

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Notice of Opportunity to Comment on Proposed Rule

What are we proposing? This rule corrects a citation error in section 5-14 of title 48 of the Rules of the City of New York (RCNY).

When and where is the Hearing? A public hearing would serve no public purpose since the change corrects an erroneous citation in the cited rule.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

Website. You can submit comments to OATH through the NYC rules Web site at <http://rules.cityofnewyork.us/>.

Email. You can email written comments to OATHRulesComments@oath.nyc.gov

Mail. You can mail written comments to Office of Administrative Trials and Hearings, 40 Rector Street, New York, NY 10006, Attention: Helaine Balsam, Deputy General Counsel.

Fax. You can fax written comments to OATH at 212-933-3076.

Is there a deadline to submit written comments? You must submit written comments by February 9, 2014.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of the written comments will be available to the public at OATH's General Counsel's Office.

What authorizes OATH to make this rule? Sections 1043 and 1049 of the City Charter and Section 1(c) of Mayoral Executive Order No. 148 (June 8, 2011) authorize OATH to make this proposed rule. This proposed rule was not included in OATH's regulatory agenda for 2014 because it was not considered when OATH published the agenda.

Where can I find the OATH's rules? OATH's rules are in title 48 of the Rules of the City of New York.

What rules govern the rulemaking process? OATH must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed 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. This 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.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of OATH Taxi and Limousine Tribunal Rules

REFERENCE NUMBER: 2013 RG 112

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: December 26, 2013

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of OATH Taxi and Limousine Tribunal Rules

REFERENCE NUMBER: OATH-ECB-43

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Sabrina Fong
Mayor's Office of Operations

12/26/2013
Date