



NEW YORK CITY TAXI & LIMOUSINE COMMISSION

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FOR IMMEDIATE RELEASE
 Industry Notice #00-07
 March 2000

NEW TLC ADJUDICATIONS RULES AND PROCEDURES BECAME EFFECTIVE JANUARY 1, 2000

Amendments to the New York City Taxi and Limousine Commission's rules, effective January 1, 2000, have made changes to the Adjudications Procedures at the Commission's Tribunal. This Notice highlights significant changes to TLC Adjudications Procedures, and also describes existing Adjudications procedures that have a significant impact upon the Industry.

Procedures for Default and Failure to Comply with a Commission Directive:

The penalty for failure to appear at a TLC hearing, or for failure to comply with a Commission directive, such as the failure to correct a violable condition following taxicab inspection within the allowable period of time, has been *increased to \$200*. Respondents who are medallion taxicab or For-Hire Vehicle (FHV) drivers, in addition to the \$200 penalty, will also be assessed two (2) Persistent Violator "points" for their failure to appear at the hearing, or to comply with any Commission Directive. It should be noted that, in the case of a notice to correct a violable vehicle condition, the notice will revert to a summons for failure to comply (subject to the amended penalty) with a Commission directive (Owners Rule 1-68(a)) if the notice is not appropriately responded to within 10 days, in addition to a suspension of the vehicle's license to operate until such time as the condition is corrected.

A respondent will be placed on suspension immediately upon the failure to appear at a hearing, except where the summons was served upon a vehicle owner by hand-delivery to the driver. In such a case, the vehicle owner's license will be suspended ten (10) days after the inquest. The suspension will continue until either: (a) a motion to vacate the default has been granted by an Administrative Law Judge (ALJ); or (b) the fines have been paid and the respondent has complied with all TLC directives. All motions to vacate must be submitted in writing.

Licensees who fail to pay fines imposed at hearings will be suspended until all fines are paid. Such suspension will not run concurrently with but will be served in addition to any other suspension imposed by an ALJ pursuant to a violation of other TLC rules.

Service of Summonses

Summonses issued to taxicab and other vehicle owners may be served upon the owner by hand-delivery to the driver as agent. This method of service is an acceptable alternative to other methods of service, such as mailing to the address of record, which may also continue to be used. *With respect to medallion taxicab owners, this method of service will not be used prior to April 1, 2000.*

Adjournments

A Respondent issued a summons may request an adjournment at least five (5) days prior to the scheduled hearing date. A Respondent is entitled to only one such adjournment. If an adjournment on less than five (5) days' notice is requested, such request must be made at the Tribunal at which the summons is returnable, and shall be decided by an ALJ. Respondents are not entitled to an adjournment as of right. All adjournment requests will be decided within the discretion of the agency, and respondents will not be entitled to more than one adjournment.

Appeals

Appeals of decisions rendered by ALJs at the TLC Adjudications Tribunals must be filed within thirty (30) days of the decision. If the Respondent desires a copy of the hearing tape, this request must be made within seven (7) days of the hearing, and the appeal must be filed within twenty-one (21) days after receipt of the tape.

If an appeal is filed with respect to a decision wherein a suspension was imposed, the licensee may request a stay of the suspension after the appeal has been filed. Such requests are made at the Legal Department, 40 Rector Street, Fifth Floor. The Commission may, in its discretion, grant the request, based upon a review of the licensee's record and the merits of the appeal.

Discretionary Revocation Cases

Charges for which a penalty of discretionary revocation may be imposed may now be heard by the TLC Adjudications Tribunal in addition to OATH. Decisions rendered by ALJs are recommendations to the Chairperson, who may accept, reject or modify the ALJ's recommendation. A respondent may appeal the Chairperson's decision in writing to the full Commission within thirty (30) days. The written appeal must set forth the legal arguments upon which the appeal is based. The Commission may, in its discretion, permit the Respondent to also appear before the Commission in Executive Session.