insurance is required by this section who or which shall operate such vehicle, or cause the same to be operated, while such a bond or policy, or evidence thereof as required by this section, is not on file with the commissioner, and in full force and effect shall be guilty of a misdemeanor.

3. A person, firm, association or corporation engaged in the business of renting or leasing rental vehicles to be operated upon the public highways for carrying passengers shall be subject to the provisions of this section in the same manner and to the same extent as if such person, firm, association or corporation were actually engaged in the business of carrying or transporting passengers for hire.

Notwithstanding the provisions of subdivision one of this section, a person, firm, association or corporation engaged in the business of renting or leasing motor vehicles, having registered in this state more than twenty-five motor vehicles subject to the provisions of this section and who qualifies as hereinafter provided, may file a certificate of self-insurance. The commissioner of motor vehicles in his discretion may, upon the application of such a person, firm, association or corporation issue a certificate of self-insurance when he is reasonably satisfied that such person is possessed and will continue to be possessed of financial ability to respond to judgments obtained against such person, arising out of the ownership, maintenance, use or operation of any such person's motor vehicle. Upon due notice and hearing, the commissioner may, in his discretion and upon reasonable grounds, cancel a certificate of self-insurance.

As a condition to the issuance of a certificate of self-insurance under this subdivision the registrant shall pay annually in addition to any other fee prescribed by this chapter, a fee of one dollar and fifty cents for each motor vehicle registered in his name and the aggregate amount of such fees shall be applied in reduction of the assessment levied pursuant to section three hundred seventeen.

As a further condition to the issuance of a certificate of self-insurance, the registrant shall pay annually in addition to any other fee prescribed by this chapter, an amount per vehicle to be determined by the Motor Vehicle Accident Indemnification Corporation pursuant to section five thousand two hundred seven of the insurance law and the aggregate amount of such fees shall be transmitted by the commissioner to the Motor Vehicle Accident Indemnification Corporation continued pursuant to section five thousand two hundred three of the insurance law to be applied in reduction of assessments levied by said corporation pursuant to section five thousand two hundred seven of the insurance law.

4. Every person operating a motor vehicle or motorcycle as to which a bond or policy of insurance is required by this section, which is in any manner involved in an accident, shall within five days give written notice of the time and

place of the accident to the surety or insurer. Failure to give notice of an accident as herein provided shall constitute a misdemeanor, but shall not affect the liability of the surety or insurer.

5. If a vehicle subject to the provisions of this section or section three hundred seventy-one of this chapter shall be operated on a public highway without having the minimum corporate surety bond or policy of liability insurance, unless the owner shall have filed an approved certificate of insurance therefor, the driver's license, privileges and registration certificate or privilege of operation within this state of the owner and operator shall be subject to revocation and suspension as provided in articles six and seven of this chapter, in the same manner as if such vehicle were a private passenger vehicle, not used to carry persons for hire or profit.

6. Notwithstanding any other provision of law, the commissioner, may, by regulation, in addition to, or in lieu of any requirements relating to notice of insurance required by this section, extend all or part of the provisions of article six of this chapter concerning insurance identification cards to vehicles subject to the provisions of this section. Furthermore, the commissioner may exempt by such regulations any type or types of vehicles subject to the provisions of this section where he deems the application of the provisions of such regulations to be inappropriate. If the commissioner promulgates any such regulations, the failure to produce an insurance identification card when requested by any peace officer, acting pursuant to his special duties, police officer or magistrate shall be presumptive evidence of a violation of subdivision two of this section. In addition, any such regulations may require that the insurance identification card be placed in plain view of any for-hire passengers carried in such vehicle.

7. Nothing contained in this section shall prohibit any person, firm, association or corporation subject to this section from purchasing liability insurance coverage in excess of the maximum liability set forth in subdivision one of this section.

Credits

(L.1959, c. 775. Amended L.1962, cc. 609, 888; L.1963, c. 865, §§ 2, 3; L.1964, c. 828; L.1971, c. 293, §§ 3, 4; L.1971, c. 794, §§ 1, 2; L.1973, c. 18, § 1; L.1974, c. 200, § 6; L.1978, c. 229, § 1; L.1979, c. 665, § 10; L.1980, c. 843, § 86; L.1983, c. 15, § 7; L.1983, c. 142, § 1; L.1984, c. 805, § 86; L.1986, c. 392, § 1; L.1989, c. 192, §§ 5, 6; L.1995, c. 305, §§ 10, 11; L.2001, c. 232, § 1, eff. Sept. 4, 2001; L.2002, c. 20, § 1, eff. March 26, 2002; L.2002, c. 613, § 1, eff. March 31, 2003; L.2005, c. 677, § 1, eff. Sept. 16, 2005; L.2011, c. 62, pt. A, § 104, eff. Oct. 3, 2011.)

McKinney's Vehicle and Traffic Law § 370, NY VEH & TRAF § 370

Current through L.2016, chapters 1 to 442.

McKinney's Consolidated Laws of New York Annotated
Vehicle and Traffic Law (Refs & Annos)
Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)
Title III. Safety Responsibility; Financial Security; Equipment; Inspection; Size and Weight; and Other Provisions
Article 5. Periodic Inspection of Motor Vehicles (Refs & Annos)

McKinney's Vehicle and Traffic Law § 303

§ 303. Official inspection stations

Effective: July 6, 2009
Currentness

(a) The commissioner is authorized to operate, enter into contracts with any person to operate, and license official inspection stations for the purpose of making the inspection prescribed by this article and for the purpose of issuing certificates of inspection.

(1) A license to operate an official inspection station shall be issued only upon written application which shall set forth such facts and evidence as may be required to ascertain the identity, qualifications and character of the applicant. An original application for a license for an official inspection station shall be accompanied by an application fee of twenty-five dollars, which shall in no event be refunded. The commissioner shall issue a license, after appropriate inquiry and investigation, only when satisfied that the station is properly equipped and has competent personnel to make such inspections and that such inspections will be properly conducted, and that the applicant complies with the provisions of this article and the rules and regulations promulgated thereunder. If an application is approved by the commissioner, a license shall be issued to the applicant. The annual fee for a license or license renewal shall be fifty dollars. The commissioner may issue such licenses on a staggered expiration basis, in which event the fees for such licenses shall be prorated on a monthly basis. In no event shall the fee exceed one hundred dollars for two years. The commissioner shall have discretion to issue a license or license renewal which shall be valid for a period of not more than two years. The fee for any such renewal shall be not more than one hundred dollars.

(2) The commissioner may issue a temporary permit to any applicant for a license under the provisions of this article pending final action on an application made for such a license, and the computation of the license fee, if a license is issued, shall be computed from the date of issuance of the temporary permit. Any such permit shall be valid for a period not in excess of sixty days. The provisions of this paragraph relating to fees, shall not apply to the state, a city, county, village, town or school district, or any of the departments thereof.

(3) A contract to operate an emission inspection facility shall include the following conditions:

(i) emission inspection facilities must be geographically dispersed throughout each region in numbers sufficient to allow motorists reasonable access to such facilities;

(ii) maximum daily average waiting times for motorists at emission inspection facilities shall not exceed fifteen minutes for more than five days each calendar month; and

(iii) no emission inspection facility authorized by a chapter of the laws of nineteen hundred ninety-three shall begin to operate commercially, except for a limited test period not to exceed thirty-one days as approved by the department, prior to January first, nineteen hundred ninety-six, in any area of the state which has an emission inspection program in operation at the time of the enactment of such chapter. The commissioner shall approve any proposed fee schedule to the extent that it will allow an official inspection station operating such a pre-existing program to recover any additional fee imposed by such chapter.

(b) Each official inspection station shall keep a record of inspections, re-inspections, and the results thereof, and a record of certificates of inspection issued.

(c) Each official inspection station shall prominently display in an area of the station where the orderly transaction of business of such station occurs a sign provided or approved by the department and, after a motor vehicle fails to pass inspection at such station, provide written notice on forms provided or approved by the department to the owner or person in charge of said vehicle that the necessary repairs must be made to the vehicle within thirty days from the date of inspection and that such repairs need not necessarily be made at that station and shall be made in a manner consistent with federal law and regulations. The period allowed for repair shall not extend the expiration date of either the inspection sticker or registration certificate.

(d) 1. The commissioner shall supervise and cause inspections to be made of such official inspection stations. It shall be the duty of the superintendent of state police and of the police forces of all municipalities of the state to assist the commissioner in assuring compliance by all official inspection stations with the provisions of this article and with all rules and regulations promulgated thereunder. An official inspection station and the records thereof shall be open for inspection at reasonable times by any police officer or any person designated by the commissioner to inspect such official inspection stations or any person designated by the commissioner of environmental conservation to inspect such official inspection stations with respect to emission inspections.

2. The commissioner shall have the right to inspect motor vehicles located on the premises of any person, association, corporation, subsidiary corporation or municipality having obtained permission to conduct self-inspection of motor vehicles pursuant to subdivision (c) or (f) of section three hundred two of this chapter and which have been issued a certificate of inspection within the previous fifteen days.

(e) A license to operate an official inspection station or a certificate to inspect vehicles may be suspended or revoked or renewal thereof may be refused by the commissioner or any person duly deputized for one or more of the following causes:

1. Failure to conduct inspections in conformance with the provisions of this article and the rules and regulations promulgated thereunder or improper issuance of certificates of inspections.

2. Conviction of a crime involving fraud, theft, perjury or bribery or other cause which would permit disqualification from receiving a license or a certificate to inspect vehicles upon the original application.

3. Fraud, deceit or misrepresentation in securing the license or a certificate to inspect vehicles or in the conduct of licensed or certified activity.

4. Excessive charges for conducting inspections and for making adjustments, corrections or repairs required by such inspections.

5. Violation of any provision of this article or any rule or regulation promulgated thereunder.

(f) No license or certificate shall be revoked or suspended, or renewal refused, except upon notice to the licensee or certified inspector and after an opportunity to be heard. A license or certificate, however, may be temporarily suspended upon a written notice of temporary suspension delivered by certified mail to the licensee or certified inspector pending any prosecution, investigation or hearing. The written notice of temporary suspension shall provide that the temporary suspension is effective seventy-two hours after delivery of such notice. Whenever any license to operate an official inspection station or certificate to inspect vehicles is revoked, no license or certificate shall be reissued to an applicant until after the expiration of a period of one year from the date of such revocation.

(g) Upon the revocation or suspension of an inspection station license or certificate to inspect vehicles, the holder thereof shall deliver such license or certificate to the revoking or suspending officer, together with all inspection and inspection extension certificates, all inspection record forms, and any and all other items in the possession of the license or certificate holder which theretofore had been issued by the commissioner for use in connection with the inspection station or the inspection of vehicles. The failure of the holder thereof to deliver any of the aforesaid items to the revoking or suspending officer, or to any peace officer, acting pursuant to his special duties, or police officer directed by the commissioner or agent of the commissioner, displaying authorization to act in such capacity along with a certified copy of the order revoking or suspending such inspection station license, to secure possession thereof, shall constitute a misdemeanor.

(h) The commissioner, or any person duly deputized, in addition to or in lieu of revoking or suspending a license to operate an official inspection station or a certificate to inspect vehicles, may by order require the licensee or certified inspector to pay to the people of this state a penalty for a first violation a sum not exceeding seven hundred and fifty dollars for each violation found to have been committed; and for a second or subsequent violation not arising out of the same incident both of which were committed within a period of thirty months, a sum of not more than one thousand dollars for each violation found to have been committed; provided, however, the penalty for each and any violation of paragraph three of subdivision (e) of this section found to have been committed shall be no less than three hundred and fifty dollars and no more than one thousand dollars, and upon the failure of such licensee to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered or certified, and addressed to the last known place of business of such licensee or certified inspector, unless such order is stayed by a court of competent jurisdiction or in accordance with the provisions of Article three-A of this chapter, the commissioner may revoke the license of such licensee or the certificate of such certified inspector or may suspend the same for such period as may be determined. Civil penalties assessed under this subdivision shall be paid to the commissioner for deposit into the state treasury, and unpaid civil penalties may be recovered by the commissioner in a civil action in the name of the commissioner. In addition, as an alternative to such civil action and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county in which the registrant is located or the certified inspector resides a final order of the commissioner containing the amount of the penalty assessed. The filing of such final order shall have the full force and effect of a judgment duly docketed in the office of such clerk and may be enforced in the same manner and with the same effect as that provided by law in respect to executions issued against property upon judgments of a court of record.

§ 303. Official inspection stations, NY VEH & TRAF § 303

(i) The holder of an inspection station license shall remove or cause to be removed any sign which contains the license number of the station, which is visible to the public and which is required to be displayed by this article or regulations promulgated thereunder if the license is revoked or suspended or the inspection station is out of business. If the license is only suspended, the holder may cover up the sign instead of removing it.

(j) No person shall permit the display of any sign required to be displayed by this article or regulations promulgated thereunder indicating to the public that an official inspection station is operating unless an inspection station license has been issued to that person and is currently valid.

Credits

(L.1959, c. 775. Amended L.1966, c. 164; L.1968, c. 78; L.1969, c. 236; L.1972, c. 624, § 1; L.1973, c. 230, § 1; L.1974, c. 285, § 1; L.1976, c. 647, § 1; L.1979, c. 606, § 1; L.1980, c. 843, § 81; L.1981, c. 737, § 1; L.1982, c. 669, § 1; L.1983, c. 183, § 1; L.1984, c. 55, § 1; L.1984, c. 818, § 2; L.1987, c. 513, § 1; L.1989, c. 61, §§ 5, 6; L.1989, c. 605, § 1; L.1992, c. 155, § 1; L.1993, c. 608, §§ 31 to 34; L.2009, c. 59, pt. OO, § 1, eff. July 6, 2009.)

McKinney's Vehicle and Traffic Law § 303, NY VEH & TRAF § 303
Current through L.2016, chapters 1 to 442.

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