

## STATE OF NEW YORK

8172

## IN SENATE

June 14, 2010

Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision c of section 2303 of the New York city charter,  
2 as amended by local law number 115 of the city of New York for the year  
3 1993, paragraph 1 as amended by local law number 16 of the city of New  
4 York for the year 2008, is amended to read as follows:  
5 c. (1) The commission shall create an administrative tribunal to adju-  
6 dicate charges of violation of [~~provisions of the administrative code~~  
7 ~~and rules promulgated thereunder~~] the laws, rules and regulations  
8 enforced by the commission pursuant to the provisions of subdivision b  
9 of this section or of any other law providing for enforcement by the  
10 commission in accordance with this paragraph and with rules and regu-  
11 lations promulgated by the commission. The commission shall have the  
12 power to enforce its tribunal's decisions and orders imposing civil  
13 penalties, not to exceed ten thousand dollars for each respondent, [~~for~~  
14 ~~violations relating to unlicensed vehicles for hire and unlicensed driv-~~  
15 ~~ers of vehicles for hire and for violations relating to the operation of~~  
16 ~~commuter van services without authorization and the operation of unli-~~  
17 ~~censed commuter vans and unlicensed drivers of commuter vans pursuant to~~  
18 ~~chapter five of title nineteen of the administrative code~~] as if they  
19 were money judgments, without court proceedings, in the following  
20 manner: Any such decision or order of the commission's administrative  
21 tribunal imposing a civil penalty, whether the adjudication was had by  
22 hearing or upon default or otherwise, shall constitute a judgment  
23 rendered by the commission which may be entered in the civil court of  
24 New York or any other place provided for the entry of civil judgments  
25 within the state. Before a judgment based upon a default may be so  
26 entered the commission or administrative tribunal shall have first noti-  
27 fied the respondent by first class mail in such form as the commission

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

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

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

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

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

33 (c) with respect to any notice of violation which alleges the opera-  
34 tion of any other licensed or unlicensed entity whose establishment and  
35 operation are governed by rules and regulations promulgated by the  
36 commission, service may be made pursuant to this paragraph upon a person  
37 of suitable age and discretion employed by or acting as an agent of the  
38 respondent at the respondent's place of business.

39 § 2. This act shall take effect immediately.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S8172

SPONSOR: HUNTLEY

TITLE OF BILL:

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

PURPOSE:

Would allow the TLC to docket unpaid fines as money judgments against licensed operators which could become liens against the real property of the respondents.

SUMMARY OF PROVISIONS:

The bill would amend subdivision c of section 2302 of the New York City Charter to allow the New York City Taxi and Limousine Commission to docket all decisions and orders of its Administrative Tribunal as if they were money judgments, without court proceedings.

EXISTING LAW:

Only allows unpaid fines to be docketed as money judgments, without court proceedings, when they relate to unlicensed operators.

JUSTIFICATION:

Existing law allows the Taxi and Limousine Commission ("TLC") to docket unpaid fines issued by its Administrative Tribunal as money judgments, without court proceedings, when they relate to unlicensed individuals or entities that are engaged in activities regulated by the TLC. Those fines can become liens against real property of the respondents. However, the great majority of unpaid TLC fines, both in number and in total amount, are issued to licensed individuals or entities that subsequently evade payment by abandoning their licenses. Those fines can be collected only by means of prohibitively costly and time-consuming Civil Court proceedings. As a result, the respondents can ignore their obligation to pay, depriving the City of much-needed revenue and the TLC of an effective enforcement mechanism.

By broadening the docketing authority of the TLC to all files issued by its Administrative Tribunal, the Legislature will enhance the TLC's collection efforts and signal to the for-hire transportation industry in New York City that TLC requirements must be taken seriously.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to New York State.

LOCAL FISCAL IMPLICATIONS:

At least \$5.75 Million in fines went undocketed because the law does not allow for collection against licensees who surrender their license.

EFFECTIVE DATE:

Immediately.

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## STATE OF NEW YORK

11467

## IN ASSEMBLY

June 16, 2010

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

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

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision c of section 2303 of the New York city charter,  
2 as amended by local law number 115 of the city of New York for the year  
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8 enforced by the commission pursuant to the provisions of subdivision b  
9 of this section or of any other law providing for enforcement by the  
10 commission in accordance with this paragraph and with rules and regu-  
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12 power to enforce its tribunal's decisions and orders imposing civil  
13 penalties, not to exceed ten thousand dollars for each respondent, [~~for~~  
14 ~~violations relating to unlicensed vehicles for hire and unlicensed driv-~~  
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4 within the state of New York; and (iii) that entry of such judgments may  
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7 the commission or administrative tribunal within thirty days of the  
8 mailing of such notice.

9 (2) The commission or tribunal shall not enter any decision or order  
10 pursuant to paragraph one of this subdivision unless the notice of  
11 violation shall have been served in the same manner as is prescribed for  
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16 such vehicle who is not the owner thereof but who uses or operates such  
17 vehicle with the permission of the owner, express or implied, shall be  
18 deemed to be the agent of such owner to receive such notice of violation  
19 and service made pursuant to this paragraph on such operator shall also  
20 be deemed to be lawful service upon such owner; or

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22 tion of an authorized or unauthorized commuter van service or ~~an~~ a  
23 licensed or unlicensed commuter van, the operator of the vehicle giving  
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34 tion of any other licensed or unlicensed entity whose establishment and  
35 operation are governed by rules and regulations promulgated by the  
36 commission, service may be made pursuant to this paragraph upon a person  
37 of suitable age and discretion employed by or acting as an agent of the  
38 respondent at the respondent's place of business.

39 § 2. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A11467

**SPONSOR:** Rules (Brennan)

**TITLE OF BILL:** An act to amend the New York city charter, in relation to docketing of decisions and orders of the administrative tribunal of the New York city taxi and limousine commission

**PURPOSE OR GENERAL IDEA OF BILL:** The bill would amend subdivision c of section 2302 of the New York City Charter to allow the New York City Taxi and Limousine Commission to docket all decisions and orders of its Administrative Tribunal as if they were money judgments, without court proceedings.

**JUSTIFICATION:** Existing law allows the Taxi and Limousine Commission (TLC) to docket unpaid fines issued by its Administrative Tribunal as money judgments, without court proceedings, when they relate to unlicensed individuals or entities that are engaged in activities regulated by the TLC. Those fines can become liens against real property of the respondents. However, the great majority of unpaid TLC fines, both in number and in total amount, are issued to licensed individuals or entities that subsequently evade payment by abandoning their licenses. Those fines can be collected only by means of prohibitively costly and time-consuming Civil Court proceedings. As a result, the respondents can ignore their obligation to pay, depriving the City of much needed revenue and the TLC of an effective enforcement mechanism.

By broadening the docketing authority of the TLC to all fines issued by its Administrative Tribunal, the Legislature will enhance the TLC's collection efforts and signal to the for-hire transportation industry in New York City that TLC requirements must be taken seriously.

**PRIOR LEGISLATIVE HISTORY:** New bill.

**FISCAL IMPLICATIONS TO STATE AND LOCAL GOVERNMENT:** New York City would collect these fines.

**EFFECTIVE DATE:** Immediately upon enactment.

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