

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Notice of Promulgation of Rule

Notice is hereby given in accordance with Sections 1043 (b) and 1049 of the New York City Charter and Section 1 (c) of Mayoral Executive Order No. 148 (June 8, 2011) that the Office of Administrative Trials and Hearings (“OATH”) hereby promulgates the following rule that corrects a citation error in section 5-14 of title 48 of the Rules of the City of New York. A public hearing was not held because it would serve no public purpose since the change merely corrects an erroneous citation in the cited rule. However, written comments on the rule were being accepted through February 9, 2014. No written comments were received.

Statement of Basis and Purpose of Final Rule

On December 16, 2013, OATH published its final rules in the City Record. These rules, effective January 15, 2014, codified interim rules in effect after the Taxi and Limousine Tribunal was merged with OATH. After publication in the City Record, OATH staff noticed an incorrect citation contained in section 5-14 of the new rule. The rule corrects that citation.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 5-14 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 5-14 Special Procedures

(a) Summary suspension based on a failure to be timely tested for drug use. When the TLC submits written documentation pursuant to 35 RCNY § 68-16(d) from a Licensee refuting summary suspension based on a failure to be timely tested for drug use, the Taxi and Limousine Tribunal at OATH will issue a decision based on the written documentation without a hearing. The decision will include findings of fact and conclusions of law. The decision can be appealed in accordance with the process established in [subsection 68-12] section 5-12 of this chapter.

(b) Unlicensed activity. A decision on unlicensed activity with a commuter van pursuant to §19-529.2 of the Administrative Code of the City of New York will be issued within one business day of the conclusion of the hearing or the default.