

# **WESTCHESTER COUNTY TAXI & LIMOUSINE COMMISSION**



## **OFFICIAL FOR-HIRE RULES AND REGULATIONS**

**May 23, 2013 (v2.6)**

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## **Section 100.**

### **Statutory Authority**

100.01           The Westchester County Taxi and Limousine Commission (WCTLC) 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 WCTLC by authorizing it to license for-hire vehicles, drivers, and base stations that provide transportation within the County of Westchester.

100.02           Authority to issue rules and regulations to carry out this law is contained in §270.103.12 of the Administrative Code of Westchester County.

## Section 200. Definitions

200.01 The following words and phrases, used in these Rules and Regulations, shall have the meanings ascribed as follows:

- a. Affiliated driver:** An affiliated driver is a person who drives a for-hire vehicle and who holds a valid permit issued by WCTLTC.
- b. Affiliated vehicle:** An affiliated vehicle is a for-hire vehicle, which holds a valid permit issued by WCTLTC, which a base station is authorized, by WCTLTC, to dispatch.
- c. Base station:** A base station is a central facility, which manages, organizes and/or dispatches for-hire vehicles.
- d. Base station owner:** A base station owner is any individual, partnership, corporation, or other 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. Commission:** Commission means the Westchester County Taxi and Limousine Commission, herein also referred to as “WCTLTC.”
- g. Decal:** A decal is a sticker issued by the WCTLTC, or any other licensing jurisdiction, evidencing a for-hire vehicle permit.
- h. Dispatch:** A dispatch is a request for a driver by a base station to provide transportation to a passenger who has previously arranged for such transportation with said base station.
- i. For-hire driver:** A for-hire driver is a person who operates a for-hire vehicle.
- j. For-hire driver’s permit:** A for-hire driver’s permit is a permit issued by the Commission to persons who meet the qualifications herein as for-hire drivers.
- k. For-hire vehicle:** A for-hire vehicle is any motor vehicle used to transport less than twenty passengers, on a pre-arranged for-hire basis. Taxicabs, buses, wheelchair-accessible vans and funeral cars are excluded from this definition.
- l. For-hire vehicle permit:** A for-hire vehicle permit is a permit issued by WCTLTC to the owner of a for-hire vehicle to allow such vehicle to be dispatched by a base station.

1. **In-county vehicle permit:** The holder of an in-county permit is authorized to conduct point-to-point and one point trips within Westchester County.

2. **Out-of-county vehicle permit:** The holder of an out-of-county permit is authorized solely to conduct only one point trips within Westchester County.

**m. For-hire service:** Shall include, but not limited to the terms “livery,” “car service,” “black car,” or “limousine.”

**n. Funeral car:** A funeral car is a motor vehicle operated solely for the purpose of carrying passengers from a specific location to a funeral parlor or cemetery and the return of such passengers to a specific location.

**o. Limousine:** A limousine is a for-hire vehicle with at least three doors that is capable of carrying more than 5 but less than 20 passengers who will be charged for such transportation.

**p. Mailing address:** Mailing address means the address designated for the mailing of all notices and correspondence from the WCTLTC and for service of Notices of Violation and/or other legal notices. In the case of the base station, mailing address shall mean the base station’s street address. In the case of the driver, mailing address shall mean the home address of the driver. In the case of the owner of a for-hire vehicle, mailing address shall mean the home or business address of the owner.

**q. Medical Provider Van:** A medical provider van is a van that is not wheelchair accessible and is capable of carrying 8-14 passengers for the sole purposes of transporting passengers to and from medical appointments. Payment for such transportation is made solely through contracts with various health or social service organizations. These organizations include, but are not limited to, Medicaid, NYS Department of Social Services, or schools/programs for the disabled.

**r. Medical Provider Vehicle:** A medical provider vehicle is a vehicle carrying 7 or fewer passengers for the sole purpose of transporting passengers to and from medical appointments within Westchester County. Payment for such transportation is made solely through contracts with various health or social service organizations. These organizations include, but are not limited to, Medicaid, NYS Department of Social Services, or schools/programs for the disabled.

**s. One point trip:** A one point trip in Westchester County is a trip that discharges any passenger within Westchester County where said trip originated outside Westchester County or picks up any passenger, by pre-arrangement, from within Westchester County for destinations outside Westchester County.

**t. Passenger:** A passenger is a person who is being transported by a for-hire vehicle or who is awaiting the arrival of a for-hire vehicle.

**u. Permittee/Applicant:** In the case of an individual applicant/permittee, the individual her/himself. In the case of a partnership applicant/permittee, all general partners. In the

case of a corporate applicant/permittee, all officers, principals, and stockholders owning 10% or more of the outstanding stock. In the case of another business entity applicant/permittee, all officers, principals and person with a 10% or more interest in the entity.

**v. Point-to-point trip:** A point-to-point trip in Westchester County is a trip that both originates and terminates within the borders of Westchester County.

**w. Police officer:** A police officer is any person described as such in New York State Criminal Procedure Law Section 1.20(34).

**x. Roof light:** Equipment attached to the roof of the vehicle, or extending above the roofline of the vehicle, for the purpose of displaying information.

**y. 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.

**z. Taxicab or Taxi:** A taxicab or taxi is a motor vehicle registered with the New York State Department of Motor Vehicles as a "Taxi" and bearing "Taxi" license plate that carries no more than five passengers who will be charged for such transportation and which is licensed as a taxicab by either a local municipality within Westchester County or by the WCTLC.

**aa. Trip sheet/trip log/passenger log:** A trip sheet, trip log or passenger log is a fully completed legibly written or electronic read only record, not including a pager or cell phone, that is recorded prior to the commencement of each passenger trip and is carried, at all times, in the for-hire vehicle. Such record shall include the passenger's name, time of scheduled pick up, location of scheduled pick up and the final destination.

Failure of a For-Hire Vehicle Driver, Owner or Base Station to maintain a trip sheet, trip log or passenger log in the vehicle at all times, and to present same to a police officer or WCTLC representative upon request, shall be presumptive evidence of illegal inter-jurisdictional for-hire vehicle operation.

**bb. Valid 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 another state, that is not conditional, suspended, expired, restricted, surrendered or revoked.

**cc. Vehicle owner:** A vehicle owner is an individual, partnership, corporation, or any other entity in whose name a vehicle is titled. For purposes of these rules, the term shall also apply to the lessee of the vehicle from the titled owner.

**dd. Weapon:** A weapon is any firearm, electronic dart gun, gravity knife, switchblade knife, razor blade, box cutter, cane sword, bill, blackjack, bludgeon, metal knuckles, chukka stick, slingshot or any other instrument, real or simulated, which is capable of inflicting or threatening bodily harm.

**ee. Wheelchair accessible vehicle:** A wheelchair accessible vehicle is a vehicle, which is utilized exclusively for the purpose of transporting of persons in wheelchairs.

## **Section 300. For-Hire Vehicle Drivers**

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

300.01 An application for a driver's permit shall be made on forms provided by WCTLTC.

- a. By signing the application, the applicant acknowledges that acceptance of a WCTLTC driver permit subjects the for-hire vehicle 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 for-hire vehicle driver Fitness Hearing may be ordered by the Commission following its review of the background check.
- c. By filing the application the applicant/permittee 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 driver's permit shall consist of the following:

- a. Completed 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 another state;
- c. Proof that applicant has had a valid drivers 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. Certified 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. Any applicant 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 for-hire vehicle permit, and the for-hire vehicle driver permit of any permittee 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 WCTLIC 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, WCTLIC 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 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 another state;
- c. An affidavit attesting to the fact that the permittee has not been convicted of any violations or crimes subsequent to the date of fingerprinting;
- d. A certified check or money order for the non-refundable renewal fee made payable to WCTLIC;
- 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 for-hire vehicle permit, and the for-hire vehicle driver permit of any permittee 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, 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 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 permit, WCTLTC 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 WCTLTC permit.

- a. A WCTLTC for-hire driver permit will not be issued for any driver until all outstanding WCTLTC fines, if any, are paid;
- b. The for-hire driver permit 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 licenses for-hire drivers and for-hire vehicles 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, for-hire driver permit shall be denied, and an existing for-hire driver permit shall be suspended or revoked, upon conviction of the applicant or permittee 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 WCTLTC 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 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 driver permits without full review by the Commission.
- b. The Chairperson, or a designee, may issue the initial driver permit 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 for-hire vehicle driver shall not operate a for-hire vehicle unless said driver has a valid WCTLTC for-hire vehicle driver permit and said for-hire vehicle is affiliated with a base station licensed by the Commission.

300.11 A for-hire vehicle driver may not operate a for-hire vehicle 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.

300.12 A for-hire vehicle driver shall not operate a for-hire vehicle unless said vehicle:

- a. Has a valid for-hire vehicle permit issued by the Commission;
- b. Has a valid WCTLTC decal affixed to the right front side of the windshield therein;

300.13 An affiliated driver may not operate a for-hire vehicle 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 for-hire vehicle driver shall not operate a for-hire vehicle unless all of the following items are present in the vehicle:

- a. The operator's for-hire driver permit, conspicuously displayed;
- b. A valid certificate of registration for said vehicle, or a legible photostatic copy thereof;
- c. The vehicle's for-hire vehicle permit, issued by WCTLTC, or a legible photostatic copy thereof;
- d. The vehicle's insurance card, or a legible photostatic copy thereof;

300.15 A driver shall operate his for-hire vehicle at all times in full compliance with all New York State, Westchester County and local traffic laws, rules and regulations and procedures of the Port Authority of New York and New Jersey, the Triboro Bridge and Tunnel Authority 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 vehicle violations;
- 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 or injury to an animal.

300.16 An affiliated for-hire vehicle driver:

- a. shall notify the Commission of the loss or theft of any WCTLC driver permit within twenty-four (24) hours of its loss, exclusive of holidays and weekends;
- b. shall immediately surrender any driver permit issued by WCTLC 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 WCTLC permit or the attached photograph;
- d. shall immediately surrender to the Commission an unreadable or unrecognizable for-hire 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 for-hire 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 An affiliated driver, upon filing for Workers' Compensation benefits, must submit the affiliated driver's permit to WCTLTC and cease driving a for-hire vehicle for such period as the driver claims a disability that prevents the driver from operating a for-hire vehicle. WCTLTC shall not be required to return the driver's permit 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 for-hire vehicle, a for-hire vehicle 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 permit;
- 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 for-hire vehicle shall be responsible for insuring that a sign is posted therein, visible to all passengers, that reads: "Seat belts are available for your use. Please buckle up."

300.20. Reserved.

300.21 A for-hire vehicle driver shall not use a for-hire vehicle to solicit or pick up passengers by means other than prearrangement with the affiliated base station.

300.22 A for-hire vehicle driver shall not stand and/or park at a designated taxi stand without the express authorization of the designating municipality.

300.23 A for-hire vehicle driver may not carry a weapon under any circumstances while operating a for-hire 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.

- a. A for-hire vehicle driver, whether in his vehicle or not, shall at all times at all Port Authority of New York and New Jersey facilities or at the Westchester County Airport, conduct himself and operate his vehicle in accordance with all rules and regulations and procedures of the Port Authority of New York and New Jersey or the Westchester County Airport;

300.24 A for-hire vehicle driver must at all times remain inside the for-hire vehicle or stand within fifteen (15) feet of it in areas designated by the Westchester County Airport or the Port Authority of New York and New Jersey. The driver shall not solicit or pick up passengers at the Westchester County Airport, any Westchester County facility, or any facility of the Port Authority of New York and New Jersey except by prearrangement.

- a. A for-hire vehicle driver shall comply with all Commission rules at all Port Authority of New York and New Jersey facilities and at the Westchester County Airport;
- b. A for-hire vehicle driver shall not use a telephone, which term includes, but is not limited to, cellphones, while operating a for-hire vehicle, unless such for-hire vehicle shall be lawfully standing or parked;
- c. A for-hire vehicle driver shall not smoke in the for-hire vehicle;**

300.25 Reserved.

300.26 A for-hire vehicle 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.

300.27 A for-hire vehicle driver shall permit a passenger to ride in the front seat alongside the driver if the passenger wishes to so ride.

300.28 Reserved.

300.29 Reserved.

300.30 A for-hire vehicle 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 for-hire vehicle 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 Port Authority of New York and New Jersey, LIRR, Metro-North, the Westchester County Airport or any similar entity.

300.31 A for-hire vehicle driver shall cooperate with all law enforcement officers and authorized representatives of WCTLC.

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

- a. A for-hire vehicle 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 for-hire vehicle 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 for-hire vehicle driver shall be courteous to passengers;

300.36 Reserved.

300.37 Reserved.

300.38 Reserved.

300.39. Critical Driver Program.

- a. The for-hire vehicle 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 for-hire vehicle 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

- 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 WCTL, 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 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 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;

300.40. 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 for-hire vehicle driver's permit;
- b. Any driver who has accumulated six (6) or more points against his/her WCTL for-hire vehicle 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 WCTLIC 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(12)	Driving left of center	3
subd. c(13)	Driving in wrong direction	3
subd. c(14)	Leaving scene of accident involving personal injury, property damage or injury to animals	3
300.12(a)	Operation of unlicensed for-hire vehicle	3
300.12(b)	Operation of for-hire vehicle without decal affixed	2
300.14	Operation of for-hire vehicle without all required documents	2
300.22	Pick-up at taxi stands	2
300.23	Carrying a weapon without WCTLIC authorization	3
300.23.a	Violation of Port Authority Rules and Regulations	3
300.24	Failure to remain within 15 feet of vehicle in designated	3

	areas of Westchester County Airport or facilities of Port Authority; pick-up by other than pre-arrangement at such facilities	
300.24.a	Failure to comply with Commission Rules at a Port Authority facility	2
300.24.b	Prohibited phone use	2
300.24.c	Smoking in for-hire 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 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 or Commission representative	3
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 for-hire vehicle driver;

300.41 Reserved.

300.42 A driver shall, at all times, 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.

(a) In those instances when a vehicle is “out of service” and/or “off-duty,” the trip log shall indicate said status. *(Effective 3/4/10)*

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

300.44 WCTLC will acknowledge as valid, a Taxi & Limousine Commission for-hire driver permit issued by another licensing jurisdiction "meeting the standards," pursuant to, and defined by, Article 17-B of the Vehicle & Traffic Law of the State of New York, or issued by any county or state with which a contractual agreement therefore has been reached.

300.45 The for-hire vehicle driver of a for-hire vehicle with a seating capacity of 15 or more passengers must possess both a WCTLC driver permit and a valid NYS DMV commercial drivers license, class A, B, or C, or the equivalent from the driver's home state.

# **Section 400.**

## **For-Hire Vehicles**

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

400.01 An application for a vehicle permit shall be made on forms provided by WCTLC;

- a. By signing the application the applicant acknowledges that acceptance of a WCTLC vehicle permit subjects the for-hire vehicle 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;

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

- a. Completed application form;
  - (1) All Applicants for a Vehicle Permit shall provide 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 WCTLC personnel and a fee shall be assessed for this service. Applicants who have been previously fingerprinted by WCTLC shall be exempt from this section.
  - (b)(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. Effective September 1, 2007, a photocopy of a current New York State Motor Vehicle Registration Certificate indicating that said vehicle bears WCTLC For-Hire Vehicle license plates, or the livery registration of another state, county or licensing jurisdiction, along with the inspection sticker affixed to the vehicle;
- d. Proof of adequate insurance;
- e. By executing the application, the vehicle owner agrees that the delivery of a summons, notice, or any other legal document prepared

on behalf of WCTLC to any driver of the vehicle is deemed proper service on the owner of the vehicle;

- f. By executing the application, the vehicle owner agrees that the delivery of a summons, notice, or any other document prepared on behalf of the WCTLC to the registrant or the lessee of the vehicle shall be deemed proper service on the owner of the vehicle;
- g. List all base stations with which the vehicle is affiliated and provide a base station authorization letter from each, affixed with corporate seal or notarized, and indicate the license plate number and VIN of the affiliated vehicle;
- h. Certified check or money order for application fee made payable to WCTLC;

400.03            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 for-hire vehicle owner.

400.04            Reserved.

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

400.05            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**

400.06            The completed renewal application shall consist of the following:

- a. Completed renewal application form;

(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. Effective September 1, 2007, a photocopy of a current New York State Motor Vehicle Registration Certificate indicating that said vehicle bears WCTLC For-Hire Vehicle license plates, or the livery registration of another state, along with the inspection number displayed on the state inspection sticker affixed to the vehicle;
- c. Proof of adequate insurance (see section 400.16 below);
- d. An affidavit attesting to any violations or crimes that the applicant has been convicted of subsequent to the date of fingerprinting;
- e. A certified check or money order for the application fee made payable to WCTLC;
- f. A list all base stations with which the vehicle is affiliated and provide a base station authorization letter from each, affixed with corporate seal or notarized, and indicating the license plate number and VIN of the affiliated vehicle;
- g. 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 within the said time frame, the application shall be deemed denied.

400.07            Reserved.

### **Denial of a Permit**

400.08            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 for-hire vehicle 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 and/or any other for-hire licensing jurisdiction meeting the standards pursuant to Article 17-B of the Vehicle & Traffic Law of the State of New York;
- b. Any and all existing WCTLC vehicle permits of a vehicle owner, against whom there is an outstanding judgment and/or unpaid civil fine, levied by the WCTLC and/or any other for-hire licensing jurisdiction meeting the standards pursuant to Article 17-B of the Vehicle & Traffic Law of the State of New York, shall be suspended until such time as all the outstanding judgments and/or civil fines are satisfied or paid.

400.09 If WCTLTC 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 a For-Hire Vehicle**

400.10 A for-hire vehicle owner shall not allow said vehicle to be operated as a for-hire vehicle unless said owner possesses a valid WCTLTC for-hire vehicle permit for said vehicle.

- a. The owner of a for-hire vehicle affiliated with, or dispatched by, an out-of-County base station shall not permit said vehicle to engage in point-to-point business in Westchester County.

400.11 Both the owner of a for-hire vehicle, and the owner of its base station, shall be responsible for ensuring that said vehicle is operated by a for-hire vehicle driver who has been issued a for-hire vehicle driver permit by WCTLTC.

400.12 Both the owner of a for-hire 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 for-hire 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 for-hire 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 WCT&LC For-Hire Vehicle license plates.

- a. A for-hire 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 for-hire vehicle must immediately surrender the for-hire vehicle permit to WCTLTC upon the expiration, restriction, suspension, surrender or revocation of the vehicle's registration.

400.15 The owner of a for-hire vehicle shall not allow said vehicle to be dispatched by anyone other than a representative of the WCTLTC permitted base station(s) set forth on said for-hire vehicle's permit application.

400.16 The owner of a for-hire vehicle 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 of liability insurance and other forms of insurance. The owner of a for-hire vehicle capable of carrying more than 5 passengers but less than

20 passengers must maintain personal injury liability insurance coverage of no less than \$500,000 per accident where one person is injured and \$1 million per accident for all persons injured in that same accident. All other for-hire vehicles must maintain New York State minimum personal injury liability insurance.

400.17 The owner of a for-hire vehicle shall:

- a. Surrender the vehicle's for-hire vehicle permit and decal to WCTLC 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 WCTLC, 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 for-hire vehicle, and shall submit proof of such coverage.

400.18 The owner of a for-hire vehicle shall:

- a. Immediately surrender an unreadable for-hire vehicle permit, and decal, to WCTLC for replacement;
- b. Immediately notify WCTLC of the theft, loss or destruction of a for-hire vehicle permit or decal, and furnish any documentation that the Commission shall require;
- c. Immediately replace any for-hire vehicle permit or decal, which has been lost or stolen, prior to transacting additional business in Westchester County;
- d. Report to WCTLC, in writing, any lost or stolen license plates within forty-eight (48) hours of the loss, exclusive of weekends or holidays;
- e. Inform the WCTLC, in writing, of the replacement or surrender, of any license plates and the numbers of any new license plates.

400.19 The owner of a for-hire vehicle shall:

- a. Have the for-hire vehicle inspected annually, or bi-annually, as appropriate, and at any other time as directed by WCTLC, 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 for-hire vehicle owner, and the owner of its 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, or New York State Department of Transportation 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;
- 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.

400.21 Both the for-hire vehicle owner, and the owner of its 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 WCTLC for-hire 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 for-hire vehicle driver permit of the operator, displayed in the vehicle so as to be plainly visible to all passengers.

400.22 A for-hire vehicle owner shall be responsible for ensuring that the for-hire vehicle is, at all times, operated in full compliance with all New York State, Westchester County and local traffic laws, rules and regulations and procedures of the Port Authority of New York and New Jersey, the Triboro Bridge and Tunnel Authority 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 base station and the owner of the for-hire 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 for-hire vehicle.

400.25 Both the owner of the base station and the owner of the for-hire 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 for-hire 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 for an administrative fee of \$75 (Seventy-Five Dollars) paid at the time of application. The applicant must be the same as the owner of the previous vehicle. Applicant shall use the form required by WCTLC and the applicant need not provide notarized vehicle and individual affidavits. 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 for-hire vehicle, and the owner of its base station shall be responsible for insuring that:

- a. Said vehicle is not equipped with a roof light;
- b. Said vehicle is not painted, in whole or in part, in any shade of yellow;
- c. Said vehicle is not equipped with a meter;
- d. 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 All For-Hire Vehicles shall be affiliated with a minimum one (1) WCTLC permitted Base Station. Such affiliation shall be evidenced by the filing of a Base Station Operator's Affiliation Letter (WCPD-413c) with the Commission.

- (a) Upon the termination of an Affiliation relationship between a For-Hire Vehicle and a Base Station, the For-Hire Vehicle Owner shall, within seven (7) days of such termination, file, with the Commission, a Base Station Operator's Affiliation Letter (WCPD-413c) indicating affiliation with another WCTLC permitted Base Station.
- (b) Failure to comply with §400.28(a) shall result in an immediate suspension of said For-Hire Vehicle's Permit.

400.29 A For-Hire Vehicle Owner may terminate the affiliation relationship of a vehicle only by:

- (a) Filing a form with the Commission, signed and dated by both the Vehicle Owner and the Base Station Owner, indicating consent to the termination by both parties; Or,
- (b) Forwarding, by Certified Mail, Return Receipt Requested, a Notice of Termination to the Base Station Owner. Said Notice shall be addressed to the Base Station Owner at the address on file with the Commission

for such Base Station Owner. The For-Hire Vehicle Owner shall then file a copy of said Notice; Proof of Mailing of said Notice, and Proof of Receipt or attempted delivery of said Notice with the Commission.

- (c) Such termination will become effective, in the case of a termination pursuant to §400.29(a) upon the date of the Base Station Owner's agreement, or in the case of a termination subject to §400.29(b) upon the date of mailing.
- (d) The foregoing to the contrary notwithstanding, a Vehicle's affiliation with a Base will terminate automatically upon: (i) revocation of the Base's Permit; (ii) Suspension of said Base's Permit for a continuous period of thirty (30) days; or (iii) upon expiration of said Base's Permit. Further, the Vehicle's affiliation relationship will terminate automatically upon expiration, suspension or revocation of said Vehicle's Permit.

## **Section 450**

### **Funeral Cars**

450.01 The Chairperson of the Taxi and Limousine Commission is hereby given authority by the Commission to act on behalf of the Commission to issue a letter, in accordance with WCTLTC procedures, designating a vehicle as a funeral car.

#### **Preparation and Submission of First-Time Application for a Funeral Car Waiver**

450.02 An application for a funeral car waiver shall be made on forms provided by WCTLTC.

450.03 A first-time application for a funeral car waiver shall consist of the following elements:

- a. Completed and notarized application form;
- b. Photocopy of New York State livery registration, or registration of another state, along with the inspection number displayed on the state inspection sticker affixed to the vehicle;
- c. Agreement that applicant will accept service of papers by leaving copies of papers with person located at the address shown on the application;
- d. Completed and notarized affidavits from all funeral homes the vehicle does funeral work for;
- e. Certified check or money order for the non-refundable application fee made payable to WCTLTC.

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

450.04 WCTLTC shall review the application for completeness and accuracy and shall 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.

450.05 All applications for funeral car waivers shall be brought before the Commission for approval.

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

450.06 Applications can be obtained in person at the office of the WCTLTC at the Department of Public Safety, or by mail.

- 450.07 The completed renewal application shall consist of the following:
- a. Completed and notarized application form;
  - b. Photocopy of New York State livery registration, or registration of another state, along with the inspection number displayed on the state inspection sticker affixed to the vehicle;
  - c. Agreement that applicant will accept service of papers by leaving copies of papers with a person of suitable age and discretion located at the address shown on the application;
  - d. Completed and notarized affidavits from all funeral homes the vehicle does funeral work for;
  - e. Certified check or money order for the non-refundable application fee made payable to WCTLTC.

### **Denial of a Waiver**

450.08 In determining whether to issue or renew a funeral car waiver, WCTLTC may consider, among other things, whether the applicant has violated any of the provisions of these rules or other applicable laws. 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 funeral car waiver.

- a. A funeral car waiver will not be issued for any vehicle until all outstanding WCTLTC fines are paid.

450.09 If WCTLTC 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 may be made.

### **Conduct of the Owner of a Funeral Car**

450.10 The owner of the funeral car shall be responsible for ensuring that a valid funeral car waiver is carried in the funeral car at all times and can be produced upon demand.

450.11 The owner of the funeral car shall be responsible for ensuring that the vehicle is operated solely as a funeral car as defined herein.

# Section 460.

## Medical Provider Waiver

### Preparation and Submission of First-Time Application for a Medical Provider Waiver

460.01 An application for a medical provider waiver shall be made on forms provided by WCTLTC.

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

460.02 A first-time application for a medical provider waiver shall consist of the following elements:

- a. Completed and notarized application form;
- b. All first-time applicants for a Medical Provider Waiver 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.
  - (b)(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. Photocopy of New York State livery registration, or livery registration of another state, along with the inspection number displayed on the state inspection sticker affixed to the van/vehicle;
- d. Proof of adequate insurance where the WCTLTC is named as “additionally insured.”
- e. Agreement that the delivery of a summons, notice, or any other document prepared on behalf of WCTLTC to the registrant, the lessee or any driver of the van is deemed proper service on the registrant owner of the van/vehicle;
- f. Agreement that the delivery of summons, notice or any other document prepared on behalf of WCTLTC to the address shown on the application shall be deemed proper service on the registrant owner of the van/vehicle;
- g. That a current New York State Department of Motor Vehicles, or New York State Department of Transportation 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;
- 
- h. Completed and notarized affidavits from all health and/or social service organizations applicant has received contracts from to provide medical transportation service;

- i. Internal Revenue Service form 1099 from the prior tax year, if applicable, from each health and/or social service organization applicant has received contracts from to provide medical transportation service;
- j. Certified check or money order for the non-refundable application fee made payable to WCTLC;
- k. Base station affiliation letter from dispatching base station on its letterhead. The letter must list the vehicle identification number and plate number of the van and state that the base will be dispatching the van solely for medical transportation service. The letter must be either affixed with the base's corporate seal or notarized by the owner, a partner or corporate officer. If the dispatching base station who holds the contract(s) for medical transportation service is the registrant owner of the van/vehicle, then the application and all the supporting documents listed above are to be supplied in the name of the dispatching base station. If the dispatching base station who holds the contracts for medical transportation service is NOT the registrant owner of the van/vehicle, then the registrant owner must supply items a, b, c, d, e, f, g, and i from the above list and the dispatching base station must supply items h, and j from the above list.

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

460.03 WCTLC shall review the application for completeness and accuracy and shall 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.

460.04 Reserved.

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

460.05 A renewal application for a medical provider van/waiver shall consist of the following elements:

- a. Completed and notarized application form;
- b. Photocopy of New York State livery registration, or livery registration of another state, along with the inspection number displayed on the state inspection sticker affixed to the van/vehicle;
- c. Proof of adequate insurance, where the WCTLC is named as "additionally insured."
- d. Agreement that the delivery of a summons, notice, or any other document prepared on behalf of WCTLC to the registrant, the lessee or any driver of the van/vehicle is deemed proper service on the registrant owner of the van/vehicle;
- e. Agreement that the delivery of summons, notice or any other document prepared on behalf of WCTLC to the address shown on the application shall be deemed proper service on the registrant owner of the van/vehicle;

- f. That a current New York State Department of Motor Vehicles, or New York State Department of Transportation 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; e(1)
- g. Completed and notarized affidavits from all health and/or social service organizations applicant has contracts with to provide medical transportation service;
- h. Internal Revenue Service form 1099 from each health and/or social service organization applicant has contracts with to provide medical transportation service;
- i. Certified check or money order for the application fee made payable to WCTLTC;
- j. Base station affiliation letter from dispatching base station on its letterhead. The letter must list the vehicle identification number and plate number of the van and state that the base will be dispatching the van solely for medical transportation service. The letter must be either affixed with the base's corporate seal or notarized by the owner, a partner or corporate officer.

If the dispatching base station who holds the contract(s) for medical transportation service is the registrant owner of the van, then the application and all the supporting documents listed above are to be supplied in the name of the dispatching base station. If the dispatching base station who holds the contracts for medical transportation service is NOT the registrant owner of the van, then the registrant owner must supply items a, b, c, d, e, f, g and i from the above list and the dispatching base station must supply items -, h, and j from the above list.

### **Review of Renewal Application**

460.06 WCTLTC shall review the application for completeness and accuracy and shall review any other relevant information in the files of the NYS DOT, Department of Motor Vehicles, the Department of Public Safety, or any other law enforcement body as necessary and prudent.

460.07 Reserved

### **Denial of a Waiver**

460.08 In considering whether to issue or renew a medical provider waiver, WCTLTC may consider, among other things, whether the applicant has violated any of the provisions of these rules or other applicable laws. 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 medical provider waiver.

460.09 A WCTLTC medical provider waiver will not be issued until all outstanding WCTLTC fines are paid.

460.10 If WCTLTC 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 may be made.

### **Conduct of the Owner of a Medical Provider Van/Vehicle**

460.11 The owner of a medical provider van/vehicle 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 of liability insurance and other forms of insurance. Medical provider vans/vehicles must maintain minimum personal injury liability insurance as set forth by the New York State Department of Transportation. On this policy, the WCTLTC must be named as “additionally insured.”

460.12 The owner of the medical provider van/vehicle shall be responsible for ensuring that a valid medical provider waiver is carried in the medical provider van/vehicle at all times and can be produced upon demand.

460.13 The owner of the medical provider van/vehicle shall be responsible for ensuring that the van is operated solely as a medical provider van as defined in §200.01.(o).

460.14 The owner of the medical provider van/vehicle shall be responsible for ensuring that the medical provider van/vehicle is operated by a driver who has been issued a driver permit by the WCTLTC, and that said WCTLTC driver permit is valid at the time of operation.

# Section 500.

## Base Stations

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

500.01 An application for a base station permit shall be made on forms provided by WCTLTC.

- a. By signing the application the applicant acknowledges that acceptance of a WCTLTC base station permit subjects any for-hire 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;
- 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 certified check or money order 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 (NYS DS) upon the filing of the corporation’s Certificate of Incorporation;
- j. A copy of the base station’s Federal Motor Carrier Safety Administration

(FMCSA) permit demonstrating compliance with FMCSA regulations for interstate commerce;

- k. 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;
- l. 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. No base station permit will 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.

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 WCTLTC, 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. Certified check or money order 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. A copy of the base station’s Federal Motor Carrier Safety Administration (FMCSA) permit demonstrating compliance with FMCSA regulations for interstate commerce;
- j. 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, 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;
  - b. A site visit to the business offices of the base station shall be performed by staff of WCTLC, 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, WCTLC 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 WCTLC application may constitute a crime punishable as a Class A misdemeanor and will constitute grounds for denial of a WCTLC permit.

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

500.12 Should WCTLC 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 may be made.

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

500.13 A base station shall not operate, or transact a for-hire service business, without a valid base station permit issued by WCTLC.

- a. A base station owner shall not operate in the period after the expiration of its current WCTLC base station permit, and the issuance by WCTLC 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 for- hire vehicle to

operate from its base station, nor dispatch said vehicle, unless said vehicle is in possession of a for-hire vehicle permit issued by WCTLTC.

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

500.16 Both the owner of a base station, and the owner of a for-hire 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 for-hire 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 for-hire 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 WCT&LC license plates.

500.19 Both the owner of a base station, and the owner of a for-hire 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 WCTLTC 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, or New York State Department of Transportation 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;
- d. That the license plate number indicated on both the state registration and the WCTLTC 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 WCTLTC decal match the VIN of the vehicle.

500.20 Both the owner of a base station, and the owner of a for-hire 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 for-hire 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 for-hire vehicle driver permit of the vehicle operator, displayed in the vehicle so as to be plainly visible to all passengers.

500.21 Both the owner of a base station, and the owner of a for-hire vehicle dispatched by said base station, shall be responsible for insuring that:

- a. Said vehicle is not be equipped with a roof light;
- b. Said vehicle is not be painted, in whole or in part, in any shade of yellow;
- c. Said vehicle is not be equipped with a meter;

500.22 An out-of-County base station owner shall neither allow a for-hire vehicle to operate from that base station, nor dispatch said vehicle, on point-to-point business in the County of Westchester.

500.23 A base station owner shall be responsible for ensuring that any and all for-hire 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 procedures of the Port Authority of New York and New Jersey, the Triboro Bridge and Tunnel Authority 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.

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 (7) days of said addition or deletion.

500.25 Both the owner of the base station, and the owner of any for-hire 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, or any other state's department of motor vehicles, has determined that the vehicle is unsafe or unfit for use as a for-hire 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 one owned or affiliated vehicle and at least one affiliated for-hire vehicle driver;

- 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;
- g. Ensure that WCTLC 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 WCTLC.

500.28 A base station owner shall not:

- a. Advertise, or communicate to the public, that its base station provides "for-hire 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.
- h. A Base Station Owner shall not dispatch a Vehicle, which is not affiliated with said Base unless said Base is dispatching a Vehicle affiliated with another WCTLC permitted Base and the Passenger is informed of such referral and dispatch.

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 WCTLTC 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 WCTLTC 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 WCTLTC driver permit;

500.30 A base station owner shall:

- a. Immediately report to WCTLTC any request or demand for a gift, gratuity, or thing of value by any employee, representative, or member of WCTLTC to WCTLTC;
- b. Cooperate fully with all law enforcement officers and authorized representatives of WCTLTC;
- c. Answer truthfully and comply as directed with all questions, communications, directives, and summonses from WCTLTC or its representatives, as well as produce any permits or other documents required to be kept by WCTLTC whenever WCTLTC requires, within ten (10) days of notification. A base station owner has an affirmative duty to aid WCTLTC in obtaining information sought by WCTLTC regarding drivers or vehicles affiliated with the base station;
- d. Shall inform WCTLTC within fifteen (15) calendar days following a felony conviction of any person affiliated with the base station who has been fingerprinted by WCTLTC. 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 for-hire 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 for-hire 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 for-hire vehicles through means approved by the Commission. All child safety seats used in for-hire 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 WCTLC base station permit has operated a base station without a permit issued by WCTLC, 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 WCTLC to return such driver's permit.

500.37 A base station owner shall be responsible for ensuring that a for-hire vehicle with a seating capacity of 15 or more passengers be operated by a driver with both a WCTLC driver permit and a NYS DMV commercial driver's license, class A, B, or C, or equivalent from the driver's home state.

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: "Seatbelts are available for your use. Please buckle up."

500.39 Both the owner of the base station and the owner of the for-hire vehicle shall be responsible for ensuring that the seating capacity indicated on the state registration matches the actual seating capacity within the for-hire vehicle.

500.40 A Base Station Owner may terminate the affiliation relationship of a vehicle only by:

- (a) Filing a form with the Commission, signed and dated by both the Vehicle Owner and the Base Station Owner, indicating consent to the termination by both parties; Or,

- (b) Forwarding, by Certified Mail, Return Receipt Requested, a Notice of Termination to the Vehicle Owner. Said Notice shall be addressed to the Vehicle Owner at the address on file with the Commission for such Vehicle Owner. The Base Station Owner shall then file a copy of said Notice; Proof of Mailing of said Notice, and Proof of Receipt or attempted delivery of said Notice with the Commission.
- (c) Such termination will become effective, in the case of a termination pursuant to §500.40(a) upon the date of the Vehicle Owner's agreement, or in the case of a termination subject to §500.40(b) upon the date of mailing.
- (d) The foregoing to the contrary notwithstanding, a Vehicle's affiliation with a Base will terminate automatically upon: (i) revocation of the Base's Permit; Suspension of said Base's Permit for a continuous period of thirty (30) days; or upon expiration of said Base's Permit. Further, the Vehicle's affiliation relationship will terminate automatically upon expiration, suspension or revocation of said Vehicle's Permit.

## **Section 550.**

### **Out-of-County Registration And Permits**

550.00 The owner of a for-hire vehicle that is affiliated with an out-of-county base station shall obtain a WCTLTC out-of-county vehicle permit for said vehicle before conducting any business within Westchester County.

550.01 WCTLTC will accept registration of, and will issue permits to, drivers and vehicles that are located outside of Westchester County, on the condition that registrants agree to be bound by the Westchester County Administrative Code and the Rules and Regulations promulgated by WCTLTC.

550.02 A driver who is not a resident of Westchester County but who is otherwise eligible to obtain a WCTLTC driver's permit may obtain such a permit.

550.03 A for-hire vehicle that is not affiliated with a Westchester County base station, but is otherwise eligible to obtain a WCTLTC vehicle permit may obtain such a permit on the condition that such vehicle is affiliated with an out-of-county limousine company. Such a vehicle is expressly prohibited from doing point-to-point operations within Westchester County.

550.04 A for-hire vehicle owner who applies for an out-of-county permit must provide, as part of its application, a letter from an out-of-county limousine company that shall be either notarized or on the limousine company letterhead, indicating the affiliation of such vehicle and such base station.

550.05 A for-hire vehicle that is registered with a valid out-of-county WCTLTC permit and is doing business in Westchester County shall be operated by a for-hire vehicle driver with a valid WCTLTC driver permit, or the holder of a valid driver permit issued by a licensing jurisdiction "meeting the standards" pursuant to Article 17-B, §498, *et seq*, of the Vehicle and Traffic Law of the State of New York.

550.06 A for-hire vehicle with a seating capacity of 15 or more passengers that is doing business in Westchester County shall be operated by a for-hire vehicle driver with a valid NYS DMV commercial driver's license, class A, B, or C, or the equivalent from the driver's home state, and a valid WCTLTC permit.

550.07 An out-of-county limousine company owner shall neither allow a for-hire vehicle to operate from its dispatch station, nor dispatch said vehicle, on point-to-point business within the County of Westchester unless said vehicle has an Out-of-County vehicle permit and its driver has a valid WCTLTC driver permit or a valid permit issued by a licensing jurisdiction "meeting the standards" pursuant to Article 17-B, §498, *et seq*, of the Vehicle and Traffic Law of the State of New York.

## Section 700.

### Fees

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

- a. Base Station Permit, annual \$600.
- b. Driver Permit
  - 1. New applicant & drug test, annual \$135.
  - 2. Renewal applicant \$135.
- c. Vehicle Permit
  - 1. In-County applicant, annual \$300.
  - 2. Out-of-County applicant, annual \$275.
- d. Funeral Car Waiver, annual \$100.
- e. Medical Provider Van Waiver, annual \$100.

700.02 Reserved.

700.03 Other fees are as follows:

- a. Late filing Fee
  - 1. Driver/vehicle renewal permit \$ 75.
  - 2. Base station renewal permit \$ 75. per month
- b. Replacement Fee \$ 75.
- c. Duplicating Fee \$.25¢ per page
- d. Bounced, dishonored or returned \$ 50.  
Check Fee (in addition to any  
Returned or Dishonored Check  
Fees incurred by WCTLTC and/or  
The County of Westchester)
- e. Re-filing Fee \$ 50. first offense  
\$ 100. second offense
- f. Driver/Vehicle suspended/revoked license processing fee \$ 50.
- g. Base Station suspended/revoked license processing fee \$ 250.
- h. Filing Vehicle Change of Affiliation \$ 75.

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 WCTL (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 for-hire vehicle, 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 welfare 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 WCTLIC for the purpose of conducting all hearings on summonses issued by law-enforcement officers or WCTLIC staff. The ALJ shall have the authority to:

- a. Make findings of fact and recommendations to WCTLIC 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 for-hire vehicle driver, to the home address of the driver;
- c. If for a for-hire vehicle 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 One Thousand (\$1,000) Dollars upon said Respondent.. This non-compliance fine 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 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 may 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 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;

c. When a Respondent pleads “guilty” and defaults on agreed upon payment schedule, the ALJ shall impose a non-compliance fine of one thousand (\$1,000) dollars upon said Respondent. This non-compliance fine 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.

d. The following shall be subject to the provisions of this paragraph:

<b>WCTLC R&amp;R</b>	<b>REGULATION</b>	<b>PV Pts</b>	<b>FINE/PENALTY</b>
300.10	It shall be unlawful to operate a for-hire vehicle without a for-hire vehicle driver's permit.		\$125.
300.11	For-hire vehicle driver not to operate for-hire vehicle without valid Class E driver's license or equivalent.	2 pts	\$125. and/or suspension for same time period as DMV
300.12 (a)	For-hire vehicle driver not to operate for-hire vehicle without valid WCTLC for-hire vehicle permit.	3 pts	\$125.
300.12 (b)	Permit decal shall be properly affixed to windshield.	2 pts	\$50.
300.13	For-hire vehicle driver not to operate for-hire vehicle without valid state vehicle registration.		\$50.
300.14(a),(b),(c) or (d)	For-hire vehicle driver not to operate for-hire vehicle unless the following items are present in the for-hire vehicle: the driver's permit, cert of registration, for-hire vehicle permit, insurance card.	2 pts	\$50. @
300.15 (a),(b) or (c)	For-hire vehicle 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 WCTLC permit.		\$250. - \$500. & 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	For-hire vehicle driver not to solicit or pick-up passengers other than by pre-arrangement with base station.	4 pts	\$350.
300.22	For-hire vehicle driver not to pick up passengers at a taxi stand.	2 pts	\$350.
300.23	For-hire vehicle driver not to carry a weapon without WCTLC waiver.	3 pts	\$100.
300.23 (a)	A driver, whether in his vehicle or not, shall at all times at all Port Authority of New York & New Jersey facilities or at the Westchester County Airport, conduct himself & operate his vehicle in accordance with all rules and regs and procedures of the Port Authority of NY & NJ or the Westchester Airport.		\$50.

300.24	For-hire vehicle driver to remain within fifteen feet of vehicle in designated areas at County Airport and Port Authority locations by prearrangement only.	3 pts	\$50.
300.24(a)	For-hire vehicle driver shall comply with all Commission rules at all Port Authority of New York and New Jersey facilities and at the Westchester County Airport.	2 pts	\$50.
(b)	For-hire vehicle driver shall not use a telephone, including a cell phone, while operating a for-hire vehicle, unless such vehicle shall be lawfully standing or parked.	2 pts	\$50.
(c)	For-hire vehicle driver not to smoke in the for-hire vehicle.	2 pts	\$50.
300.26	For-hire vehicle driver not to refuse transportation to person with physical handicap.		\$200.
300.30-driver	Permittee shall immediately report to the Commission demand for a gift or gratuity made by an employee, representative or member of the Commission.	6 pts	\$1000. up to revocation
300.30 (a)	For-hire vehicle 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 is employed by Port Authority of New York and New Jersey, LIRR, Metro-North, the Westchester County Airport or any similar entity.	6 pts	\$1000. up to revocation.
300.31	Permittee 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	Permittee shall truthfully answer/comply with all Commission questions/directives.	2 pts	\$50. 1st offense \$100. 2nd 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
(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	Affiliated driver shall not operate a for-hire vehicle 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 to 30 days or revocation if driver is found 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</u></b> <b>\$100.</b>
400.10	For-hire vehicle owner shall obtain Commission permit for vehicle.		\$300.
400.10(a)	Vehicle owner permitting out of county vehicle doing point-to-point business in Westchester County.		\$1000.

400.11	Vehicle owner shall be responsible that vehicle not be operated by a driver without a valid WCTLC driver permit.	\$250.
400.12	Vehicle owner shall be responsible that the vehicle not be operated by a driver without a valid Chauffeur's license.	\$125.
400.13	Vehicle owner responsible that driver not be impaired in any way.	\$250.
400.14	Owner responsible that vehicle have a valid DMV registration and WCTLC license plates.	\$300.
400.14(a)	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	Owner not to allow dispatch by other than authorized base station.	\$150. and/or suspension
400.16	For-hire vehicle owner to comply with all state laws regarding insurance.	\$150.-\$350. and/or suspension up to 30 days.
400.17(b)	For-hire vehicle owner to notify Commission with seven days of change of insurer.	\$100.
400.18(b)	For-hire vehicle owner to immediately notify Commission of theft/loss of decal/permit.	\$50.
	Vehicle owner to replace a lost/stolen WCTLC permit and/or decal.	\$50
400.18(d)	Vehicle owner to report lost/stolen license plates.	\$50.
400.18(e)	Vehicle owner to report replacement or surrender of license plates and new plate numbers, if any.	\$50.
400.19(a)	Owner to have vehicle inspected by authorized inspection station annually, or sooner pursuant to WCTLC mandate.	\$150.
400.19(b)	For-hire vehicle owner responsible for daily vehicle inspections.	\$50.
400.19(c)	For-hire vehicle owner to immediately comply with all WCTLC notices and directives.	\$250.
400.19(d)	For-hire vehicle owner to notify Commission with seven days of change in mailing address.	\$25.
400.20(a)	Vehicle owner/base owner responsible for display of valid state registration sticker.	\$100.
400.20(b)	Vehicle owner to display valid WCTLC decal	\$100.
400.20(c)	Vehicle 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)	Owner shall insure VIN on state registration and decal match VIN of vehicle.	\$100.
400.20(f)	Vehicle 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)	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	Vehicle owner to ensure that vehicle is operated in full compliance with all rules, regulations, laws, etc.	\$100 and/or suspension of permit up to 30 days
400.24	Vehicle owner responsible for insuring that for-hire vehicle is only operated when determined to be fit by Commission or DMV.	\$500.
400.25(a)	Vehicle owner responsible for insuring that for-hire vehicle is operated with working seat and shoulder belts	\$100.
400.25(b)	Vehicle owner responsible for insuring that for-hire vehicle is operated with shoulder belts for both the outside front and outside rear seat positions.	\$100.

400.27 (a)	Vehicle owner responsible for ensuring that vehicle is: Not equipped with a roof light.	\$200
(b)	Not painted in any shade of yellow.	\$200.
(c)	Not be equipped with a meter.	\$50.
(d)	Equipped with a seat belt sign	\$25.
400.28	A FHV shall be affiliated with at least one base	\$50.
(a)	FHV owner to notify WCTLTC of termination of affiliation	\$50.
450.10	The owner of a funeral car shall be responsible for ensuring that a valid funeral car waiver is carried in the funeral car at all times and can be produced upon demand.	\$100.
450.11	The owner of a funeral car shall be responsible for ensuring that the vehicle is operated solely as a funeral car.	\$500.
460.11	The owner of the medical provider van must maintain personal injury liability insurance coverage of no less than \$500,000/\$1,000,000. And WCTLTC must be named as additionally insured on the policy.	\$100.
460.12	The owner of the medical provider van shall be responsible for ensuring that a valid medical provider waiver is carried in the van at all times.	\$50.
460.13	The owner of the medical provider van shall be responsible for ensuring that the van is operated solely as a medical provider van.	\$500. and revocation of waiver
460.14	The owner of the medical provider van shall be responsible for ensuring that the driver of the van has been issued a driver permit by WCTLTC and the driver permit is valid.	\$250.
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 WCTLTC of cessation of business	\$250.
500.14	Base Station owner shall not allow for-hire vehicle to operate without WCTLTC vehicle permit	\$500.
500.15	Base station owner shall not allow for-hire vehicle to operate without a driver with a WCTLTC for-hire vehicle driver permit.	\$500.
500.16	Base station owner responsible for ensuring that for-hire vehicle is operated by holder of valid Class E driver's license, or equivalent.	\$200.
500.17	Base station owner responsible for ensuring that for-hire vehicle driver is not impaired in any manner.	\$500.
500.18	Base station owner responsible for ensuring that for-hire vehicle have a valid DMV registration and WCTLTC license plates.	\$300.
500.19	Base station owner responsible for ensuring that a for-hire vehicle:	
(a)	Display a valid DMV registration decal on windshield.	150.
(b)	Display a valid WCTLTC decal on the windshield.	\$150.
(c)	Display a current state inspection sticker.	\$150. and suspension until corrected
(d)	Have plate no. match registration and WCTLTC decal.	\$150.
(e)	Have VIN match registration and WCTLTC decal.	\$150.
(f)	Have seating capacity match that listed on state registration.	\$150.
500.20	Vehicle owner/base owner responsible for insuring that for-hire vehicle contains the following:	
(a)	Valid Certificate of Registration.	\$100.
(b)	for-hire vehicle permit.	\$100.
(c)	insurance card.	\$100.
(d)	trip log.	\$150.

(e)	For-hire vehicle driver permit displayed conspicuously.	\$25.
500.21	Base station owner responsible for insuring that for-hire vehicle:	
(a)	Not be equipped with a roof light.	200.
(b)	Not be painted any shade of yellow.	\$200
(c)	Not be equipped with a meter.	\$50.
500.22	Out-of-County base station permitting a for-hire vehicle to do point-to-point business in Westchester County.	\$750.
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 30 days.
500.24	Base Station owner responsible for keeping vehicle and driver information current with WCTLTC	\$100.
500.25	Base station owner responsible that for-hire vehicles are 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 least one affiliated for-hire vehicle and one affiliated driver.	Suspension or revocation of base permit
(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" service without proper license.	\$250.
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 for-hire vehicles 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
500.30(a)	Permittee shall immediately report to the Commission demand for a gift or gratuity made by an employee, representative or member of the Commission.	6 pts	\$1000. up to revocation
500.30(b)	Permittee 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.
550.05	"Out-of-county" vehicle must be operated by driver with valid WCTLC or NYC TLC driver permit.		\$250.
550.06	Base station owner shall ensure that "Out-of-County" vehicle with a Seating capacity of 15 or more passengers is operated by a driver with a CDL driver's license and either a WCTLC or NYC TLC driver permit.		\$250.
550.07	"Out-of-County" vehicle doing point to point in Westchester County		\$1500.

800.12 Reserved.

800.13 Upon the conclusion of the matter, the ALJ shall submit a “Stipulation of Discontinuance” form to WCTLC. This form shall contain a recommendation to WCTLC 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 WCTLC. If the respondent takes issue with the order of WCTLC, 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 WCTLC 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 WCTLC of which it desires to avail itself, shall be offered and made a part of the record;
- g. WCTLC 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 WCTLC 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 WCTLTC 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 WCTLTC's decision shall be mailed to respondent.

800.25 The Chairperson of WCTLTC 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, WCTLTC shall commence revocation proceedings before the ALJ within seventy-two (72) working hours and the ALJ shall promptly make a determination thereon.

800.26 WCTLTC 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.

### **For-Hire Vehicle 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 for-hire vehicle in Westchester County. A fitness hearing is conducted as part of the application or re-application process for a WCTLTC 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 For-Hire Vehicle 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 WCTLTC driver file (where applicable);

- d. Any pertinent information presented by WCTLC or the applicant.

800.32           The findings of fact and recommendations of the ALJ and the decision of the WCTLC 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 WCTLC 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 Procedure**

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 "For-Hire Vehicle 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 WCTLTC 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 WCTLTC;
  - 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 WCTLTC'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 WCTLTC shall be signed by the Chairperson.
- 1000.03 All permits shall be numbered in the order in which they are issued
- 1000.04 WCTLTC shall keep records of all meetings and proceedings and of all permits issued, suspended or revoked.
- 1000.05 WCTLTC 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 WCTLTC. The following changes are hereby made to these rules:
- a. WCTLTC 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:

(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.