

3071

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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

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

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1 within the state. Before a judgment based upon a default may be so
2 entered the commission or administrative tribunal shall have first noti-
3 fied the respondent by first class mail in such form as the commission
4 may direct: (i) of the default and order and the penalty imposed; (ii)
5 that a judgment will be entered in the civil court of the city of New
6 York or any other place provided by law for the entry of civil judgments
7 within the state of New York; and (iii) that entry of such judgment may
8 be avoided by requesting a stay of default for good cause shown and
9 either requesting a hearing or entering a plea pursuant to the rules of
10 the commission or administrative tribunal within thirty days of the
11 mailing of such notice.

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

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

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

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

42 S 2. This act shall take effect immediately.