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I N   A S S E M B L Y

June 16, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Brennan) --  
read once and referred to the Committee on Cities

AN ACT to amend the New York city charter, in relation to docketing of  
decisions and orders of the administrative tribunal of the New York  
city taxi and limousine commission

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision c of section 2303 of the New York city charter,  
2     as amended by local law number 115 of the city of New York for the year  
3     1993, paragraph 1 as amended by local law number 16 of the city of New  
4     York for the year 2008, is amended to read as follows:  
5     c. (1) The commission shall create an administrative tribunal to adju-  
6     dicate charges of violation of [provisions of the administrative code  
7     and rules promulgated thereunder] THE LAWS, RULES AND REGULATIONS  
8     ENFORCED BY THE COMMISSION PURSUANT TO THE PROVISIONS OF SUBDIVISION B  
9     OF THIS SECTION OR OF ANY OTHER LAW PROVIDING FOR ENFORCEMENT BY THE  
10    COMMISSION IN ACCORDANCE WITH THIS PARAGRAPH AND WITH RULES AND REGU-  
11    LATIONS PROMULGATED BY THE COMMISSION. The commission shall have the  
12    power to enforce its tribunal's decisions and orders imposing civil  
13    penalties, not to exceed ten thousand dollars for each respondent, [for  
14    violations relating to unlicensed vehicles for hire and unlicensed driv-  
15    ers of vehicles for hire and for violations relating to the operation of  
16    commuter van services without authorization and the operation of unli-  
17    censed commuter vans and unlicensed drivers of commuter vans pursuant to  
18    chapter five of title nineteen of the administrative code] as if they  
19    were money judgments, without court proceedings, in the following  
20    manner: Any such decision or order of the commission's administrative  
21    tribunal imposing a civil penalty, whether the adjudication was had by  
22    hearing or upon default or otherwise, shall constitute a judgment  
23    rendered by the commission which may be entered in the civil court of  
24    New York or any other place provided for the entry of civil judgments  
25    within the state. Before a judgment based upon a default may be so  
26    entered the commission or administrative tribunal shall have first noti-  
27    fied the respondent by first class mail in such form as the commission

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 may direct: (i) of the default and order and the penalty imposed; (ii)  
2 that a judgment will be entered in the civil court of the city of New  
3 York or any other place provided by law for the entry of civil judgments  
4 within the state of New York; and (iii) that entry of such judgment may  
5 be avoided by requesting a stay of default for good cause shown and  
6 either requesting a hearing or entering a plea pursuant to the rules of  
7 the commission or administrative tribunal within thirty days of the  
8 mailing of such notice.

9 (2) The commission or tribunal shall not enter any decision or order  
10 pursuant to paragraph one of this subdivision unless the notice of  
11 violation shall have been served in the same manner as is prescribed for  
12 service of process by article three of the civil practice law and rules  
13 or article three of the business corporation law except that:

14 (a) with respect to any notice of violation which alleges the opera-  
15 tion of [an] A LICENSED OR unlicensed vehicle for hire the operator of  
16 such vehicle who is not the owner thereof but who uses or operates such  
17 vehicle with the permission of the owner, express or implied, shall be  
18 deemed to be the agent of such owner to receive such notice of violation  
19 and service made pursuant to this paragraph on such operator shall also  
20 be deemed to be lawful service upon such owner; or

21 (b) with respect to any notice of violation which alleges the opera-  
22 tion of an AUTHORIZED OR unauthorized commuter van service or [an] A  
23 LICENSED OR unlicensed commuter van, the operator of the vehicle giving  
24 rise to such violation who is not the owner of such commuter van service  
25 or such commuter van, as applicable, but who uses or operates such vehi-  
26 cle with the permission, express or implied, of the owner of such commu-  
27 ter van service or such commuter van, as the case may be, shall be  
28 deemed to be the agent of the owner of such commuter van service or such  
29 commuter van, as the case may be, to receive such notice of violation.  
30 Service made pursuant to this paragraph on such operator shall be deemed  
31 to be lawful service upon the owner of such commuter van service or  
32 commuter van, as applicable; OR

33 (C) WITH RESPECT TO ANY NOTICE OF VIOLATION WHICH ALLEGES THE OPERA-  
34 TION OF ANY OTHER LICENSED OR UNLICENSED ENTITY WHOSE ESTABLISHMENT AND  
35 OPERATION ARE GOVERNED BY RULES AND REGULATIONS PROMULGATED BY THE  
36 COMMISSION, SERVICE MAY BE MADE PURSUANT TO THIS PARAGRAPH UPON A PERSON  
37 OF SUITABLE AGE AND DISCRETION EMPLOYED BY OR ACTING AS AN AGENT OF THE  
38 RESPONDENT AT THE RESPONDENT'S PLACE OF BUSINESS.

39 S 2. This act shall take effect immediately.