

**WESTCHESTER COUNTY**  
**TAXI & LIMOUSINE COMMISSION**



**MUNICIPAL CAR**  
**RULES AND REGULATIONS**

**May 16, 2019 (v3.5)**

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## **Section 100. Statutory Authority**

100.01           The Westchester County Taxi and Limousine Commission (WCTLIC) was established by local law in 1993, which added Chapter 123 to the Westchester County Charter. In 1998, Chapter 270 of the Westchester County Administrative Code implemented the WCTLIC by authorizing it to issue permits to for-hire and livery vehicles, drivers and base stations that provide transportation within the County of Westchester.

100.02           The authority to issue rules and regulations to administer this Code is contained in §270.103.12 of the Administrative Code of the County of Westchester.

## Section 200. Definitions

200.01 As used in this chapter, unless the context requires otherwise, the following terms shall mean as indicated below:

- a. **Alternative fuel source vehicle:** Any motor vehicle that runs on fuels other than traditional petroleum based fuels.
- b. **Applicant:** (a) An “applicant” is an individual, partnership, or other legal entity seeking a permit for a municipal car. (b) Whenever within this chapter reference is made to the partners, general partners, shareholders and/or officers of an applicant, such reference shall also include the members and managing members of any applicant, which is a limited liability company.
- c. **Base station:** A central facility, which manages, organizes and /or dispatches municipal cars.
- d. **Base Station Owner:** A base station owner is any individual, partnership, corporation, or other legal entity owning and/or operating a base station, including any individuals in a partnership and/or any entities owning ten per centum (10%) or more of any such corporation or legal entity.
- e. **Chairperson:** Chairperson means the Chairperson of the Westchester County Taxi and Limousine Commission.
- f. **Chauffeur's license:** A "chauffeur's license" is a valid class “E,” *or superior*, license of the State of New York to operate a vehicle for hire, or a valid license of similar class from *New Jersey or Connecticut* of which the licensee is a resident.
- g. **Commission:** Commission means the Westchester County Taxi and Limousine Commission, herein also referred to as “WCTLC.”
- h. **County:** Westchester County.
- i. **Driver's license:** A valid driver’s license is a license issued by the New York State Department of Motor Vehicles or similar department in *New Jersey or Connecticut* that is not conditional, suspended, expired, restricted, surrendered or revoked.
- j. **Licensed vehicle:** A "Licensed vehicle" is a permitted municipal car authorized by the Commission to accept passengers for hire.
- k. **Mailing address:** A "mailing address" is the address designated by the owner for the mailing of all notices and correspondence from the commission and for service of summonses. A post office box is not acceptable.

- l. Non-transferable:** Shall mean that the original purchaser of the license shall be the only authorized person to possess the license. The license will then be returned to Westchester County upon the discontinuance of its use by the purchaser.
- m. Permit.** A "permit" is a two-part certificate issued by the Commission as the physical evidence of a municipal car license, in which part (a) is kept in car, and part (b) is affixed to the inside lower right side of the vehicle windshield.
- n. Renewal applicant.** A "renewal applicant" is an owner seeking a renewal of a valid municipal car license.
- o. Roof light:** Equipment attached to the roof of the vehicle, or extending above the roofline of the vehicle, for the purpose of displaying information.
- p. Serious Criminal Offense:** Serious criminal offense shall mean a conviction of (i) a felony involving the use of a motor vehicle except a felony as described in sub-paragraph (ii) of this paragraph; (ii) a felony involving the manufacturing, distributing or dispensing a drug as defined in Section One Hundred Fourteen-A of the Vehicle & Traffic Law of the State of New York, or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (iii) a violation of subdivision one or two of section six hundred of the Vehicle & Traffic Law of the State of New York; (iv) operating a pre-arranged for-hire vehicle when, as a result of prior violations committed while operating a pre-arranged for-hire vehicle, the driver's state operator's license is revoked, suspended or canceled; (v) causing a fatality through the negligent operation of a pre-arranged for-hire vehicle, including but not limited to crimes of vehicular manslaughter or criminally negligent homicide; (vi) homicide; and (vii) a felony for assault, sexual offenses, kidnapping or burglary.
- q. Street:** Any highway, street, alley, avenue, court, bridge, lane or public highway or any other public way in Westchester County.
- r. Municipal Car:** Any four door motor vehicle having a passenger capacity of not more than seven (7) persons in addition to the driver, engaged in the business of carrying persons for compensation whether the same be operated from a street stand or subject to calls from a garage, or otherwise operated for compensation, except for vehicles subject to the provisions of the Public Service Law, or used by undertakers in carrying on their undertaking business, and which is licensed by either a local municipality to operate within the boundaries of licensing municipality, or by the WCTLTC.
- s. Municipal Car driver:** Any person who operates a municipal car.
- t. Municipal Car Permit:** The authority granted by WCTLTC to any person, partnership or other legal entity to operate or keep for hire any municipal car in Westchester County

- u. Municipal car stand:** Any place alongside the curb of a street or elsewhere which is exclusively reserved by a municipality for the use of municipal cars.
- v. Trip record.** A "trip record" also known as a trip sheet or trip log, is the written, computerized, automated and/or electronic accounting of a municipal car ride. The trip data to be transmitted or recorded shall include the municipal car license number (permit number); the municipal car driver's license number; the location of trip initiation; the time of trip initiation; the number of passengers; the location of trip termination; the time of trip termination; the itemized fare for the trip, as well as such other information as may be required by the Commission.
  - i. The data captured by the trip record may be stored in paper, electronic or such other form as approved by the Commission. The trip record shall be kept in an approved archived form for a minimum of one year after the date of the municipal car ride.
- w. Vehicle Owner:**
  - a. An "owner" is an individual, partnership, or other legal entity in whose name the state registration, or vehicle title is issued pursuant to the Vehicle and Traffic Law. For the purposes of these rules, the term shall also apply to the lessee of the vehicle from the titled owner.
  - b. Whenever within this chapter reference is made to the partners, general partners, shareholders and/or officers of an owner, such reference shall also include the members and managing members of any owner which is a limited liability company.
- x. Weapon:** A weapon is any firearm (as defined in the New York State Penal Law) for which a license has not been issued as provided in the New York State Penal Law and the Administrative Code of the County of Westchester, electronic dart gun, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chukka stick, sand stick, slingshot, pilum ballistic knife, sand bag, sand club, wrist brace type slingshot, shirken, kung fu star, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other instrument or thing whether real or simulated, and capable of inflicting or threatening bodily harm, including but not limited to any other weapons, the possession of which is prohibited pursuant to the New York State Penal Law.
- y. Wheelchair accessible vehicle:** A wheelchair accessible vehicle is a vehicle, which is utilized exclusively for the purpose of transporting persons in wheelchairs.

## Section 300. Municipal Car Drivers

### Preparation and Submission of a First-Time Application for a Municipal Car Driver's Permit

- 300.01 An application for a **Municipal Car Driver's Permit** shall be made on forms provided by WCTLTC.
- a. By signing the application, the applicant acknowledges that acceptance of a WCTLTC municipal car drivers permit subjects the municipal car to welfare and compliance inspections by police officers of the Westchester County Department of Public Safety or Commission representatives.
  - b. By filing the application, new applicants acknowledge that a criminal background history will be obtained from the New York State Department of Criminal Justice Services, and that a municipal car driver Fitness Hearing may be ordered by the Commission following its review of the background check.
  - c. By filing the application the applicant agrees that service of papers and/or legal notices from the Commission shall be deemed sufficient if performed in the manner set forth herein below.
- 300.02 A first-time application for a municipal car driver's permit shall consist of the following:
- a. Completed *first-time* application form;
  - b. Proof that applicant has a valid New York State Class A, B, C or E driver's license or equivalent license issued by the States of New Jersey or Connecticut;
  - c. Proof that applicant has had a valid driver's license for a minimum of six (6) months;
  - d. Proof of fingerprinting done by Westchester County Department of Public Safety. A fee will be assessed for this service and shall be made payable to the County of Westchester. Fingerprinting is required as part of the application process;
  - e. Three (3) notarized references from persons not related to the applicant who have known the applicant for at least one (1) year;
  - f. Business check or money order for the non-refundable application fee may be made payable to WCTLTC;
  - g. Proof of completion of a New York State DMV-certified Defensive Driving Course completed within six (6) months prior to the date of the application;
  - h. All applicants shall undergo testing for the presence of the following substances:  
amphetamines; cannabinoids; cocaine; opiates; and phencyclidines. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit to operate a clinical laboratory issued by the New York State Department of Health pursuant to the authority contained in Title V of Article 5 of the New York State Public Health Law.
    1. Any applicant, new or renewal, who tests positive for drugs or

intoxicating liquors shall be denied a municipal car drivers license, and the municipal car drivers license of any applicant who tests positive for drugs or intoxicating liquors shall be revoked following Notice and a Hearing *and a ruling adverse to the applicant.*

- i. An original Social Security card issued by the Social Security Administration.

300.03 Reserved

### **Review of the First-Time Application**

- 300.04 WCTLTC shall review the application for completeness and accuracy, and shall make sure that the following steps are carried out:
- a. Provide such necessary documentation to the appropriate section of the Department of Public Safety as it may require completing a background check;
  - b. Review any other relevant information in the files of the Department of Motor Vehicles, the Department of Public Safety, or any other law enforcement body as necessary and prudent;
  - c. If the original application is found to be incomplete or defective in any manner, WCTLTC shall notify the applicant of said deficiencies. The applicant shall have ten (10) business days, from receipt of the notice, to submit a corrected application. Should the applicant fail to submit a corrected application within said time frame, the application shall be deemed denied;

### **Preparation and Submission of an Application for Renewal**

- 300.05 The completed renewal application shall consist of the following:
- a. Completed *renewal* application form;
  - b. A photocopy of the driver's current New York State Department of Motor Vehicles Class A, B, C or E license or an equivalent license issued by New Jersey or Connecticut;
  - c. An affidavit attesting to the fact that the applicant has not been convicted of any violations or crimes subsequent to the date of fingerprinting;
  - d. A *business* check or money order for the non-refundable renewal fee made payable to WCTLTC;
  - e. Proof of completion of a New York State DMV-certified Defensive Driving Course completed within three (3) years prior to the date of the renewal application;
  - f. Any applicant, new or renewal shall undergo testing for the presence of the following substances: amphetamines; cannabinoids; cocaine; opiates; and phencyclidines. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit to operate a



clinical laboratory issued by the New York State Department of Health pursuant to the authority contained in Title V of Article 5 of the New York State Public Health Law.

1. Any applicant, new or renewal, who tests positive for drugs or intoxicating liquors shall be denied a municipal car drivers license, and the municipal car drivers license of any applicant who tests positive for drugs or intoxicating liquors shall be revoked following Notice, a Hearing and Ruling adverse to the applicant.

g. A valid Social Security card issued to said driver;

300.06 If the renewal application is found to be incomplete or defective in any manner, WCTLC shall notify the applicant of said deficiencies. The applicant shall have ten (10) business days, from receipt of the notice, to submit a corrected application. Should the applicant fail to submit a corrected application with said time frame, the application shall be deemed denied.

300.07 Reserved.

### **Denial of a Permit**

300.08 In determining whether to issue or renew a municipal car drivers permit, WCTLC shall consider, amongst other things, whether the applicant has violated any of the provisions of these rules or other applicable law. The making of false statements is punishable as a crime pursuant to the New York State Penal Law and may constitute grounds for denial of a WCTLC municipal car driver's license.

a. A WCTLC municipal car drivers license will not be issued for any driver until all outstanding WCTLC fines, if any, are paid;

b. The municipal car drivers license of a driver, against whom there is an outstanding judgment or unpaid civil penalty owed for a violation of Article 17-B of the Vehicle & Traffic Law of the State of New York relating to traffic in any other jurisdiction which license taxicab drivers and taxicabs and meets the standards set forth in said Article 17-B, shall be suspended until such judgment is satisfied and/or such civil penalty is paid;

c. An applicant for a new, or renewal, municipal car drivers permit shall be denied and an existing municipal car drivers license shall be suspended or revoked, upon conviction of the applicant for a serious criminal offense, as defined herein, including, but not limited to Article Twenty-Three A of the Correction Law of the State of New York;

300.09 If WCTLC denies an application, a notice of such denial shall be sent to the applicant. Such notice shall include a statement of the reason for the denial and shall contain instructions as to how an appeal, if appropriate, may be made.

a. The Chairperson of the Taxi and Limousine Commission is hereby given

authority by the Commission to act on behalf of the Commission to review driver applications and may deny a municipal car driver license without full review by the Commission.

b. The Chairperson, or a designee, may issue the initial municipal car driver license for a one-year period, subject to denial, revocation or suspension for cause if the background check and application review performed on the applicant is unsatisfactory.

### **Conduct of Drivers**

- 300.10 A municipal car driver shall not operate a municipal car unless said driver has a valid WCTLIC municipal car driver permit and said municipal car is permitted by WCTLIC and is affiliated with a base station also licensed by the Commission.
- 300.11 A municipal car driver may not operate a municipal car unless said driver holds a valid New York State Class A, B, C or E driver's license or an equivalent license issued by said driver's home state (Connecticut or New Jersey).
- 300.12 A licensed municipal car driver shall not operate a municipal car unless said vehicle:
- a. Has a valid WCTLIC municipal car permit issued by the Commission;
  - b. Has a valid WCTLIC decal affixed to the right front side of the windshield therein;
  - c. Has a WCTLIC Municipal car decal affixed on the left side of the vehicle's front and rear bumper.
- 300.13 A driver may not operate a municipal car without a valid certificate of registration, issued by the New York State Department of Motor Vehicles, or an equivalent agency of the vehicle's home state.
- 300.14 A driver shall not operate a municipal car unless all of the following items are present the vehicle:
- a. The driver's WCTLIC issued municipal car drivers permit, conspicuously displayed;
  - b. A valid certificate of registration for said vehicle, or a legible photo copy thereof;
  - c. The vehicle's municipal car permit, part A, issued by WCTLIC, or a legible photo copy thereof;
  - d. The vehicle's insurance card, or a legible photo copy thereof;
- 300.15 A driver shall operate his municipal car at all times in full compliance with all New York State, Westchester County and local traffic laws, rules and regulations, and any regulatory body or governmental agency having jurisdiction over motor vehicles with respect to matters not otherwise specifically covered in these Rules. Violations of the foregoing shall be classified

as follows for purposes of this subdivision:

- a. Laws, rules or regulations governing non-moving vehicles;
- b. Laws, rules or regulations governing violations/misdemeanors with vehicles other than hazardous moving violations defined by subdivision "C" of this Section;
- c. Laws, rules or regulations governing moving vehicles that involve hazardous moving violations defined as follows:

- (1) speeding;
- (2) failing to stop for a school bus;
- (3) following too closely;
- (4) inadequate brakes (own vehicle);
- (5) inadequate brakes (employer's vehicle);
- (6) failing to yield right of way;
- (7) traffic signal violation;
- (8) stop sign violation;
- (9) yield sign violation;
- (10) railroad crossing violation;
- (11) improper passing;
- (12) unsafe lane change;
- (13) driving left of center;
- (14) driving in wrong direction;
- (15) leaving the scene of an accident involving personal injury, property damage injury to an animal.

300.16

A WCTLIC licensed municipal car driver:

- a. shall notify the Commission of the loss or theft of any WCTLIC driver permit within twenty-four (24) hours of its loss, exclusive of holidays and weekends;
- b. shall immediately surrender any driver permit issued by WCTLIC upon the suspension, expiration, restriction or revocation of the driver's New York State Class A, B, C or E driver's license, or equivalent license issued by a similar agency of the driver's home state;
- c. shall not alter, deface, mutilate or obliterate any portion of the driver's WCTLIC permit or the attached photograph;
- d. shall immediately surrender to the Commission an unreadable or unrecognizable driver permit and shall replace said permit;
- e. shall immediately inform the Commission when convicted of

- any crime and shall supply WCTLTC with a certified copy of the Certificate of Disposition thereof issued by the Court;
- f. shall not allow another person the use of the driver's WCTLTC municipal car driver's permit;
- g. shall notify the Commission by first-class mail of any change of mailing address within seven (7) days of said address change, exclusive of holidays and weekends. Any notice from the the Commission shall be deemed sufficiently served if sent to the last mailing address furnished to the Commission by said driver;

300.17 A municipal car driver, upon filing for Workers' Compensation benefits, must submit the municipal car driver's license to WCTLTC and cease driving a municipal car for such period as the driver claims a disability that prevents the driver from operating a municipal car. WCTLTC shall not be required to return the driver's municipal car driver's license until the driver presents documentation of cessation of Workers' Compensation benefits due to recovery from such work-related disability.

300.18 If involved in an accident while driving a municipal car, a municipal car driver shall provide the following upon request:

- a. The Class A, B, C or E driver license or equivalent from the driver's home state;
- b. The driver's WCTLTC driver's license;
- c. The WCTLTC vehicle permit;
- d. The driver's name;
- e. The vehicle's DMV license plate number;
- f. The vehicle's insurance carrier and insurance policy number.

A driver may not leave the scene of an accident until all of the above have been provided to any injured party or owner of damaged property.

300.19 The driver of a municipal car shall be responsible for insuring that a sign is posted therein, visible to all passengers that read: "Seat belts *must be* available for your use. Please buckle up."

300.20. Every person while operating a vehicle licensed pursuant to this chapter shall:

- (1) *Nondiscrimination*: Not refuse or neglect to convey any orderly person upon request in the *County* unless previously engaged or unable or forbidden by the provisions hereof so to do.
- (2) *Multiple passengers*: Not carry any other person than the person first employing the municipal car, unless the person first employing the municipal car consents to the acceptance of an additional passenger.
- (3) *Lost articles*: Examine the interior of the vehicle after the termination of each trip for any articles left or lost in the vehicle; report any such property to

the dispatch office.

(4) *Badge and license use and display:* Not operate a municipal car without being in actual possession of both his municipal car driver permit, and in the event of loss of such item shall immediately notify the WCTL. The permit issued to a licensed municipal car driver must be displayed in the interior of the vehicle, which he is operating, in a place visible to any passenger in such vehicle. He shall not allow his permit to be used by any person other than himself.

(5) *Change of residence:* Report each change of residence within ten (10) days after such change to the WCTL.

(6) *Smoking on duty:* Smoking in the vehicle is not allowed.

(7) *Air conditioners:* Regulate air conditioning systems in the vehicle at the request of a passenger.

(8) *Extra payment:* Not solicit tips or any charge for carrying a passenger in excess of the amount authorized in this chapter.

(9) *Rate cards for passengers:* At all times while on duty have available in the municipal car operated by him a supply of rate cards issued pursuant to this chapter, which rate card shall be furnished to any passenger requesting same. There shall also be posted a rate card in the interior of the car conspicuous and legible to the passenger, as required by state law.

(10) *Cruising:* A municipal car driver may not cruise within the municipality seeking passengers, nor make any personal solicitation on any street or other public place for passengers to ride or hire any particular municipal car;

(11) *Cooperation with police:* Not conceal any evidence of crime, nor voluntarily aid violators to escape arrest. He shall report as soon as possible to police any unlawful act connected with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime. He shall fully cooperate with the police in all official matters.

(12) *Receipts to passengers:* Upon request of a passenger, issue a receipt for fares paid by the passenger; and if the WCTL has prescribed a particular form of receipt, he shall use that particular form, identifying the municipal car owner, municipal car identification number, date of trip, amount paid and be signed by the driver.

(13) *Courtesy:* Be courteous to passengers and others.

(14) *Driver seating:* Not sit in any part of his vehicle except the driver's seat.

(15) *Referrals:* Not solicit or recommend patronage for restaurants, bars, night clubs, dance halls, cabarets, hotels or like places or advise anyone that he is employed by any such place, nor shall he solicit or recommend any place maintained in violation of law.

(16) *Nonpaying passengers:* Not permit any passenger in a municipal car, except a paying fare passenger during such time as the municipal car is being used for business purposes or is being made available for the carrying of paying passengers.

(17) *Vehicle condition:* Not operate a vehicle that is not in a clean and sanitary condition on the inside. The outside of a municipal car shall be kept clean

taking into account driving conditions prevailing during the particular day of operation.

(18) *Locked doors:* Not operate a vehicle with a passenger therein while the doors are locked from the outside. The doors in each compartment shall have means of unfastening or unlocking same from the inside.

(19) *Identification:* State his name, identification number, and employer while on duty, to any passenger or police officer on request.

(20) *Discrimination prohibited.* Not, when available for hire, refuse or neglect to convey any orderly person or persons upon request anywhere in the county.

300.21 A municipal car driver may not carry a weapon under any circumstances while operating a vehicle. This prohibition includes any weapon that the driver may otherwise be licensed to carry. However, WCTLTC may issue a waiver of this provision to an off-duty police officer who is required to carry a weapon at all times pursuant to the regulations of the officer's employing department.

300.22 A municipal car driver must at all times remain inside the vehicle or stand within fifteen (15) feet of it in areas designated by the Westchester County Airport.

a. A municipal car driver, whether in his vehicle or not, shall at all times at the Westchester County Airport, conduct himself and operate his vehicle in accordance with all rules and regulations and procedures of the Westchester County Airport;

b. A municipal car driver shall not use a telephone, which term includes, but is not limited to, cell-phones, while operating a municipal car, unless such municipal shall be lawfully standing or parked;

c. A municipal car driver shall not smoke in the vehicle;

300.23 Reserved.

300.24 A municipal car driver shall not refuse to transport any person with a physical Disability who is capable of entering and exiting the vehicle with or without reasonable assistance or any service animal assisting such person.

300.25 A municipal car driver shall permit a passenger to ride in the front seat alongside the driver if the passenger wishes to so ride.

300.26 Reserved.

300.27 Reserved.

300.28 A municipal car driver shall immediately report to WCTLTC any request or demand for a gift, gratuity, or thing of value by any employee, representative, or

member of WCTLTC.

- a. A municipal car driver shall not offer or give any gift or gratuity or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control or baggage handling whether or not such person or persons are employed by Metro-North the Westchester County Airport or any similar entity.

300.29 Critical Driver Program.

- a. The Municipal car driver's permit of any driver who, within a period of fifteen (15) months, accumulates six (6) or more points against his license issued by the Department of Motor Vehicles or an equivalent license issued by the driver's state of residence, shall be suspended for thirty (30) days;
- b. The Municipal car driver's permit of any driver who, within a period of fifteen (15) months, accumulates ten (10) or more points against his license issued by the Department of Motor Vehicles or an equivalent license issued by the driver's state of residence, shall be revoked. Said Driver may re-apply for a driver permit after a period of six (6) months following revocation.
- c. The Commission may at any time review the fitness of a driver licensed, or to be licensed, by the Commission in view of any moving violation, accident, or other driving-related incident. Nothing contained herein shall preclude the Commission from mandating additional penalties, which the WCTLTC, in its discretion, deems appropriate, in accordance with the Rules herein;
- d. For the purposes of this rule, the points assigned by the Department of Motor Vehicles for any violation shall be deemed to have been accumulated using the same time formula as that used by the New York State Department of Motor Vehicles;
- e. The fifteen (15) month period to be used for calculating a suspension or revocation imposed under subdivision "a" or "b" herein shall be calculated using the same formula as that used by the New York State Department of Motor Vehicles;
- f. For the purpose of calculating penalties pursuant to subdivision "a" or "b" herein, a driver who has accumulated points for multiple violations arising from a single incident shall be deemed to have accumulated points for the single violation with the highest point total;

g. Any licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the Department of Motor Vehicles, and who furnishes the Commission with proof that the course was completed on or after the effective date of this Rule, shall have three (3) points deducted from the total number of points assessed pursuant to this Rule. No point reduction shall affect any suspension or revocation action that may have been commenced prior to the completion of the course. No person shall receive a point reduction pursuant to this subsection more than once in any eighteen (18) month period; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee;

300.30 Program for Persistent Violators.

- a. Any driver who has been found guilty of three (3) or more Westchester County Taxi and Limousine Commission violations that occurred within a fifteen (15) month period and whose license has not been revoked will accumulate one (1) point on her/his Municipal car driver’s permit;
- b. Any driver who has accumulated six (6) or more points against his/her WCTLC municipal car driver’s permit within a fifteen (15) month period and whose license had not been revoked shall have his permit suspended for thirty (30) days;
- c. Any driver who has accumulated ten (10) or more points within a fifteen (15) month period shall have his permit revoked for a period of six (6) months;
- d. For purposes of subdivisions “a” through “c” of this Section, a driver who has been found guilty of multiple violations arising from a single incident shall be deemed guilty of the single violation with the highest point total for purposes of this Section;
- e. The penalties set forth herein will be imposed following the hearing where the driver has been found in violation of the rules that bring his/her accumulated point total to the level described in subdivisions “b” and “c”. These penalties will be added to those imposed for the underlying rule violations;
- f. The minimum penalties set forth in subdivisions “a” through “c” of this section shall not preclude the imposition by the Commission of additional or more severe penalties in accordance with the Rules of the Commission;
- g. The schedule of points is as follows:

RULE  
NUMBER

POINTS



300.10	Operation without WCTL Driver's Permit	2
300.11	Operation without valid NYS or equivalent driver's license	2
300.18	Failure to exchange required information following accident	4
300.15	Hazardous moving violations	
subd. c(1)	1-10 mph in excess of speed limit	3
	11-20 mph in excess of speed limit	4
	21-30 mph in excess of speed limit	5
	31-40 mph in excess of speed limit	6
	41 or more mph in excess of speed limit	8
subd. c(2)	Failure to stop for school bus	5
subd. c(3)	Following too closely	4
subd. c(4)	Inadequate brakes (own vehicle)	4
subd. c(5)	Inadequate brakes (employer's vehicle)	2
subd. c(6)	Failure to yield right of way	3
subd. c(7)	Traffic signal violation	3
subd. c(8)	Stop sign violation	3
subd. c(9)	Yield sign violation	3
subd. c(10)	Railroad crossing violation	3
subd. c(11)	Improper passing	3
subd. c(12)	Unsafe lane change	3
subd. c(13)	Driving left of center	3
subd. c(14)	Driving in wrong direction	3
subd. c(15)	Leaving scene of accident involving personal injury, property damage or injury to animals	3
300.12(a)	Operation of unlicensed vehicle	3
300.12(b)	Operation of vehicle without appropriate decal affixed	2
300.14	Operation of vehicle without all required documents	2
300.20	Conduct of Driver	4
300.23	Carrying a weapon without WCTL authorization	3
300.24	Failure to remain within 15 feet of vehicle in designated areas of Westchester County Airport	3
300.24.b	Prohibited phone use	2
300.24.c	Smoking in vehicle	2
300.30	Failure to report request or demand for gift or gratuity made by TLC representative	6
300.30.a	Offer of gift or gratuity to person employed at a transportation terminal	6
300.31	Failure to cooperate with law enforcement officers or representatives of the Commission	2
300.32	Threat or physical force	4
300.35	Failure to truthfully answer Commission inquiries or comply with Commission directives	2
300.35.a	Threatening or harassing passenger	3

	or Commission representative	
300.35.b	Fraud, larceny	4
300.35.c	Discourtesy	2
300.43	Dangerous driving	4

- h. Any licensee who voluntarily attends and satisfactorily completes a remedial or refresher Driver Education Course approved by the Commission, and who furnishes the Commission with proof that the course was completed on or after the effective date of this Rule, shall have two (2) points deducted from the total number of points assessed pursuant to this Rule. No point reduction shall affect any suspension or revocation action that may have been commenced prior to the completion of the course. No person shall receive a point reduction pursuant to this subdivision more than once in any five (5) year period; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee;
- i. It shall be an affirmative defense that the act which formed the basis for the violation was beyond the control and influence of the vehicle driver;

300.31 A municipal car driver shall cooperate with all law enforcement officers and authorized representatives of WCTLTC.

300.32 A municipal car driver shall not threaten, harass or abuse, and shall neither use, nor attempt, or threaten to use, any physical force against a passenger, Commission representative, public servant or other person, while performing his or her duties as a municipal car driver, or as a result of actions which occurred in connection with a driver's performance of the duties of a driver. A driver shall not distract, harm or use physical force against a service animal accompanying a person with a disability.

300.33 Reserved.

300.34 Reserved.

300.35 A municipal car driver shall answer truthfully, and comply as directed to all questions, communications, directives, and summonses from WCTLTC or its representatives, as well as produce, within ten (10) days of the request therefore by WCTLTC, any permits or other documents required to be preserved or saved by WCTLTC.

- a. A municipal car driver, while performing his/her duties and responsibilities as such, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny against a passenger, Commission representative, public servant or any other person;

- b. A municipal car driver while performing her/his duties and responsibilities as such, shall not commit or attempt to commit, alone or in concert with another, any willful act of omission or commission that is against the best interest of the public, although not specifically proscribed by these rules;
- c. A municipal car driver shall be courteous to passengers;

300.36 Reserved.

300.41 Reserved.

300.42 A driver shall be required to maintain in his/her vehicle a fully filled-in and/or completed trip log in which the date, time, place of origin, destination and number of passengers for each trip is recorded. A trip log shall not be deemed as such unless fully filled-in and/or completed. In those instances when a municipal car is "out of service," and/or "off-duty," the trip log or sheet shall indicate said "out of service" or "off-duty" status.

300.43 A driver shall not operate a vehicle in such a manner, or at such a speed that endangers users of other vehicles, pedestrians or said driver's passenger.

## Section 400. Municipal Cars

400.1 Type of vehicles authorized. All municipal cars shall be of a sedan, utility vehicle, or mini-van type with two (2) doors on each side, separated by a center pole on each side.

400.1A Color schemes and emblems.

The Chairperson/CEO, or his/her designee, is hereby authorized to approve color schemes and/or distinctive designs or emblems for display on vehicles. Approval for distinctive emblems or designs may be sought with the approval of the Commissioner.

400.1B Identification.

The name of the registered base owner of the municipal car, and the telephone number of said base owner, in all cases shall be printed on both the front doors of each vehicle in such a manner as shall be prescribed by the Commission as part of the approved emblem, and the municipal car's WCTLIC Base Station identification number issued by the Commission shall be positioned on the front doors and the rear and front of each vehicle licensed hereunder. The size and color of the identification number shall be not less than between three (3) and four (4) inches in height and three (3) and four (4) inches in width with a quarter-inch stroke in a color contrasting with the portion of the vehicle upon which the number is positioned, so as to provide readily readable figures considering operating conditions when municipal cars are likely to be used. There shall also be placed under the numbers required to be on the front doors and the rear and front of the municipal car the words of the licensing municipality in letters and colors the same as the required identification numbers.

400.1C. Municipal car stands.

(a) *Number of Municipal Cars at Stand:* The appropriate municipal authority is hereby authorized to locate and designate municipal car stands. They shall further designate the vehicle(s) that shall be allowed to stand at any of the places designated by the municipality as vehicle stands.

(b) *Signs:* The appropriate municipal authority may post suitable signs at each stand designating the number of vehicles allowed at the particular stand.

(c) *Prohibited Stands:* No vehicle, while awaiting employment by passengers, shall stand on any public street or public place other than at or upon a stand designated or established in accordance with this chapter.

(d) *Unlicensed Vehicles:* It shall be unlawful for any vehicle not licensed by WCTLIC to operate in the municipality pursuant to this chapter to occupy any portion of a vehicle stand in the municipality.

(e) *Placement and Selection of vehicles at vehicle Stands:* Only the number of vehicles that may be set forth on the official sign posted for such vehicle stand

may remain at the stand while waiting for employment and then shall stand in single file only. A passenger may select any vehicle in a vehicle line without regard to the order in which the vehicles are standing at said stand or line.

No vehicle shall remain unattended at any vehicle stand.

(f) *Unattended Vehicles:* A driver shall not leave his vehicle unattended while parked at an official vehicle stand.

400.1D. Inspections generally.

Municipal cars shall be inspected every six (6) months, and at any time as directed by WCTLTC, by an inspector authorized by the New York State Department of Motor Vehicles or a similar authorized inspector in the vehicle's home state.

400.2. Duties of owner.

The owner of every vehicle licensed under the provisions hereof operating within Westchester County, in addition to complying with all the conditions hereof, shall do and perform or cause to be done with respect to each vehicle operated hereunder, the following:

(a) *Vehicle cleanliness:* Keep the interior and exterior in a clean and sanitary condition.

(b) *Safety inspection:* Inspect the vehicle and its equipment at least daily, and make such repairs and alterations as may be required by the condition of the vehicle and not operate any vehicle until repairs or alterations are made to maintain safety of passengers and the public in general. Body work, rusting metal, hanging fenders, and torn upholstery shall be repaired without delay.

(c) *Authorized driver employees.* Employ only drivers who present and have with them during the time of employment a currently valid WCTLTC driver's permit and appropriate state issued driver's license.

(d) *Operations reports:* Furnish to the WCTLTC any and all records pertaining to the operation of a vehicle licensed hereunder and furnish the manifests with respect to the operation of any vehicle and maintain manifests, as required herein, for a period of not less than three (3) years. Such records and manifests shall be furnished to the WCTLTC within five (5) days after a written request for same.

(e) *Vehicle inspections:* Submit vehicles for inspection whenever required by the WCTLTC.

(f) *Rate cards for passengers:* Maintain a supply of municipal car rate cards to be furnished to drivers in their employ in sufficient quantity so that the driver of a municipal car may be able to deliver a rate card to each passenger who requests same. There shall also be posted a rate card in the interior of the vehicle conspicuous and legible to the passenger, as required by state law.

(g) *Operations records*: Provide each driver with a Trip Log and shall require the following entries to be recorded thereon in ink, or on a read-only electronic device during the course of daily operation:

- (1) The make, year, and registration number of the vehicle.
- (2) The name and WCTLIC Driver Permit number of the driver.
- (3) The time the vehicle commenced operation.

Driver Duties:

- (1) A record of all trips made in chronological order showing the destination, the time dispatched, the time returned and the amount of fare.
- (2) A statement of licensee whether or not the vehicle is clean and in safe operating condition at the start and end of each work tour.
- (3) When involved in an accident, the driver must report thereon the time and place of incident on the manifest and record any other incident, such as lost property or assistance to the police.

(j) *Advertising limitations (external)*: Prohibit advertising materials to be displayed on exterior of municipal cars except that advertising will be permitted providing that the advertising is limited to a standard unlighted plaque in back of the vehicle without any projections beyond the width and the height of the body of the vehicle and without any projection beyond the rear bumper of the vehicle and provided that there is no obstruction of the driver's view or vehicular lights.

(k) *Advertising limitations (internal)*: Internal advertising will be permitted on the back of a driver's seat or on the side of the doors of the vehicle.

(l) *Interior light*: Provide each municipal car with sufficient interior light so that when the door of the vehicle is open, the light shall automatically operate.

(m) *Municipal Car user's bill of rights*: Display in each municipal car, where it can be readily seen by the riding public and in a format approved by the WCTLIC, a copy of the following rider's bill of rights:

#### ***Municipal Car User's Bill of Rights***

1. A passenger can have exclusive use of any municipal car.
2. A passenger can choose any municipal car in line at a vehicle stand.
3. It is illegal for municipal car drivers to solicit or refuse an orderly fare.
4. A driver must produce identification on request.

(n) *Insurance*: Insure all municipal cars in accordance with the New York State Motor Vehicle Law.

(o) A distress light may be mounted on either the front and rear bumper of the vehicle for purposes of notifying passing law enforcement personnel of an active emergency within the vehicle.

## **Preparation and Submission of a First-Time Application for a Permit**

400.03 An application for a vehicle permit shall be made on forms provided by WCTLTC and submitted by the affiliated Base Owner or his/her designee;

a. By signing the application the applicant acknowledges that acceptance of a WCTLTC vehicle permit subjects the municipal car herein to welfare and compliance inspections by police officers of the Westchester County Department of Public Safety or Commission representatives;

b. By filing the application, new or renewal applicants acknowledge that the applicant/permittee agrees that service of papers and/or legal notices from the Commission shall be deemed sufficient if left with a person of suitable age and discretion at, or by mailing said papers and/or notices to, the last address furnished by the applicant/permittee;

400.04 A first-time application shall consist of the following elements:

a. Completed application form;

(1) That provides satisfactory proof that said Applicant is the registered owner or lessee of said vehicle;

b. All first-time applicants for a Vehicle Permit shall be fingerprinted by WCTLTC personnel and a fee shall be assessed for this service. Applicants who have been previously fingerprinted by WCTLTC shall be exempt from this section.

(1) In the event that the applicant is a corporation, partnership, or other entity, all of the officers, principals, and stockholders owning 10% or more of the outstanding stock shall be fingerprinted. A fee may be assessed for this service and shall be paid. Proof of such fingerprinting is required as part of the application process;

c. Proof of adequate insurance;

d. By executing the application, the vehicle owner agrees that the delivery of a summons, notice, or any other legal document prepared on behalf of WCTLTC to any driver of the vehicle is deemed proper service on the owner of the vehicle;

e. By executing the application, the vehicle owner agrees that delivery of a summons, notice, or any other document prepared on behalf of the WCTLTC to the registrant or the lessee of the vehicle shall be deemed proper service on the owner of the vehicle;

f. The Dispatch Office (Base Station) Vehicle Authorization form as provided by the WCTLTC, which shall contain the name of the sole Dispatching Office (Base Station) for the vehicle.

g. Business check or money order for application fee made payable to WCTLTC;

400.05 Upon receipt of the completed application, a vehicle permit shall be issued by WCTLC. This permit shall remain valid, subject to the satisfactory conclusion of the criminal background check of the Municipal car owner/applicant.

### **Review of the First-Time Application**

400.6 WCTLC shall review the application for completeness and accuracy and shall make sure that the following steps are carried out:

- a. Provide such necessary documentation to the appropriate section of the Department of Public Safety as it may require completing a background check;
- b. Review any other relevant information in the files of the Department of Motor Vehicles, the Department of Public Safety, or any other law enforcement body as necessary and prudent;
- c. If the application is found to be incomplete or defective in any manner, WCTLC shall notify the applicant of said deficiencies. The applicant shall have ten (10) business days, from receipt of the notice, to submit a corrected application. Should the applicant fail to submit a corrected application within said time frame, the application shall be deemed denied;

### **Preparation and Submission of an Application for Renewal**

400.7 The completed renewal application shall consist of the following:

- a. Completed renewal application form submitted through the affiliated base station.
  - (1) All Applicants for a renewal Vehicle Permit shall provide satisfactory proof that said renewal Applicant is the registered owner or lessee of said vehicle.
- b. Proof of adequate insurance (see section 400.16 below);
- c. An affidavit attesting to any violations or crimes that the applicant has been convicted of subsequent to the date of fingerprinting;
- d. A certified check or money order for the application fee made payable to WCTLC;
- e. If the renewal application is found to be incomplete or defective in any manner, WCTLC shall notify the applicant of said deficiencies. The applicant shall have ten (10) business days, from receipt of the notice, to submit a corrected application. Should the fail to submit a corrected application within the said time frame, the application shall be deemed denied.
- f. The Dispatch Office (Base Station) Vehicle Authorization form as provided by the WCTLC, which shall contain the name of the sole Dispatching Office (Base Station) for the vehicle.



## **Denial of a Permit**

- 400.8 In determining whether to issue or renew a permit, WCTLC may consider, among other things, whether the applicant has violated any of the provisions of these rules or other applicable law. The making of false statements is punishable as a crime pursuant to the New York State Penal Law and may constitute grounds for denial of a WCTLC permit.
- a. A WCTLC vehicle and/or Municipal car permit, or a renewal thereof, shall not be issued until any and all outstanding judgments and/or civil fines, against the vehicle owner, are paid to WCTLC.
  - b. Any and all existing WCTLC vehicle and/or Municipal car permits of a vehicle owner, against whom there is an outstanding judgment and/or unpaid civil fine, levied by the WCTLC shall be suspended until such time as all the outstanding judgments and/or civil fines are satisfied or paid.
- 400.9 If WCTLC denies an application, a notice of such denial shall be sent to the applicant. Such notice shall include a statement of the reason(s) the denial and shall contain instructions as to how an appeal may be made.

## **Conduct of the Owner of Vehicle**

- 400.10 A vehicle owner shall not allow said vehicle to be operated as a municipal car unless said owner possesses a valid WCTLC municipal car permit for said vehicle.
- 400.11 Both the owner of a vehicle, and the owner of its base station, shall be responsible for ensuring that said vehicle is operated by a vehicle driver who has been issued a municipal car driver permit by WCTLC.
- 400.12 Both the owner of a vehicle, and the owner of its base station, shall be responsible for ensuring that said vehicle is operated by a person who has a valid driver's license which is sufficient to operate such a motor vehicle in the State of New York, or an equivalent license issued by the operator's home state.
- 400.13 Both the vehicle owner, and the owner of its base station, shall be responsible for ensuring that said vehicle is not operated by a person who is under the influence of any drugs, or intoxicating liquors, or who is impaired in any manner.
- 400.14 Both the vehicle owner, and the owner of its base station, shall be responsible for ensuring that said vehicle has a valid registration certificate issued by a state department of motor vehicles, indicating that said vehicle bears Westchester County Taxi & Limousine license plates.

a. A WCTLIC vehicle permit shall be valid only while the registration of the vehicle remains valid. Operation of a vehicle without a valid registration is a violation of these Rules and Regulations. The owner of a vehicle must immediately surrender the vehicle permit to WCTLIC upon the expiration, restriction, suspension, surrender or revocation of the vehicle's registration.

400.15 The vehicle owner shall ensure that the Municipal Car is affiliated with Dispatching Office (Base Station), and shall not permit said vehicle to become affiliated with more than one (1) such Dispatching Office (Base Station).

400.16 The vehicle owner must comply with the New York State Vehicle and Traffic Law and the New York State Insurance Law by maintaining insurance coverage, by bond or policy, with respect to Workers Compensation, and liability insurance and/or any other forms of insurance that may be required.

400.17 The vehicle owner shall:

a. Surrender the vehicle's vehicle permit and decal to WCTLIC on or before the termination date of the insurance on the vehicle, unless the owner submits proof of a new insurance policy effective on or before the date of termination of the old policy;

b. Notify the WCTLIC, in writing, within seven (7) days, of any change in the insurance carrier, or coverage, for said vehicle, specifying the name and address of the insurance carrier, new and former, and the policy number for each vehicle, and shall submit proof of such coverage.

400.18 The vehicle owner shall:

a. Immediately surrender an unreadable WCTLIC vehicle permit, and decal, to WCTLIC for replacement;

b. Immediately notify WCTLIC of the theft, loss or destruction of a WCTLIC vehicle permit or decal, and furnish any documentation that the Commission shall require;

c. Immediately replace any WCTLIC vehicle permit or decal, which has been lost or stolen, prior to transacting additional business in Westchester County;

d. Report to WCTLIC, in writing, any lost or stolen license plates within forty-eight (48) hours of the loss, exclusive of weekends or holidays;

e. Inform the WCTLIC, in writing, of the replacement or surrender, of any license plates and the numbers of any new license plates.

400.19 The vehicle owner shall:

a. Have the permitted vehicle inspected every six (6) months, and at any other time as directed by WCTLIC, by an inspector authorized by the New York

State Department of Motor Vehicles, or a similar inspector so authorized in the vehicle's home state;

b. Have the vehicle inspected on a daily basis in order to reasonably determine that all equipment thereon, including, but not limited to, brakes, lights, signals and passenger seat belts and shoulder belts are in good working order;

c. Comply immediately with any and all notices and directives from the WCTLC to correct defects in the vehicle;

d. Notify WCTLC in person, or by first-class mail, within seven (7) days, exclusive of weekends and holidays, of any change of vehicle owner's address. Any notices from WCTLC, legal or otherwise, shall be deemed sufficiently served if sent to the last mailing address furnished by said vehicle owner.

400.20 Both the vehicle owner, and the owner of its dispatch station, shall be responsible for ensuring:

a. That a valid registration sticker from an authorized state department of motor vehicles is affixed to the left front windshield of the vehicle so as to be plainly visible;

b. That a valid WCTLC municipal car permit is affixed to the right front side of the windshield of the vehicle, so as to be plainly visible;

That a current New York State Department of Motor Vehicles inspection sticker, or a valid equivalent from the vehicle's home state, shall be affixed to the front left side of the windshield of the vehicle, so as to be plainly visible;

c. That the license plate number indicated on both the state registration and the WCTLC municipal car permit match the license plate number affixed to the vehicle;

d. That the vehicle identification number (VIN) indicated on both the state registration and the WCTLC municipal car permit match the VIN of the vehicle;

e. That the seating capacity indicated on the state registration matches the actual seating capacity of the vehicle;

f. That the WCTLC Municipal Car decal is affixed to the left side of the rear bumper of the vehicle.

400.21 Both the vehicle owner, and the owner of its dispatch station, shall be responsible for ensuring that, at all times, the following documents are contained in said vehicle:

a. A valid Certificate of Registration, or a legible copy thereof;

b. The WCTLC vehicle permit, or a legible copy thereof;

c. The vehicle's Insurance Card, or a legible copy thereof;

d. Passenger Log/Trip Sheet;

e. The WCTLC vehicle driver permit of the operator, displayed in the vehicle so as to be plainly visible to all passengers.

- 400.22 A vehicle owner shall be responsible for ensuring that the vehicle is, at all times, operated in full compliance with all New York State, Westchester County and local traffic laws, and any regulatory body or governmental agency having jurisdiction over motor vehicles with respect to the matters not otherwise specifically covered in these Rules.
- 400.23 Reserved.
- 400.24 Both the owner of the dispatch station and the owner of the vehicle shall be responsible that the vehicle is not operated when WCTLC, the New York State DMV, or any other state's department of motor vehicles has determined that the vehicle is unsafe or unfit for use as a taxicab.
- 400.25 Both the owner of the dispatch station and the owner of the vehicle shall be responsible that the vehicle is not operated unless:
- a. All seat belts and shoulder belts are clearly visible, accessible, and in good working order;
  - b. The vehicle is equipped with seat belts for each seating position and shoulder belts for both outside front and rear seat positions;
- 400.26 (1) The owner of a vehicle registered with WCTLC may transfer the permit issued to that vehicle to another vehicle. The applicant must be the same as the owner of the previous vehicle. Applicant shall use the form required by WCTLC. Applicant must remove the permit decal from the old vehicle and return it with its application or shall deliver a sworn affidavit stating that the old decal has been destroyed or mutilated in such a manner to render it unrecognizable;
- (2) A change or transfer of ownership on the vehicle's DMV registration shall require the new owner to register the vehicle as a new registration reflecting the new owner with WCTLC.
- 400.27 Both the owner of a Municipal car and the owner of its base station shall be responsible for insuring that:
- (a) Said vehicle is not equipped with a meter;
  - (b) Said vehicle is not equipped with a roof light;
  - (c) Said vehicle has a sign posted therein, which is visible to all passengers that reads: "Seatbelts are available for your use. Please be buckle up."
- 400.28 Both the owner of a Municipal car and the owner of its affiliated base station shall be responsible for insuring that in the event of the termination of affiliation occurs between the vehicle and base station that:
- (a) Said vehicle permit/windshield sticker is immediately surrendered to WCTLC office.
  - (b) Said vehicle license plate shall be immediately surrendered to

the NYS DMV office.

(c) Said NYS DMV receipt issued for surrendered plates shall be presented to the WCTLG office.

## Section 500. Base Stations

### Preparation and Submission of a First-Time Application for a Permit

- 500.01 WCTLTC. An application for a base station permit shall be made on forms provided by
- a. By signing the application the applicant acknowledges that acceptance of a WCTLTC base station permit subjects any vehicle(s) dispatched by said base station to welfare and compliance inspections by police officers of the Westchester County Department of Public Safety or Commission representatives.
- 500.02 A first-time application for a base station permit shall consist of the following:
- a. Completed application form;
  - b. Proof of fingerprinting done by the Westchester County Department of Public Safety of all base owners as defined above. A fee will be assessed for this service. Fingerprinting is required as part of the application process;
  - c. A list of all vehicles owned by or affiliated with the base station, including copies of registration and insurance documents. There shall be a minimum of three registered vehicles affiliated with the Base.
  - d. List of all drivers employed by or affiliated with the base station, including copies of driver licenses;
  - e. A bond, which shall assure the payment of all civil penalties imposed by WCTLTC, in the amount of \$5,000 to the benefit of Westchester County  
The bond must comply with the following:
    1. It must be conditioned upon the permittee complying with the requirement that only affiliated vehicles permitted by WCTLTC will be dispatched;
    2. It must list all “doing business as” (dba) names used by the permittee (effective September 1, 2003);
    3. The term of the bond must be for a minimum of one (1) year and the effective dates must run concurrent with the base station permit dates;
  - f. Three notarized references from persons, not related to the applicant, who have known the applicant for at least one (1) year. References are required for all persons owning base stations as defined herein;
  - g. A business check, money order or credit card for the non-refundable application fee made payable to WCTLTC;
  - h. The schedule of rates of fare charged by the base;
  - i. If the base station is a corporation, a photocopy of the receipt issued by the NYS Department of State (NYSDS) upon the filing of the corporation’s Certificate of Incorporation;
  - j. A separate and complete Owner Information Form for each owner, as defined herein, as well as the General Manager (if not an owner). Each form shall be notarized;
  - k. A valid Social Security card issued to the applicant/base station owner;

500.03 If the application is found to be incomplete or defective in any manner, WCTLC shall notify the applicant of said deficiencies. The applicant shall have ten (10) business days, from receipt of the notice, to submit a corrected application. Should the applicant fail to submit a corrected application within said time frame, the application shall be deemed denied.

### **Review of the First-Time Application**

500.04 In determining whether to approve a base station permit, WCTLC shall examine and consider the following:

- a. The ability of the applicant to adequately manage the base station;
- b. The applicant's financial stability;
- c. The applicant's history, if any, in operating a base station;
- d. Any relevant information maintained in the records of the New York

State Department of Motor Vehicles or WCTLC;

- e. Results of a background check to be conducted by the Westchester

County Department of Public Safety;

- f. The results of the site visit performed by WCTLC or its representatives;
- g. The truthfulness and accuracy of information in the application;
- h. The schedule of rates of fare charged by the base;
- i. The base station's name. Except in the instance of the holder of a dual permit, base station permit will not be issued to a company whose name is the same or similar to a base station who currently holds a valid WCTLC permit;

500.05 Within five business days of receipt of a first-time base station permit application, WCTLC shall notify the Mayor or Supervisor of the city, town, or village in which the base station is located for advice and consent.

500.06 a. Base station applicants will be issued a "Base Station Operation & Record-Keeping Requirements" form, which will outline WCTLC requirements regarding the following:

1. Handling passenger complaints;
  2. Safeguarding records;
  3. Providing drivers with documentation as to Workers' Compensation matters;
  4. The base station's rates of fare;
  5. Current lists and WCTLC permit numbers of drivers and vehicles affiliated with, or dispatched by, said base station;
- b. A site visit to the business offices of the base station shall be performed by staff of WCTLC, or officers of the Westchester Department of Public Safety.

500.07 Reserved.

## Preparation and Submission of an Application for Renewal

- 500.08 Applications for a renewal of a base station permit shall be made on forms provided by WCTLTC.
- 500.09 The completed renewal application shall consist of the following:
- a. A completed application form;
  - b. An affidavit attesting to any violations or crimes that the applicant has been convicted of subsequent to the date of fingerprinting;
  - c. Business check, money order, or credit card for the non-refundable renewal fee made payable to WCTLTC;
  - d. The schedule of rates of fare charged by the base;
  - e. List of all vehicles owned by or affiliated with the base station, including copies of registration and insurance documents;
  - f. List of all drivers employed by or affiliated with the base station including copies, of driver licenses;
  - g. A bond, which shall assure the payment of all civil penalties imposed by WCTLTC, in the amount of \$5,000 to the benefit of Westchester County. The bond must comply with the following:
    1. It must be conditioned upon the permittee complying with the requirement that only affiliated vehicles permitted by WCTLTC will be dispatched;
    2. It must list all “doing business as” (hereinafter d/b/a) names used by the permittee;
    3. The term of the bond must be for a minimum of one (1) year and the effective dates must run concurrent with the base station permit dates;
  - h. If the base station is a corporation, a photocopy of the receipt issued by the New York State Department of State or an equivalent agency in the base’s home state, upon the filing of the corporation’s Certificate of Incorporation. Renewal applicants will only be required to submit the official receipt one time, upon the first renewal after the effective date;
  - i. If there have been **no** ownership changes since the previous year’s application was submitted, the Owner Information page of the renewal application may be filled out and signed by the General Manager or Managing Partner. If there has been a change in ownership since the Original permit was issued, the General Manager or Managing Partner **and** the new owners must each fill out and sign the Owner Information section of the renewal application. All signatures shall be notarized.
- 500.10 a. If the application is found to be incomplete or defective in any manner, WCTLTC shall notify the applicant of said deficiencies. The applicant shall have ten (10) business days, from receipt of the notice, to submit a



corrected application. Should the applicant fail to submit a corrected application within said time frame, the application shall be deemed denied;

- b. Within ten business days of receipt of a renewal base station permit application, WCTLTC shall notify the Mayor or Supervisor of the city, town, or village in which the base station is located for advice and consent.
- c. A site visit to the business offices of the base station shall be performed by staff of WCTLTC, or officers of the Westchester County Department of Public Safety. If there are deficiencies in the operation of the base station, the base station operator will be issued a Notice of Base Station Operation & Record-Keeping Deficiencies” form. This form shall list the nature of the deficiencies. The base station applicant shall have seven (7) days to correct the deficiencies, after which a second site visit shall be conducted. Failure to correct any deficiencies within the aforesaid time frame shall result in a denial of the application;

### **Denial of a Permit**

500.11 In determining whether to issue or renew a base station permit, WCTLTC shall consider whether the applicant has violated any of the provisions of these rules or other applicable laws. The making of false statements in any WCTLTC application may constitute a crime punishable as a Class A misdemeanor and will constitute grounds for denial of a WCTLTC permit.

- a. A WCTLTC permit shall not be issued for any base station until all outstanding WCTLTC judgments and/or civil penalties, if any, are paid.

500.12 Should WCTLTC deny an application, a notice of such denial shall be sent to the applicant. Such notice shall include a statement of the reason for the denial and shall contain instructions as to how an appeal, if applicable, may be made.

### **Standards and Conditions of Operation of a Base Station**

500.13 A base station shall not operate, or transact a Municipal car service business, without a valid base station permit issued by WCTLTC.

- a. A base station owner shall not operate in the period after the expiration of its current WCTLTC base station permit, and the issuance by WCTLTC of a renewal

permit;

b. A base station owner shall notify WCTLC, in writing, upon the termination of its base station business, as to the date of termination and the disposition of all vehicles affiliated with said base station. The notification shall be in affidavit form, notarized and on company letterhead.

500.14 A base station owner shall neither allow a vehicle to operate from its base station, nor dispatch said vehicle, unless said vehicle is in possession of a vehicle permit issued by WCTLC.

500.15 Both the owner of a base station, and the owner of a vehicle dispatched by said base station, shall be responsible for ensuring that said vehicle is operated by a vehicle driver who has been issued a vehicle driver permit by WCTLC.

500.16 Both the owner of a base station, and the owner of a vehicle dispatched by said base station, shall be responsible for ensuring that said vehicle is operated by a person who has a valid driver's license which is sufficient to operate such a motor vehicle in the State of New York, or an equivalent license issued by the operator's home state.

500.17 Both the owner of a base station, and the owner of a vehicle dispatched by said base station, shall be responsible for ensuring that said vehicle is not operated by a person who is under the influence of any drugs, or intoxicating liquors, or who is impaired in any manner.

500.18 Both the owner of a base station and the owner of a vehicle dispatched by said base station, shall be responsible for insuring that that said vehicle has a valid registration certificate issued by a state department of motor vehicles, indicating that said vehicle bears Westchester County Taxi & Limousine license plates.

500.19 Both the owner of a base station, and the owner of a vehicle dispatched by said base station, shall be responsible for ensuring:

- a. That a valid registration sticker from an authorized state department of motor vehicles is affixed to the left front windshield of the vehicle so as to be plainly visible;
- b. That a valid WCTLC decal is affixed to the right front side of the windshield of the vehicle, so as to be plainly visible;
- c. That a current New York State Department of Motor Vehicles inspection sticker shall be affixed to the front left side of the windshield of the vehicle, so as to be plainly visible;
- d. That the license plate number indicated on both the state registration and the WCTLC decal match the license plate number affixed to the vehicle;
- e. That the vehicle identification number (VIN) indicated on both the state registration and the WCTLC decal match the VIN of the vehicle;

- f. That the seating capacity indicated on the state registration matches the actual seating capacity of the vehicle;
- g. That the vehicle is inspected every six (6) months, and at any time as directed by WCTLTC, by an inspector authorized by the New York State Department of Motor Vehicles.

500.20 Both the owner of a base station, and the owner of a vehicle dispatched by said base station, shall be responsible for ensuring that, at all times, the following documents are contained in said vehicle:

- a. A valid Certificate of Registration, or a legible copy thereof;
- b. The WCTLTC vehicle permit, or a legible copy thereof;
- c. The vehicle's insurance card, or a legible copy thereof;
- d. Passenger Log/Trip Sheet;
- e. The vehicle driver permit of the vehicle operator, displayed in the vehicle so as to be plainly visible to all passengers;
- f. A copy of the Municipal Car User's Bill of Rights.

500.21 Both the owner of a base station, and the owner of a vehicle dispatched by said base station, shall be responsible for insuring that said vehicle is not to be equipped with a meter.

500.22 Duties of Base Station Owner.

The owner of a Base Station shall:

- (a) *List of drivers:* Maintain and furnish current lists of driver employees with the WCTLTC.
- (b) *Driver delinquency reports:* Furnish reports to the Commission upon the discharge of any driver where the discharge is based on the conduct of the driver in violation of this chapter.
- (c) *Driver hiring procedure:* Ensure anyone hired as a driver possesses a valid WCTLTC Driver permit.
- (d) *Supervisory responsibility:* Be responsible for diligently supervising his employees to assure compliance by them with this chapter. The failure to so do may be cause for revocation or suspension of the owner's municipal car licenses.

500.23 A base station owner shall be responsible for ensuring that any and all vehicles, Affiliated with, and/or dispatched by, the base station shall, at all times, be operated in full compliance with all New York State, Westchester County and local traffic laws, rules and regulations and any regulatory body or governmental agency having jurisdiction over motor vehicles with respect to the matters not otherwise specifically covered in these Rules and Regulations, including, but not limited to any and all requirements with respect to Liability Insurance and

Workers Compensation matters.

- 500.24 A Base Station Owner shall report to WCTLTC any additions and/or deletions to the rosters required by §500.09(e) and §500.09(f) *infra*, respectively, as to owned or affiliated vehicles and/or employed or affiliated drivers within seven (07) days of said addition or deletion.
- 500.25 Both the owner of the base station, and the owner of any vehicle dispatched by said base station, shall be responsible that the vehicle is not operated in violation of §401.1; §319.1; and §306 of the New York State Vehicle and Traffic Law, or when the New York State DMV has determined that the vehicle is unsafe or unfit for use as a Municipal car vehicle.
- 500.26 Every Base Owner, or a duly-designated representative, shall attend at any and all Industry Advancement seminar(s) that the Commission, in its sole discretion, shall call and conduct. Failure of said Base Owner, or a duly-designated representative, to attend such Industry Advancement seminar(s) shall constitute a violation hereof.
- 500.27 A base station owner shall, at all times:
- a. Have at least three owned or affiliated vehicles;
  - a. ii Both the owner of a Municipal car and the owner of its affiliated base station shall be responsible for insuring that in the event of the termination of affiliation occurs between the vehicle and base station that:
    - (a) Said vehicle permit/windshield sticker is immediately surrendered to WCTLTC office.
    - (b) Said vehicle license plate shall be immediately surrendered to the NYS DMV office.
    - (c) Said NYS DMV receipt issued for surrendered plates shall be presented to the WCTLTC office.
  - b. Maintain a principal place of business in accordance with laws of the municipality within which the business is situated;
  - c. Provide safe and adequate storage for all business records;
  - d. Maintain an operable telephone and number;
  - e. Provide a mechanism for transmitting trip request information to affiliated drivers;
  - f. Maintain passenger logs/trip sheets for a period not less than one (1) year;
  - g. Ensure that WCTLTC base station permit is prominently displayed in the base station;
  - h. Ensure that all records of any and all D/B/A's maintained by said base station are located on the base station premises;
  - i. Ensure that all owned and affiliated vehicles doing business in Westchester County are permitted with WCTLTC.

- 500.28 A base station owner shall not:
- a. Advertise, or communicate to the public, that its base station provides “car service” before obtaining a permit from WCTLC;
  - b. Advertise, or communicate to the public, with the terms “taxi” or “taxicab,” or in any way use the words “taxi,” “taxicab,” “cab,” “hack,” or “coach” to describe a base station business without a proper permit;
  - c. Use a trade name, or d/b/a, without reporting this name to WCTLC in the base station’s application or in an amended application;
  - d. Advertise in any way without conspicuously stating that the base holds a permit from WCTLC and including the base’s WCTLC base station permit number;
  - f. Transfer, convey, devise or assign, in any manner, the base station’s permit;
  - g. Dispatch a vehicle from any location other than that specified in the base’s permit.

- 500.29. A base station owner shall maintain business records in a satisfactory manner and shall adhere to notice requirements in accord with the following:
- a. Any notice from WCTLC shall be deemed sufficient if sent to the last mailing address furnished by the base station owner;
  - b. WCTLC shall be notified, by the base station owner as to any addition or deletion of an affiliated driver or vehicle from its roster;
  - c. WCTLC shall be notified, on an annual basis, of the base station’s rates of fare, and at any other time that changes to rates of fare are made;
  - d. Operational information and business records shall be maintained for a period of twelve (12) months from creation of said records. An operational record shall consist of:
    - 1. The date and time that each call for a dispatch was received and the location and destination of the passenger to be picked up. The WCTLC permit number for the driver and vehicle shall also be recorded in a clear and consistent manner;
    - 2. A list of all affiliated vehicles, including owner’s name, mailing address and home telephone number; vehicle’s VIN; vehicles WCTLC permit number; vehicle’s license plate number; name of vehicle’s insurance carrier and policy number, and dates of inspection of the vehicle and outcome of such inspection;
    - 3. A list of bi-weekly vehicle inspections, including the date of the inspection, the VIN, the plate, and the outcome of such inspection;
    - 4. A list of affiliated drivers, including the driver’s name, home address, home phone number and her/his WCTLC driver permit;

- 500.30 A base station owner shall:

- a. Immediately report to Westchester County Department of Public Safety, or the Westchester County District Attorney any request or demand for a gift, gratuity, or thing of value by any employee, representative, or member of WCTLC to WCTLC;
- b. Cooperate fully with all law enforcement officers and authorized representatives of WCTLC;
- c. Answer truthfully and comply as directed with all questions, communications, directives, and summonses from WCTLC or its representatives, as well as produce any permits or other documents required to be kept by WCTLC whenever WCTLC requires, within ten (10) days of notification. A base station owner has an affirmative duty to aid WCTLC in obtaining information sought by WCTLC regarding drivers or vehicles affiliated with the base station;
- d. Shall inform WCTLC within fifteen (15) calendar days following a felony conviction of any person affiliated with the base station who has been fingerprinted by WCTLC. Such notification shall be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court with respect to such conviction.

500.31 Both the owner of the base station, and the owner of any vehicle dispatched by said base station, shall not allow said vehicle to be operated unless:

- a. All seat belts and shoulder belts are clearly visible, accessible, and in good working order;
- b. The Municipal car vehicle is equipped with seat belts for each seating position and shoulder belts for both outside front and rear seat positions;

500.32 Every base station owner, or his designee, shall provide, upon request, to all potential passengers, who will be traveling with a child age four years and under, a child safety seat which meets the Federal Motor Vehicle Safety Standards set forth in 48 C.F.R. 571.213, and which is either permanently affixed or is capable of being affixed to such vehicle. Nothing herein shall prevent the passenger from using his or her own child safety seat provided such arrangements are made prior to the dispatch of the vehicle. All base station owners or their designees shall make reasonable efforts to inform the general public of the availability of and need for child safety seats in vehicles through means approved by the Commission. All child safety seats used in vehicles pursuant to this paragraph shall be installed in accordance with the manufacturers' installation instructions for the particular child safety seat.

500.33 A base station owner shall not encourage, or allow the use of, physical force against a passenger.

500.34 A base station owner shall inform WCTLC of any changes in any of the information it supplied in the base's most recent application within seven (7) business days of such change.

- 500.35 Should it have been determined in a judicial or administrative proceeding that an applicant for a WCTLTC base station permit has operated a base station without a permit issued by WCTLTC, no permit for a new base station shall be issued for a period of one (1) year from the date of the infraction.
- 500.36 Upon filing with the Workers' Compensation Board to end the disbursement of benefits for a driver due to recovery from a disability and readiness to work, a base station owner shall provide the driver with documentation that benefits have ceased in order for WCTLTC to return such driver's permit.
- 500.37 Reserved.
- 500.38 The owner of the base station shall be responsible for ensuring that a sign is posted in the vehicle which is visible to all passengers within the vehicle that reads:  
"Seat belts are available for your use. Please buckle up."
- 500.39 Both the owner of the base station and the owner of a Municipal car shall be responsible for ensuring that the seating capacity indicated on the state registration matches the actual seating capacity within the Municipal car.

## Section 700. Fees

700.01 Fees for permits and waivers issued to Westchester-based entities shall be as follows:

- |    |                                      |        |
|----|--------------------------------------|--------|
| a. | Muni-Car Base Station Permit, annual | \$600. |
| b. | Driver Permit                        |        |
|    | 1. New applicant & drug test, annual | \$135. |
|    | 2. Renewal applicant                 | \$135. |
| c. | Muni-Car Vehicle Permit              |        |
|    | 1. New, annual                       | \$150. |
|    | 2. Renew, annual                     | \$150. |

700.02 Reserved.

700.03 Other fees are as follows:

- |    |  |  |
|----|--|--|
| a. | Late filing Fee  |  |
|    | 1. Driver/vehicle renewal permits  | \$ 75.                                       |
|    | 2. Base station renewal permits  | \$ 75.                                       |
| b. | Replacement Fee  | \$ 75.                                       |
| c. | Bounced, dishonored or returned<br>Check Fee (in addition to any<br>Returned or Dishonored Check<br>Fees incurred by WCTLTC and/or<br>The County of Westchester) | \$ 50.                                       |
| e. | Re-filing Fee  | \$ 75 first offense<br>\$ 100 second offense |
| f. | Driver/Vehicle suspended/revoked license processing fee  | \$ 75.                                       |
|    | Base Station suspended/revoked license processing fee  | \$250.                                       |

700.04 There is no charge to amend a document previously submitted to WCTLTC.

700.05 In addition to the fee set forth above for any bounced, dishonored and/or returned check, any Permit(s) (Driver, Vehicle or Base Station) upon which said bounced, dishonored and/or returned check is based shall be suspended until such time as any and all payments and fees due WCTLTC (and/or the County of Westchester) have been paid.



## **Section 800. Enforcement and Hearings**

800.01 WCTLTC may issue a summons and notice of hearing to anyone alleged to have violated any provision of the Westchester County Administrative Code and/or any provision of the Westchester County Taxi & Limousine Commission Rules and Regulations.

- a. The WCTLTC may, at any time, for any reason, refer any issue regarding permits, procedures, or any other matter concerning facts and/or law, for a hearing before an Administrative Law Judge.

800.02 The Westchester County Administrative Code and the Rules and Regulations herein shall be enforced by officers of the Westchester County Department of Public Safety, and officers of any local police jurisdiction within Westchester County, and/or Commission representatives, as authorized by law. Any Municipal car, driver, or base station owner who is found to be in violation of these rules and regulations will be issued a “Summons and Notice of Hearing.”

- a. Police officers of the Westchester County Department of Public Safety, and officers of any local police jurisdiction within Westchester County, or Commission representatives are hereby authorized to conduct safety and compliance inspections.

### **Summons Form and Content**

800.03 The summons shall contain the following:

- a. Name of respondent;
- b. Date of issuance;
- c. Nature of charge and Section of chapter violated;
- d. Penalty sought;
- e. Signature of officer;
- f. Date, time and place of hearing;
- g. A statement that the respondent has the right to be represented by counsel, and the right to examine and cross-examine witnesses;
- h. A statement that a personal appearance of the respondent is required at the hearing;
- i. A warning that failure to appear at such hearing shall constitute a default whereby the administrative law judge may proceed with the hearing in respondent’s absence and a determination may be made against the respondent without further opportunity for respondent to offer evidence or a statement in mitigation of penalty;
- j. A statement that an adjournment may be granted upon certain time considerations.

800.04 A failure to complete fully the summons described above shall not result in a

dismissal of the charges, but will only require that the summons and notice of hearing be amended accordingly.

800.05 Reserved.

### **Administrative Law Judge**

800.06 An Administrative Law Judge (hereinafter “ALJ”) shall be employed by WCTLC for the purpose of conducting all hearings on summonses issued by law-enforcement officers or WCTLC staff. The ALJ shall have the authority to:

- a. Make findings of fact and recommendations to WCTLC regarding all issues, including motions to dismiss;
- b. Add a party respondent to the proceedings, upon notice to the respondent and to the respondent to be added;
- c. Administer oaths and affirmations;
- d. Issue subpoenas to compel the attendance and examination of witnesses and the production of books, records, papers, and other documents;
- e. Admit and exclude evidence;
- f. Limit the repetitious examination or cross-examination of any witness and the amount of corroborative or cumulative testimony;
- g. Hear argument on the facts and/or law;
- h. Order the parties to appear for a pre-hearing conference to consider matters, which may simplify the issues or expedite the proceeding;
- i. Order opening statements and/or oral or written closing statements to be made;
- j. Direct a respondent to comply with the applicable law or to cease a course of conduct or activity where there is reasonable grounds to believe that such conduct or activity constitutes a violation of law;
- k. Perform such other acts, make such orders and mandates, and take all measures necessary, but not otherwise prohibited by law, as may be necessary for the proper effectuation of these Rules and Regulations;

800.07 All proceedings shall be open to the public unless the ALJ, in his/her discretion, determines otherwise.

800.08 The summons and notice of hearing, and/or any other legal notice or document, may be served on a respondent (or on a designee), as follows: (i) in person; (ii) via first-class mail; (iii) by affixing a copy of same to the door of the designated mailing address and mailing a copy of same by first class mail; or (iv) by leaving a copy of same with a person of suitable age and discretion at the designated address and mailing a copy by first-class mail.

(a) Designated addresses are as follows:

- a. If for a base station, to the base station address;
- b. If for a Municipal car driver, to the home address of the driver;

c. If for a Municipal car owner, to the address set forth on the vehicle's registration \certificate.

For any applicants/permittees of the WCTLTC, service of a summons and notice of hearing, and/or any other legal notices or documents, shall be deemed sufficient if sent, or delivered, to the last address furnished by said applicant/permittee. For purposes of determining time frames, the date of receipt of the notice shall be presumed to be the date of mailing plus three (3) days.

800.09 Reserved.

800.10 At the hearing, the ALJ shall advise the respondent of his or her rights. The respondent shall enter a plea of "guilty" or "not guilty."

### **Procedure Upon a Default and/or Non-Appearance**

800.10 (a) If a Respondent fails to appear on the hearing date, the Administrative Law Judge shall impose a non-compliance fine of Two Hundred (\$200.00) Dollars upon said Respondent for each and every underlying offense that forms the basis for the hearing. This non-compliance fine(s) shall be in addition to, and exclusive of, any and all other fines imposed by said Administrative Law Judge for the underlying offense(s) which formed the basis for the hearing.

800.10(b) Should the Respondent, within twenty (20) days of the imposition thereof, pay any and all fines levied by the Administrative Law Judge, in connection with the underlying offense(s) which formed the basis for the hearing as set forth above, the non-compliance fine(s) shall be waived.

800.10(c) Upon application to the Administrative Law Judge, and upon a showing by the Respondent of a valid excuse for the default and/or non-appearance, the non-compliance fine(s) may be set aside and/or waived, in the discretion of the Administrative Law Judge; however, the fines and/or penalties assessed with respect to the underlying offense(s) shall stand.

### **Procedure Upon a "Guilty" Plea**

800.11 If the respondent pleads "guilty," the respondent shall be given a chance to offer an explanation in mitigation of the civil penalty.

a. Nothing in these rules and regulations shall prohibit the Commission from setting fines, permitting the violator to plead guilty by mail, and permitting the violator to pay such fine by mail or in person without appearing before the ALJ. The plea of "guilty" and the payment of the fine shall be made in a manner such that it must be received by the Commission at least 3 business days in advance of the date set for the court appearance. The payment shall be made by money order, certified

check, or corporate check;

- b. Unless otherwise stated in this section, fines shall be doubled for the second offense, tripled for the third offense, ad infinitum, unless otherwise stated herein;
- b. The following shall be subject to the provisions of this paragraph;

**DRIVER**

WCTLC R&R	REGULATION	PV Pts	FINE/PENALTY
300.10	It shall be unlawful to operate a Municipal car without a Municipal car driver's permit.	2 pts	\$125.
300.11	Municipal car driver not to operate Municipal car without valid Class E driver's license or equivalent	2 pts	\$125. and/or suspension for same time period as DMV
300.12 (a)	Municipal car driver not to operate Municipal car without valid WCTLC Municipal car permit.	3 pts	\$125.
300.12 (b)	Permit decal shall be properly affixed to windshield.	2 pts	\$50.
300.13	Municipal car driver not to operate Municipal car without valid state vehicle registration.		\$50.
300.14	Municipal car driver not to operate Municipal car unless the following items are present in the for-hire vehicle; (a) the driver's permit (b) cert of registration (c) Municipal car permit (d) insurance card.	2 pts	(a) \$50. (b) \$50 (c) \$50 (d) \$50
300.15	Municipal car driver to operate vehicle in compliance with all laws, rules and regulations.	Various points for moving violations	a) \$100 b) \$ 200 c) \$150 and/or 30 day suspension
300.16 (a)	Affiliated driver to notify WCTLC of loss or theft of driver permit.		\$25.
(b)	Affiliated driver to surrender WCTLC permit upon restriction, etc. of Class E driver's license or equivalent.		\$100.
(c)	Affiliated driver not to alter or deface WCTLC permit.		\$100. & possible revocation.
(e)	Affiliated driver to immediately inform WCTLC of any criminal conviction.		\$100.
(f)	Affiliated driver not to allow another to use		\$250. - \$500. &

	WCTLC permit.		possible revocation	
(g)	Affiliated driver to notify WCTLC of change of address.		\$25.	
300.17	Affiliated driver to submit permit to WCTLC upon filing for Workers Compensation benefits.		\$75.	
300.18	Affiliated driver to exhibit licenses, etc. at an accident scene.	4 pts	\$150. & up to 30 day suspension.	
300.19	Driver to insure that vehicle has seatbelt sign.		\$25.	
300.21	Municipal car driver to conduct him/herself appropriately	2pts	\$100.	
300.22	Municipal car driver to act appropriately at Westchester County Airport	2 pts	\$100.	
300.23	Municipal car driver not to carry a weapon without WCTLC waiver.	3 pts	\$100.	
300.24	A driver shall remain within fifteen feet of vehicle in designated areas at County Airport locations by prearrangement only.	3 pts	\$50.	
300.24(a)	A driver, whether in his or her vehicle or not, shall at all times at the Westchester County Airport, conduct him or herself & operate his or her vehicle in accordance with all rules and regulations and procedures of the Westchester Airport.	3 pts	\$50.	
300.24(b)	Municipal car driver shall not use a telephone, including a cell phone, while operating a Municipal car, unless such vehicle shall be lawfully standing or parked.	2 pts	\$50.	
300.24(b) cont.		2 pts		
300.24(c)	Municipal car driver not to smoke in the Municipal car.	2 pts	\$50.	
300.26	Municipal car driver not to refuse transportation to person with physical handicap.	3 pts	\$200.	
300.30	Driver shall immediately report to the Department of Public Safety, or District Attorney demand for a gift or gratuity made by an employee, representative or member of the Commission.	6 pts	\$1000. Plus possible revocation	
300.30 (a)	Municipal car driver shall not offer or give any gift or gratuity or thing of value to a person or persons employed at any airport or other transportation terminal to provide	6 pts	\$1000. Plus possible revocation.	

	ground transportation information services, dispatching service, security services, traffic and parking control or baggage handling whether or not such person or persons is employed by Metro-North, the Westchester County Airport or any similar entity.			
300.31	Driver shall cooperate with the Commission and all law enforcement officers.	2 pts	\$100.	
300.32	A driver shall not threaten, harass or abuse a passenger, Commission representative, public servant or other person, A driver shall not harm or use physical force against, or attempt to harm or use physical force against, a service animal accompanying a person with a disability.	3 pts	500. and/or suspension up to 60 days or revocation	
300.35	Driver shall truthfully answer/comply with all Commission questions/directives.	2 pts	\$50. 1st offense	
300.35(a)	A driver, while performing his duties and responsibilities as such, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny against a passenger, Commission representative, public servant or any other person.	4 pts	\$350 and/or suspension up to 60 days or revocation	
(b)	A driver while performing his duties and responsibilities as such, shall not commit or attempt to commit, alone or in concert with another, any willful act of omission or commission which is against the best interest of the public.	3 pts	\$150. and/or suspension up to 30 days or revocation.	
(c)	A driver shall be courteous to passengers.	2 pts	\$75.	
300.42	A driver shall be responsible for maintaining a passenger log in his vehicle.		\$150.	
300.43	Driver shall not operate a Municipal car in such a manner or at such a speed which endangers users of other vehicles, pedestrians or such driver's passengers.	4 pts	\$250. and/or suspension up driver is found to 30 days or revocation if guilty of having violated this rule more than 3 times within an 18 month period.	
300.45	Driver of for-hire vehicle with seating capacity of 15 - 19 passengers must			

	possess both a WCTLC driver permit and a CDL driver's license.		<b><u>No CDL license/With driver permit \$100.</u></b>	

**VEHICLE**

400.01(b)	Municipal car owner responsible for appropriate signage located on vehicle.		\$250.		
400.10	Municipal car owner shall obtain Commission permit for vehicle.		\$300.		
400.11	Municipal car owner shall be responsible that vehicle not be operated by a driver without a valid WCTLC driver permit.		\$250.		
400.12	Municipal car owner shall be responsible that the vehicle not be operated by a driver without a valid Chauffeur's license.		\$125.		
400.13	Municipal car owner responsible that driver not be impaired in any way.		\$250.		
400.14	Municipal car owner responsible that vehicle possess a valid DMV registration and WCTLC license plates.		\$300.		
400.14(a)	Municipal car owner to immediately surrender vehicle permit upon expiration, restriction, suspension, surrender or suspension of DMV registration.		\$200. and/or suspension for period of time imposed by DMV		
400.15	Municipal car owner not to allow dispatch by other than authorized base station.		\$150. and/or suspension		
400.16	Municipal car owner to comply with all state laws regarding insurance.		\$150.-\$350. and/or suspension up to 30 days.		
400.17(b)	Municipal car owner to notify Commission with seven days of change of insurer.		\$100.		
400.18	Municipal car owner to immediately notify Commission of theft/loss of decal/permit.		\$50.		
400.18(a)	Vehicle owner to replace a lost/stolen WCTLC permit and/or decal.		\$50		



400.18(d)	Municipal car owner to report lost/stolen license plates.		\$50.			
400.18(e)	Municipal car owner to report replacement or surrender of license plates and new plate numbers, if any		\$50.			
400.19(a)	Municipal car owner to have vehicle inspected by authorized inspection station annually, or sooner pursuant to WCTLC mandate.		\$150.			
400.19(b)	Municipal car owner responsible for daily vehicle inspections.		\$50.			
400.19(c)	Municipal car owner to immediately comply with all WCTLC notices and directives.		\$250.			
400.19(d)	Municipal car owner to notify Commission with seven days of change in mailing address.		\$25.			
400.20(a)	Municipal car owner/base owner responsible for display of valid state registration sticker.		\$100.			
400.20(b)	Municipal car owner to display valid WCTLC decal		\$100.			
400.20(c)	Municipal car owner/base owner responsible for display of current state inspection sticker in for-hire vehicle.		\$100. and suspension of the vehicle owner permit until condition corrected			
400.20(d)	WCTLC decal match license plates affixed to vehicle.		\$100.			
400.20(e)	Municipal car owner shall insure VIN on state registration and decal match VIN of vehicle.		\$100.			
400.20(f)	Municipal car owner/base owner responsible for ensuring that seating capacity indicated on state registration match the actual seating capacity within the vehicle		\$500.			
400.21 (a)	Municipal car owner responsible for insuring that documents are in vehicle: Valid Registration.		\$50.			
(b)	WCTLC For-Hire Vehicle Permit		\$50.			
(c)	Insurance Card.		\$50.			
(d)	Trip Log		\$150.			

(e)	Driver permit conspicuously posted		\$25.			
400.22	Municipal car owner to ensure that vehicle is operated in full compliance with all rules, regulations, laws, etc.		\$50. and/or suspension of permit up to 30 days			
400.24	Municipal car owner responsible for insuring that for-hire vehicle is only operated when determined to be fit by Commission or DMV.		\$500.			
400.25(a)	Municipal car owner responsible for insuring that for-hire vehicle is operated with working seat and shoulder belts		\$100.			
400.25(b)	Municipal car owner responsible for insuring that for-hire vehicle is operated with shoulder belts for both the outside front and outside rear seat positions.		\$100.			
400.26	Equipped with a seat belt sign		\$25.			
400.28	A Municipal car shall be affiliated with one base		\$300.			
400.28(a)	Municipal car owner to notify WCTLTC of termination of affiliation		\$150.			
<b>BASE</b>						
500.02(e)	Bond required for new base station application becomes null and void.		\$250. 1st offense \$500. 2 <sup>nd</sup> offense	Revocation of base permit 3 <sup>rd</sup> offense		
500.02(k)	A base station shall list all d/b/a names and/or trade names on new applications.		\$1000.			
500.09(g)	Bond required for renewal base station application becomes null and void.		\$250. 1st offense \$500. 2 <sup>nd</sup> offense	Revocation of base permit 3 <sup>rd</sup> offense		
500.09(j)	A base station shall list all d/b/a names and/or trade names on renewal applications.		\$1,000.			
500.13	A base station shall not operate without a valid WCTLTC Base Station permit.		\$750.			
500.13(a)	Base Station shall not operate after expiration of its WCTLTC permit.		\$250.			

500.13(b)	Base Station owner to notify WCTLC of cessation of business		\$250.			
500.14	Base Station owner shall not allow Municipal car to operate without WCTLC vehicle permit		\$500.			
500.15	Base station owner shall not allow Municipal car to operate without a driver with a WCTLC for-hire vehicle driver permit.		\$500.			
500.16	Base station owner responsible for ensuring that Municipal car is operated by holder of valid Class E driver's license, or equivalent.		\$200.			
500.17	Base station owner responsible for ensuring that Municipal car driver is not impaired in any manner.		\$500.			
500.18	Base station owner responsible for ensuring that Municipal car have a valid DMV registration and WCTLC license plates.		\$300.			
500.19	Base station owner responsible for ensuring that a Municipal car:					
(a)	Display a valid DMV registration decal on windshield.		150.			
(b)	Display a valid WCTLC decal on the windshield.		\$150.			
(c)	Display a current state inspection sticker.		\$150. and suspension until corrected			
(d)	Display a current state inspection sticker.					
(e)	Have plate no. match registration and WCTLC decal.		\$150.			
(f)	Have VIN match registration and WCTLC decal.		\$150.			
	Have seating capacity match that listed on state registration.		\$150.			
500.20	Vehicle owner/base owner responsible for insuring that Municipal car contains the following:					
(a)	Valid Certificate of Registration.		\$100.			
(b)	Municipal car permit.		\$100.			
(c)	insurance card.		\$100.			
(d)	trip log.		\$150.			
(e)	Municipal car driver permit displayed conspicuously.		\$25.			

500.23	Base station owner shall ensure that all affiliated, or dispatched, vehicles are operated in compliance with all rules, regulations, laws, etc.		\$100. - \$350. and/or suspension of permit up to			
500.24	Base Station owner responsible for keeping vehicle and driver information current with WCTLTC		30 days \$100.			
500.25	Base station owner responsible that Municipal car is not operated after being determined to be unsafe.		\$500.			
500.26	Failure of base station owner, or representative, to attend at required Industry Advancement seminar(s)		\$100.			
500.27	Base station owner shall, at all times:					
(a)	Have at a minimum three properly registered and affiliated Municipal cars.		Suspension or revocation of base permit			
(a) ii	Ensure proper surrender of all required documents in the event of an affiliation termination occurs		\$300.00			
(b)	Maintain principal place of business in accord with municipal laws.		\$500. and/or suspension of permit			
(c)	Provide safe and adequate storage for business records		\$250. and/or suspension of permit			
(d)	Maintain operable telephone and number		\$100.			
(e)	Provide mechanism for transmission of trip request information.		\$100.			
(f)	Maintain passenger logs/trip sheets.		\$250.			
(g)	Ensure that WCTLTC base station permit is prominently displayed.		\$100.			
(h)	Ensure that all records of any and all d/b/a are located at base station.		\$100.			
(i)	Ensure that all owned and affiliated vehicles have WCTLTC permits.		\$350.			
500.28(a)	Base owner responsible for not holding self out as for-hire service without Commission permit.		\$150.			
500.28(b)	Base owner shall not hold itself out as "taxi"		\$250.			

	service without proper license.					
500.28(c)	Base owner responsible for filing all trade names and/or dba names with WCTLTC in its application or amended application of base station with Commission.		\$1000.			
500.28(d)	Base owner responsible for incorporating Commission permit number into all advertising.		\$150.			
500.28(f)	Base owner shall not assign permit.		\$500. and/or Suspension			
500.28(g)	Base owner responsible for insuring that Municipal cars are dispatched only from location specified on permit.		\$250. And suspension until compliance			
500.28(h)	Base owner dispatching non-affiliated vehicle shall inform the Passenger of non-affiliation		\$100.			
500.29(b)	Base owner responsible informing Commission when driver or vehicle is no longer affiliated with base.		\$100.			
500.29(c)	Base owner responsible for providing Commission with schedule of rates of fare.		\$100.			
500.29(d)	Base owner responsible for maintaining required record for twelve months.		\$100.			
500.29 (d)(1)	Base owner responsible for keeping records of date, time etc, of each call.		\$100.			
500.29 (d)(2)	Base owner responsible for keeping a current list of all affiliated Vehicles.		\$100.			
500.29 (d)(3)	Base owner responsible for keeping a list of bi-weekly vehicle inspection.		\$100			
500.29 (d)(4)	Base owner responsible for keeping current list of affiliated drivers.		\$100			
500.29 (d) (5)	Base owner responsible for maintaining proper signage on muni-car.		\$100			
500.30(a)	Base owner shall immediately report to the Department of Public Safety, or District Attorney demand for a gift or gratuity made by an employee.	6 pts	\$1000. up to revocation			
500.30(b)	Shall cooperate with the Commission and all law enforcement officers.	2 pts	\$250.			

500.30(c)	Permittee shall answer truthfully and comply as directed by WCTLC.		\$250.			
500.30(d)	Permittee shall report all felony convictions to Commission within fifteen days.		\$250.			
500.31	Base station owner shall not allow vehicle to operate unless:					
(a)	All seat belts and shoulder belts are in working order.		\$100.			
(b)	Shoulder belts are available for both outside rear and front seats.		\$100.			
500.33	Base station owner shall neither encourage nor allow the use of physical force against a passenger.	4 pts	\$250.			
500.36	Base owner responsible for providing drivers with documentation upon filing for the cessation of Worker's Compensation benefits.		\$100.			
500.37	Driver of for-hire vehicle with seating capacity of 15 - 19 passengers must possess both a WCTLC driver permit and a CDL driver's license.		\$250.			
500.38	The base station owner shall be responsible for ensuring that a sign is posted in the vehicle that is visible to all passengers within the vehicle that reads: "Seatbelts are available for your use. Please buckle up."		\$25.			
500.39	Base owner responsible for ensuring that seating capacity indicated on state registration match the actual seating capacity within the vehicle.		\$500.			

- 800.12 Reserved.
- 800.13 Upon the conclusion of the matter, the ALJ shall submit a “Stipulation of Discontinuance” form to WCTLTC. This form shall contain a recommendation to WCTLTC regarding penalties and shall be submitted within thirty (30) days of the conclusion of the matter.
- 800.14 The respondent shall be notified by mail of the decision and the penalty, if any, imposed by WCTLTC. If the respondent takes issue with the order of WCTLTC, the respondent may appeal the decision.

### **Procedure Upon a “Not Guilty” Plea**

- 800.15 If respondent pleads “not guilty,” the ALJ shall schedule a formal hearing.
- 800.16 All parties to a proceeding shall have the right to present evidence and witnesses and to cross-examine witnesses.
- a. A record of the proceeding shall be made by stenographic or electronic means;
  - b. Strict rules of evidence need not be observed;
  - c. Any party to the proceeding may amend or supplement a pleading at any time prior to the ALJ’s decision;
  - d. The ALJ may take judicial notice of any judicial or administrative proceedings;
  - e. Written reports of state or local officials and/or of WCTLTC representatives shall be presumptive evidence of the facts so stated therein relating to complaints, alleged violations, investigations, proceedings, actions, orders, enforcement of law(s), and shall be received as such in evidence;
  - f. All evidence, including records, documents, and memoranda in the possession of WCTLTC of which it desires to avail itself, shall be offered and made a part of the record;
  - g. WCTLTC or its designee has the burden of proof in all enforcement cases;
  - h. The ALJ may add a party respondent to the proceeding. The ALJ and WCTLTC may also issue subpoenas for witnesses, books, records, papers, and other documents;
  - i. The ALJ may require parties to appear for a pre-hearing conference in order to expedite the proceedings;
  - j. The ALJ shall base all findings and recommendations on substantial evidence;
- 800.17 A respondent may request an adjournment. Such request shall be in writing and made before the close of business three (3) days prior to the appearance date.

Respondent will be notified whether an adjournment has been granted. An adjournment will be granted only for good cause and shall be to a specified date.

800.18

(a) If the facts on which the violations are based are also the subject of a pending criminal investigation of, or criminal proceedings against, any WCTLTC permittee, then the ALJ may postpone the hearing until a reasonable period of time following the final disposition of the criminal investigation or criminal proceedings.

(b) If a WCTLTC permittee is suspended as a result of a criminal investigation, or criminal charges, said suspension of the permittee shall continue pending the hearing, if deemed appropriate by the ALJ. If the criminal investigation is concluded without the filing of criminal charges or if the criminal charges are dismissed, then WCTLTC's suspension shall forthwith be vacated. However, the proceedings before the ALJ shall continue.

800.19 Reserved.

800.20 Reserved.

#### **Decision by Westchester County Taxi & Limousine Commission**

800.21 The findings of fact and recommendations of the ALJ shall be submitted to WCTLTC within sixty (60) days of the conclusion of the hearing.

800.22 The ALJ's findings of fact and recommendations may contain the following, as the ALJ, in her/his discretion, deems appropriate:

- a. Findings of fact, conclusions of law, and either a "guilty" or "not guilty" determination;
- b. Any stipulation of discontinuance entered into between the parties;
- c. A recommended penalty, which may include the revocation or suspension of any permit issued by WCTLTC to the respondent;
- d. A directive to correct any existing or continuing violation of the law and any applicable law and the measures required to correct such violation;
- e. A directive to cease and desist an operation activity or action determined to be in violation of applicable law;
- f. A directive to institute a procedure, method, strategy, or technique required to comply with any applicable law;
- g. A specified condition to suspend any assessed civil penalty;
- h. A posting of a bond or escrow account approved by WCTLTC to insure a respondent's compliance with the decision;
- i. The inclusion of a penalty contained in a stipulation of discontinuance



conditioned upon a respondent's failure to meet any milestones or provisions for completion of corrective measures.

- 800.23 WCTLC shall render its decision within one (1) month from the date of receipt of the findings of fact and recommendations.
- 800.24 A copy of WCTLC's decision shall be mailed to respondent.
- 800.25 The Chairperson of WCTLC shall have the power to summarily suspend a permit for good cause. Such summary order shall be served upon the respondent as set forth herein. When summary suspension is invoked, WCTLC shall commence revocation proceedings before the ALJ within seventy-two (72) working hours and the ALJ shall promptly make a determination thereon.
- 800.26 WCTLC may seek to obtain voluntary compliance with the law or other applicable enactments by way of notice, permit, warning, or educational means. The Westchester County Administrative Code does not require that such non-compulsory methods be employed or attempted before proceeding by way of compulsory or other legally prescribed procedures or measures.

#### **Municipal car Driver Fitness Hearing**

- 800.27 A fitness hearing may be held before an Administrative Law Judge (ALJ) to determine the fitness of an applicant or permittee to drive a Municipal car in Westchester County. A fitness hearing is conducted as part of the application or re-application process for a WCTLC driver permit when:
- a. The applicant's previous application was denied due to testing positive for drugs/alcohol and or other controlled substances and the applicant is reapplying after the requisite six (6) month time period;
  - b. The applicant's previous driver permit was revoked and the applicant is reapplying after the requisite six (6) month time period;
  - c. The Chairperson or Commission deems it necessary based upon the background check and/or other relevant information.
- 800.28 Notice of such hearing shall be served upon the applicant in the manner set forth hereinabove.
- 800.29 A record of any Municipal car Driver Fitness Hearings shall be made by electronic recording device.
- 800.30 The respondent has the right to be represented by counsel, to produce witnesses and evidence, and to examine and cross-examine witnesses.
- 800.31 In determining whether to recommend approval or denial of the application, the

ALJ shall consider, among other things, the following:

- a. Whether the applicant has violated any of the provisions of these rules or other applicable law;
- b. Any relevant information in the files of the Department of Motor Vehicles, the Department of Public Safety, or any other law enforcement body;
- c. The applicant's previous WCTLIC driver file (where applicable);
- d. Any pertinent information presented by WCTLIC or the applicant.

800.32 The findings of fact and recommendations of the ALJ and the decision of the WCTLIC shall be submitted in accordance with the procedures herein.

## **Section 850. Appeals of Decisions by the Commission and/or an Administrative Law Judge**

### **Administrative Denial of a Permit by the Commission**

850.01 A notice of denial shall be sent to any applicant who is denied a base station permit, a driver's permit, or a vehicle permit *by the Chairperson or staff*. This notice shall state the reason for the denial, and shall be served in accord with the methods set forth herein.

850.02 The notice shall inform the applicant of the right to appeal the denial and to receive a hearing of that appeal *before an Administrative Law Judge*. An appeal form shall be provided with the notice.

850.03 The appeal form must be completed and filed with the WCTLTC within fourteen (14) calendar days of receipt of the notice of denial, and shall have copies of any documents that will be referred to, or offered into evidence, in the appeal proceeding attached thereto.

a. For purposes of determining appeal time limits, the date of receipt of the notice shall be presumed to be the date of mailing plus three (3) days.

850.04 The burden of proof to be used in appeal proceedings shall be on the appellant to produce facts and evidence sufficient to compel a reversal of the original decision by substantial evidence.

850.05 Upon receipt of the appeal form, the Chairperson shall set a date, time, and location of the hearing, and the applicant shall be so notified. The applicant may be represented by counsel, may offer evidence, and examine and cross-examine witnesses at the appeal proceeding.

### **Denial of Permit by Administrative Law Judge**

850.06 Denials of permits by an Administrative Law Judge may be subjected to judicial review in accordance with Article 78 of the CPLR in a proceeding brought within four (4) months of the date that the determination is rendered

## **Section 900. Complaint Procedures**

900.01 All complaints concerning the practices of an individual or company whose business is regulated by WCTLC shall be directed to WCTLC for investigation and action.

900.02 All complaints shall be in writing and on forms provided by WCTLC.

900.03 Upon receipt of the completed form, each complaint shall be logged and given a case number.

900.04 A verification letter shall be mailed to the consumer stating that the complaint has been received and the assigned file number.

900.05 Should the complaint involve criminal conduct, improper vehicle operation, and/or DMV registration, it shall be forwarded to the Department of Public Safety and/or other county departments for investigation. Public Safety personnel will advise the WCTLC of the disposition of the alleged violation. After investigation, and if applicable, the WCTLC will issue a subsequent summons/notice of hearing if any violation of the “Municipal car Law” or WCTLC’s rules and regulations has occurred. All other complaints shall be investigated by WCTLC and/or other County departments or agencies.

900.06 WCTLC shall notify the base station owner involved in writing as to the nature of the complaint. Within ten (10) days from receipt of the notification, the base station shall provide WCTLC with a written statement referencing the file number of the complaint, the findings of its inquiry, and the action taken regarding the satisfactory handling of the complaint.

900.07 Reserved.

900.08 Any and all complaints shall be entered in the permittee’s file, including date of complaint, complaint file number, disposition of complaint, code violation if applicable, and amount of fine, if any.

900.09 The Chairperson of the Taxi and Limousine Commission is hereby given authority by the Commission to act on behalf of the Commission to bring unresolved complaints filed with the WCTLC before an ALJ for recommended action.

## Section 1000. Commission Procedures

- 1000.01 WCTLC shall have the following authorities, powers and duties:
- a. To examine the qualifications and fitness of all applicants;
  - b. To accept formal complaints from local municipalities and private individuals;
  - c. To suspend or revoke permits for cause;
  - d. To conduct investigations, or cause investigations to be conducted relative to any area of responsibility of WCTLC;
  - e. To subpoena witnesses and records relating to compliance with the Westchester County Administrative Code and/or these Rules and Regulations;
  - f. To impose and collect fines for violations of Westchester County Administrative Code and/or these Rules and Regulations;
  - g. To establish rules and regulations as may be necessary to effectuate the provisions of WCTLC's statutory authority, prepare publications of all its rules and regulations, and make such publications available to the public for a fee;
  - h. To enter into an agreement with the New York State Division of Criminal Justice Services to permit fingerprinting and criminal background checks of applicants;
  - i. Enter into agreements of reciprocity with other governmental entities as authorized by the state and county legislatures, respectively;
  - j. The Chairperson is hereby delegated the responsibility to issue permits to all qualified applicants for vehicle permits and driver permits, subject to the successful review of the applicant's background. Such permits shall be for a one-year period from the end of the month of the date of application;
- 1000.02 All permits issued by WCTLC shall be signed by the Chairperson.
- 1000.03 All permits shall be numbered in the order in which they are issued.
- 1000.04 WCTLC shall keep records of all meetings and proceedings and of all permits issued, suspended or revoked.
- 1000.05 WCTLC shall prepare a manual of its rules and regulations and upon request furnish copies to the public upon payment of the appropriate fee.
- 1000.06 Robert's Rules of Order shall govern the conduct of public meetings of WCTLC. The following changes are hereby made to these rules:
- a. WCTLC shall meet at least monthly and more frequently as necessary to carry out its duties;

- b. During the public comment period of any meeting, no individual shall be permitted to speak for more than three (3) consecutive minutes unless previous arrangements have been made with the Chairperson.

## **Section 1100. Suspensions and Revocations**

1100.01        The Chairperson of the Taxi and Limousine Commission is hereby given authority by the Commission to act on behalf of the Commission to issue summary suspensions pursuant to the Westchester County For-Hire Vehicle Law.

1100.02        The Administrative Law Judge is hereby authorized by the Commission to hear appeals of suspensions, revocations and denials of WCTLC permits.

1100.03        Reserved.

1100.04        Reserved.

## Section 1200. Vehicle Immobilization Program

1. Definitions Specific to this Section:

(a) “vehicle immobilizer”, also known as a “boot”, shall mean any device, approved by the commission, which is locked to the wheel of a vehicle to prevent the vehicle from being driven.

(b) “unanswered summons” shall mean any summons issued pursuant to section 270.117 of the Laws of Westchester County which remain outstanding, unanswered or defaulted by the respondent.

2. In addition to any other penalties provided for herein, a vehicle immobilizer may be applied to any vehicle whose owner has either:

(a) failed to pay civil penalties resulting from violations of this Chapter as against the owner of the vehicle, the driver of the vehicle and/or the owner of the base station where the vehicle is affiliated, which exceed \$1,000; or

(b) a total of five or more unanswered summonses from violations of the For-Hire Vehicle Law as against the owner of the vehicle, the driver of the vehicle and/or the owner of the base station where the vehicle is affiliated.

3. The Commission and/or its designee shall notify the owner of the vehicle, the driver of the vehicle and/or the owner of the base station where the vehicle is affiliated, that a vehicle immobilizer may be attached to their vehicle(s) if the outstanding civil penalties are not paid within thirty (30) days or if the unanswered summonses are not finally satisfied within thirty (30) days.

4. Upon applying a vehicle immobilizer, the commission and/or any authorized person or entity designated by the commission shall provide written notification to the owner of the vehicle and the base station owner to which the vehicle is affiliated, if any, of the procedure by which the outstanding civil penalties or unanswered summonses shall be satisfied and the vehicle immobilizer removed. Such written notice shall be made as soon as practicable but in no event later than two (2) business days after which the vehicle immobilizer has been applied. The driver of the vehicle, if present, shall be notified immediately following the application of the vehicle immobilizer of the procedure by which the outstanding civil penalties or unanswered summonses may be satisfied.

5. In the event that a vehicle is immobilized in a location where it cannot legally remain, said vehicle may be towed to a location designated by the commission. Law enforcement personnel may also tow a vehicle that has been immobilized for



public safety reasons as well as to protect the immobilized vehicle.

(a) In the event that a vehicle is immobilized, and remains unredeemed by its owner, driver and/or base station, for a period of seventy two (72) hours, said vehicle shall be towed to a location designated by the Commission

6. The commission shall not authorize the release of any immobilized or towed vehicle until all of the following fees, fines, and penalties have been paid in full:
  - (a) fees relating to the application of the vehicle immobilizer;
  - (b) fees, if any, relating to transport of any passenger, who was in the vehicle at the time that the vehicle immobilizer was applied. This fee, if any, shall be the same amount that the passenger was being charged for his or her transport that was interrupted when the vehicle immobilizer was applied;
  - (c) fees for towing, if applicable;
  - (d) storage, if applicable;
  - (e) the underlying fine or civil penalty; and
  - (f) an administrative surcharge.
  
7. The unauthorized removal or destruction of a vehicle immobilizer will result in a criminal prosecution in accordance with the provisions of the New York State Penal Law and the New York State Criminal Procedure Law.