

## **ADC - New York City Administrative Code(NEW) <sup>1</sup>**

### **[Chapter 5](#) - TRANSPORTATION OF PASSENGERS FOR HIRE BY MOTOR VEHICLES**

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§ 19-501 Legislative findings. It is hereby declared and found that the business of transporting passengers for hire by motor vehicle in the city of New York is affected with a public interest, is a vital and integral part of the transportation system of the city, and must therefore be supervised, regulated and controlled by the city.

§ 19-502 Definitions. For the purpose of this chapter:

- a. "Coach" means a motor vehicle carrying passengers for hire in the city, designed to comfortably seat not more than seven passengers, operating from coach hack stands designated by the commission, and duly licensed as a coach by the commission.
- b. "Commission" means the New York city taxi and limousine commission.
- c. "Driver" means a person licensed hereunder to drive a licensed vehicle in the city.
- d. "Driver's license" means a license for a driver issued by the commission.
- e. "Vehicle license" means taxicab license, coach license, wheelchair accessible van license or for-hire vehicle license issued by the commission.
- f. "Licensed vehicle" means a taxicab, coach, wheelchair accessible van or for-hire vehicle licensed by the commission.
- g. "For-hire vehicle" means a motor vehicle carrying passengers for hire in the city, with a seating capacity of twenty passengers or less, not including the driver, other than a taxicab, coach, wheelchair accessible van, commuter van or an authorized bus operating pursuant to applicable provisions of law. For the purpose of this subdivision, "seating capacity" shall include any plain view location which is capable of accommodating a normal adult is part of an overall seat configuration and design and is likely to be used as a seating position while the vehicle is in motion.
- h. "Medallion" means the metal plate issued by the commission for displaying the license number of a licensed taxicab on the outside of the vehicle.
- i. Except as is otherwise provided in subdivision f of section 19-506 "owner" means any person, firm, partnership, corporation or association owning and operating a licensed vehicle or vehicles and shall include a purchaser under a reserve title contract, conditional sales agreement or vendors lien agreement, and a lessee of any such vehicle or vehicles under a written lease or similar contract approved by the commission. Provided, however, that with respect to a commuter van, "owner" means a person, other than a lien holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a vehicle having the exclusive use

thereof, under a lease or otherwise, for a period greater than thirty days. If a vehicle is sold under a contract of sale which reserves a security interest in the vehicle in favor of the vendor, such vendor or his assignee shall not, after delivery of such vehicle, be deemed to be an owner within the provisions of this subdivision, but the vendee, or his or her assignee, receiving possession thereof, shall be deemed an owner notwithstanding the terms of such contract, until the vendor or his or her assignee shall retake possession of such vehicle. A secured party in whose favor there is a security interest in any vehicle out of his or her possession shall not be deemed to be an owner within the provisions of this subdivision.

j. "Rate card" means a card, issued by the commission for each vehicle, which displays the vehicle license number, rates of fare, and such other data as the commission may prescribe.

k. "Taximeter" means an instrument or device approved by the commission by which the charge to a passenger for hire of a licensed vehicle is automatically calculated and on which such charge is plainly indicated.

l. "Taxi", "taxicab" or "cab" means motor vehicle carrying passengers for hire in the city, designed to carry a maximum of five passengers, duly licensed as a taxi cab by the commission and permitted to accept hails from passengers in the street.

m. "Wheelchair accessible van" means any motor vehicle equipped with a hydraulic lift or ramps designed for the purpose of transporting persons in wheelchairs or containing any other physical device or alteration designed to permit access to and enable the transportation of physically handicapped persons.

n. "Handicapped transportation service" means one or more motor vehicles for hire or operated by a non-profit organization for carrying passengers for hire in the city by means of a wheelchair accessible van or vans and not permitted to accept hails from prospective passengers in the street.

o. "Central business district of the borough of Manhattan" means that area of the borough of Manhattan lying south of, and including, ninety-sixth street.

p. "Commuter van" means a commuter van service having a seating capacity of at least nine passengers but not more than twenty passengers or such greater capacity as the commission may establish by rule and carrying passengers for hire in the city duly licensed as a commuter van by the commission and not permitted to accept hails from prospective passengers in the street. For purposes of the provisions of this chapter relating to prohibitions against the operation of an unauthorized commuter van service or an unlicensed commuter van and to the enforcement of such prohibitions and to the imposition of penalties for violations of such prohibitions, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a

taxicab, for-hire vehicle, or wheelchair accessible van or not operating as an authorized bus line pursuant to applicable provisions of law. The commission shall submit to the council the text of any proposed rule relating to the maximum capacity of commuter vans at the time such proposed rule is published in the City Record.

q. "Commuter van service" means a subclassification of common carriers of passengers by motor vehicles as such term is defined in subdivision seven of section two of the transportation law, that provides a transportation service through the use of one or more commuter vans on a prearranged regular daily basis, over non-specified or irregular routes, between a zone in a residential neighborhood and a location which shall be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport. A "commuter van service" shall not include any person who exclusively provides: (1) any one or more of the forms of transportation that are specifically exempted from article seven of the transportation law; or (2) any one or more of the forms of transportation regulated under this chapter other than transportation by commuter vans.

r. "Security interest" means an interest in a vehicle reserved or created by an agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

\* s. "Agent" means an individual, partnership or corporation that acts, by employment, contract or otherwise, on behalf of one or more owners to operate or provide for the operation of a taxicab in accordance with the requirements of this chapter and any rule promulgated by the commission. The term "agent" shall not include an attorney or representative who appears on behalf of one or more owners before the commission or an administrative tribunal, and taxicab drivers licensed pursuant to this chapter when acting in that capacity.

\* NB There are 2 sb s's

\* s. "Affiliated vehicle" means a for-hire vehicle other than a black car or a luxury limousine which a base station is authorized by the commission to dispatch.

\* NB There are 2 sb s's

t. "Base station" means a central facility which manages, organizes or dispatches affiliated vehicles licensed under this chapter, not including luxury limousines or black cars.

u. "Black car" means a for-hire vehicle dispatched from a central facility whose owner holds a franchise from the corporation or other business entity which operates such central facility, or who is a member of a cooperative that operates such central facility, where such central facility has certified to the satisfaction of the commission that more than ninety percent of the central facility's for-hire business is on a

payment basis other than direct cash payment by a passenger.

v. "Luxury limousine" means a for-hire vehicle which is dispatched from a central facility which has certified to the satisfaction of the commission that more than ninety percent of its for-hire business is on a payment basis other than direct cash payment by a passenger, for which there is maintained personal injury insurance coverage of no less than five hundred thousand dollars per accident where one person is injured and one million dollars per accident for all persons injured in that same accident, whose passengers are charged on the basis of garage to garage service and on a flat rate basis or per unit of time or mileage.

w. "Wheelchair accessible vehicle" shall mean a for-hire vehicle which is designed for the purpose of transporting persons in wheelchairs or containing any physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs.

§ 19-503 Rules and regulations. a. The commission shall promulgate such rules and regulations as are necessary to exercise the authority conferred upon it by the charter and to implement the provisions of this chapter.

b. No rule or regulation promulgated subsequent to the effective date of this local law may be inconsistent with or supersede any provision of this local law and any rule or regulation in effect on the effective date of this local law that is inconsistent with any provision of this local law shall be of no further force and effect.

§ 19-503.1 For-hire vehicles; special regulations. a. The commission shall have the authority to promulgate rules and regulations which classify for-hire vehicles according to the nature of the service or services provided and the type of vehicle used, adopt regulations appropriate for each such classification setting forth standards for operation, including but not limited to standards of service, insurance and safety, and promulgate rules imposing reasonable fines, suspension or revocation upon the holder of a license issued pursuant to section 19-511 where such holder has violated any of the provisions of this chapter or a rule of the commission.

b. For the purposes of this chapter, a for-hire vehicle shall not include a motor vehicle carrying fewer than nine passengers which is operated solely for the purpose of carrying passengers from a specific location to a funeral parlour or cemetery and the return of said passengers to a specific location.

§ 19-504 General provisions for licensing of vehicles. a. (1) A taxi-cab, coach, wheelchair accessible van, commuter van or for-hire vehicle shall operate within the city of New York only if the owner shall first have obtained from the commission a taxicab, coach, wheelchair accessible van, commuter van or for-hire vehicle license for

such vehicle and only while such license is in full force and effect. Vehicle licenses shall be issued for a term of not less than one nor more than two years and shall expire on the date set forth on the license unless sooner suspended or revoked by the commission. No motor vehicle other than a duly licensed taxicab shall be permitted to accept hails from passengers in the street. No commuter van shall be operated within the city of New York unless it is operated as part of a current, valid authorization to operate a commuter van service duly issued by the commission pursuant to section 19-504.2 of this chapter.

(2) No commuter van license shall be issued unless the following conditions are satisfied:

(i) such commuter van is to be operated as part of a current, valid authorization to operate a commuter van service issued pursuant to section 19-504.2 of this chapter;

(ii) the commission determines that the applicant is fit, willing and able to operate a commuter van;

(iii) the applicant is in compliance with the provisions of section 19-504.3 of this chapter, and the applicant has not engaged in any conduct that would be a basis for suspension or revocation of such license pursuant to rules promulgated by the commission; and

(iv) the applicant has satisfied such other criteria as the commission deems to be in the interest of the safety and convenience of the public and necessary to effectuate the purposes of this chapter.

b. The license fee for each taxi-cab and coach shall be five hundred fifty dollars annually. The license fee for each wheelchair accessible van and each for-hire vehicle shall be two hundred seventy-five dollars annually. If a license is granted for a period other than one year, the fee shall be prorated accordingly. There shall be an additional fee of twenty-five dollars for late filing of a wheelchair accessible van or for-hire vehicle license renewal application where such filing is permitted by the commission.

c. In the event of the loss, mutilation or destruction of any medallion or vehicle license issued hereunder, the owner may file such statement and proof of the facts as the commission may require, with a fee of twenty-five dollars, at the office of the commission and the commission shall issue a duplicate or substitute medallion or license.

d. Applications for vehicle licenses shall be filed with the commission upon forms which shall be provided by the commission. The date and time of the receipt of each application shall be noted by the commission.

e. Any owner operating a vehicle under a license issued by the commission, or by the New York city police department prior to the effective date of this chapter, shall be entitled to renew such license as a matter of right upon compliance with all the other provisions of this section relating to the licensee's vehicle.

f. All taxicabs now or hereafter licensed pursuant to the provisions

of this chapter shall be inspected at an inspection facility operated by the commission at least once every four months, in accordance with a procedure to be established by the commission. All other vehicles now or hereafter licensed pursuant to the provisions of this chapter other than commuter vans shall be inspected at official inspection stations licensed by the commissioner of motor vehicles pursuant to section three hundred three of the vehicle and traffic law at least once every four months in accordance with the regulations of the commissioner of motor vehicles, codified in part seventy-nine of title fifteen of the official compilation of codes, rules and regulations of the state of New York (15 N.Y.C.R.R. part 79). All commuter vans now or hereafter licensed pursuant to the provisions of this chapter shall be inspected and shall meet safety standards as provided in paragraph two of subdivision a of section 19-504.3 of this chapter. The fee payable to the commission for the inspection required for the issuance of a certificate of inspection for a taxicab, inclusive of the issuance of such certificate, shall not exceed thirty-five dollars for taxicabs inspected through June 30, 1991 and fifty dollars for taxicabs inspected on or after July 1, 1991. If any taxicab fails to pass such inspection, it shall be reinspected for no additional fee. If any taxicab fails to pass such reinspection, it shall be reinspected a second time for an additional fee of thirty-five dollars. If any taxicab fails to pass such second reinspection, it shall be reinspected a third time. No additional fee shall be charged for third or subsequent reinspections. The fees payable to the official inspection station for the inspection and the issuance of a certificate of inspection for all other licensed vehicles other than commuter vans shall be the fees charged and collected pursuant to section three hundred five of the vehicle and traffic law. The commission or any other agency authorized by law may conduct on-street inspections of vehicles licensed pursuant to the provisions of this chapter. The date of the inspection of a taxicab and the signature of the persons making the inspection shall be recorded upon the rate card in the space provided therefor. An owner shall be ordered by the commission to repair or replace his or her licensed vehicle where it appears that it no longer meets the reasonable standards for safe operation prescribed by the commission. Upon failure of such owner to have his or her vehicle inspected or to comply with any such order within ten days after service thereof, the license shall be suspended; upon failure of such owner to comply with any such order within one hundred twenty days after service thereof, the license may, at the discretion of the commission, be deemed to have been abandoned by nonuser.

g. The commission shall revoke any license for nonuse in the event it shall determine that the vehicle has not been operated for sixty consecutive days, provided that such failure to operate shall not have been caused by strike, riot, war or other public catastrophe or other act beyond the control of the owner; or in the event the owner has sold



his or her vehicle and has failed to replace the vehicle within one hundred and twenty days from the date of sale. However, in the event that it is shown to the commission by competent proof that an owner-driver has been disabled through illness, his or her license shall not be revoked because of such nonuse as provided in this subdivision.

h. A medallion or license may be transferred from one vehicle to another, subject to the approval of the commission and upon payment of such fee as the commission shall require, but not to exceed fifty dollars. A vehicle licensee may change the base communications system with which it is affiliated, subject to the approval of the commission and upon payment of such fee as the commission shall require, but not to exceed fifty dollars.

i. The ratio of the number of taxicab licenses, as determined by the total number of taxicab licenses held by owners of more than one taxicab license and the total number of taxicab licenses held by the owners of one taxicab license, shall remain the same as it exists at the time of the enactment of this section unless or until changed by local law.

j. The commission shall replace the medallion for every taxicab license which is renewed pursuant to this section once every two years, or more frequently at the discretion of the commission. The commission may charge a fee not to exceed ten dollars for each replacement medallion.

k. The commission may charge a fee not to exceed twenty-five dollars per vehicle for the replacement of license plates issued by the New York state department of motor vehicles.

l. Prior to the issuance of a commuter van license, the applicant shall be fingerprinted for the purpose of securing criminal history records from the state division of criminal justice services. The applicant shall pay any processing fee required by the state division of criminal justice services. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; the officers, principals, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation.

m. The commission shall approve or disapprove an application for a commuter van license within one hundred and eighty days after the completed application is filed. The failure to approve or disapprove such completed application within such time shall be deemed a disapproval of such application.

n. Every commuter van license shall be issued on the condition that the applicant is in compliance with the registration and insurance requirements set forth in section 19-504.3 of this chapter and any rules promulgated pursuant thereto during the time that such license is in effect. Notwithstanding any other provision of law, the failure to comply with either such registration or insurance requirements shall render the commuter van license suspended on and after the date of such

noncompliance and during the period of such noncompliance, and any person using such commuter van in the course of operations of a commuter van service during such period of noncompliance shall be deemed to be operating without a license required by this section.

o. The annual license fee for each commuter van license shall be two hundred seventy-five dollars. Commencing two years after the date of enactment of the local law that added this subdivision, the annual license fee for each commuter van shall be an amount equal to the license fee for a for-hire vehicle set forth in subdivision b of this section, as it may be amended. The license fee shall be prorated to the term of the license.

p. A commuter van license shall not be transferable or assignable.

§ 19-504.2 Authorization to operate a commuter van service. a. No person shall operate a commuter van service wholly within the boundaries of the city or partly within the city if the partial operation consists of the pick up and discharge of passengers wholly within the city without first obtaining authorization from the commission.

b. The commission shall not issue or renew an authorization to operate a commuter van service unless the following conditions have been satisfied:

(1) the commission determines that the applicant is fit, willing and able to provide the transportation for which authorization is sought;

(2) the applicant is in compliance with the provisions of section 19-504.3 of this chapter, and the applicant has not engaged in any conduct that would be a basis for suspension or revocation of such authorization pursuant to rules promulgated by the commission; and

(3) the applicant has satisfied such other criteria as the commission deems to be in the interest of the safety and convenience of the public and necessary to effectuate the purposes of this chapter.

c. Prior to the issuance or renewal of an authorization to operate a commuter van service, the applicant shall be fingerprinted for the purpose of securing criminal history records from the state division of criminal justice services. The applicant shall pay any processing fee required by the state division of criminal justice services. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; the officers, principals, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation.

d. An application for an authorization to operate a commuter van service or for renewal thereof shall be made to the commission in the form and manner prescribed by the commission.

e. (1) The applicant shall have the burden of demonstrating that the service proposed will be required by the present or future public

convenience and necessity. The commission shall not issue an authorization to operate a commuter van service unless the commissioner of transportation determines that the service proposed will be required by the present or future public convenience and necessity. Such determination that the service proposed will be required by the present or future public convenience and necessity shall be in effect for six years after the date of issuance of such authorization, unless such authorization has not been renewed or has been revoked by the commission prior to the end of such six-year period in which case such determination shall be in effect only until the expiration or revocation of such authorization. After the expiration or revocation of such determination of public convenience and necessity, no authorization to operate a commuter van service shall be renewed unless a new determination is made by the commissioner of transportation that the service proposed will be required by the present or future public convenience and necessity.

(2) When such a determination by the commissioner of transportation is required by this subdivision, the application for authorization to operate a commuter van service shall set forth the geographic area proposed to be served by the applicant and the maximum number of vehicles to be operated and the capacity of each such vehicle, and the commission shall forward a copy of such application to the commissioner of transportation.

(3) The commissioner of transportation, after consultation with the state department of transportation, shall make a determination whether the service proposed in the application will be required by the present or future public convenience and necessity. The commissioner of transportation may request that the applicant provide any additional information relevant to such determination. The commissioner of transportation shall notify the New York city transit authority and all council members and community boards representing any portion of the geographic area set forth in the application for the purpose of obtaining comment on the present or future public convenience and necessity for any proposed service. The commissioner of transportation shall provide for publication in the City Record of a notice of any such application and shall allow for public comment on such application for a period not to exceed sixty days after the date of publication of such notice. If any such application is protested by a bus line operating in the city or by the New York city transit authority, and such bus line and/or transit authority has timely submitted objections to the application to the commissioner of transportation, the commissioner shall, in making such determination, evaluate such objections in accordance with the following criteria:

(a) the adequacy of the existing mass transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

(b) the impact that the proposed operation may have on any existing mass transit or mass transportation facilities.

Any determination by the commissioner that a service proposed will be required by the present or future public convenience and necessity shall specify the geographic area where service is authorized and the number of commuter vans authorized to be used in providing such service.

f. (1) The commission, after consultation with the state department of transportation, shall approve or disapprove such application for authorization to operate a commuter van service within one hundred eighty days after the date a completed application has been filed. The failure to approve or disapprove such completed application within such one hundred eighty day period shall be deemed a disapproval of such application.

(2) Any determination by the commission to approve an application for authorization to operate a commuter van service pursuant to this section shall be in writing and shall be submitted to the council within five days of such determination being made. Within twenty days of such submission the council may adopt a resolution by majority vote of all council members to review that determination.

(3) Within thirty days of the adoption of the council of a resolution pursuant to this subdivision, the council may act by local law to approve or disapprove the determination of the commission. In the event that the council fails to act by local law within the thirty day period provided for in this paragraph the determination of the commission shall remain in effect.

g. An authorization to operate a commuter van service shall be issued for a term of not less than one nor more than two years and shall expire on the date set forth in such authorization unless sooner suspended or revoked by the commission.

h. The commission shall not issue a temporary authorization to operate a commuter van service. An authorization to operate a commuter van service shall not be assignable or transferable, unless otherwise provided by the commission.

i. In the event of the loss, mutilation or destruction of any authorization to operate a commuter van service the owner shall file such statement and proof of the facts as the commission may require, with a fee not to exceed twenty-five dollars for each authorization, at the offices of the commission, and the commission may issue a duplicate or substitute authorization.

j. No application for authorization to operate a commuter van service shall be approved if the applicant has been found guilty of operating a commuter van service without authorization to operate such commuter van service two times within a six-month period prior to the date of application, provided that such violations were committed on or after the date occurring six months after the effective date of this subdivision.

k.(i) Notwithstanding any other provision of this section, no application for authorization to operate a commuter van service, to increase the number of commuter vans that a commuter van service is authorized to operate, to increase the number of hours during which a commuter van service may operate or to modify the territory within which a commuter van service may operate, other than an application to renew an authorization to operate a commuter van service, shall be accepted or processed and no pending application, other than an application to renew an authorization to operate a commuter van service, shall be approved by the commission for a period of one year from the effective date of this paragraph.

(ii) The department of city planning shall submit to the mayor and the council copies of the final report reflecting the results of a commuter van service policy study currently being conducted under the auspices of the department of city planning, or any similar study, within five business days of its completion.

§ 19-504.3 Conditions of operation relating to commuter vans. a. A commuter van service and an owner of a commuter van shall be responsible for compliance with the following provisions and shall be liable for violations thereof:

(1) No commuter van shall be used in the course of operations of a commuter van service unless a commuter van license has been obtained for such vehicle pursuant to section 19-504 of this chapter and such commuter van displays a license identification in the manner prescribed by the commission.

(2) No commuter van shall be used in the course of operations of a commuter van service unless such vehicle (a) is inspected by the state department of transportation as provided under section one hundred forty of the transportation law or any rules or regulations promulgated thereunder or as provided under any agreement between the state department of transportation and the commission entered into pursuant to subparagraph one of paragraph a of subdivision five of section eighty of the transportation law, (b) prominently displays the name of the holder of the authorization and certificate evidencing an inspection, and (c) meets the vehicle safety standards prescribed by rule or regulation of the state commissioner of transportation pursuant to section one hundred forty of the transportation law.

(3) No commuter van shall be used in the course of operations of a commuter van service unless such vehicle is in compliance with the registration requirements of the vehicle and traffic law.

(4) No commuter van shall be used in the course of operations of a commuter van service unless a surety bond or policy of insurance is maintained covering such commuter van conditioned for the payment of all claims and judgments for damages or injuries caused in the operation,

maintenance, use or the defective construction of such commuter van in at least the following amounts unless higher amounts are established by rule of the commission:

(a) if the commuter van has a carrying capacity of twelve passengers or less: for personal injury or death to one person, one hundred thousand dollars; for personal injury or death to all persons in one accident, three hundred thousand dollars, with a maximum of one hundred thousand dollars for each person; and for property damage, fifty thousand dollars.

(b) if the commuter van has a carrying capacity of more than twelve passengers and less than twenty-one passengers: for personal injury or death to one person, one hundred thousand dollars; for personal injury or death to all persons in one accident, five hundred thousand dollars, with a maximum of one hundred thousand dollars for each person; and for property damage, fifty thousand dollars.

(c) if the commuter van has a carrying capacity of more than twenty passengers: for personal injury or death to one person, one hundred thousand dollars; for personal injury or death to all persons in one accident, one million dollars, with a maximum of one hundred thousand dollars for each person; and for property damage, fifty thousand dollars.

(5) No commuter van shall be used in the course of operations of a commuter van service unless the driver holds (a) a commercial driver's license which pursuant to the vehicle and traffic law is valid for the operation of such commuter van for the transportation of passengers for-hire and (b) a commuter van driver's license issued pursuant to section 19-505 of this chapter.

(6) No commuter van that utilizes a two-way radio or other communications system shall be used in the course of operations of a commuter van service unless such commuter van service and the owner of such commuter van are in compliance with all regulations of the federal communications commission applicable to such use.

(7) A commuter van service and an owner of a commuter van shall maintain such records as the commission shall prescribe by rule including, but not limited to, records of requests for service and trips. Such records shall be subject to inspection by authorized officers or employees of the commission during regular business hours.

(8) A commuter van service shall designate each and every driver who operates pursuant to an authorization to operate such commuter van service as agent for service of any and all legal process from the commission which may be issued against such commuter van service. An owner of a commuter van shall designate each and every driver who operates such commuter van as agent for service of any and all legal process from the commission which may be issued against such commuter van owner.

b. A commuter van service shall certify annually in accordance with

rules of the commission that such commuter van service is in compliance with title III of the federal americans with disabilities act of 1990 (42 U.S.C. § 12101 et seq.) and any regulations promulgated thereunder, as such act and regulations may be amended.

c. A commuter van service shall comply with such provisions of section five of the federal omnibus transportation testing act of 1991 (49 U.S.C. APP. § 2717) and any regulations promulgated thereunder, as that act and regulations may be amended, as are applicable to such commuter van service. A commuter van service shall certify such compliance annually in accordance with rules of the commission.

§ 19-504.4 Renewal, suspension and revocation of authorizations to operate a commuter van service, commuter van licenses and commuter van drivers' licenses. a. An authorization to operate a commuter van service shall be revoked after the holder of such authorization has had an opportunity for a hearing in accordance with procedures to be established by the commission and upon the occurrence of any one or more of the following conditions:

(1) Where each commuter van comprising a number of commuter vans equaling at least thirty percent of the total number of commuter vans operating as part of the same current, valid authorization rounded up to the next whole number, has failed to maintain the required liability insurance at least three times within a twelve month period;

(2) Where each commuter van comprising a number of commuter vans equaling at least thirty percent of the total number of commuter vans operating as part of the same current, valid authorization, rounded up to the next whole number, has operated without complying with any safety inspection requirements arising from any applicable law, rule or regulation at least three times within a twelve month period;

(3) Where a commuter van driver has had his or her license revoked pursuant to subdivision p of section 19-505 of this chapter while operating as part of such authorization and thereafter is found to be operating a commuter van as part of such authorization without a commuter van driver's license required pursuant to section 19-505 of this chapter three times within a six month period; or

(4) Where the number of violations of paragraph five of subdivision a of section 19-504.3 of this chapter occurring within a twelve month period is equal to the following: ninety percent of the number of commuter vans authorized to operate as part of such authorization, rounded up to the next whole number, or five, whichever is greater.

b. Any commuter van license shall be revoked after the holder of such license has had an opportunity for a hearing in accordance with procedures to be established by the commission and after which the holder of such license is found guilty of any of the following:

(1) Failure to maintain the required liability insurance three times

within a period of one year; or

(2) Operating without complying with any safety inspection requirements arising from any applicable law, rule or regulation three times within a period of one year.

c. The commission may refuse to renew any authorization to operate a commuter van service or any commuter van license or commuter van driver's license required by this chapter and, after due notice and an opportunity to be heard, may suspend or revoke any such authorization or license upon the occurrence of any one or more of the following conditions:

(1) the holder of an authorization or a license or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has been found by the commission to have violated any of the provisions of this chapter or any rule promulgated thereunder governing the operation of commuter van services, commuter vans and commuter van drivers; or

(2) the holder of an authorization or a license or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has made a material false statement or concealed a material fact in connection with the filing of any application or certification pursuant to this chapter or has engaged in any fraud or misrepresentation in connection with rendering transportation service; or

(3) the holder of an authorization or a license or any of its officers, principals, directors, or stockholders owning more than ten percent of the outstanding stock of the corporation has not paid any penalty duly imposed pursuant to the provisions of this chapter or any rule promulgated hereunder; or

(4) the holder of an authorization or a license or any of its officers, principals, directors, or stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which, in the judgment of the commission, has a direct relationship to such person's fitness or ability to perform any of the activities for which an authorization or a license is required under this chapter, or has been convicted of any other offense which under the provisions of article twenty-three-a of the correction law, would provide a basis for the commission to refuse to renew, or to suspend or revoke, such authorization or license; or

(5) the holder of an authorization or a license has failed to maintain the conditions of operation applicable to the particular authorization or license as provided in this chapter; or

(6) the holder of an authorization or a license or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has been found to have violated any of the provisions of section 8-107 of the code concerning unlawful discriminatory practices in public



accommodations in the operation of a commuter van service or a commuter van.

d. Notwithstanding the foregoing provisions, the chairperson of the commission may immediately suspend any authorization to operate a commuter van service or commuter van license or commuter van driver's license issued under this chapter without a prior hearing where the chairperson determines that the continued possession of such authorization or license poses a serious danger to the public health, safety or welfare, provided that after such suspension an opportunity for a hearing shall be provided on an expedited basis, within a period not to exceed fourteen days.

e. Where the commission suspends or revokes an authorization to operate a commuter van service pursuant to this section:

(1) any commuter van license which has been issued as part of such authorization shall be deemed suspended or revoked, as the case may be, where the suspension or revocation of the authorization to operate a commuter van service was based, in whole or in part, upon the operation of such commuter van; or

(2) any commuter van license which has been issued as part of such authorization shall continue to be valid in accordance with its terms where the suspension or revocation of the authorization to operate a commuter van service was not based, in whole or in part, upon the operation of such commuter van; provided, however, that such commuter van shall not be operated in the course of operations of such commuter van service unless and until such commuter van operates as part of a current, valid authorization to operate a commuter van service; provided, further that any such commuter van which operates without being part of a current, valid authorization to operate a commuter van service shall be deemed to be operating without a commuter van license and shall be subject to any and all of the penalties that may be imposed under this chapter for the unlicensed operation of commuter vans, including seizure and forfeiture as provided in sections 19-529.2 and 19-529.3 of this chapter.

f. Notwithstanding any other provision of law, any person who has had an authorization to operate a commuter van service revoked by the commission pursuant to this section shall not be permitted to apply for an authorization to operate a commuter van service under this chapter for a period of six months after the date of such revocation.

g. The commission shall notify the holder of an authorization to operate a commuter van service of all violations issued to any driver or vehicle operating pursuant to such authorization.

§ 19-505 General provisions for licensing of drivers. a. No person shall drive any motor vehicle for hire which is regulated by the provisions of this chapter without first obtaining from the commission:

- (i) a taxicab driver's license, if the vehicle driven is a taxicab; or
- (ii) a coach driver's license, if the vehicle driven is a coach; or
- (iii) a for-hire vehicle driver's license, if the vehicle driven is a for-hire vehicle; or
- (iv) a wheelchair accessible van driver's license, if the vehicle driven is a wheelchair accessible van; or
- (v) a commuter van driver's license, if the vehicle driven is a commuter van.

The issuance of a license to a person to drive any one of the aforementioned licensed vehicles shall not entitle such person to drive any other such licensed vehicle without first obtaining the additional appropriate driver's license.

b. Each applicant for a license, other than a commuter van driver's license, must:

1. Hold a New York state chauffeur's license.
2. Be nineteen years of age or over.
3. Be of sound physical condition with good eyesight and no epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him or her unfit for the safe operation of a licensed vehicle.
4. Be fingerprinted.
5. Be of good moral character.
6. Not be addicted to the use of drugs or intoxicating liquors.

c. Applications for driver's licenses must be filed as directed by the commission, and must be accompanied by the required license fee. Such application shall be on a form provided by the commission and contain such information as the commission deems reasonably necessary.

d. Each applicant for a driver's license under the provisions of this chapter, other than a commuter van driver's license, shall be examined as to his or her physical condition by a duly licensed physician designated by the commission; each such applicant shall also be examined by the commission as to his or her knowledge of the city, and if the result of either examination is unsatisfactory he or she shall be refused a license.

e. Each applicant for a driver's license must file with his or her application two recent photos of such applicant of a size which may be easily attached to his or her license, one of which shall be attached to the license when issued and the other filed with the application in the office of the commission.

f. Upon satisfactory fulfillment of the applicable requirements, there shall be issued to the applicant a driver's license which shall be in such form as the commission may direct.

g. Original driver's licenses and renewals thereof shall be valid for a period of not less than one year nor more than three years.

h. The commission may renew a driver's license provided the driver shall have made application on the prescribed form during the period

which the commission shall designate, and the commission may require the same standards and tests as are applicable for original applications.

i. The commission may revoke any driver's license for nonuse, in the event it shall determine that the driver has not worked at least twenty-five days as a licensed driver in the calendar year preceding the calendar year in which such determination is made, provided that such failure to work as a licensed driver shall not have been caused by strike, riot, war or other public catastrophe. However, in the event that it is shown to the commission by competent proof that a driver has been disabled through illness, his or her license shall not be revoked because of such nonuse as provided in this subdivision.

j. Fees shall be paid by each applicant for a driver's license, as determined by the commission, but not to exceed the following:

For each original one-year license.... \$60.00

For renewal of a one year period..... \$60.00

The fee for an original license or a renewal thereof shall be paid at the time of filing the applications and shall not be refunded in the event of disapproval of the application. An additional fee not exceeding twenty-five dollars shall be paid for each license issued to replace a lost or mutilated license. There shall be an additional fee of twenty-five dollars for late filing of a license renewal application where such late filing is permitted by the commission.

k. Every driver who has obtained a license pursuant to this section shall comply with the rules and regulations promulgated by the commission for drivers of the type of vehicle for which the driver is licensed.

l. The commission may, after a hearing, suspend or revoke any driver's license for failure to comply with any provision of this chapter applicable to licensed drivers or for failure to comply with the commission's rules and regulations.

m. Notwithstanding any other provision of this section, the commission shall not issue a commuter van driver's license to an applicant unless the applicant: (1) has been fingerprinted for the purpose of securing criminal history records from the state division of criminal justice services for which the applicant shall pay any processing fee required by the state division of criminal justice services; (2) satisfies the commission that such applicant is fit and able to drive the commuter van for which the license is sought; (3) possesses a commercial driver's license which pursuant to the vehicle and traffic law is valid for the operation of such commuter van for the transportation of passengers for-hire; (4) has met the qualifications set forth in article nineteen-A of the vehicle and traffic law for the operation of a bus as defined in such article; and (5) has not engaged in any conduct that would be a basis for suspension or revocation of such license pursuant to rules promulgated by the commission.

n. The commission shall approve or disapprove an application for the

issuance of a commuter van driver's license within one hundred eighty days after the completed application is filed. The failure to approve or disapprove such application within such time shall be deemed a disapproval of such application.

o. Every commuter van driver's license shall be issued on the condition that the applicant possesses a commercial driver's license and complies with article nineteen-A of the vehicle and traffic law as described in paragraphs three and four of subdivision m of this section during the time that such commuter van driver's license is in effect. Notwithstanding any other provision of law, suspension or revocation of such commercial driver's license pursuant to the vehicle and traffic law or noncompliance with article nineteen-A of the vehicle and traffic law shall render the commuter van driver's license suspended on and after the date of the suspension or revocation of such commercial driver's license or noncompliance with such article nineteen-A and during the period of such suspension, revocation or noncompliance, and any person who drives a commuter van that is required to be licensed pursuant to section 19-504 of this chapter during the period of such suspension, revocation or noncompliance shall be deemed to be driving a commuter van without a license required by this section.

p. Any commuter van driver's license issued pursuant to this section shall be revoked after the holder of such license has had an opportunity for a hearing in accordance with procedures to be established by the commission and such holder is found to have failed to comply with paragraph two of subdivision a of section 19-529.1 of this chapter three times within a period of six months.

§ 19-506 Regulations and enforcement. a. Unless otherwise set forth herein the commission may impose reasonable fines, suspend or revoke any driver's license or vehicle license where the holder has failed to comply with or has willfully or knowingly violated any of the provisions of this chapter or a rule or regulation of the commission.

b. 1. Any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van or for-hire vehicle in the city, without first having obtained an appropriate license therefor, shall be guilty of a violation hereof, and upon conviction in the criminal court shall be punished by a fine of not less than four hundred dollars or more than one thousand dollars or imprisonment for not more than sixty days, or both such fine and imprisonment.

2. Where a violation of this chapter or any rules promulgated thereunder is committed using a vehicle which is owned by a rental vehicle company and has been rented or leased by such rental vehicle company, it shall be an affirmative defense that the rental vehicle company did not know or have any reason to know that the person to whom it was rented or leased would operate or offer to operate for hire such

vehicle as a taxicab, coach, wheelchair accessible van or for-hire vehicle in the city. For purposes of this subdivision, a "rental vehicle company" shall be defined as any person or organization or any subsidiary or affiliate, including a franchise, in the business of providing rental vehicles to the public.

c. (1) No person shall operate or permit to be operated any vehicle bearing the words "hack," "taxi," "taxicab," "cab," "coach," "for-hire vehicle," "livery," "limousine," "commuter van service," "van service," "commuter van," "van" or other designation of similar import unless the vehicle is licensed as a taxicab, coach, for-hire vehicle, or commuter van, as appropriate, and the driver has an appropriate driver's license under this chapter, and in the case of a commuter van service, such person has an authorization to operate a commuter van service, nor shall any person advertise or hold himself or herself out as doing business as a taxi, taxicab, hack or coach service unless he or she holds a vehicle license and medallion for each vehicle used therefor, nor shall any person advertise or hold himself or herself out as doing business as a "limousine service," "livery service," a "for-hire vehicle service," or other similar designation unless a for-hire vehicle license is in effect for each vehicle used therefor, nor shall any person advertise or hold himself or herself out as doing business as a "commuter van service," "van service," "commuter van," "van" or other designation of similar import unless such person is authorized to operate a commuter van service and a commuter van license is in effect for each vehicle used therefor as required by this chapter, nor shall any person advertise or hold himself or herself out as doing business as a wheelchair accessible van service or other similar designation unless a wheelchair accessible van license is in effect for each vehicle used therefor.

(2) Any person required to obtain a license under this chapter shall conspicuously state in all print and broadcast advertising, with respect to such licensed activity, the vehicle license number and that the activity is licensed by the commission; provided, however, that as applied to the owner of a for-hire vehicle base station, or wheelchair accessible van base station, such license number shall be the number of the license issued to such base station; provided further, that the requirement of this subdivision respecting the display of vehicle license numbers in print and broadcast advertising shall not apply to any owner of five or more taxicabs. No person who is required to obtain authorization to operate a commuter van service under this chapter shall advertise in print or in a broadcast medium the activity for which authorization is required without conspicuously stating in such advertising the commuter van service authorization number and that the activity is licensed by the commission.

d. Any person, other than a person holding a driver's license issued pursuant to section 19-505 and a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or

operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a violation hereof, and upon conviction in the criminal court, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for a term not exceeding thirty days, or both such fine and imprisonment.

e. As an alternative to the penalties provided for the violation of subdivisions b, c and d of this section, any person who shall violate any of the provisions of such subdivisions shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand five hundred dollars for each violation. A proceeding to impose such a civil penalty or a civil penalty prescribed in subdivision f of this section shall be commenced by the service of a notice of violation returnable before the commission or an administrative tribunal of the commission. The commission or such tribunal, after a hearing as provided by the rules of the commission, shall have the power to enforce its decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision c of section two thousand three hundred three of the charter.

f. As an alternative to the penalties provided for the violation of subdivision c of this section, the commission, after notice and hearing, shall be authorized to impose the civil penalties provided in this subdivision upon any person found to have advertised in print or in a broadcast medium in violation of such subdivision, provided, however, that such civil penalties may be imposed only when such person was not licensed by the commission at the time of such violation. Such penalties shall be levied for each broadcast in violation of such subdivision and shall be not less than one hundred dollars nor more than five hundred fifty dollars for each such broadcast. Such penalties for printed advertisements shall be levied for each publication and shall be determined based on the period of time the publication in which the advertisement appears remains current. The current period shall be determined as that time when a publication is initially offered for sale or distribution until the period when the next dated publication is offered for sale or distribution. In no case shall this period be less than twenty-four hours. If the current period is:

daily, such penalty shall be not less than one hundred dollars nor more than five hundred dollars per day;

weekly, such penalty shall be not less than two hundred fifty dollars nor more than seven hundred fifty dollars;

greater than one week and not more than one month, such penalty shall be not less than seven hundred fifty dollars nor more than one thousand dollars; and

greater than one month, such penalty shall be not less than one thousand dollars nor more than two thousand dollars.

g. The commission shall undertake a public awareness campaign advising the public to patronize only licensed taxicabs and for-hire vehicles

and, when selecting a taxicab or for-hire vehicle from an advertisement, to look for the commission license number in any such advertisement.

h. (1) Any officer or employee of the commission designated by the chairperson of the commission and any police officer may seize any vehicle which he or she has probable cause to believe is operated or offered to be operated without an appropriate vehicle license for such operation in violation of subdivision b or c of this section. Therefore, either the commission or an administrative tribunal of the commission at a proceeding commenced in accordance with subdivision e of this section, or the criminal court, as provided in this section, shall determine whether a vehicle seized pursuant to this subdivision was operated or offered to be operated in violation of either such subdivision. The commission shall have the power to promulgate regulations concerning the seizure and release of vehicles and may provide in such regulations for reasonable fees for the removal and storage of such vehicles. Unless the charge of violating subdivision b or c of this section is dismissed, no vehicle seized pursuant to this subdivision shall be released until all fees for removal and storage and the applicable fine or civil penalty have been paid or a bond has been posted in a form and amount satisfactory to the commission, except as is otherwise provided for vehicles subject to forfeiture pursuant to paragraph two of this subdivision.

(2) In addition to any other penalties provided in this section, if the owner is convicted in the criminal court of, or found liable in accordance with subdivision e of this section for, a violation of either subdivision b or c of this section three or more times, and all of such violations were committed on or after the effective date of this section and within a thirty-six month period, the interest of such owner in any vehicle used in the commission of any such third or subsequent violation shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules.

(3) Except as hereinafter provided, the city agency having custody of a vehicle after judicial determination of forfeiture, shall, no sooner than thirty days after such determination and upon a notice of at least five days, sell such forfeited vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person;

(A) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;

(B) pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and

(C) either (i) asserts a claim in the forfeiture proceeding, or (ii) submits a claim in writing to the commission within thirty days after

judicial determination of forfeiture.

(4) Notwithstanding the provisions of paragraph three of this subdivision, establishment of a right of ownership shall not entitle a person to delivery of a vehicle if the city establishes in the forfeiture proceeding or in a separate administrative adjudication of a claim asserted pursuant to subparagraph C of paragraph three of this subdivision that the violations of subdivision b or c of this section upon which the forfeiture is predicated were expressly or impliedly permitted by such person. The commission shall promulgate rules and regulations setting forth the procedure for such an administrative adjudication, which shall include provision for a hearing.

(5) For purposes of this subdivision, the term "owner" shall mean an owner as defined in section one hundred twenty-eight and in subdivision three of section three hundred eighty-eight of the vehicle and traffic law.

(6) The provisions of this subdivision shall not apply to the seizure and forfeiture of commuter vans which shall be governed by sections 19-529.2 and 19-529.3 of this chapter.

i. (1) Notwithstanding any inconsistent provision of this chapter, any person who violates any provision of this chapter or any rule promulgated hereunder applicable to commuter van services, commuter vans or drivers of commuter vans shall be subject to a civil penalty in an amount to be prescribed by the commission by rule for specific violations which amount shall not exceed one thousand dollars for a first violation and twenty-five hundred dollars for a second and subsequent violation committed within two years of a first violation. Where such violation involves the operation of a commuter van service without the authorization required by this chapter, the operation of a commuter van without the license required by this chapter or the operation of a commuter van that is not pursuant to a current, valid authorization to operate a commuter van service, such person shall be liable for a civil penalty of not less than five hundred dollars and not more than one thousand dollars, and for a subsequent violation committed within two years of the first violation, such person shall be liable for a civil penalty of not less than one thousand dollars and not more than twenty-five hundred dollars.

(2) A proceeding to impose such civil penalty shall be commenced by the service of a notice of violation returnable before the commission or an administrative tribunal of the commission. Such civil penalties shall be imposed after a hearing in accordance with the rules of the commission.

(3) Except as otherwise provided in paragraph four of this subdivision, civil penalties imposed by the commission or such tribunal may be recovered by the corporation counsel in a civil action in any court of competent jurisdiction.

(4) Decisions and orders of the commission or such tribunal imposing



civil penalties for violations relating to the operation of commuter van service without authorization and the operation of unlicensed commuter vans and unlicensed drivers of commuter vans may be entered and enforced as if they were money judgments of a court pursuant to subdivision c of section two thousand three hundred three of the charter.

(5) Notices of violation which are returnable to the commission or such tribunal may be served by any officers or employees designated by the commission, any police officer or any authorized officers or employees of the department of transportation or the New York city transit authority.

j. Where the commission or administrative tribunal thereof finds an owner liable for operating a vehicle as a commuter van without an authorization to operate a commuter van service or without a commuter van license, the commission shall notify the New York state commissioner of motor vehicles pursuant to subparagraph four of paragraph a of subdivision five of section eighty of the New York state transportation law of such finding. Upon such notification, the commissioner of motor vehicles, pursuant to such subparagraph four, shall thereupon suspend the registration of such vehicle and shall deny any application for the registration of such vehicle or any application for the renewal thereof pursuant to subdivision five-a of section four hundred one of the vehicle and traffic law until such time as the commission may give notice that the violation has been corrected to its satisfaction. Operation of any motor vehicle for which the registration has been suspended as herein provided shall constitute a class A misdemeanor. The commission shall also notify the department of finance where it finds an owner liable for operating a vehicle as a commuter van without an authorization to operate a commuter van service or without a commuter van license.

§ 19-507 Mandatory penalties. a. The commission shall fine any driver, or suspend or revoke the driver's license of any driver, as provided in subdivision b of this section, who shall have been found in violation of any of the following:

1. No driver of a taxicab shall seek to ascertain, without justifiable grounds, the destination of a passenger before such passenger shall be seated in the vehicle.

2. No driver of a taxicab shall refuse, without justifiable grounds, to take any passenger or prospective passenger to any destination within the city.

3. No driver of a vehicle the fares of which are set by the commission shall charge or attempt to charge a fare above the fare set by the commission.

4. No driver of a for-hire vehicle shall accept passengers unless the passengers have engaged the use of the for-hire vehicle on the basis of

telephone contract or prearrangement.

b. 1. Any driver who has been found to have violated a provision of paragraph one, two, three or four of subdivision a of this section, or any combination thereof, shall be fined not less than two hundred dollars nor more than three hundred fifty dollars for the first offense. Any driver who has been found in violation of any of the provisions of such paragraphs, or any combination thereof, for a second time within a twenty-four month period shall be fined not less than three hundred fifty dollars nor more than five hundred dollars, and the commission may suspend the driver's license of such driver for a period not to exceed thirty days. The commission shall revoke the driver's license of any driver who has been found to have violated any of the provisions of paragraph one, two, three or four of such subdivision, or any combination thereof, three or more times within a thirty-six month period.

2. Notwithstanding the provisions of paragraph one of this subdivision, the commission shall revoke the driver's license of any person found to have violated paragraph three of subdivision a of this section by charging or attempting to charge a fare of ten dollars or more above the approved rate of fare for taxicabs.

c. The commission shall not issue any license under this chapter to any person who has had his or her driver's license revoked pursuant to subdivision b of this section prior to a period of one year from the date of such revocation.

d. 1. Each owner shall make a reasonable good faith effort, by a driver education program or other affirmative measures, to deter the commission of violations of paragraphs one, two and three of subdivision a of this section by drivers of taxicabs for which such owner holds a vehicle license. A finding that a driver has committed a violation of any such paragraph shall create a rebuttable presumption that the owner holding the vehicle license for the taxicab in which such violation was committed has failed to make a reasonable good faith effort to deter the commission of such violation. In any proceeding for a violation of this paragraph, it is an affirmative defense that the owner made a reasonable good faith effort, by a driver education program or other affirmative measures, to deter the commission of violations of paragraphs one, two and three of subdivision a of this section. The commission shall advise an owner in writing of his or her potential liability pursuant to this subdivision upon a finding that a violation of such paragraph was committed in a taxicab for which such owner holds a vehicle license.

2. If the owner holding a vehicle license for a taxicab or taxicabs in which a driver or drivers have been found to have committed violations of paragraphs one, two or three of subdivision a of this section, or any combination thereof, is found not to have made a reasonable good faith effort to deter such violation, the owner shall be liable for a violation of paragraph one of this subdivision as follows:

(i) for the second violation of paragraphs one, two or three of subdivision a of this section, or any combination thereof, committed in a taxicab or taxicabs for which the owner holds a vehicle license or licenses, the commission shall fine the owner two hundred dollars;

(ii) for the third violation of paragraphs one, two or three of subdivision a of this section, or any combination thereof, committed in a taxicab or taxicabs for which the owner holds a vehicle license or licenses, the commission shall fine the owner not less than two hundred dollars nor more than three hundred fifty dollars;

(iii) for the fourth and each subsequent violation of paragraphs one, two or three of subdivision a of this section, or any combination thereof, committed in a taxicab or taxicabs for which the owner holds a vehicle license or licenses, the commission shall fine the owner not less than three hundred fifty nor more than five hundred dollars;

(iv) for the fifth and each subsequent violation of paragraphs one, two or three of subdivision a of this section, or any combination thereof, committed in a taxicab or taxicabs for which the owner holds a vehicle license or licenses, the commission shall suspend the vehicle license of the taxicab used in the commission of the most recent violation for a period not to exceed sixty days.

For purposes of this paragraph, the obligation to have made a "reasonable good faith effort" shall be met if the owner, upon the hiring of each new driver and for all drivers, shall, at least once annually, distribute a copy of applicable commission rules to each driver and obtains a written receipt therefore. The commission shall supply owners with a copy of all such applicable rules. In addition, such rules shall be conspicuously posted by the owner at the owner's place of business so that they are readily visible to all drivers.

3. The commission shall promulgate rules and regulations setting forth the procedure for an administrative adjudication of violations of paragraph one of this subdivision, which shall include provision for notice and a hearing.

e. The term "without justifiable ground" used in paragraphs one and two of subdivision a of this section shall mean that standard of behavior which fails to conform to that of a reasonable and prudent person acting in compliance with any regulations promulgated by the commission.

f. The commission may suspend or revoke the license of any person whom it determines has obtained a license by fraud or false representation, or willful misstatement or omission of a material fact.

§ 19-507.1 Persistent Violators of Rules Relating to Drivers of Taxicabs and For-Hire Vehicles. a. (1) On or after September 1, 1999, any taxicab or for-hire vehicle driver may attend a remedial or refresher course approved by the commission. Upon satisfactory completion of a commission-approved course by such driver, two points

shall be deducted from the number of points assessed under the persistent violators program against his or her taxicab or for-hire vehicle driver's license. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this subdivision only once within the five-year period commencing on or after September 1, 1999.

(2) Notwithstanding the provisions of paragraph one of this subdivision, any taxicab or for-hire vehicle driver may attend one remedial or refresher course approved by the commission between the effective date of this local law and August 31, 1999. Upon satisfactory completion of a commission-approved course by such driver two points shall be deducted from the number of points assessed under the persistent violators program against his or her taxicab or for-hire vehicle driver's license.

(3) Notwithstanding the provisions of paragraphs one or two of this subdivision, no point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course and no taxicab or for-hire vehicle driver shall receive a point reduction unless attendance at the course is voluntary on the part of the driver. If the commission has no approved remedial or refresher course on the effective date of this subdivision, then a department of motor vehicles-approved course shall be deemed acceptable until such time as the commission approves a course.

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that six or more points have been assessed against his or her taxicab or for-hire vehicle driver's license within any fifteen-month period and whose license has not been revoked shall have his or her taxicab or for-hire vehicle driver's license suspended for thirty days. The provisions of this subdivision shall apply only to violations issued on or after July 26, 1998.

c. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that ten or more points have been assessed against his or her taxicab or for-hire vehicle driver's license within any fifteen-month period shall have his or her taxicab or for-hire vehicle driver's license revoked. The provisions of this subdivision shall apply only to violations issued on or after July 26, 1998.

d. For the purposes of assessing points against the license of a taxicab or for-hire vehicle driver, where a taxicab or for-hire vehicle driver has been found guilty of multiple violations arising from a single enforcement action by an authorized enforcement agent, such driver shall be deemed guilty of the single violation having the highest point assessment.

e. A taxicab or for-hire vehicle driver shall not be subject to an assessment of points against his or her taxicab or for-hire vehicle driver's license or the imposition of duplicate penalties where the same

act is a violation under provisions of law other than commission rules and where such violations duplicate each other or are substantively the same and any such driver may be issued only one summons or notice of violation for such violation. Points assessed by the department of motor vehicles by reason of violations under the vehicle and traffic law may not be added to points assessed by the commission under this section for violations of commission rules.

f. It shall be an affirmative defense that the act which formed the basis for the violation was beyond the control and influence of the taxicab or for-hire vehicle driver.

g. Any violation issued to a taxicab driver or owner for meter-tampering shall be served on the licensee by personal delivery or by certified and regular mail within five calendar days of its issuance. The licensee shall have an opportunity to request a hearing before the commission or other administrative tribunal of competent jurisdiction within ten calendar days after receipt of any such notification. Upon request such hearing shall be scheduled within ten calendar days. If the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day. A decision shall be made with respect to any such proceeding within sixty calendar days after the close of the hearing. In the event such decision is not made within that time period, the license or medallion which is the subject of the proceeding shall be returned by the commission to the licensee and deemed to be in full force and effect until such determination is made. It shall be an affirmative defense to any violation for meter-tampering issued to a taxicab driver or owner that such person (i) did not know of or participate in the alleged meter-tampering and (ii) exercised due diligence to ensure that meter-tampering does not occur.

h. For purposes of subdivision g of this section, examples of an owner's due diligence shall include, but are not limited to (1) giving to their drivers a clear warning that violations of the meter tampering rules will result in the immediate termination of any lease agreement, the reporting to the commission of driver tampering and the commission's probable revocation of the driver's taxicab driver's license, (2) including in any written lease agreement provisions containing the warnings against violation of meter tampering rules, (3) stamping warnings about the illegality of meter tampering on the trip cards issued to all drivers of an owner's taxicabs, (4) having management personnel or mechanics periodically check for proper odometer and meter mileage comparisons in order to determine if there are inappropriate disparities between the two sets of figures, (5) conducting periodic random inspections of the taxicab meter and its wiring for all of its taxicabs to detect any evidence of violation of the meter tampering rules and (6) having all of such owner's taxicabs inspected by a licensed meter shop once every commission inspection cycle.

§ 19-507.2 Critical driver program. a. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period and whose taxicab or for-hire vehicle driver's license has not been revoked shall have his or her taxicab or for-hire vehicle driver's license suspended for thirty days. The provisions of this subdivision shall apply only to violations issued on or after February 15, 1999.

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period shall have his or her taxicab or for-hire vehicle driver's license revoked. The provisions of this subdivision shall apply only to violations issued on or after February 15, 1999.

c. (1) On or after September 1, 1999, a taxicab or for-hire vehicle driver shall be eligible to receive a two point reduction in the number of points assessed pursuant to the critical driver program upon the submission to the commission of proof of the satisfactory completion of a motor vehicle accident prevention course approved by the department of motor vehicles. Such point reduction shall be considered in computing the total number of points accumulated by such driver as a result of violations which occurred within fifteen months prior to the date of the completion of the course.

(2) Notwithstanding the provisions of paragraph one of this subdivision no point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course. No person shall receive a point reduction more than once in any eighteen month period and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the driver.

(3) Notwithstanding the provisions of paragraphs one and two of this subdivision, any taxicab or for-hire vehicle driver who voluntarily attends and satisfactorily completes one motor vehicle accident prevention course approved by the department of motor vehicles between the effective date of this local law and August 31, 1999, shall have two points deducted from the total number of points assessed pursuant to the critical driver program against his or her taxicab or for-hire vehicle driver's license. No point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course.

§ 19-507.3 Reporting requirements. a. An owner shall maintain on file with the commission a current telephone number serviced by an answering machine or recording device, a pager number, telephone answering service number or other information by which telephone contact with the owner or a designated representative may reasonably be expected to be made at all times. An owner or designated representative must respond to any telephone or pager contact from the commission within forty-eight hours.

§ 19-508 Meters, radios and other equipment. a. All taxicabs shall be equipped with meters, and the commission may permit or require other licensed vehicles to be equipped with the same or different types of meters.

b. The commission may permit or require the installation of radio or other equipment of specified types in licensed vehicles, except that the commission shall require that all wheelchair accessible vans contain two-way radios where the owner employs a dispatcher, a number of portable or fixed seat belts equal to the maximum capacity of the van, safety ties sufficient to secure any wheelchair or wheelchairs which the van may at any given time be transporting and such other special equipment as the commission shall determine is necessary to insure the safe transportation of physically handicapped persons. The commission shall require the use of a specified frequency for any radio used by licensed vehicles, said frequency to be assigned by the federal communications commission.

c. 1. For purposes of this section, the term "trouble light" shall mean a help or distress signaling light system consisting of two turn signal type "lollipop" lights.

2. Every for-hire vehicle or taxicab placed into operation shall carry a minimum of two spare turn signal type "lollipop" lights of a type approved by the commission. In the event that any authorized enforcement agent indicates to a for-hire vehicle or taxicab driver that the vehicle's trouble light is defective, such driver shall have the opportunity to return such defective trouble light to proper working order by replacing one or both bulbs, or by any other corrective action, in the presence of such enforcement agent. If the replacement of a bulb or bulbs, or any other corrective action, restores the trouble light to proper working order, no summons or notice of violation may be issued for operating a for-hire vehicle or taxicab with a defective trouble light. In the event that repair of the defective condition is not made in the presence of such enforcement agent and a summons or notice of violation is issued for a defective for-hire vehicle or taxicab trouble light, such summons or notice of violation shall be dismissed by the adjudicatory body before which such summons or notice of violation is heard if: (a) proof that repair of such defect was made within twenty-four hours of the issuance of the summons or notice of violation

is provided to the adjudicatory body and (b) the vehicle was not used for hire during the period of time from when the summons or notice of violation was issued to the time the repair was made.

3. Any person found to have violated the provisions of this subdivision shall be liable for a fine of one hundred seventy-five dollars for each such violation and in addition thereto the license for such vehicle shall be suspended until the defective condition is corrected.

§ 19-509 Licensing of taximeter business. a. It shall be unlawful for any person to engage in the business of manufacturing, selling, repairing and adjusting or calibrating taximeters or taximeter equipment for use upon any licensed vehicle in the city unless he or she shall secure a license therefor from the commission, and such person engaged in the business of installing, repairing, adjusting or calibrating taximeters shall only be licensed if he shall have a place of business within the city large enough simultaneously to accommodate at least three vehicles. Such licenses shall be issued for a period not exceeding one year and shall expire on the thirty-first day of March following the date of issue. The fee for the issuance of each such license shall be five hundred dollars per annum for each place of business licensed provided, however, that upon the issuance of a license for a period of six months or less, the fee shall be one-half the annual fee fixed by the commission.

b. It shall be unlawful for such person to sell or attach to a licensed vehicle for use within the city a taximeter which does not comply with the rules and regulations established by the commission, and the commission may establish such rules and regulations in respect to the taximeter business as may be reasonable to assure adequate protection of the public and enforcement of the provisions and purposes of this chapter and may require such reports and other information as it deems necessary or advisable. Any person who shall install, repair, adjust or calibrate any taximeter shall securely affix to the inside of the glass window thereon, so as to be clearly legible from the outside, a printed poster bearing his or her license number.

c. Fees to be charged by persons licensed pursuant to this section shall be subject to approval of the commission. In determining whether any proposed fee or fee schedules shall be approved, the commission shall take into consideration the nature of the service performed, the costs of the licensee, a reasonable profit to the licensee, fees for similar services charged in other communities, and the welfare of the taxicab and taximeter industries.

§ 19-511 Licensing of communications systems and base stations. a. The



commission shall require licenses for the operation of two-way radio or other communications systems used for dispatching or conveying information to drivers of licensed vehicles, including for-hire vehicles or wheelchair accessible vans and shall require licenses for base stations, upon such terms as it deems advisable and upon payment of reasonable license fees of not more than five hundred dollars a year. There shall be an additional fee of twenty-five dollars for late filing of a license renewal application where such filing is permitted by the commission.

b. The operator of a base station shall provide and utilize lawful off-street facilities for the parking and storage of the licensed for-hire vehicles that are to be dispatched from that base station equal to not less than one parking space for every two such vehicles or fraction thereof. The commission shall establish by rule criteria for off-street parking which shall include, but not be limited to, the maximum permissible distance between the base station and such off-street parking facilities and the proximity of such off-street parking facilities to residences and community facilities as defined in the zoning resolution of the city of New York. A license for a new base station shall only be granted where the applicant has demonstrated to the commission prior to the issuance of such license that off-street parking facilities sufficient to satisfy the requirements of this subdivision shall be provided.

c. Notwithstanding the provisions of subdivision b of this section, a license for a base station which was valid on the effective date of this section shall only be renewed upon the condition that within two years of such renewal the licensee shall provide off-street parking facilities as required by subdivision b of this section.

d. (1) No license for a new base station shall be issued unless the applicant demonstrates to the satisfaction of the commission that the applicant will comply with the off-street parking requirements of subdivision b of this section and the commission finds that the operation of a base station by the applicant at the proposed location would meet such other criteria as may be established by the commission. Among the other factors which must be examined and considered by the commission in making a determination to issue a license are the adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public any adverse impact that the proposed operation may have on those existing services and the fitness of the applicant. In determining the fitness of the applicant the commission shall consider, but is not limited to considering, such factors as the ability of the applicant to adequately manage the base station, the applicant's financial stability and whether the applicant operates or previously operated a licensed base station and the manner in which any such base station was operated. The commission shall also consider the

extent and quality of service provided by existing lawfully operating for-hire vehicles and taxicabs.

(2) No license for a new base station shall be issued for a period of three years subsequent to a determination in a judicial or administrative proceeding that the applicant or any officer, shareholder, director or partner of the applicant operated a base station that had not been licensed by the commission.

(3) In its review of an application for a license to operate a new base station and in its review of an application to renew a base station license the commission shall also consider the possible adverse effect of such base station on the quality of life in the vicinity of the base station including, but not limited to, traffic congestion, sidewalk congestion and noise. In its review of an application to renew a base station license the commission shall also consider whether a determination has been made after an administrative proceeding that the operator has violated any applicable rule of the commission.

(4) No base station license shall be renewed where it has been determined after an administrative proceeding that the applicant has failed to comply with the off-street parking requirements set forth in subdivision b of this section or as they may have been modified pursuant to subdivision h of this section.

e. A licensed base station shall at all times have no fewer than ten affiliated vehicles, except that a base station for which a license was first issued prior to January 1, 1988 and which at that time had fewer than ten affiliated vehicles or a base station which has an affiliation with a wheelchair accessible vehicle may have as few as five affiliated vehicles, not including black cars and luxury limousines.

f. Prior to the issuance of a license for a base station or the renewal of a valid base station license, the applicant shall provide to the commission a bond in the amount of five thousand dollars with one or more sureties to be approved by the commission. Such bond shall be for the benefit of the city and shall be conditioned upon the licensee complying with the requirement that the licensee dispatch only vehicles which are currently licensed by the commission and which have a current New York city commercial use motor vehicle tax stamp and upon the payment by the licensee of all civil penalties imposed pursuant to any provision of this chapter.

g. Upon receiving an application for the issuance of a license for a new base station or for the renewal of a license for a base station pursuant to this section, the commission shall, within five business days, submit a copy of such application to the council and to the district office of the council member and the community board for the area in which the base station is or would be located.

h. Notwithstanding the provisions of subdivisions b and c of this section, the commission may reduce the number of required off-street parking spaces or may waive such requirement in its entirety where the

commission determines that sufficient lawful off-street parking facilities do not exist within the maximum permissible distance from the base station or an applicant demonstrates to the satisfaction of the commission that complying with the off-street parking requirements set forth in such subdivisions would impose an economic hardship upon the applicant; except that the commission shall not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the applicant, or a predecessor in interest, has violated any provision of section 6-03 of the rules of the commission or any successor thereto, as such may from time to time be amended. A determination to waive or reduce the off-street parking requirements shall be made in writing, shall contain a detailed statement of the reasons why such determination was made and shall be made a part of the commission's determination to approve an application for a base station license.

i. The determination by the commission to approve an application for a license to operate a new base station or for the renewal of a license to operate a base station shall be made in writing and shall be accompanied by copies of the data, information and other materials relied upon by the commission in making that determination. Such determination shall be sent to the council and to the district office of the council member within whose district that base station is or would be located within five business days of such determination being made.

§ 19-511.1 Council review. Any determination by the commission to approve an application for a license to operate a new base station or to renew a license to operate a base station shall be subject to review by the council. Within ninety days of the first stated meeting following receipt of such determination and its accompanying materials, the council may approve or disapprove such determination by local law, after having adopted a resolution to review that determination. In the event that the council fails to act by local law within the ninety day period provided for in this section, the determination of the commission shall remain in effect. Where a base station license would otherwise expire while a determination by the commission to approve a renewal of such license is pending before the council, such license shall remain in full force and effect, unless suspended or revoked by the commission, until either the council has passed a local law to disapprove such determination or the period within which the council may act has elapsed.

§ 19-512 Transferability of taxicab licenses issued prior to the effective date of this chapter. a. Any taxicab license first issued prior to July sixteenth, nineteen hundred seventy-one, and in force on

such date, and any renewals thereof, shall be transferable to a transferee who has demonstrated to the satisfaction of the commission that he is qualified to assume the duties and obligations of a taxicab owner, provided that either the applicant or his or her vendor or transferor shall have filed a bond to cover all the outstanding tort liabilities of the vendor or transferor in excess of the amount covered by a bond or insurance policy which is in effect pursuant to the vehicle and traffic law of the state of New York.

b. No voluntary sale or transfer of such taxicab license may be made if a judgment has been filed within the city against the holder of a license and remains unsatisfied and notice of said judgment has been filed with the commission, except that a transfer may be permitted if an appeal is pending from an unsatisfied judgment and a bond is filed in sufficient amount to satisfy the judgment. A transfer may also be permitted without filing a bond as set forth in this subdivision provided that all the judgment creditors of unsatisfied judgments file written permission for such a transfer with the commission or provided that the proceeds of sale are paid into court or held in escrow on terms and conditions approved by the commission which will have the effect of protecting the rights of all parties who may have an interest therein.

c. An owner's interest in such taxicab license may be transferred involuntarily and disposed of by public or private sale in the same manner as personal property provided, however, that upon such involuntary transfer the owner's license shall immediately be cancelled and a new license issued to the purchaser or his or her vendee, provided that such purchaser or vendee satisfied the requirements of subdivision (a) hereof, except that if the judgment against the involuntary transfer is by reason of a tort judgment against the involuntary transferor, no bond need be provided with respect to the same judgment.

d. The commission may charge a fee of one hundred sixty dollars for its administrative expenses in connection with the transfer (i) of an owner's interest in a taxicab license transferable pursuant to the provisions of this section or (ii) of the stock in a corporation which is an owner of a taxicab license that is transferable pursuant to the provisions of this section.

§ 19-512.1 Revocation of taxicab licenses. a. The commission may, for good cause shown relating to a threat to the public health, or safety and prior to giving notice and an opportunity for a hearing, suspend a taxicab or for-hire vehicle license issued pursuant to this chapter and, after notice and an opportunity for a hearing, suspend or revoke such license. The commission may also, without having suspended a taxicab or for-hire vehicle license, issue a determination to seek suspension or revocation of that taxicab or for-hire vehicle license and after notice and an opportunity for a hearing suspend or revoke such license. Notice

of such suspension or of a determination by the commission to seek suspension or revocation of a taxicab or for-hire vehicle license shall be served on the licensee by personal delivery or by certified and regular mail within five calendar days of the pre-hearing suspension or of such determination. The licensee shall have an opportunity to request a hearing before the commission or other administrative tribunal of competent jurisdiction within ten calendar days after receipt of any such notification. Upon request such hearing shall be scheduled within ten calendar days, unless the commission or other administrative tribunal of competent jurisdiction determines that such hearing would be prejudicial to an ongoing criminal or civil investigation. If the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day. A decision shall be made with respect to any such proceeding within sixty calendar days after the close of the hearing. In the event such decision is not made within that time period, the license or medallion which is the subject of the proceeding shall be returned by the commission to the licensee and deemed to be in full force and effect until such determination is made, unless the commission or other administrative tribunal of competent jurisdiction determines that the issuance of such determination would be prejudicial to an ongoing criminal or civil investigation.

b. It shall be an affirmative defense that the holder of the taxicab or for-hire vehicle license or the owner of the taxicab or for-hire vehicle has (1) exercised due diligence in the inspection, management and/or operation of the taxicab or for-hire vehicle and (2) did not know or have reason to know of the acts of any other person with respect to that taxicab or for-hire vehicle license or taxicab or for-hire vehicle upon which a suspension, proposed suspension or proposed revocation is based. With respect to any violation arising from taximeter tampering, an owner's due diligence shall include, but not be limited to, those actions set forth in subdivision h of section 19-507.1 of this chapter. Any pre-hearing suspension period shall be counted towards any suspension period made in any final determination.

§ 19-513 Repossessions. Any taxicab which is transferred involuntarily because of a default in the payment or installments due under the contract of sale, or any other contract or in any other manner whereby the license holder's interest in the license is not also transferred, and which is disposed according to law at public or private sale, may be operated by the purchaser thereof or his or her vendee, provided such purchaser or vendee is acceptable to the commission as a person suitable to receive a license. Upon such involuntary transfer, the license of said taxicab shall be cancelled immediately and a temporary, nontransferable, nonrenewable license issued to such purchaser or vendee for a period not exceeding one year upon the payment of a fee of not

exceeding one hundred dollars therefor. At the end of such time, the original holder of the license, or his or her transferee if the license was first issued before the effective date of this chapter, shall be entitled to renewal of the license, provided that the provisions of subdivision (a) of section 19-512 of this chapter are complied with by such applicant, whether he or she is the original holder or a transferee.