Chapter 61
Commuter Van Vehicles and Owners

Sub-chapter 61A	**Commuter-Van Vehicle Owners**
Sub-chapter 61B	**Commuter-Van Service Owners**

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§61A-01 Scope of this Sub-chapter

(a) To establish the procedures and requirements for obtaining and maintaining a Commuter-Van Vehicle Owner's License.

(b) To provide penalties for violation of the requirements of maintaining a Commuter-Van Vehicle Owner's License.

(c) All Rules in this sub-chapter apply to the Commuter-Van Vehicle Owner, and the penalties included will be assessed against the Commuter-Van Vehicle Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

§61A-02 Penalties

(a) *Unlicensed Activity.*

(1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:

(i) Any Licensee whose License is suspended, revoked, expired and not yet renewed, or

(ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.

(2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.

(b) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.

(c) *Payment of Fines.*

(1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

(i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the

payment of the fines will be deferred until 30 days after the date of the appeal decision.

(2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

(d) *Effect of Suspension or Revocation of Service Authorization on Affiliated Commuter-Van Vehicle Owners.*

(1) Any Vehicle affiliated with a Commuter-Van Service whose Authorization has been suspended or revoked will have its License suspended or revoked if the suspension or revocation was based in whole or in part on the actions of the Commuter-Van Vehicle.

(2) If the suspension or revocation was *not* based on the actions of the Commuter-Van Vehicle, the Vehicle's License will remain Valid. However, the Vehicle must not operate until it has formed an affiliation with another authorized Commuter-Van Service.

(e) *Mandatory Penalties.*

§	Violation	Cumulative Criteria	Penalty, after opportunity for Hearing
61A-11(b)	Failure to maintain proper insurance	Failure to maintain the required liability insurance three or more times within one year	Revocation of Vehicle License
61A-26	Failure to comply with safety inspection requirements	Operating without complying with any safety inspection requirement three or more times within one year.	Revocation of Vehicle License

§61A-03 Definitions Specific to this Sub-chapter

(a) *Applicant* in this Sub-chapter means an Applicant for an original or renewal Commuter-Van Vehicle License.

(b) *Authorization* means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission.

(c) *Driver* in this Sub-chapter refers to a Commuter-Van Vehicle Driver.

(d) *License* in this Sub-chapter means a Commuter-Van Vehicle License.

(e) *Official Bus Route* in this Sub-chapter means the route, including all stops, traveled upon by a bus line that is operated by:

(1) The New York City Transit Authority

(2) The City of New York, or

(3) A private bus company that has been approved by local law or Charter provision enacted in accordance with §80(4) of the Transportation Law.

(f) *Owner* in this Sub-chapter refers to a Commuter-Van Vehicle Owner. An Owner can be a Business Entity or a person. The term *Owner* in this Sub-chapter, in addition to complete ownership of the Vehicle, includes those individuals or entities with the following ownership interests:

(1) Entitlement to the use and possession of a Vehicle subject to a security interest held by another, regardless of the terms of the contract. (Owner does NOT include any party with a security interest in a Vehicle that is not in that party's possession.)

(2) The right, by any lessee or bailee, to exclusive use of the Vehicle for more than 30 days.

(g) *Passenger Manifest* is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.

(h) *Vehicle*, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

§61A-04 Licensing – General Requirements

(a) ***Reserved.*** [ID]

(b) ***Reserved.*** [Age]

(c) *Fingerprinting to Verify Good Moral Character*.

(1) An Applicant for a Commuter-Van License must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.

(2) Fingerprints will be taken of all of the Applicant's Limited Business Entity Persons.

(3) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition.

(4) Any additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.

(5) The Applicant must pay any processing fee required by the State.

(d) *Fitness to Hold License*. No Commuter-Van License can be issued or renewed unless an Applicant demonstrates that the Applicant is Fit to Hold a License to operate a Commuter-Van Vehicle.

(e) *Designate Drivers as Agents for Service.* An Applicant must agree that any Driver who operates one of Owner's Commuter-Van Vehicles will be considered an agent of the Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.

(f) *Vehicle Liability Insurance.* No Commuter-Van Vehicle License will be issued or renewed unless the Applicant proves that the Vehicle is properly registered and has the insurance coverage required in §61A-11.

(g) *Forms and Filing.* An application for a Commuter-Van Vehicle License or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.

(h) *Payment of Fines and Fees.*

(1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to

(i) the Commission,

(ii) NYC Department of Finance's Parking Violations Bureau,

(iii) NYC Department of Finance's Red Light Camera Unit,

(iv) NYS DMV's Traffic Violations Bureau and

(v) any of their successor agencies.

(2) This requirement includes payment of fines and fees owed as of the date of the application by

(i) any Business Entity Persons of the Applicant

(ii) any Business Entity of which the Applicant is a Business Entity Person, and

(iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.

(3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(i) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:

(1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.* If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies (LLCs).* If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

(j) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address.

§61A-05 Licensing – Term of License

(a) *New Licenses.* The term of a new Vehicle License is two years.

(b) *Renewals.* The renewal term of a Vehicle License is two years from the date on which the previous License expired.

(c) *When to File for Renewal*.

(1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License in order to avoid a late fee.

(2) A renewing Applicant can file a completed application less than 30 days before the expiration date as a "late application," if the Applicant pays a late fee of $25.

(3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.

(4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(d) *Suspended Licenses*.

(1) If a License is suspended, the Licensee must apply for renewal as required in (c) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

(2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

§61A-06 Licensing – Fees

(a) *Fee for License*. The fee for a Commuter-Van Vehicle License will be $275 annually.

(b) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.

(c) *No Refund if Application Denied.*

(1) The Commission will not refund the application fee if it denies or disapproves the application.

(2) However, if disapproval of the Vehicle License is based on disapproval of the affiliated Commuter-Van Service Authorization, the vehicle application fee will be refunded.

(d) *License Replacement Fee*. The Commission will charge an additional fee of $25 for each License it issues to replace a lost or mutilated License.

(e) *Vehicle Transfer Fees.*

(1) A Vehicle Licensee can change the Vehicle's affiliation from one Commuter-Van Service Authorization to another after approval by the Chairperson and payment of a $25 fee.

(2) A Vehicle Licensee can transfer the License from one vehicle to another after approval by the by the Chairperson and payment of a $25 fee.

(3) A Vehicle Licensee can replace the license plates on the Vehicle after approval by the Chairperson and payment of a $25 fee.

(4) A Vehicle Licensee can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a $25 fee.

(5) A Vehicle Licensee must pay a separate fee for each type of vehicle transfer. This is true even if the Vehicle Licensee wants to do several types of vehicle transfer all at one time.

(f) *Late Filing Fee.* The Commission will charge an additional fee of $25 for a late filing of a renewal application, if it allows the filing at all.

§61A-07 Licensing – Causes for Denial

(a) *Material Misrepresentation.* The Commission can deny an application if the Applicant has made a material false statement or concealed a material fact relating to the application.

(b) *Conduct Prohibited by Rules.* The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the License under the Rules in this sub-chapter.

(c) *Failure to Complete Application Requirements.*

(1) The Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 45 days of the date the application is filed.

(2) The Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The Chairperson will not deny an application under this Rule if completion is delayed because the Commission has not issued a final

decision and the Applicant has complied with any requests made by the Chairperson.

(d) *Refusal to Renew*. The Commission can refuse to renew a Commuter-Van Vehicle License for additional reasons, including but not limited to:

(1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.

(2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.

(3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.

(4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Vehicle Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Vehicle License.

(5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Vehicle License.

(6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

(e) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

§61A-08 Licensing – Transfer of License

(a) *Not Transferable.* A Commuter-Van License is not assignable or transferable.

§61A-09 RESERVED [Licensing – Care of Licenses]

§61A-10 Comply with Laws – No Unlicensed Activity

(a) *Vehicle Must Be Licensed.* A Commuter-Van Vehicle Owner must not allow a vehicle to be operated within the City of New York as a Commuter Van if the vehicle does not have a Valid License from the Commission.

§61A-10(a)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months	Appearance REQUIRED

(b) *Vehicle Must Be Affiliated with Authorized Commuter-Van Service.* A Commuter-Van Vehicle Owner must not allow Owner's Vehicle to be operated within the City of New York unless it is affiliated with a Validly Authorized Commuter-Van Service.

§61A-10(b)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months	Appearance REQUIRED

(c) *Vehicle Must Be Registered and Insured.* Failure to comply with the registration or insurance requirements established in this Sub-chapter will create an automatic License suspension as of the date the compliance lapsed, and any operation of the Vehicle during this time will be considered unlicensed activity.

§61A-10(c)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months	Appearance REQUIRED

(d) *Driver Must Be Licensed*. The Commuter-Van Vehicle Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle in the operation of a Commuter-Van Service has:

(1) A Valid driver's license that qualifies as a Chauffeur's License, and

(2) A Valid Commuter-Van Driver's License.

(3) The License of an Owner who allows a Commuter Van to be operated by anyone without a valid Chauffer's License and a valid Commuter-Van Driver's License will be summarily suspended.

§61A-10(d)	Fine: $500 and Suspension of Commuter-Van license until compliance	Appearance REQUIRED

(e) *No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service.* No person is allowed to operate or to allow anyone else to operate a vehicle bearing the words "Commuter-Van service", "van service", "Commuter-Van", "van" or other similar designation unless:

(1) The vehicle is a Validly Licensed Commuter Van Vehicle

(2) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and

(3) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

§61A-10(e)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months	Appearance REQUIRED

(f) *Special Procedures Relating to Unlicensed Commuter-Van Operations.*

(1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:

(i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or

(ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.

(2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:

(i) Suspend the vehicle's registration,

(ii) Deny any application for the vehicle's registration or registration renewal,

(iii) Take any other action permitted under law.

(3) The Commission will also notify the NYS Department of Finance.

§61A-11 Comply with Laws – Vehicle Insurance Coverage

(a) *Joint Responsibility.* The Commuter-Van Vehicle Owner is liable for ensuring that every Commuter-Van Vehicle owned and operated by Owner is in compliance with the insurance requirements set forth in this §61A-11.

§61A-11(a)	Fine: $300 and/or revocation of Commuter-Van license	Appearance REQUIRED

(b) *Surety Bond or Policy of Insurance.* No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Type of Liability	Minimum Coverage Required	
	Commuter-Van for 12 Passengers Or Fewer	Commuter-Van for 13-20 Passengers
• For personal injury or death to one person	$100,000	$100,000
• For personal injury or death to one person in one accident ▪ Maximum for each person in one accident	$300,000 $100,000	$500,000 $100,000
• For property damage	$50,000	$50,000

§61A-11(b)	Fine: $300 and suspension until compliance Three or more violations within one year: License revocation (see Mandatory Penalties §61A-02(e))	Appearance REQUIRED

(c) *Remain in Effect Until Terminated.* Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.

(d) *Conditions for Replacement of Bonds or Insurance.* Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

(1) The new surety bond or certificate of insurance is acceptable to the Commission.

(2) The Commuter-Van Service Owner or an authorized employee of the Commuter-Van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.

(3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.

(e) *Provision for Continuing Liability.* Every surety bond or certificate of insurance must contain a provision for a continuing liability after a claim has been successfully filed and recovered against the bond or insurance.

(f) *Notice of Cancellation to the Commission.*

(1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.

(2) Proper notification must be given on or in the relevant **Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies** or **Form L – Uniform Notice of Cancellation of Motion Carrier Surety Bonds.** Copies of these forms are available at Commission offices.

(3) If a cancelled insurance policy or bond is reinstated:

(i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and

(ii) The new certificate must have the relevant phrase "REINSTATEMENT OF INSURANCE POLICY" or "REINSTATEMENT OF BOND" typed or printed on it in capital letters, as shown.

(g) *Forms.* Certificates of insurance and other forms necessary for filing can be obtained from the Commission.

(h) *Contract is Required.* No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Commuter-Van Vehicle Licensee (or the Authorized Commuter-Van Service) and the insurance or bonding company making the filing.

(i) *Commission's Right to Refuse.* The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

§61A-12 Comply with Laws – Proper Conduct

(a) *No Bribery.* An Applicant or Licensee must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§61A-12(a)	Fine: $1,000 and/or suspension or revocation	Appearance REQUIRED

(b) *Report Request for Gift.* A Licensee must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§61A-12(b)	Fine: $1,000 and/or suspension or revocation	Appearance REQUIRED

(c) *No Threat or Use of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§61A-12(c)	Fine: $50 – $350 and/or suspension or revocation	Appearance REQUIRED

(d) *Report Criminal Conviction.*

(1) A Licensee must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Limited Business Entity Person.

(2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§61A-12(d)	Fine: $100	Appearance NOT REQUIRED

(e) *Cooperate with the Commission*. A Commuter-Van Vehicle Owner must:

(1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§61A-12(e)(1)	Fine: $300 and Suspension until compliance	Appearance REQUIRED

(2) Produce or be responsible for instructing the Driver of Owner's Commuter-Van Vehicle to produce any documents required to be kept in the Commuter-Van upon the demand of the Commission or its representatives.

§61A-12(e)(2)	Fine: $50-$150	Appearance REQUIRED

(3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission.

§61A-12(e)(3)	Fine: $75-$350 and/or suspension until compliance	Appearance REQUIRED

(4) Aid the Commission to obtain information regarding any Commuter-Van Driver operating a Commuter-Van owned by the Owner.

§61A-12(e)(4)	Fine: $75-$350 and/or suspension until compliance	Appearance REQUIRED

(5) Respond to any contact from the Commission within 48 hours, seven days a week.

§61A-12(e)(5)	Fine: $500	Appearance NOT REQUIRED

(f) *No Willful Acts of Omission.* While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public.

§61A-12 (f)	Fine: $150-$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(g) *No Willful Acts of Commission.* While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public.

§61A-12 (g)	Fine: $150-$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(h) *Fraud, Misrepresentation, Theft.* While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§61A-12 (h)	Fine: $350-$1,000 and suspension up to 60 days or revocation	Appearance REQUIRED

(i) *Facilitation of Sex Trafficking with a Vehicle.* A Commuter-Van Vehicle Owner must not Facilitate Sex Trafficking with a Vehicle.

61A-12(i)	Fine: $10,000 and revocation.	Appearance NOT REQUIRED

§61A-13 Comply with Laws – Miscellaneous

(a) *Commission Rules.* The following actions can result in suspension or revocation of an Owner's Commuter-Van Service Authorization:

(1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Vehicles or Service in Chapter 5, Title 19 of the Administrative Code.

(2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.

(3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.

(4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner's fitness or ability to perform the functions required of a Commuter-Van Service Owner.

(5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Vehicle Owners.

(6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

(b) *Workers Compensation.* A Commuter-Van Vehicle Owner must comply with all provisions of the NYS Workers' Compensation Law and regulations with respect to coverage of and benefits to eligible persons.

§61A-13(b)	Fine: $25 for each day of non-compliance, and either suspension until compliance or license revocation.	Appearance REQUIRED

(c) *Disability Laws.* The Commuter-Van Vehicle Owner must ensure that all new Commuter-Van Vehicles comply with the applicable provisions of law regarding accessibility to Persons with Disabilities.

§61A-13(c)	Fine: $200-$350	Appearance REQUIRED

(d) *Motor Vehicle Registration Laws.* A Commuter-Van Vehicle Owner must ensure that no Commuter-Van Vehicle is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§61A-13(d)	*Fine: $300 and suspen*sion of the Commuter-Van license until compliance	Appearance REQUIRED

§61A-14 RESERVED [Operations – Business Premises]

§61A-15 RESERVED [Operations – Management Oversight (Use of Agents)]

§61A-16 Operations – Service Requirements (Passengers)

(a) *No Pick-Ups Outside Authorized Area.* No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Commuter-Van Service Owner's Authorization.

(b) *No Pick-Ups Along Bus Routes.*

(1) *Restriction.* No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers along any Official Bus Route.

(2) *Grandfathered Exception*.

(i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area.

(ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

§61A-16(a), (b)	Fine: $50 if plead guilty before a hearing; $100 if found guilty following a hearing.	Appearance NOT REQUIRED

(c) *Service Must Be Pre-Arranged.* No Commuter-Van Vehicle Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§61A-16(c)	Fine: $50 if plead guilty before a hearing; $75 if found guilty following a hearing.	Appearance NOT REQUIRED

(d) *Multiple Person Liability.* The Commuter-Van Vehicle Owner is liable for violating this §61A-16 even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

(e) *Clean Vehicle.* A Commuter-Van Vehicle Owner must keep the Vehicle clean inside and out.

§61A-16(e)	Fine: $50	Appearance NOT REQUIRED

§61A-17 Operations – Responsibility with Respect to Drivers

(a) *Prohibit Disability Discrimination by Drivers.* A Vehicle Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

(1) Refusing to serve Persons with Disabilities,

(2) Refusing to load and unload the mobility aids of Persons with Disabilities, and

(3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.

(b) *Multiple Person Liability.* The Commuter-Van Vehicle Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§61A-17	Fine: $200-$350	Appearance REQUIRED

§61A-18 Records – Trip Record Information

(a) *Commuter-Van Service.* The Vehicle Owner is responsible for ensuring that the following records are kept for all dispatched calls:

(1) The Passenger Manifest

§61A-18(a)(1)	Fine: $50	Appearance NOT REQUIRED

(2) Records of requests for service and trips

§61A-18(a)(2)	Fine: $100	Appearance NOT REQUIRED

(3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§61A-18(a)(3)	Fine: $300	Appearance NOT REQUIRED

§61A-19 Records – Current Contact Information

(a) *Current Phone Number for Immediate Access.* A Commuter-Van Vehicle Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

§61A-19(a)	Fine: $100	Appearance NOT REQUIRED

(b) *Mailing Address.*

(1) A Commuter-Van Vehicle Owner must report any change of Mailing Address to the Commission in person or by mail within ten days.

§61A-19(b)(1)	Fine: $100	Appearance NOT REQUIRED

(2) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Commuter-Van Vehicle Owner.

§61A-20 RESERVED [Records – Additional Records to be Maintained]

§61A-21 RESERVED [Reporting Requirements]

§61A-22 RESERVED [Operations – Rates and Tolls]

§61A-23 RESERVED [Operations – E-ZPass]

§61A-24 Operations – Miscellaneous

(a) *Advertising Must State Commission Licensed and Authorized.* No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§61A-24(a)	Fine: $50	Appearance NOT REQUIRED

§61A-25 Vehicle Condition – Inspections

(a) *Inspection by NYS Department of Transportation.* A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation. Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in NYS Transportation Law §80(5)(a)(1).

§61A-25(a)	Fine: $300	Appearance NOT REQUIRED

(b) *Display Inspection Certificate.* All Commuter-Van Vehicles must display the inspection certificate.

§61A-25(b)	Fine: $100	Appearance NOT REQUIRED

§61A-26 Vehicle Condition – Meets Safety Standards

(a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§61A-26(a)	Fine: $100-$500 and/or suspension or revocation of Commuter-Van License Three or more violations within one year: License revocation (see Mandatory Penalties §61A-02(e))	Appearance REQUIRED

(b) *Seat Belts* Each Commuter-Van Vehicle must have seat belts that are clearly visible, accessible, and in good working order.

§61A-26(b)	Fine: $100	Appearance NOT REQUIRED

(c) ***Reserved (****Shoulder Belts Required).*

(d) ***Reserved (****Correct Defect Directives).*

(e) ***Reserved*** *(Daily Personal Inspection by Owner).*

§61A-27 Vehicles – Markings and Displays

(a) *Required Exterior ID Markings.* All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the Vehicle in letters at least 3 inches in height:

(1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;

(2) The Commuter-Van Vehicle Owner's exact name next to the word OWNER; and

(3) A Vehicle License number.

(4) The required information must be in English. The information can also be in another language.

§61A-27(a)	Fine: $50	Appearance NOT REQUIRED

(b) *Required Interior ID Markings.*

(1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.

(2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling "311" or through the Commission's website: http://nyc.gov/taxi.

(3) The required information must be in English. The information can also be in another language.

§61A-27(b)	Fine: $50	Appearance NOT REQUIRED

(c) *Valid Commission Decal.*

(1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.

(2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:

(i) The lower right corner of the front windshield

(ii) The center of the rear window

(iii) One on each of the rear-most side windows

§61A-27(c)	First violation in a 1-month period: $500 Second and subsequent violations within a 12-month period: $1,000 and suspension of the Commuter-Van License until compliance	Appearance NOT REQUIRED

(d) *Vehicle Cannot Be Yellow.* A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

§61A-27(d)	Fine: $100	Appearance NOT REQUIRED

§61A-28 Vehicles – Items Required to be in the Vehicle

(a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:

(1) The Commuter-Van Vehicle License;

(2) The Driver's Commuter-Van Driver's License (this must be mounted in a protective holder behind the Driver's seat);

(3) The Authorization to operate a Commuter-Van Service, or a legible photocopy;

(4) The Vehicle registration and evidence of current liability insurance; and

(5) A Passenger Manifest.

§61A-28(a)	Fine: $25 per missing item; maximum penalty $50	Appearance NOT REQUIRED

(b) *Commuter-Van Passengers' Bill of Rights*.

(1) Every Vehicle Owner must post a Commuter-Van Passengers' Bill of Rights in a form and format prescribed by the Commission.

(2) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

(3) The Commuter-Van Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

§61A-28(b)	Fine: $100	Appearance NOT REQUIRED

§61A-29 Vehicle Equipment

(a) *Two-Way Radio.* A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

§61A-29(a)	Fine: $100	Appearance NOT REQUIRED

(b) *Heating and Air Conditioning.* A Commuter-Van Vehicle must be equipped with functioning heating and air conditioning equipment.

§61A-29(b)	Fine: $50	Appearance NOT REQUIRED

§61B-01 Scope of this Sub-chapter

(a) To establish the procedures and requirements for obtaining and maintaining Authorization for a Commuter-Van Service.

(b) To provide penalties for violation of the requirements of maintaining Authorization for a Commuter-Van Service.

(c) The Rules in this sub-chapter apply, primarily, to the Commuter-Van Service Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

§61B-02 Penalties

(a) *Unlicensed Activity.*

(1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:

(i) Any Licensee or holder of an Authorization whose License or Authorization is suspended, revoked, or expired and not yet renewed, or

(ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, or for the for hire vehicle, or for the for hire service, as applicable.

(b) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.

(c) *Payment of Fines.*

(1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

(i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

(2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

(d) *Mandatory Penalties.*

(1) The following cumulative violations will result in mandatory revocation:

§	Violation	Cumulative Criteria	Penalty, after opportunity for Hearing
61B-11(b)	Failure to maintain proper insurance	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Revocation of Service Authorization
61B-26	Failure to comply with any safety inspection requirement	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Revocation of Service Authorization
61B-10(a)	Operating a Vehicle without a Commuter-Van Drivers License	Any Driver driving for the Service commits three or more violations within six months	Revocation of Service Authorization
61B-10(c)	Drivers operating a vehicle without any one of the licenses necessary to operate a Commuter Van	The number of violations is equal to 90% (rounded up) of the Service's Vehicles, or 5, whichever is greater.	Revocation of Service Authorization

(2) A Service that has had its Authorization revoked under any of these mandatory penalties is not permitted to apply for a new Authorization for a period of six months after the date of revocation.

§61B-03 Definitions Specific to this Sub-chapter

(a) *Applicant* in this Sub-chapter means an applicant for an original Commuter-Van Service Authorization or its renewal.

(b) *Authorization* means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission. An Authorization is a License.

(c) *Business Entity* is a sole proprietorship, partnership, limited liability company or corporation.

(d) *Driver* in this Sub-chapter refers to a Commuter-Van Vehicle Driver.

(e) *Finding of Public Need* means a determination that a Commuter-Van Service being proposed will be required either now or in the future for the convenience and necessity of the public.

(f) *Limited Business Entity Persons* are all Business Entity Persons *except* shareholders holding *less than* 10% of the stock of the Business Entity.

(g) *New York City* will be abbreviated NYC or the City.

(h) *New York State* will be abbreviated NYS.

(i) *Official Bus Route* in this Sub-chapter means the route, including all stops, traveled upon by a bus line that is operated by:

(1) The New York City Transit Authority

(2) The City of New York, or

(3) A private bus company that has been approved by local law or Charter provision enacted in accordance with §80(4) of the Transportation Law.

(j) *Owner*, when used alone in this Sub-chapter, means a Commuter-Van Service Owner.

(k) *Passenger Manifest* is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.

(l) *Vehicle*, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

§61B-04 Authorization – Requirements

(a) ***Reserved.*** [ID]

(b) ***Reserved.*** [Age]

(c) *Fingerprinting to Verify Good Moral Character*.

(1) An Applicant for a new Service Authorization must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.

(2) An Applicant for a renewal of a Service Authorization must be fingerprinted when a new Finding of Public Need is also required.

(3) Fingerprints will be taken of all of the Applicant's Limited Business Entity Persons.

(4) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition, and those additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.

(5) The Applicant must pay any processing fee required by the State.

(d) *Fitness to Hold Authorization*. No Commuter-Van Service Authorization can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is Fit to Hold a License to operate a Commuter-Van Service.

(e) *Designate Driver as Agent for Service.* An Applicant must agree that any Commuter-Van Driver who drives for Owner's Commuter-Van Service will be considered an agent of the Service Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.

(f) *Forms and Filing.* An application for a Commuter-Van Service Authorization or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.

(g) *Certification of Compliance with ADA.* An applicant for an Authorization to operate a Commuter-Van Service or its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with Title III of the Federal Americans With Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(h) *Certification of Compliance with Federal Omnibus Testing Act.* An Applicant for an Authorization to operate a Commuter-Van Service or for its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with all applicable provisions of section 5 of the Federal Omnibus Transportation Testing Act of 1991 (49 U.S.C. App. Section 2717), as amended, and all regulations relating to the Act.

(i) *A "Finding of Public Need".*

(1) The Commission cannot issue an Authorization to operate a Commuter-Van Service unless the NYC Commissioner of Transportation makes a Finding of Public Need.

(2) *Role of the Commission*:

(i) The Commission will forward any new application for Authorization to operate a Commuter-Van Service (or a renewal application that requires a new Finding of Public Need) to the NYC Commissioner of Transportation.

(ii) The application must include the following information:

A. The geographic area proposed to be served by the Applicant;

B. The maximum number of vehicles to be operated; and

C. The capacity of each vehicle.

(iii) The Applicant has the burden of demonstrating that the proposed service will be required now or in the future for the convenience and necessity of the public.

(3) *Role of the NYC Commissioner of Transportation.*

(i) The Commissioner of Transportation can request that the Applicant provide any additional information relevant to his or her determination.

(ii) The Commissioner of Transportation must:

A. Consult with the NYS Department of Transportation,

B. Provide a notice of the application for publication in the City Record

C. Allow for public comment for a period not to exceed 60 days after the date of publication of the notice.

D. Notify the New York City Transit Authority and all City Council members and community boards representing any portion of the geographic area set forth in the application.

(iii) If a city bus line or the New York City Transit Authority initiates a protest by timely submitting objections to the application for a Finding of Public Need, the Commissioner of Transportation will evaluate their objections as follows:

A. The adequacy of the existing transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

B. The impact that the proposed operation may have on any existing transit or mass transportation facilities.

(iv) If the Commissioner of Transportation makes a Finding of Public Need, the Finding must specify the geographic area where service is authorized and the number of Commuter-Van Vehicles authorized to be used in providing the service.

(4) *Term of a Finding of Public Need*.

(i) A Finding of Public Need will be in effect for six years or until the Authorization granted by the Commission is revoked, whichever comes first.

(ii) A Finding of Public Need can be renewed prior to its expiration. If the Finding of Public Need expires, a new determination of public need must be made by the Commissioner of Transportation.

(j) *Payment of Fines and Fees.*

(1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to

(i) the Commission,

(ii) NYC Department of Finance's Parking Violations Bureau,

(iii) NYC Department of Finance's Red Light Camera Unit,

(iv) NYS DMV's Traffic Violations Bureau and

(v) any of their successor agencies.

(2) This requirement includes payment of fines and fees owed as of the date of the application by

(i) any Business Entity Persons of the Applicant

(ii) any Business Entity of which the Applicant is a Business Entity Person, and

(iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.

(3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(k) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:

(1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.* If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

(l) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

§61B-05 Authorization – Term of Authorization

(a) *New Authorizations.* The term of a new Commuter-Van Service Authorization is two years from the date the Authorization is issued.

(b) *Renewals*. The renewal term of a Commuter-Van Service Authorization is two years from the date on which the previous Authorization expired.

(c) *No Temporary Authorization*. The Commission will not issue a temporary authorization to operate a Commuter-Van Service.

(d) *When to File for Renewal.*

(1) A renewing Applicant must file a completed application at least 60 days before the expiration date of the Authorization in order to avoid a late fee.

(2) A renewing Applicant can file a completed application less than 60 days before the expiration date as a "late application," if the Applicant pays a late fee of $25.

(3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.

(4) The Commission will not accept a renewal application after the expiration date of the Authorization. If the application is not filed before the expiration date, the Authorization cannot be renewed.

(e) *Suspended Licenses*.

(1) If an Authorization is suspended, the Licensee must file for renewal as required in (c) above if the Licensee wants to renew the Authorization. Failure to complete the renewal requirements means that the Authorization cannot be renewed.

(2) An Authorization that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

§61B-06 Authorization – Fees

(a) *Fee for Authorization.* The fee for a Commuter Van Service Authorization will be $275 annually.

(b) *When Fee is Paid.* The fee for an original or renewal Authorization must be paid at the time the application is filed.

(c) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.

(d) *Authorization Replacement Fee.* The fee to replace any lost, damaged or destroyed Authorization is $25.

(e) *Late Filing Fee.* The Commission will charge an additional fee of $25 for a late filing of a renewal application, if it allows the filing at all.

§61B-07 Authorization – Causes for Denial

(a) *Material Misrepresentation.* The Commission can deny an application for Authorization if the Applicant has made a material false statement or concealed a material fact relating to the information required on the application.

(b) *Conduct Prohibited by Rules.* The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the Authorization under the Rules in this sub-chapter.

(c) *Prior Unlicensed Activity.* The Commission will deny an application for an Authorization if the Applicant has been found guilty of operating a Commuter-Van Service without Authorization two times within a six-month period prior to the date of application.

(d) *Failure to Complete Application Requirements.*

(1) The Chairperson will deny an application for a new Authorization if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The Chairperson will deny an application for a renewal Authorization if the Applicant has not completed all the requirements of an application by the expiration date of the prior Authorization.

(3) The Chairperson will not deny an application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.

(e) *Refusal to Renew.* The Commission may refuse to renew a Commuter-Van Service Authorization for additional reasons, including but not limited to:

(1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.

(2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.

(3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.

(4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Service Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Service Authorization.

(5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Service Owners.

(6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

(f) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License (Authorization), the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application.

§61B-08 Licensing – Transfer of License

(a) *Not Transferrable or Assignable Without Approval.* An authorization to operate a Commuter-Van Service will not be assignable or transferable unless otherwise provided by the Commission.

§61B-09 Licensing – Care of Licenses

(a) If the Authorization for a Commuter-Van Service is lost, damaged, or destroyed, the Owner must provide the Commission with a statement of what happened and any proof that the Commission requires.

(b) The Commission can issue a duplicate or substitute Authorization upon the Owner's payment of a $25 fee.

§61B-10 Comply with Laws – No Unlicensed Activity

(a) *Vehicle Must Be Licensed.* A Commuter-Van Service Owner must not allow an vehicle to be operated within the City of New York (meaning performing passenger pick-up and drop-off wholly within New York City) if the vehicle does not have a Valid Commuter-Van License from the Commission.

§61B-10(a)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months	Appearance REQUIRED

(b) *Vehicle Must Be Affiliated with Authorized Commuter-Van Service.* A Commuter-Van Service Owner must not operate a Commuter-Van Vehicle within the City of New York unless it is affiliated with the Owner's Commuter-Van Service.

§61B-10(b)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months Multiple violations: See Mandatory Penalties (§61B-02(d))	Appearance REQUIRED

(c) *Driver Must Be Licensed*. The Commuter-Van Service Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle affiliated with the Owner's Service has:

(1) A Valid driver's license that qualifies as a Chauffeur's License, and

(2) A Valid Commuter-Van Driver's License.

(3) The License of a Consumer-Van Service Owner who allows a Commuter Van Vehicle affiliated with the Owner's Service to be operated by anyone without a valid Chauffer's License and a valid Commuter-Van Driver's License will be summarily suspended.

§61B-10(c)	Fine: $500 and Suspension of Commuter-Van license until compliance Multiple violations: See Mandatory Penalties (§61B-02(d))	Appearance REQUIRED

(d) *No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service.*

(1) No person is allowed to operate or to allow anyone else to operate his or her vehicle bearing the words "Commuter-Van service," "van service," "Commuter-Van," "van" or other similar designation unless:

(i) The vehicle is a Validly Licensed Commuter Van Vehicle

(ii) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and

(iii) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

(2) A "License" that has expired and has not yet been renewed is not a "Valid License" and operating with an expired License is considered "unlicensed activity."

§61B-10(d)	Fine: $500 – first violation; $1,000 – subsequent violation within twenty-four months	Appearance REQUIRED

(e) *Special Procedures Relating to Unlicensed Commuter-Van Operations.*

(1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:

(i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or

(ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.

(2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:

(i) Suspend the vehicle's registration,

(ii) Deny any application for the vehicle's registration or registration renewal,

(iii) Take any other action permitted under law.

(3) The Commission will also notify the NYS Department of Finance.

§61B-11 Comply with Laws – Insurance Coverage

(a) *Joint Responsibility.* The Commuter-Van Service owner must ensure that no Commuter-Van will be used in the Commuter-Van Service unless such vehicle is in compliance with the insurance requirements set forth in this §61B-11.

§61B-11(a)	Fine: $300 and/or revocation of Commuter-Van license If each one of a group of at least 30% of the Vehicles affiliated with a Commuter-Van Service fails to maintain liability insurance three times within a 12 month period, the Service's Authorization will be revoked	Appearance REQUIRED

(b) *Surety Bond or Policy of Insurance.* No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Type of Liability	Minimum Coverage Required	
	Commuter-Van for 12 Passengers or Fewer	Commuter-Van for 13-20 Passengers
• For personal injury or death to one person	$100,000	$100,000
• For personal injury or death to one person in one accident ▪ Maximum for each person in one accident	$300,000 $100,000	$500,000 $100,000
• For property damage	$50,000	$50,000

§61B-11(b)	Fine: $300 and suspension until compliance Multiple violations: See Mandatory Penalties (§61B-02(d))	Appearance REQUIRED

(c) *Remain in Effect Until Terminated.* Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.

(d) *Conditions for Replacement of Bonds or Insurance.* Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

(1) The new surety bond or certificate of insurance is acceptable to the Commission.

(2) The Commuter-Van Service Owner or an authorized employee of the van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.

(3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.

(e) *Provision for Continuing Liability.* Every surety bond or certificate of insurance must contain a provision for a continuing liability even after a claim has been successfully filed and recovered against the bond or insurance.

(f) *Notice of Cancellation to the Commission.*

(1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.

(2) Proper notification must be given on or in the relevant **Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies** or **Form L – Uniform Notice of Cancellation of Motion Carrier Surety Bonds.** Copies of these forms are available at Commission offices.

(3) If a cancelled insurance policy or bond is reinstated:

(i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and

(ii) The new certificate must have the relevant phrase "REINSTATEMENT OF INSURANCE POLICY" or

"REINSTATEMENT OF BOND" typed or printed on it in capital letters, as shown.

(g) *Forms.* Certificates of insurance and other forms necessary for filing can be obtained from the Commission.

(h) *Contract is Required.* No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Authorized Commuter-Van Service (or the Commuter-Van Vehicle Licensee) and the insurance or bonding company making the filing.

(i) *Commission's Right to Refuse.* The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

§61B-12 Comply with Laws – Personal Conduct

(a) *No Bribery.* A Commuter-Van Service Owner must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§61B-12(a)	Fine: $1,000 and/or suspension or revocation	Appearance REQUIRED

(b) *Report Request for Gift.* A Commuter-Van Service Owner must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§61B-12(b)	Fine: $1,000 and/or suspension or revocation	Appearance REQUIRED

(c) *No Threat or Use of Physical Force.* While performing the duties and responsibilities of an Authorized Commuter-Van Service Owner, or any act in connection with those duties, an Owner must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§61B-12(c)	Fine: $50 – $350 and/or suspension or revocation	Appearance REQUIRED

(d) *Report Criminal Conviction.*

(1) A Commuter-Van Service Owner must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually

or, if the Owner is a Business Entity, of any Limited Business Entity Person.

(2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§61B-12(d)	Fine: $100	Appearance NOT REQUIRED

(e) *Cooperate with TLC.* A Commuter-Van Service Owner must:

(1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives;

§61B-12(e)(1)	Fine: $300 and Suspension until compliance	Appearance REQUIRED

(2) Produce or be responsible for instructing Drivers working in association with Owner's Commuter-Van Service to produce any documents required to be kept in the Commuter-Van Vehicle upon the demand of the Commission or its representatives;

§61B-12(e)(2)	Fine: $50-$150	Appearance REQUIRED

(3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission;

§61B-12(e)(3)	Fine: $75-$350 and/or suspension until compliance	Appearance REQUIRED

(4) Aid the Commission to obtain information regarding any Commuter-Van Driver or Commuter-Van Vehicle affiliated with the Owner's Commuter-Van Service.

§61B-12(e)(4)	Fine: $75-$350 and/or suspension until compliance	Appearance REQUIRED

(5) Respond to any contact from the Commission within 48 hours, seven days a week.

§61B-12(e)(5)	Fine: $500	Appearance NOT REQUIRED

(f) *No Willful Acts of Omission.* While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public.

§61B-12 (f)	Fine: $150-$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(g) *No Willful Acts of Commission.* While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public.

§61B-12 (g)	Fine: $150-$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(h) *Fraud, Misrepresentation, Theft.* While performing the duties and responsibilities of a Commuter-Van Service Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§61B-12 (h)	Fine: $350-$1,000 and suspension up to 60 days or revocation	Appearance REQUIRED

(i) *Facilitation of Sex Trafficking with a Vehicle.* A Commuter-Van Service Owner must not Facilitate Sex Trafficking with a Vehicle.

61B-12(i)	Fine: $10,000 and revocation.	Appearance NOT REQUIRED

§61B-13 Comply with Laws – Miscellaneous

(a) *Commission Rules.* The following actions can result in suspension or revocation of an Owner's Commuter-Van Service Authorization:

(1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Service in Chapter 5, Title 19 of the Administrative Code.

(2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.

(3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.

(4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner's fitness or ability to perform the functions required of a Commuter-Van Service Owner.

(5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Service Owners.

(6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

(b) *Workers Compensation.* A Commuter-Van Service Owner must comply with all provisions of the NYS Workers' Compensation Laws and regulations with respect to coverage of and benefits to eligible persons.

§61B-13(b)	Fine: $25 for each day of non-compliance, and either suspension until compliance or license revocation.	Appearance REQUIRED

(c) *Disability Laws.* A Commuter-Van Service Owner must ensure that any new Commuter-Van Vehicle purchased or leased by the Commuter-Van Service complies with all applicable provisions of law regarding accessibility to Persons with Disabilities.

§61B-13(c)	Fine: $200-$350	Appearance REQUIRED

(d) *Motor Vehicle Registration Laws.* A Commuter-Van Service Owner must ensure that no Commuter-Van is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§61B-13(d)	Fine: $300 and suspension of the Commuter-Van license until compliance	Appearance REQUIRED

§61B-14 RESERVED [Operations – Business Premises]

§61B-15 RESERVED [Operations – Management Oversight (Use of Agents)]

§61B-16 Operations – Service Requirements (Passengers)

(a) *No Pick-Ups Outside Authorized Area.* No Commuter-Van Service Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Owner's Authorization.

§61B-16(a)	Fine: $50 if plead guilty before a hearing; $100 if found guilty following a hearing.	Appearance NOT REQUIRED

(b) *No Pick-Ups Along Bus Routes.*

(1) *Restriction.* No Commuter-Van Service Owner will permit the pick up or discharge of passengers along any Official Bus Route.

§61B-16(b)(1)	Fine: $50 if plead guilty before a hearing; $100 if found guilty following a hearing.	Appearance NOT REQUIRED

(2) *Grandfathered Exception*.

(i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area

(ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

(c) *Service Must Be Pre-Arranged.* No Commuter-Van Service Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§61B-16(c)	Fine: $50 if plead guilty before a hearing; $100 if found guilty following a hearing.	Appearance NOT REQUIRED

(d) *Multiple Person Liability.* The Commuter-Van Service Owner is liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§61B-17 Operations – Responsibility with Respect to Drivers

(a) *Prohibit Disability Discrimination by Drivers.* A Commuter-Van Service Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

(1) Refusing to serve Persons with Disabilities,

(2) Refusing to load and unload the mobility aids of Persons with Disabilities, and

(3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.

(b) *Multiple Person Liability.* The Commuter-Van Service Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§61B-17	Fine: $200-$350	Appearance REQUIRED

§61B-18 Records – Trip Record Information

(a) *Commuter-Van Service.* The Commuter-Van Service Owner is responsible for ensuring that the following records are kept for all dispatched calls:

(1) The Passenger Manifest

§61B-18(a)(1)	Fine: $50	Appearance NOT REQUIRED

(2) Records of requests for service and trips;

§61B-18(a)(2)	Fine: $100	Appearance NOT REQUIRED

(3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§61B-18(a)(3)	Fine: $300	Appearance NOT REQUIRED

§61B-19 Records – Current Contact Information

(a) *Current Phone Number for Immediate Access.* A Commuter-Van Service Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

§61B-19(a)	Fine: $100	Appearance NOT REQUIRED

(b) *Mailing and Email Address.*

(1) A Commuter-Van Service Owner must have a working Email Address at all times.

(2) A Commuter-Van Service Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§61B-19(b)(1)-(2)	Fine: $100	Appearance NOT REQUIRED

(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Commuter-Van Service Owner.

(4) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Commuter-Van Service Owner.

§61B-20 Records – Additional Records to be Maintained

The Commuter-Van Service Owner is responsible for keeping the following records:

(a) A list of all Vehicles currently operating under the Service Owner's Authorization, and information about each vehicle including, but not limited to the following:

(1) The Vehicle Owner's name, mailing address, and home telephone number,

(2) The Vehicle's registration number,

(3) The Vehicle's Commuter-Van License number,

(4) The Department of Motor Vehicles license plate number of the Vehicle,

(5) The name of the Vehicle's insurance carrier and the policy number, and

(6) The dates of inspection of the Vehicle and the outcome of each inspection.

§61B-20(a)	Fine: $300	Appearance NOT REQUIRED

(b) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§61B-20(b)	Fine: $300	Appearance NOT REQUIRED

§61B-21 RESERVED [Reporting Requirements]

§61B-22 RESERVED [Operations – Rates and Tolls]

§61B-23 RESERVED [Operations – E-ZPass]

§61B-24 Operations – Miscellaneous

(a) *Advertising to State TLC Licensed/Authorized.* No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§61B-24(a)	Fine: $50	Appearance NOT REQUIRED

§61B-25 Vehicle Condition – Inspections

(a) *Inspection by NYS Department of Transportation.* The Commuter-Van Service Owner will be responsible for compliance with the following provisions:

(1) A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation.

(2) Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in NYS Transportation Law §80(5)(a)(1).

§61B-25(a)	Fine: $300	Appearance NOT REQUIRED

(b) All Commuter-Van Vehicles must display the inspection certificate.

§61B-25(b)	Fine: $100	Appearance NOT REQUIRED

§61B-26 Vehicle Condition – Meets Safety Standards

(a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§61B-26(a)	Fine: $100-$500 and/or suspension or revocation of Commuter-Van license Multiple violations: See Mandatory Penalties (§61B-02(d))	Appearance REQUIRED

§61B-27 Vehicles – Markings and Displays

(b) *Required Exterior ID Markings.* All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the vehicle in letters at least 3 inches in height:

(1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;

(2) The Commuter-Van Vehicle Owner's exact name next to the word OWNER; and

(3) A Vehicle License number.

§61B-27(a)	Fine: $50	Appearance NOT REQUIRED

(c) *Required Interior ID Markings.*

(1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.

(2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling "311" or through the Commission's website, http://nyc.gov/taxi.

§61B-27(b)	Fine: $50	Appearance NOT REQUIRED

(c) *Valid TLC Decal*.

(1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.

(2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:

(i) The lower right corner of the front windshield

(ii) The center of the rear window

(iii) One on each of the rear-most side windows

§61B-27(c)	First violation in a 12-month period: $500 Second and subsequent violations within a 12-month period: $1,000 and suspension of the Commuter-Van License until compliance	Appearance NOT REQUIRED
	Third violation within a 12-month period: revocation of Commuter-Van Service Authorization	Appearance REQUIRED

(d) *Vehicle Cannot Be Yellow*. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

§61B-27(d)	Fine: $100	Appearance NOT REQUIRED

§61B-28 Vehicles – Items Required to be in the Vehicle

(a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:

(1) The Commuter-Van Vehicle License;

(2) The Driver's Commuter-Van Driver's License;

(3) The Authorization to operate a Commuter-Van Service, or legible photocopy;

(4) The Vehicle registration and evidence of current liability insurance; and

(5) A Passenger Manifest.

§61B-28(a)	Fine: $25 per missing item; maximum penalty $50	Appearance NOT REQUIRED

§61B-29 Vehicle Equipment

(a) *Two-Way Radio.* A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

§61B-29(a)	Fine: $100	Appearance NOT REQUIRED