

CHAPTER 9

COMMUTER VANS

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Updated 12/22/10

** [As reads in the Official Compilation of the Rules of the City of New York.]

§9-01 Definitions.

Commuter van. A “commuter van” is a motor vehicle operated in a commuter van service having a seating capacity of at least nine passengers but not more than twenty passengers and carrying passengers for hire in the city duly licensed as a commuter van by the Commission and not permitted to accept hails from prospective passengers in the street. For purposes of the provisions of Chapter 9 relating to prohibitions against the operation of an unauthorized commuter van service or an unlicensed commuter van and to the enforcement of such prohibitions and to the imposition of penalties for violations of such prohibitions, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a taxicab, for-hire vehicle, or wheelchair accessible van or not operating as an authorized bus line pursuant to applicable provisions of law.

Commuter van service. A “commuter van service” is a subclassification of common carrier of passengers by motor vehicles as such term is defined in subdivision seven of section two of the New York State Transportation Law, that provides a transportation service through the use of one or more commuter vans on a prearranged, regular daily basis, over non-specified or irregular routes, between a zone in a residential neighborhood and a location which shall be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport. A “commuter van service” shall not include any person who exclusively provides

- (1) any one or more of the forms of transportation that are specifically exempted from article seven of the transportation law; or
- (2) any one or more of the forms of transportation regulated under chapter five of title nineteen of the administrative code other than transportation by commuter vans.

Operator. An “operator” is any person, partnership or corporation, other than a lien holder, who is authorized by the Commission to operate a commuter van service.

Owner. An “owner” is any person, firm, partnership, corporation or association, other than a lien holder, having the property in or title to a

commuter van. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. If a vehicle is sold under a contract of sale which reserves a security interest in the vehicle in favor of the vendor, such vendor or his assignee shall not, after delivery of such vehicle, be deemed to be an owner, but the vendee, or his or her assignee, receiving possession thereof, shall be deemed to be an owner notwithstanding the terms of such contract, until the vendor or his or her assignee shall retake possession of such vehicle. A secured party in whose favor there is a security interest in any vehicle out of his or her possession shall not be deemed to be an owner.

Person with a disability. “A person with a disability” is an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a service animal, but who can transfer from such a mobility aid to a commuter van with or without reasonable assistance.

Portable or hands-free electronic device. A “portable or hands-free electronic device” is any electronic device able to:

1. make a wireless telephone call
2. send or receive a text message
3. allow its user to speak on the telephone hands-free or operate a device by voice command, even when otherwise allowed by New York State law
4. act as a personal assistant (PDA)
5. send and or receive data from the internet or from a wireless network
6. act as a laptop computer or portable computer
7. receive or send pages
8. allow two-way communications between different people or parties
9. play electronic games
10. play music or video; or
11. make or display images; or
12. any combination of the above

This definition is to be liberally construed in light of its purpose to minimize the distraction of drivers, and in recognition of the rapid development of

electronic technologies and proliferation of electronic devices that may be made available in the future that similarly transfer digital images, sounds or messages.

“Portable or hands-free electronic device” does not include: (1) any device the use of which while driving is specifically authorized by TLC rules, or (2) the use of a global positioning navigation system (“GPS”) which uses voice functions to convey directions, so long as the driver is not inputting data unless legally standing or parked and the GPS is not capable of being used as a cell phone or other portable or hands-free electronic device.

Security interest. A “security interest” is a security interest as defined by subdivision k of section 2010 of the New York State Vehicle and Traffic Law.

Service animal. A “service animal” is a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

§9-02 Authorization to Operate a Commuter Van Service.

- (a) No person shall operate a commuter van service wholly within the boundaries of the City of New York [“the City”] or partly within the City if the partial operation consists of the pick up and discharge of passengers wholly within the City without first obtaining an authorization from the Commission to operate such commuter van service.
- (b) An applicant for an authorization to operate a commuter van service or for renewal thereof shall demonstrate to the satisfaction of the Commission that he or she is fit, willing and able to provide the transportation for which authorization is sought.
- (c) An applicant for an authorization to operate a commuter van service, or for renewal thereof for a term for which a new determination as to public convenience and necessity must be made pursuant to

subsection (j) of this section, shall be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services. The applicant shall pay any processing fee required by the State. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; the officers, principals, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation. If subsequent to the fingerprinting of the applicant or during the term of the authorization, one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this subdivision is changed or added, such applicant shall, within five days of such change or addition, file with the Commission an application for an approval of the change or addition of partners, officers, principals or stockholders on such forms as are prescribed by the Commission, and such new partners, officers, principals or stockholders shall be fingerprinted in accordance with this subdivision. Alter-natively^{*}, an applicant who plans to change or add one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this subdivision may request that such fingerprinting be done prior to the change or addition of such new partner, officer, principal or stockholder.

- (d) An applicant for an authorization to operate a commuter van service or for renewal thereof shall not have engaged in any conduct that would be a basis for suspension or revocation of such authorization pursuant to this chapter.
- (e) An applicant for an authorization to operate a commuter van service or for renewal thereof shall be in compliance with the conditions of operation relating to commuter vans set forth in §9-11 of this chapter and the insurance requirement set forth in §9-12 of this chapter.
- (f) No application for authorization to operate a commuter van service shall be approved if the applicant has been found guilty of operating a commuter van service without authorization to operate such commuter van service two times within a six-month period prior to the date of

^{*} [As reads in the Official Compilation of the Rules of the City of New York.]

application, provided that such violations were committed on or after March 27, 1995.

- (g) An application for an authorization to operate a commuter van service or for renewal thereof shall be signed by the applicant and filed by the owner in person with the Commission, on the forms provided by the Commission. An applicant shall agree to designate each and every driver who operates pursuant to an authorization to operate a commuter van service as agent for service of any and all legal process that may be served on such commuter van service by the City of New York or any department thereof, or any other person or entity authorized to make such service.
- (h) An applicant for an authorization to operate a commuter van service or for renewal thereof shall certify annually that such 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.) and any regulations promulgated thereunder, as such act and regulations may be amended. Such certification shall be in the form of an affidavit.
- (i) An applicant for an authorization to operate a commuter van service or for renewal thereof shall certify annually that such commuter van service is in compliance with such provisions of section 5 of the Federal Omnibus Transportation Testing Act of 1991 (49 U.S.C. App. Section 2717) and any regulations promulgated thereunder, as that act and regulations may be amended, as are applicable to such commuter van service. Such certification shall be in the form of an affidavit.
- (j)
 - (1) The applicant shall have the burden of demonstrating that the service proposed will be required by the present or future public convenience and necessity. The Commission shall not issue an authorization to operate a commuter van service unless the Commissioner of the New York City Department of Transportation determines that the service proposed will be required by the present or future public convenience and necessity. Such determination that the service proposed will be required by the present or future public convenience and necessity shall be in effect for six years after the date of

issuance of such authorization, unless such authorization has not been renewed or has been revoked by the Commission prior to the end of such six-year period in which case such determination shall be in effect only until the expiration or revocation of such authorization. After the expiration or revocation of such determination of public convenience and necessity, no authorization to operate a commuter van service shall be renewed unless a new determination is made by the Commissioner of Transportation that the service proposed will be required by the present or future public convenience and necessity.

- (2) When such a determination by the Commissioner of Transportation is required by §19-504.2(e) of the Administrative Code of the City of New York, the application for authorization to operate a commuter van service shall set forth the geographic area proposed to be served by the applicant and the maximum number of vehicles to be operated and the capacity of each such vehicle, and the Commission shall forward a copy of such application to the Commissioner of Transportation.
- (3) The Commissioner of Transportation, after consultation with the New York State Department of Transportation, shall make a determination whether the service proposed in the application will be required by the present or future public convenience and necessity. The Commissioner of Transportation may request that the applicant provide any additional information relevant to such determination. The Commissioner of Transportation shall 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 for the purpose of obtaining comment on the present or future public convenience and necessity for any proposed service. The Commissioner of Transportation shall provide for publication in the City Record of a notice of any such application and shall allow for public comment on such application for a period not to exceed sixty days after the date of publication of such notice. If any such application is protested by a bus line operating in the City or by the New York City Transit Authority, and such

bus line and/or transit authority has timely submitted objections to the application to the Commissioner of Transportation, the Commissioner shall, in making such determination, evaluate such objections in accordance with the following criteria:

- (i) the adequacy of the existing mass transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and
 - (ii) the impact that the proposed operation may have on any existing mass transit or mass transportation facilities.
- (4) Any determination by the Commissioner that the service proposed will be required by the present or future public convenience and necessity shall specify the geographic area where service is authorized and the number of commuter vans authorized to be used in providing such service.
- (k) The Commission, after consultation with the New York State Department of Transportation, shall approve or disapprove such application for authorization to operate a commuter van service within one hundred eighty days after the date a completed application has been filed. The failure to approve or disapprove such completed application within such one hundred eighty-days period shall be deemed a disapproval of such application.
- (l) The Commission shall not issue a temporary authorization to operate a commuter van service. An authorization to operate a commuter van service shall not be assignable or transferable unless otherwise provided by the Commission.
- (m) In the event of the loss, mutilation or destruction of any authorization to operate a commuter van service the owner shall file such statement and proof of the facts as the Commission may require, with a fee not to exceed twenty-five dollars for each authorization, and the Commission may issue a duplicate or substitute authorization.
- (n) In addition to any other basis for denial of an authorization to operate a commuter van service pursuant to this section, the Commission may

deny an application where the applicant has made a material false statement or concealed a material fact in connection with the filing of such application.

§9-03 Term of Authorization to Operate a Commuter Van Service.

- (a) An authorization to operate a commuter van service issued to a new applicant shall expire two years after such authorization was issued.
- (b) An authorization to operate a commuter van service issued to a renewing applicant shall expire two years after the date on which the previous authorization expired.
- (c) A person who engages in any activity for which an authorization is required pursuant to §9-02(a) of this Chapter after the expiration date of such authorization and before the issuance of a renewal authorization is in violation of such section and shall be subject to the penalties provided in this chapter for such violation.

§9-04 Continuation of Operating Authority for State Approved Van Service Pursuant to Agreement with State Department of Transportation.

- (a)
 - (1) In accordance with the agreement between the State Department of Transportation and the City of New York (the “Agreement”), a commuter van service which on September 26, 1994 holds a valid certificate of operating authority granted by the State Department of Transportation covering the operations of one or more commuter vans in the City of New York, and which commuter van service is in compliance with such operating authority as of that date, shall be authorized to continue such operations in the City of New York on and after September 26, 1994 provided that on or before the date specified in paragraph two of this subdivision, such commuter van service submits to the Commission an application for an interim authorization to operate a commuter van service pursuant to subdivision (b) of this section. If a commuter van service fails to submit an application for an interim

authorization to operate a commuter van service by the date specified in paragraph two of this subdivision or if a commuter van service fails to satisfy the requirements of subdivision (b) of this section, the commuter van service shall not be authorized to continue operating in the City of New York after such date specified in paragraph* two, or, in the case of a failure to satisfy the requirements of subdivision (b), after the date that such commuter van service received notification of such failure, unless and until such commuter van service has obtained an authorization in accordance with the requirements of §9-02 of this chapter.

- (2) The date for submission of an application for an interim authorization to operate a commuter van service shall be November 15, 1994 or, where the Chairperson of the Commission determines that it is in the public interest to extend such date, the date shall be extended by providing notification by regular mail of such extension to all commuter van services subject to the provisions of this subdivision, provided, however, that in no event shall the date be extended beyond December 30, 1994.
- (b) An application for an interim authorization to operate a commuter van service shall be filed by the owner of such commuter van service in person with the Commission on the forms to be provided by the Commission. Such application shall be signed by the applicant. Such application shall include such forms as may be required by the Commission to be completed and signed by the owner of any commuter van to be operated pursuant to such interim authorization and by the drivers who operate or will operate any such commuter van. In accordance with the Agreement, the Commission shall not issue an interim authorization to operate a commuter van service unless:
 - (1) the applicant presents to the Commission a current, valid certificate of operating authority granted by the State Department of Transportation covering the operations of such commuter van service in the City of New York and such

* [As reads in the Official Compilation of the Rules of the City of New York.]

Department certifies that on September 26, 1994 such commuter van service held a current, valid certificate of operating authority;

- (2) the applicant demonstrates to the satisfaction of the Commission that:
 - (a) each commuter van which is operated pursuant to such State operating authority or is intended to be operated pursuant to such interim authorization (i) has been inspected by the State Department of Transportation in accordance with the requirements of the State Transportation Law and any rules or regulations promulgated thereunder, (ii) is insured in accordance with the requirements contained in Part 750 of Title 17 of the New York City Code of Rules and Regulations, and (iii) is in compliance with the registration requirements of the Vehicle and Traffic Law;
 - (b) each driver who operates or will operate any such commuter van possesses a commercial driver's license which pursuant to the Vehicle and Traffic Law is valid for the operation of a commuter van for the transportation of passengers for-hire and each such driver is in compliance with the provisions of Article 19-A of the Vehicle and Traffic Law; and
 - (c) the applicant is in compliance with the provisions of Article 19-A of the Vehicle and Traffic Law;
- (3) the applicant has not engaged in any conduct that would be a basis for suspension or revocation of an interim authorization pursuant to subdivision (f) of this section; and
- (4) the applicant agrees to designate each and every driver who operates pursuant to an interim authorization as agent for service of any and all legal process that may be issued against such commuter van service by the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans.

(c) An interim authorization to operate a commuter van service issued by the Commission pursuant to this section shall authorize the commuter van service to operate in the geographic areas and upon the terms and conditions set forth in the State certificate of operating authority held by such commuter van service and in accordance with any limits established by the State Department of Transportation on the maximum number of vehicles authorized to be operated; provided, however, that where such State operating authority does not contain a provision regarding the maximum number of vehicles authorized to be operated and the State Department of Transportation has not established a vehicle limit applicable to such commuter van service, such commuter van service shall be authorized to operate the number of vehicles for which such commuter van service held current, valid State Department of Transportation inspection certificates on September 26, 1994. The geographic areas, the terms and conditions set forth in such State operating authority and any vehicle limit established by the State Department of Transportation or pursuant to this subdivision and the requirements set forth in subparagraphs (a), (b), and (c) of paragraph two of subdivision (b) of this section shall be deemed to be terms and conditions upon which interim authorization shall be issued.

(d)

(1) Where the Commission has issued an interim authorization to operate a commuter van service pursuant to this section, the Commission shall issue an identification sticker for each commuter van operated or to be operated pursuant to such interim authorization. In accordance with the Agreement, no commuter van shall be operated pursuant to an interim authorization unless such van has affixed thereto an identification sticker issued by the Commission. If subsequent to the issuance of an interim authorization and identification stickers for such commuter vans a commuter van service intends to put into operation a new commuter van which may lawfully be operated pursuant to such interim authorization, such commuter van service shall be required to demonstrate to the Commission compliance with the requirements set forth in subparagraph (a) of paragraph two of subdivision (b) of this

section prior to the Commission's issuance of an identification sticker.

- (2) Where the Commission has issued an interim authorization to operate a commuter van service pursuant to this section, the Commission shall issue an identification card to each driver who operates or will operate a commuter van pursuant to such interim authorization. In accordance with the Agreement, no commuter van shall be operated pursuant to an interim authorization unless the driver of such van carries an identification card issued by the Commission. A driver of any such commuter van shall produce such identification card upon demand of any person authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans. If subsequent to the issuance of an interim authorization, and identification card for each driver a commuter van service or commuter van owner intends to employ or retain a new driver, such commuter van service or owner shall be required to demonstrate to the Commission compliance with the requirements set forth in subparagraph (b) of paragraph two of subdivision (b) of this section prior to the Commission's issuance of an identification card for such driver.
- (e) An interim authorization to operate a commuter van service issued by the Commission pursuant to this section shall expire on September 26, 1995; provided, however, that if an application for the conversion of such interim authorization is submitted to the Commission on or before March 24, 1995 pursuant to §9-05 of this chapter, such interim authorization shall remain in effect after September 26, 1995 until it is either converted to a full authorization to operate a commuter van service or the application for conversion is disapproved.
- (f)
 - (1) During the period commencing on September 26, 1994 and ending on September 26, 1995, every commuter van service which is authorized to continue to operate a commuter van service in the City of New York on and after September 26, 1994 pursuant to this section shall comply with the following:

- (i) the insurance requirements contained in Part 750 of Title 17 of the New York Code of Rules and Regulations;
 - (ii) the requirements contained in subdivision 1 of section 140 of the Transportation Law and Parts 720(3) through 720(25) and Parts 720(27) and 720(28) of Title 17 of the New York Code of Rules and Regulations;
 - (iii) section 141 of the Transportation Law;
 - (iv) section 147 of the Transportation Law;
 - (v) any other provisions of the Transportation Law and any rules and regulations of the State Department of Transportation applicable to commuter van services;
 - (vi) the terms and conditions upon which such interim authorization has been issued as provided in subdivision (c) of this section;
 - (vii) Article 19-A of the Vehicle and Traffic Law;
 - (viii) the requirements contained in paragraph one of subdivision (d) of this section that commuter vans operating pursuant to an interim authorization have identification stickers issued by the Commission affixed thereto; and
 - (ix) the requirements contained in paragraph two of subdivision (d) of this section that drivers of such commuter vans carry and produce on demand an identification card issued by the Commission.
- (2) Whenever any of the provisions described in subparagraphs (i) through (v) of paragraph one of this subdivision require that specific information, statements, reports or other material be filed with or submitted to the State Department of Transportation, such information, statements, reports or other material shall be filed with the Commission.

- (3) Any commuter van service which has violated any of the provisions described in paragraph one of this subdivision shall be punishable in accordance with the penalty schedule set forth in §9-17 of this chapter. Such violation shall be adjudicated and any penalty imposed therefor in accordance with the provisions of §9-16 of this chapter.
- (4) In addition to any other penalties that may be imposed pursuant to this section, the Commission may, after due notice and an opportunity to be heard, suspend or revoke any interim authorization to operate a commuter van service upon the occurrence of any one or more of the following:
- (i) the holder of an interim authorization or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has been found by the Commission to have violated any of the provisions described in paragraph one of this subdivision; or
 - (ii) the holder of an interim authorization or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has knowingly made a material false statement or concealed a material fact in connection with filing of an application for interim authorization pursuant to this section or;
 - (iii) the holder of an interim authorization or any of its officers, principals, directors, or stockholders owning more than ten percent of the outstanding stock of the corporation has not paid any penalty duly imposed pursuant to this chapter for a violation of any of the provisions described in paragraph one of this subdivision.
- (5) Notwithstanding the provisions of paragraph (4) of this subdivision, the Chairperson of the Commission may immediately suspend any interim authorization to operate a commuter van service issued pursuant to this section without a prior hearing where the Chairperson determines that the

continued possession of such interim authorization poses a serious danger to the public health, safety or welfare. After such suspension an opportunity for a hearing shall be provided on an expedited basis, within a period not to exceed fourteen days.

§9-05 Conversion of Interim Authorization Pursuant to Agreement with State Department of Transportation.

(a)

- (1) In accordance with an agreement between the State Department of Transportation and the City of New York (the “Agreement”), any interim authorization to operate a commuter van service issued pursuant to §9-04 of this chapter may be converted into a full authorization to operate a commuter van service in accordance with the provisions of this section. A commuter van service which holds such interim authorization shall submit an application for conversion to the Commission pursuant to this section on or before March 24, 1995.
- (2) The application for conversion shall be filed by the owner of such commuter van service in person with the Commission on the forms provided by the Commission. Such application shall be signed by the applicant.
- (3) The applicant for conversion shall demonstrate to the satisfaction of the Commission that he or she is fit, willing and able to provide the transportation for which a full authorization is sought.
- (4) The applicant for conversion shall be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services. Such applicant shall pay any processing fee required by the State. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; the officers, principals, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation. If

subsequent to the fingerprinting of the applicant or during the term of an authorization, one or more partners, officers principals or stockholders who are required to be fingerprinted pursuant to this paragraph is changed or added, such applicant shall, within five days of such change or addition, file with the Commission an application for an approval of the change or addition of partners, officers, principals or stockholders on such forms as are prescribed by the Commission, and such new partners, officers, principals or stockholders shall be fingerprinted in accordance with this paragraph. Alternatively, an applicant who plans to change or add one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this paragraph may request that such fingerprinting be done prior to the change or addition of such new partner, officer, principal or stockholder.

- (5) The applicant for conversion shall be in compliance with the conditions of operation relating to commuter vans set forth in §19-504.3 of the Administrative Code and §9-11 of this chapter and the insurance requirements set forth in §9-12 of this chapter by September 26, 1995, and the applicant shall not have engaged in any conduct that would be a basis for suspension or revocation of an authorization to operate a commuter van service pursuant to this chapter.
- (6) The applicant for conversion shall agree to designate each and every driver who operates pursuant to an authorization to operate a commuter van service as agent for service of any and all legal process that may be issued against such commuter van service by the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans.
- (7) The applicant for conversion shall certify as of September 26, 1995 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.) and any regulations promulgated thereunder, as such act and regulations may be amended. Such certification shall be in the form of an affidavit.

- (8) The applicant for conversion shall certify as of September 26, 1995 that the commuter van service is in compliance with such provisions of section 5 of the Federal Omnibus Transportation Testing Act of 1991 (49 U.S.C. App. Section 2717) and any regulations promulgated thereunder, as that act and regulations may be amended, as are applicable to such commuter van service. Such certification shall be in the form of an affidavit.
- (9) Any interim authorization which has been converted into a full authorization pursuant to this section shall authorize the commuter van service to operate (a) the maximum number of vehicles authorized to be operated under the State Department of Transportation certificate of operating authority or pursuant to any vehicle limit established by the State Department of Transportation, or if such State Department of Transportation operating authority does not contain a provision relating to the number of vehicles and the State Department of Transportation has not established a vehicle limit applicable to such commuter van service, such commuter van service shall be authorized to operate the number of vehicles for which such commuter van service held current, valid State Department of Transportation inspection certificates on September 26, 1994, and (b) in the geographic areas set forth in such State Department of Transportation operating authority.
- (10) The Commission, after consultation with the State Department of Transportation, shall approve or disapprove such application within one hundred eighty days after the date a completed application has been filed.
- (11) In addition to any other basis for denial of a full authorization to operate a commuter van service pursuant to this section, the Commission may deny a full authorization when the applicant has made a material false statement or concealed a material fact in connection with the filing of an application for conversion pursuant to this section.
- (12) Any interim authorization which has been converted into a full authorization pursuant to this section shall have the same force and effect and shall be subject to the same provisions of law

and rules as an authorization to operate a commuter van service issued pursuant to §19-504.2 of the Administrative Code of the City of New York and provisions of this chapter promulgated pursuant thereto. Such authorization may be renewed annually in accordance with this chapter, and the renewal of such authorization for the term that commences in the year 2000 shall be subject to a determination by the City Commissioner of Transportation that the service will be required by the present or future public convenience and necessity pursuant to the provisions of subdivision e of §19-504.2 of the Administrative Code of the City of New York and subdivision (j) of §9-02 of this chapter.

- (b) An application for conversion shall be accompanied by an application for a commuter van license for each commuter van sought to be operated pursuant to a full authorization to operate a commuter van service. Any such application for a commuter van license shall be submitted in accordance with §19-504 of the Administrative Code of the City of New York and any provisions of this chapter promulgated pursuant thereto and shall be accompanied by the fee provided in this chapter for such license.
- (c) An application for conversion shall be accompanied by an application for a commuter van driver's license submitted by each driver of any commuter van sought to be operated pursuant to a full authorization to operate a commuter van service. Any such application shall be submitted in accordance with §19-505 of the Administrative Code of the City of New York and any provisions of this chapter promulgated pursuant thereto and shall be accompanied by the fee provided in this chapter for such license.

§9-06 Commuter Van License.

- (a) No commuter van shall be operated within the City of New York unless it is operated as part of a current, valid authorization to operate a commuter van service duly issued by the Commission and unless the owner thereof has obtained a commuter van license issued by the Commission pursuant to this section.

- (b) No Commuter van license shall be issued or renewed unless the following conditions are satisfied:
- (1) such commuter van is operated as part of a current, valid authorization to operate a commuter van service issued by the Commission;
 - (2) an applicant demonstrates to the satisfaction of the Commission that such applicant is fit, willing and able to operate a commuter van;
 - (3) an applicant has been fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services. The applicant shall pay any processing fee required by the State. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; the officers, principals, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation. If subsequent to the fingerprinting of the applicant or during the term of the license, one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this paragraph is changed or added, such applicant shall, within five days of such change or addition, file with the Commission an application for an approval of the change or addition of partners, officers, principals or stockholders on such forms as are prescribed by the Commission, and such new partners, officers, principals or stockholders shall be fingerprinted in accordance with this paragraph. Alternatively, an applicant who plans to change or add one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this paragraph may request that such fingerprinting be done prior to the change or addition of such new partner, officer, principal or stockholder.
 - (4) an applicant who has not engaged in any conduct that would be a basis for suspension or revocation of such license pursuant to this chapter; and

- (5) an applicant demonstrates compliance with the conditions of operation relating to commuter vans set forth in §9-11 of this chapter and the insurance requirements set forth in §9-12 of this chapter.
- (c) An application for a commuter van license or renewal thereof shall be signed by the applicant and filed by the owner in person with the Commission on the forms provided by the Commission. An applicant shall agree to designate each and every driver who operates such commuter van as agent for service of any and all legal process that may be issued against such commuter van service by the Commission or any other^{*} person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans.
- (d) The Commission shall approve or disapprove an application for a commuter van license within 180 days after the completed application is filed. The failure to approve or disapprove such completed application within such time shall be deemed a disapproval of such application.
- (e) A commuter van license shall be issued on the condition that the application is in compliance with the registration and insurance requirements set forth in this chapter. The failure to comply with either such registration or insurance requirements shall render the commuter van license suspended on and after the date of such noncompliance and during the period of such noncompliance, and any person using such commuter van in the course of operations of a commuter van service during such period of noncompliance shall be deemed to be operating without a license as required by this chapter.
- (f) A commuter van license shall not be assignable or transferable.
- (g) In addition to any other basis for denial of a commuter van license pursuant to this section, the Commission may deny an application where the applicant has made a material false statement or concealed a material fact in connection with the filing of such application.

^{*} [As reads in the Official Compilation of the Rules of the City of New York.]

§9-07 Term of Commuter Van License.

- (a) A commuter van license issued to a new applicant shall expire two years after the license was issued.
- (b) A license issued to a renewing applicant shall expire two years after the date on which the previous license expired.
- (c) A person who engages in any activity for which a license is required pursuant to §9-06(a) of this Chapter after the expiration date of a commuter van license and before the issuance of a renewal of such license is in violation of such section and shall be subject to the penalties provided in this chapter for such violation.

§9-08 Commuter Van Driver's License.

- (a) No person shall drive a commuter van that is regulated by the provisions of Chapter 5 of Title 19 of the Administrative Code within the City without first obtaining a commuter van driver's license from the Commission.
- (b) The Commission shall not issue or renew a commuter van driver's license unless the applicant:
 - (1) demonstrates to the satisfaction of the Commission that he or she is familiar with the geography and streets of the area in which he or she intends to operate a commuter van and is otherwise fit and able to drive a commuter van;
 - (2) has been fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services for which the applicant shall pay any processing fee required by the State;
 - (3) possesses a commercial driver's license which pursuant to the New York State Vehicle and Traffic Law is valid for the operation of such commuter van for the transportation of passengers for-hire;

- (4) submits a copy of the affidavit filed with the State Department of Motor Vehicles indicating that the applicant has met the qualifications set forth in Article 19-A of the New York State Vehicle and Traffic Law for the operation of a bus as defined in such article;
 - (5) has not engaged in any conduct that would be a basis for suspension or revocation of such license pursuant to this chapter; and
 - (6) has not had a commuter van driver's license revoked pursuant to this chapter at any time during the one year period immediately preceding the date of application.
- (c) The Commission shall approve or disapprove an application for the issuance of a commuter van driver's license within 180 days after the completed application is filed. The failure to approve or disapprove such application within such time shall be deemed a disapproval of such application.
- (d) In addition to any other basis for denial of a commuter van driver's license pursuant to this section, the Commission may deny an application where the applicant has made a material false statement or concealed a material fact in connection with the filing of such application.
- (e) A commuter van driver's license shall be issued on the condition that the applicant possesses a commercial driver's license and complies with Article 19-A of the New York State Vehicle and Traffic Law as described in paragraphs (3) and (4) of subdivision (b) of this section during the time that such commuter van driver's license is in effect. Notwithstanding any other provision of law, suspension or revocation of such commercial driver's license pursuant to the New York State Vehicle and Traffic Law or noncompliance with such Article 19-A shall render the commuter van driver's license suspended on and after the date of the suspension or revocation of such commercial driver's license or noncompliance with such Article 19-A and during the period of such suspension, revocation or noncompliance, and any person who drives a commuter van that is required to be licensed

pursuant to subdivision (a) of this section during the period of such suspension, revocation or noncompliance shall be deemed to be driving a commuter van without a license as required by this section.

- (f) A commuter van driver's license shall not be assignable or transferable.

§9-09 Term of Commuter Van Driver's License.

- (a) A commuter van driver's license issued to a new applicant shall expire two years after the license was issued.
- (b) A license issued to a renewing applicant shall expire two years after the date on which the previous license expired.
- (c) A person who drives a commuter van that is regulated by the provisions of Chapter 5 of Title 19 of the Administrative Code after the expiration date of a commuter van driver's license and before the issuance of a renewal license is in violation of §9-08(a) of this chapter and shall be subject to the penalties provided in this chapter for such violation.

§9-10 Conditions of Operation for Commuter Van Drivers.

- (a) A commuter van driver shall not operate a commuter van unless such van is licensed by the Commission and is operating pursuant to a current, valid authorization to operate a commuter van service.
- (b) A commuter van driver shall not operate a commuter van unless the following are present in the vehicle:
 - (1) the commuter van license;
 - (2) the driver's commuter van driver's license mounted in a protective holder behind the driver's seat;
 - (3) the authorization to operate a commuter van service, or legible photocopy thereof;

- (4) the vehicle registration and evidence of current liability insurance; and
 - (5) a passenger manifest.
- (c) A commuter van driver shall keep the passenger manifest required by subdivision (b) of this section in the van and shall enter the name of each passenger to be picked up legibly in ink prior to the boarding of each passenger.
- (d) A commuter van driver shall not provide transportation service to a passenger unless such service is on the basis of a telephone contract or other prearrangement and such prearrangement is evidenced by the records required by Rule 9-11(l)(2).
- (e) A commuter van driver shall not pick up or discharge passengers, or permit or authorize the pick up or discharge of passengers:
 - (1) outside of the geographic area set forth in the authorization to operate a commuter van service issued pursuant to this chapter; or
 - (2) at stops of, or along a route which is traveled upon by a bus line which is operated by the New York City Transit Authority or the City or a private bus company which has been approved by the City to operate pursuant to a local law or Charter provision enacted in accordance with subdivision five of section 80 of the Transportation Law. The prohibition contained in this paragraph shall not apply to the pick up or discharge of passengers along bus routes in the borough of Manhattan south of Chambers Street by drivers for commuter van services which on July 1, 1992 had authority from the New York State Department of Transportation to pick up or discharge passengers along bus routes in such area, provided that the scope of operations by such commuter van services along bus routes in such area shall not exceed the scope of such operations prior to July 1, 1992.

- (f) A commuter van driver shall not use or attempt to use physical force against a person while performing his duties and responsibilities as a van driver or in connection with the operation of a commuter van. A commuter van driver shall not distract, harm or use physical force against or attempt to distract, harm or use physical force against a service animal accompanying a person with a disability.
- (g) A commuter van driver shall:
 - (1) answer truthfully all questions and comply as directed with all communications, directives and summonses from the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans;
 - (2) produce any documents required by this section to be kept in the commuter van upon the demand of any such authorized person or entity; and
 - (3) produce any document required by this chapter to be kept by such driver no later than 10 days following a request from the Commission for such document.
- (h) A commuter van driver shall be responsible for notifying the Commission within five calendar days after any criminal conviction (felony or misdemeanor) of such van driver. Such notification shall be in writing and must be accompanied by a certificate of disposition issued by the clerk of the court.
- (i) A commuter van driver or any person acting on his or her behalf shall not 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 chapter or any traffic rule or law. Any administrative hearing to adjudicate a violation of this subdivision shall be referred to the New York City Office of Administrative Trials and Hearings.

- (j) A commuter van driver shall 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 chapter or any traffic rule or law. Any administrative hearing to adjudicate a violation of this subdivision shall be referred to the New York City Office of Administrative Trials and Hearings.
- (k) A commuter van driver shall not charge or attempt to charge a fare above the preapproved rate of fare quoted by the dispatcher. A commuter van driver shall not impose or attempt to impose any additional charge for transporting a person with a disability, a service animal accompanying a person with a disability or a wheelchair, three-wheeled motorized scooter or other mobility aid.
- (l)
 - (1) A commuter van driver shall not refuse by words, gestures or any other means, without justifiable grounds set forth in subdivision (m) of this section, to provide transportation, when dispatched, for a person who has prearranged the trip and the destination is within the geographical area set forth in the authorization to operate a commuter van service. This includes a person with a disability and any service animal accompanying such person.
 - (2) A commuter van driver shall not require a person with a disability to be accompanied by an attendant. However, where a person with a disability is accompanied by an attendant, a commuter van driver shall not impose or attempt to impose any charge in addition to the authorized rate of fare for transporting the attendant.
 - (3) A commuter van driver shall not refuse to transport a passenger's wheelchair, crutches or other mobility aid.
- (m) Justifiable grounds for conduct otherwise prohibited by subdivision (l) of this section shall be the following:

- (1) the passenger is carrying, or is in possession of any article, package, case or container, other than a wheelchair, three-wheeled motorized scooter or other mobility aid, which the commuter van driver may reasonably believe will cause damage to the interior of the commuter van, impair its efficient operation, or cause it to become stained or foul smelling;
 - (2) the passenger is escorted or accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. This provision shall not apply to service animals accompanying people with disabilities;
 - (3) the passenger is disorderly or intoxicated. Provided, however, that a commuter van driver shall not refuse to provide service to a person with a disability solely because such person's disability results in an appearance or involuntary behavior which may offend, annoy or inconvenience the driver; or
 - (4) if the passenger has refused a request by the commuter van driver to obey the no-smoking requirement of law, the driver may discharge the passenger after asking the passenger to cease smoking in the commuter van. Provided, however, that, if the driver discharges the passenger, it must be at a safe location.
- (n) (1) A driver shall not use a portable or hands-free electronic device while operating a commuter van, unless such commuter van shall be lawfully standing or parked. "Use" of a portable or hands-free electronic device means that the driver is deploying any of the functions of the portable or hands-free electronic device, or has a device that permits the hands-free use of a portable or hands-free electronic device in the immediate proximity of the driver's ear.

A driver may offer as an affirmative defense that he or she was using a portable or hands-free electronic device while operating a commuter van for the sole purpose of communicating with an emergency response operator that there exists an imminent threat to life or property, and that it was impossible for the driver to safely stop the vehicle before placing the call. The driver must provide documentary proof that the electronic communication was to an emergency response operator.

(2) Additional penalties for use of a portable or hands-free electronic device while operating a commuter van.

(i) For purposes of this paragraph (n)(2), “portable or hands-free electronic device violation” shall mean a violation of section 9-10(n)(1) of this chapter or a violation of any state law or rule prohibiting or restricting the use of a portable or hands-free electronic device while driving, such violation having been adjudicated by a court or other tribunal having jurisdiction over such violations.

(ii) Any commuter van driver who commits a portable or hands-free electronic device violation is required to attend and satisfactorily complete an authorized course of training in the dangers of driving while distracted by portable or hands-free electronic devices. The course shall be a minimum of one hour and shall include a review of the rules governing the use of portable or hands-free devices, and the dangers of driving while distracted. The course must be completed and verification of course completion provided by the designated school within sixty days of TLC’s issuance of a directive to the commuter van driver that he or she is required to take such course.

- (o) A commuter van driver must operate his or her vehicle safely and in full compliance with all New York State and City traffic laws, rules and regulations as well the rules and regulations of any other regulatory body or government agency having jurisdiction over motor vehicles.
- (p) A commuter van driver must be courteous to the public.
- (q) A commuter van driver must turn on or off heating or air-conditioning equipment at the request of the passenger(s).
- (r) All audio equipment controlled by the driver must be turned on or off at the request of the passenger(s). The passenger(s) shall have the right to select what is played on the audio equipment. The audio equipment must not be played if any passenger objects. Whether or

not the vehicle is hired, an audio device must be played at normal volume only, and all noise ordinances must be complied with.

- (s) A commuter van driver must not engage in horn-honking that violates traffic rules and regulations.
- (t) A commuter van driver must keep the vehicle clean and smoke free.
- (u) A commuter van driver must not ask for a tip or indicate that a tip is expected.

§9-11 Conditions of Operation Relating to Commuter Vans.

An operator and an owner shall be responsible for compliance with the following provisions and shall be liable for violations thereof:

- (a) Upon the issuance and upon each renewal or transfer of a commuter van license, the commuter van shall be presented to the Commission at its inspection facility where the Commission shall affix four decals to the commuter van. The four decals shall be placed on the lower right corner of the windshield, each rear-most side window, and the center of the rear of the vehicle. Licensure of the commuter van is not complete until such decals are affixed.
- (b) No commuter van shall be used in the course of operations of a commuter van service unless the van shall at all times carry the following inside the vehicle while it is in operation:
 - (1) the commuter van license;
 - (2) the driver's commuter van driver's license mounted in a protective holder behind the driver's seat;
 - (3) the authorization to operate a commuter van service, or legible photocopy thereof;
 - (4) the vehicle registration and evidence of current liability insurance; and

- (5) a passenger manifest as described in subdivision (c) of §9-10 of this chapter.
- (c) No commuter van shall be used in the course of operations of a commuter van service unless the driver holds:
 - (1) a commercial driver's license which pursuant to the New York State Vehicle and Traffic Law is valid for the operation of such commuter van for the transportation of passengers for-hire, and
 - (2) a commuter van driver's license issued pursuant to this chapter.
- (d) No commuter van service and no person who owns or operates a commuter van shall provide, permit or authorize the provision of transportation service to a passenger unless such service to a passenger is on the basis of a telephone contract or other prearrangement and such prearrangement is evidenced by the manifest described in Rule 9-10(c). Where a driver of a commuter van has violated Rule 9-10(d), the commuter van service and the owner of such vehicle shall also be liable for a violation of this Rule 9-11(d).
- (e) No commuter van service and no person who owns or operates a commuter van shall pick up or discharge passengers, or permit or authorize the pick up or discharge of passengers:
 - (1) outside of the geographical area set forth in the authorization to operate a commuter van service issued pursuant to this chapter; or
 - (2) at stops of, or along a route at stops of, or along a route which is traveled upon by a bus line which is operated by the New York City Transit Authority or the City or a private bus company which has been approved by the City to operate pursuant to a local law or Charter provision enacted in accordance with subdivision four of section 80 of the Transportation Law. The prohibition contained in this paragraph shall not apply to the pick up or discharge of passengers along bus routes in the borough of Manhattan south of Chambers Street by commuter van services who on July 1, 1992 had authority from the New York State Department of Transportation to pick up or

discharge passengers along bus routes in such area, provided that the scope of operations by such commuter van services along bus routes in such area shall not exceed the scope of such operations prior to July 1, 1992.

Where a driver of a commuter van has violated Rule 9-10(e), the commuter van service and the owner of such vehicle shall also be liable for a violation of this Rule 9-11(e).

- (f) No commuter van shall used be in the course of operations of a commuter van service unless such vehicle is in compliance with the registration requirements of the New York State Vehicle and Traffic Law.
- (g) No commuter van shall be used in the course of operations of a commuter van service unless such vehicle:
 - (1) is inspected by the New York State Department of Transportation as provided under Section 140 of the New York State Transportation Law or any rules or regulations promulgated thereunder or as provided under any agreement between the New York State Department of Transportation and the Commission entered into pursuant to subparagraph one of paragraph a of subdivision five of section eighty of the New York State Transportation Law, and
 - (2) displays the certificate evidencing an inspection, and
 - (3) meets the vehicle safety standards prescribed by rule or regulation of the New York State Commissioner of Transportation pursuant to Section 140 of the New York State Transportation Law.
- (h) No commuter van shall be used in the course of operations of commuter van service unless such vehicle is in compliance with the insurance requirements set forth in Rule 9-12.
- (i) No commuter van shall be used in the course of operations of a commuter van service unless the van shall have the following information conspicuously painted on each longitudinal side of the

exterior of the vehicle in letters of at least 3 inches in height: the exact name and address of the operator and the word OPERATOR adjacent thereto; the owner's exact name and the word OWNER adjacent thereto; and a permit number. In addition, a placard with the same information required above shall be placed in the interior of the commuter van clearly visible from all passenger seats of the commuter van. Such placard shall include a statement that any complaints regarding the commuter van may be submitted to the Taxi and Limousine Commission by telephone to 311 or via the Commission's website, <http://nyc.gov/taxi>. All such information must be in English. In addition, the information may be in another language.

- (j) A commuter van shall not be used in the course of operations of a commuter van service if the van is in appearance, in whole or in part, any shade of taxicab yellow.
- (k) No commuter van that utilizes a two-way radio or other communications system shall be used in the course of operations of a commuter van service unless such commuter van service and the owner of such commuter van are in compliance with all regulations of the Federal Communications Commission applicable to such use.
- (l) A commuter van service shall be responsible for ensuring that the following records are kept for all dispatched calls:
 - (1) the passenger manifest as described in subdivision (c) of section 9-10 of this chapter.
 - (2) records maintained at the business premises of such service containing the records of requests for service and trips; and
 - (3) a list of all current vehicles operating pursuant to the authorization to operate a commuter van service, which includes information regarding the owner of the vehicle, including but not limited to the owner's name, mailing address, and home telephone number, the vehicle's registration number, the vehicle's commuter van license number, the Department of Motor Vehicles license plate number of the vehicle, the name of the vehicle's insurance carrier and the policy number, and the

dates of inspection of the vehicle and the outcome of each such inspection. An owner of a commuter van shall also be responsible for ensuring that the records described in subparagraphs (a) and (b) of this paragraph be kept for all dispatched calls. The records required to be kept by this paragraph shall be kept for a period of one year. Such records shall be subject to inspection by authorized officers or employees of the Commission during regular business hours.

- (m) A commuter van service and a commuter van owner shall:
 - (1) answer truthfully all questions and comply as directed with all communications, directives and summonses from the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans;
 - (2) produce or be responsible for instructing the driver of any commuter van to produce any documents required by this section to be kept in the commuter van upon the demand of any such authorized person or entity;
 - (3) produce any other document required by this chapter to be maintained no later than 10 days following a request from the Commission for such document; and
 - (4) have an affirmative duty to aid the Commission in obtaining information sought by the Commission regarding any driver or vehicle operating pursuant to the authorization of such van service or owned by such owner.
- (n) Neither a commuter van service owner nor a commuter van owner shall use or attempt to use physical force against any person while performing his duties and responsibilities as a van service owner or van owner or in connection with the operation of such commuter van service. Neither a commuter van service owner nor a commuter van owner shall distract, harm or use physical force against or attempt to distract, harm or use physical force against a service animal accompanying a person with a disability.

- (o) A commuter van service owner and a commuter van owner shall be responsible for notifying the Commission within five calendar days after any criminal conviction (misdemeanor or felony) of the van service owner or the commuter van owner; if the commuter van service or the commuter van owner is a partnership or a corporation, the Commission must be notified of the criminal conviction of any partner, or any officer, principal or stockholder owning more than ten percent of the outstanding stock of the corporation, who is required to be fingerprinted pursuant to this chapter. Such notification shall be in writing and must be accompanied by a certificate of disposition issued by the clerk of the court.
- (p) A commuter van service owner and a commuter van owner or any person acting on his or her behalf shall not 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 chapter or any traffic rule or law. Any administrative hearing on this matter will be referred to the New York City Office of Administrative Trials and Hearings.
- (q) A commuter van service owner and a commuter van owner shall 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 chapter or any traffic rule or law. Any administrative hearing on this matter will be referred to the New York City Office of Administrative Trials and Hearings.
- (r) A commuter van service owner and a commuter van owner shall not instruct, authorize or permit a commuter van driver to discriminate unlawfully against people with disabilities. Such discrimination includes, but is not limited to, refusing to serve people with disabilities, refusing to load and unload the mobility aids of people with disabilities, and imposing any charge in addition to the authorized fare for the transportation of people with disabilities, service animals, wheelchairs, or other mobility aids. Where a commuter van driver has violated §9-10(k) or (l), the commuter van

service and the owner of such vehicle shall also be liable for a violation of this §9-11(r).

- (s) A commuter van service which purchases or leases any new commuter van, as defined by this chapter, shall ensure that such vehicle complies with all applicable provisions of law regarding accessibility to people with disabilities.
- (t) A commuter van service and a commuter van owner shall comply with all provisions of the New York State Workers' Compensation Law and regulations promulgated thereunder with respect to the provision of coverage and benefits to eligible persons.
- (u)
 - (1) A commuter van service and a commuter van owner shall maintain on file with the Commission a current telephone number (which must be connected to an answering machine or recording device), pager number, answering service telephone number or similar means of telephone contact, so that the van or service owner may be reached by the Commission on a twenty-four hour basis.
 - (2) Such service or owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.
- (v) A commuter van owner is responsible for ensuring that the commuter van is equipped with working heating and air conditioning equipment.
- (w) A commuter van owner must not dispatch a commuter van unless the vehicle has seatbelts in working order that can be seen and used.
- (x) A commuter van owner must keep a commuter van clean inside and out.
- (y) A commuter owner must post a Commuter Van Passenger's Bill of Rights in a form and format prescribed by the Commission in a commuter van. The Commuter Van Passenger's Bill of Rights must be placed in a protective holder mounted behind the front passenger's

seat of the commuter van. The Commission will post the Commuter Van Passenger's Bill of Rights on its Web site or will post on its Web site how commuter van owners can obtain the bill of rights.

§9-12 Insurance Relating to Commuter Vans.

- (a) A commuter van service and an owner of a commuter van shall be responsible for compliance with the following provisions and shall be liable for violations thereof:
 - (1) Every person operating one or more commuter vans under an authorization issued by the Commission pursuant to §9-02 of this chapter shall, in accordance with the provisions of this section, procure and maintain and file with the Commission a surety bond or policy of insurance approved as to form by the Commission in a solvent and responsible company authorized to do business in this State and approved by the Superintendent of Insurance covering each commuter van operated pursuant to such authorization, conditioned for the payment of all claims and judgments for damages or injuries caused in the operation, maintenance, use or the defective construction of such commuter van in at least the following amounts:
 - (i) if the commuter van has a carrying capacity of twelve passengers or less: for personal injury or death to one person, \$100,000; for personal injury or death to all persons in one accident, \$300,000, with a maximum of \$100,000 for each person; and for property damage, \$50,000; or
 - (ii) if the commuter van has a carrying capacity of twelve passengers and less than twenty-one passengers: for personal injury or death to one person, \$100,000; for personal injury or death to all persons in one accident, \$500,000, with a maximum of \$100,000 for each person; and for property damage, \$50,000.
 - (2) No commuter van shall be used in the course of operations of a commuter van service unless a surety bond or policy of

insurance as described in paragraph one of this subdivision is maintained covering such commuter van.

- (b) Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as provided herein.
- (c) Surety bond or certificates of insurance which have been accepted by the Commission under this section may be replaced by other surety bonds or certificates of insurance, and the liability of the retiring surety or insurer under such surety bonds or certificates of insurance shall be considered as having terminated as of the effective date of the replacement surety bond or certificate of insurance, provided that such replacement surety bond or certificate meets all of the following conditions:
 - (1) it must be acceptable to the Commission under this section;
 - (2) it must be accompanied by a letter of authorization, in duplicate, signed by the commuter van service involved or an authorized employee of such van service, authorizing such replacement and verifying the effective date thereof; and
 - (3) its effective date must coincide with the effective date specified in the letter of authorization and such date may not be more than 30 days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate.
- (d) Every surety bond or certificate of insurance shall contain a provision for a continuing liability notwithstanding any recovery thereunder.
- (e) Every surety bond or certificate of insurance shall provide that cancellation thereof shall not be effective until at least 30 days' notice in writing of intention to cancel has been delivered to the Commission; such cancellation notice shall be in the form set forth in Appendix B* of this title, *infra*, designated "Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies" or "Form L – Uniform Notice of Cancellation of Motion Carrier Surety Bonds." If

* [As reads in the Official Compilation of the Rules of the City of New York. Should read "Appendix A".]
[Emphasis added.]

such cancelled insurance policy or bond is reinstated, a new certificate, in the form provided by this section, shall be filed with the Commission, except there shall be typed or printed thereon, in capital letters, the words “REINSTATEMENT OF INSURANCE POLICY” or “REINSTATEMENT OF BOND”, as may be appropriate.

- (f) Certificates of Insurance shall be in accordance with the forms set forth in Appendix B* of this title, *infra*, designated “Form E – Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance.” When a certificate of insurance designated Form E is filed, there shall be attached to the original policy of insurance, an endorsement in the form set forth in Appendix B* of this title, *infra*, and marked “Form F – Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement.”
- (g) When a surety bond is filed in lieu of a certificate evidencing insurance, the bond shall be in the form set forth in Appendix B* of this title, *infra*, and designated “Form G – Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond.”
- (h) No surety bond or certificate of insurance shall be filed with the Commission unless a direct contractual relationship exists between the authorization or license holder and the insurance or bonding company making the filing.
- (i) The Commission may at any time refuse to accept any surety bond or certificate of insurance if in its judgement it does not provide adequate protection for the public.

§9-13 Advertising.

- (a) No person shall operate or permit to be operated any vehicle bearing the words “commuter van service,” “van service,” “commuter van,” “van” or other designation of similar import unless the vehicle is licensed as a commuter van and is operated pursuant to an authorization to operate a commuter van service and the driver has an appropriate driver’s license under this chapter. No person shall

* [As reads in the Official Compilation of the Rules of the City of New York. Should read “Appendix A”.]
[Emphasis added.]

advertise or hold himself or herself out as doing business as a “commuter van service,” “van service,” “commuter van,” or “van” or other designation of similar import unless such person is authorized to operate a commuter van service and a commuter van license is in effect for each vehicle used therefor as required by this chapter.

- (b) No person who is required to obtain authorization to operate a commuter van service or is required to operate pursuant to such authorization under this chapter shall advertise in print or in a broadcast medium the activity for which authorization is required without conspicuously stating in such advertising the commuter van service authorization number and that the activity is licensed by the Commission.

§9-14 Renewal, Suspension and Revocation of Authorization to Operate a Commuter Van Service, Commuter Van License and Commuter Van Drivers’ License.

- (a) An authorization to operate a commuter van service shall be revoked after the holder of such authorization has had an opportunity for a hearing and upon the occurrence of any one or more of the following conditions:
 - (1) Where each commuter van comprising a number of commuter vans equaling at least thirty percent of the total number of commuter vans operating as part of the same current, valid authorization rounded up to the next whole number, has failed to maintain the required liability insurance at least three times within a twelve month period; or
 - (2) Where each commuter van comprising a number of commuter vans equaling at least thirty percent of the total number of commuter vans operating as part of the same current, valid authorization, rounded up to the next whole number, has operated without complying with any safety inspection requirement arising from any applicable law, rule or regulation at least three times within a twelve month period; or
 - (3) Where a commuter van driver has had his or her license revoked pursuant to subdivision (c) of this section while

operating as part of such authorization and thereafter is found to be operating a commuter van as part of such authorization without a commuter van driver's license required by this chapter three times within a six month period; or

- (4) Where the number of violations of paragraph 5 of subdivision a of §19-504.3 of the Administrative Code occurring within a twelve month period is equal to the following: ninety percent of the number of commuter vans authorized to operate as part of such authorization, rounded up to the next whole number, or five, whichever is greater.
- (b) A commuter van license shall be revoked after the holder of such license has had an opportunity for a hearing and after which the holder of such license is found guilty of any of the following:
- (1) Failure to maintain the liability insurance required by paragraph 4 of subdivision a of §19-504.3 of the Administrative Code and §9-12 of this chapter three times within a period of one year; or
 - (2) Operating without complying with any safety inspection requirements arising from any applicable law, rule or regulation three times within a period of one year.
- (c) A commuter van driver's license shall be revoked after the holder of such license has had an opportunity for a hearing and such holder is found to have failed to comply with subdivision (e) and/or (f) of §9-10 of this chapter three times within a period of six months.
- (d) A commuter van driver's license shall be revoked after the holder of such license has had an opportunity for a hearing and the Commission finds that the holder's commuter van driver's license has been suspended on two occasions within a three year period pursuant to subdivision o of §19-505 of the Administrative Code, based on such driver's disqualification pursuant to paragraph d of subdivision 2 of §509-c of Article 19-A of the Vehicle and Traffic Law by reason of the accumulation of nine or more points on his or her driving record for acts occurring during an eighteen month period.

* [As reads in the Official Compilation of the Rules of the City of New York.]

- (e) The Commission may refuse to renew any authorization to operate a commuter van service or any commuter van license or commuter van driver's license required by these rules and, after due notice and an opportunity to be heard, may suspend or revoke any such authorization or license upon the occurrence of any one or more of the following conditions:
- (1) the holder of an authorization or a license or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has been found by the Commission to have violated any of the provisions of Chapter 5 of Title 19 of the Administrative Code relating to commuter vans or this chapter; or
 - (2) the holder of an authorization or a license or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has made a material false statement or concealed a material fact in connection with the filing of any application or certification pursuant to this chapter or has engaged in any fraud or misrepresentation in connection with rendering transportation service; or
 - (3) the holder of an authorization or a license or any of its officers, principals, directors, or stockholders owning more than ten percent of the outstanding stock of the corporation has not paid any penalty duly imposed pursuant to the provisions of this chapter; or
 - (4) the holder of an authorization or a license or any of its officers, principals, directors, or stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which, in the judgement of the Commission has a direct relationship to such person's fitness or ability to perform any of the activities for which an authorization or a license is required pursuant to this chapter, or has been convicted of any other offense which under the provision of Article 23-A of the New York State Correction

Law, would provide a basis for the Commission to refuse to renew, or to suspend or revoke, such authorization or license; or

- (5) the holder of an authorization or a license has failed to maintain the conditions of operation applicable to the particular authorization or license as provided in this chapter; or
 - (6) the holder of an authorization or a license or any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation has been found to have violated any of the provisions of §8-107 of the Administrative Code of the City of New York concerning unlawful discriminatory practices in public accommodations in the operation of a commuter van service or a commuter van.
- (f) Notwithstanding the foregoing provisions, the Chairperson of the Commission may immediately suspend any authorization to operate a commuter van service or commuter van license or commuter van driver's license issued under these rules without a prior hearing where the Chairperson determines that the continued possession of such authorization or license poses a serious danger to the public health, safety or welfare. After such suspension an opportunity for a hearing shall be provided on an expedited basis, within a period not to exceed fourteen days.
- (g) Where the Commission suspends or revokes an authorization to operate a commuter van service pursuant to this chapter:
- (1) Any commuter van license which has been issued as part of such authorization shall be deemed suspended or revoked, as the case may be, where the suspension or revocation of the authorization to operate a commuter van service was based, in whole or in part, upon the operation of such commuter van; or
 - (2) Any commuter van license which has been issued as part of such authorization shall continue to be valid in accordance with its terms where the suspension or revocation of the authorization to operate a commuter van service was not based, in whole or in part, upon the operation of such commuter van; provided, however, that such commuter van shall not be

operated in the course of operations of such commuter van service unless and until such commuter van operates as part of a current, valid authorization to operate a commuter van service; provided, further that any such commuter van which operates without being part of a current, valid authorization to operate a commuter van service shall be deemed to be operating without a commuter van license and shall be subject to any and all of the penalties that may be imposed under the Administrative Code of this chapter for the unlicensed operation of commuter vans, including seizure and forfeiture.

- (h) Notwithstanding any other provision of law, any person who has had an authorization to operate a commuter van service revoked by the Commission pursuant to this section shall not be permitted to apply for an authorization to operate a commuter van service for a period of six months after the day of revocation.
- (i) Notwithstanding any other provision of law, any person who has had a commuter van driver's license revoked by the Commission pursuant to this section shall not be permitted to apply for a commuter van driver's license pursuant to this chapter for a period of one year after the date of such revocation.

§9-15 License Fees.

- (a) In accordance with §19-504(o) of the Administrative Code of the City of New York, the fee for a commuter van license shall be two hundred seventy-five dollars (\$275) annually, to be paid at the time of filing the application for issuance or renewal of such license. Such fee shall not be refunded in the event of disapproval of the application; provided, however, that where such disapproval is based on the disapproval of an application for issuance or renewal of an authorization to operate a commuter van service, such fee shall be refunded.
- (b)

- (1) In accordance with §19-505(j) of the Administrative Code of the City of New York, the fee for a commuter van driver's license shall be sixty dollars (\$60) annually, to be paid at the time of filing the application for issuance or renewal of such license. Such fee shall not be refunded in the event of disapproval of the application.
- (2) In accordance with §19-505(j) of the Administrative Code of the City of New York, there shall be an additional fee of twenty-five dollars (\$25) for late filing of a commuter van driver's license renewal application where such filing is permitted by the Commission.
- (c) In accordance with §§19-504(c), 19-504(2)(i) and 19-505(j) of the Administrative Code, there shall be an additional fee of twenty-five dollars (\$25) for each license or authorization issued to replace a lost or mutilated license or authorization.
- (d) *Vehicle Transfer Fees.*
 - (1) A holder of a commuter van license may change the commuter van service with which the commuter van is affiliated after approval by the Chairperson and payment of a \$25 fee.
 - (2) A holder of a commuter van license may transfer the commuter van license to a different vehicle after approval by the Chairperson and payment of a \$25 fee.
 - (3) A holder of a commuter van license may replace the license plates on the commuter van after approval by the Chairperson and payment of a \$25 fee.
 - (4) A holder of a commuter van license must pay a separate fee for each separate transfer, regardless of when such transfer is made.

**§9-16 Procedures in the Event of a Violation of this Chapter.
[Repealed]**

§9-17 Penalties for Violation of Rules Governing Commuter Vans.

(a)

RULE No.	PENALTY All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	PERSONAL APPEARANCE REQUIRED
§9-02(a)	\$500 – first violation \$1,000 – subsequent violation within twenty-four months	Yes
§9-03(c)	\$500 – first violation \$1,000 – subsequent violation within twenty-four months	Yes
§9-04(f)(1)(i)	\$100 - \$500	Yes
§9-04(f)(1)(ii)	\$50- 300	Yes
§9-04(f)(1)(iii)	\$50	No
§9-04(f)(1)(iv)	\$50	No
§9-04(f)(1)(v)	\$50 – 300	Yes
§9-04(f)(1)(vi)	\$75 – 500	Yes
§9-04(f)(1)(vii)	\$100 – 300	Yes
§9-04(f)(1)(viii)	\$100	No
§9-04(f)(1)(ix)	\$100	No
§9-06(a)	\$500 – first violation \$1,000 – subsequent violation within twenty-four months	Yes
§9-06(e)	\$500 – first violation \$1,000 – subsequent violation within twenty-four months	Yes
§9-08(a)	\$300	No
§9-08(e)	\$300	No
§9-10(a)	\$300	No
§9-10(b)(1-4)	\$25 per missing item; maximum penalty \$50	No
§9-10(c)	\$25	No
§9-10(d)	\$50	No

RULE No.	PENALTY All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	PERSONAL APPEARANCE REQUIRED
§9-10(e)	\$75 – first and second violation Revocation for third violation within a six month period	No
§9-10(f)	\$50 – 350 and/or suspension or revocation	Yes
§9-10(g)(1)	\$200 and suspension until compliance	Yes
§9-10(g)(2)	\$50	No
§9-10(g)(3)	\$75 – 350 and/or suspension until compliance	Yes
§9-10(h)	\$50 – 250	Yes
§9-10(i)	\$1,000 and/or suspension or revocation	Yes
§9-10(j)	\$1,000 and/or suspension or revocation	Yes
§9-10(k)	\$100 – 250 and order restitution for any overcharge to the passenger	Yes
§9-10(l)(1)	\$200 – 350 for the first violation \$350 – 500 for each subsequent violation within thirty-six months	Yes
§9-10(l)(2)	\$100 – 250 and order restitution for any overcharge to the passenger	Yes
§9-10(l)(3)	\$200 – 350	Yes
§9-10(n)(1)	\$200	No
§9-10(o)	\$25-250 and/ or suspension up to thirty (30) days or revocation if driver is found guilty of having violated this rule more than three (3) times within a twelve (12) month period.	Yes
§9-10(p)	\$25	No
§9-10(q)	\$25	No
§9-10(r)	\$25	No
§9-10(s)	\$50	No
§9-10(t)	\$25	No
§9-10(u)	\$50	No

RULE No.	PENALTY All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	PERSONAL APPEARANCE REQUIRED
§9-11(a)	For failure to have decals affixed or for operating a commuter van with damaged or missing decal(s): \$500-for the first offense in 12 months; \$1000-for the second offense and subsequent offenses within a 12-month period, and suspension of the commuter van license until compliance. Operator authorization revocation for the third offense within a 12-month period.	No, except for operator authorization revocation
§9-11(b)	\$25 per missing item; maximum penalty \$50	No
§9-11(c)(1)	\$300 and suspension of the commuter van license until compliance	Yes
§9-11(c)(2)	\$300 and suspension of the commuter van license until compliance	Yes
§9-11(d)	\$50	No
§9-11(e)	\$75	No
§9-11(f)	\$300 and suspension of the commuter van license until compliance	Yes
§9-11(g)(1)	\$300	No
§9-11(g)(2)	\$100	No
§9-11(g)(3)	\$100 – 500 and/or suspension or revocation of commuter van license	Yes
§9-11(h)	\$300 and/or suspension or revocation of commuter van license	Yes
§9-11(i)	\$50	No
§9-11(j)	\$100	No
§9-11(k)	\$100	No
§9-11(l)(1)	\$50	No
§9-11(1)(2)	\$100	No
§9-11(1)(3)	\$300	No

RULE No.	PENALTY All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	PERSONAL APPEARANCE REQUIRED
§9-11(m)(1)	\$200 and suspension until compliance	Yes
§9-11(m)(2)	\$50 – 150	Yes
§9-11(m)(3)	\$75 – 350 and/or suspension until compliance	Yes
§9-11(m)(4)	\$75 – 350 and/or suspension until compliance	Yes
§9-11(n)	\$50 – 350 and/or suspension or revocation	Yes
§9-11(o)	\$100	No
§9-11(p)	\$1,000 and/or suspension or revocation	Yes
§9-11(q)	\$1,000 and/or suspension or revocation	Yes
§9-11(r)	\$200 – 350	Yes
§9-11 (s)	\$200 – 350	Yes
§9-11(t)	\$25 for each day of non-compliance, and either suspension until compliance or license revocation.	Yes
§9-11 (u)(1)	\$100	No
§9-11(u)(2)	\$500	No
§9-11(v)	\$50	No
§9-11(w)	\$100	No
§9-11(x)	\$25	No
§9-11(y)	\$100	No
§9-12 (a)(2)	\$300 and suspension until compliance	No
§9-13(a)	\$500 – first violation \$1,000 – subsequent violation within twenty-four months	Yes
§9-13(b)	\$50	No

(b) A penalty of \$200 and suspension shall be imposed* for default.

* [So in original. No change indicated in City Record Dec. 1, 1999.]

§9-18 Seizure of Commuter Vans.

- (a) In accordance with §1-529(2)^{**} of the Administrative Code of the City of New York, a police officer or agent of the Commission may, upon service of a notice of violation upon the owner or operator of a commuter van, seize a vehicle which such police officer or agent of the Commission has reasonable cause to believe is being operated as a commuter van service by or on behalf of a person who is not operating pursuant to a current, valid authorization or operating as a commuter van without a commuter van license as required by this chapter. All persons in any such seized vehicle shall be left in or transported to a location which is readily accessible to other means of public transportation. A vehicle seized pursuant to §19-529(2)^{**} of the Administrative Code shall be removed to a designated secured facility.
- (b) Within one business day after the seizure of a vehicle pursuant to subdivision (a) of this section, notice of such seizure and a copy of the notice of violation shall be mailed to the owner of such vehicle at the address for such owner set forth in the records maintained by the New York State Department of Motor Vehicles, or, for vehicles not registered in New York State, such equivalent record in such state of registration.
- (c) A hearing to adjudicate the violation underlying the seizure shall be held before the administrative tribunal of the Commission within five business days after the date of the seizure. The adjudication shall be conducted pursuant to the procedures set forth in chapter 8 of the Rules of the Commission, except that where the procedures set forth in such Chapter are inconsistent with any provisions of the section, this section shall govern. The administrative tribunal of the Commission shall, within one business day of the conclusion of the hearing, render a determination as to whether the vehicle has been operated by or on behalf of a person who is not the holder of a current, valid authorization or has been operated without a commuter van license required by this chapter.

^{**} [As reads in the Official Compilation of the Rules of the City of New York. Should be: “In accordance with §19-529.2 of the Administrative Code of the City of New York...”. [Emphasis added.]

- (d) A owner shall be eligible to obtain release of the vehicle prior to such hearing if such owner has not previously been found liable in an administrative or judicial proceeding for operating a vehicle as a commuter van service without a current, valid authorization or operating a commuter van without a commuter van license as required by this chapter, which violation was committed within a five year period prior to the violation resulting in the seizure. The vehicle shall be released to an eligible owner upon the posting of a bond in a form satisfactory to the Commission in the amount of the maximum civil penalty which may be imposed for the violation underlying the seizure and all reasonable costs for removal and storage of such vehicle.
- (e) Where the Administrative Tribunal of the Commission, after adjudication of the violation underlying the seizure, shall find that the vehicle has been operated as a commuter van by or on behalf of a person who is not the holder of a current, valid authorization or operated as a commuter van without a commuter van license:
 - (1) If the vehicle is not subject to forfeiture pursuant to §19-529(3)* of the Administrative Code of the City of New York, the Commission shall release such vehicle to an owner upon payment of the applicable civil penalties and all reasonable removal and storage costs; or
 - (2) If the vehicle is subject to forfeiture pursuant to §19-529(3)* of the Administrative Code, the Commission may release such vehicle to an owner upon payment of the applicable civil penalties and all reasonable removal and storage costs, or may commence a forfeiture action pursuant to §19-529(3)* within ten days after the owner's written demand for such vehicle.
- (f) Where the Administrative Tribunal of the Commission, after adjudication of the violation underlying the seizure, finds that the charge of operating without an authorization or commuter van license has not been sustained, the vehicle shall be released to the owner.

* [As reads in the Official Compilation of the Rules of the City of New York. Should be: "In accordance with §19-529.3 of the Administrative Code of the City of New York..."]. [Emphasis added.]

- (g) If an owner or representative of such owner has not sought to reclaim a seized vehicle within thirty days after mailing of notice to such owner of the final adjudication by the Administrative Tribunal of the Commission of the violation underlying the seizure, such vehicle shall be deemed by the Commission to be abandoned. Such vehicle shall be disposed of by the City pursuant to §1224 of the New York State Vehicle and Traffic Law; provided, however, that notwithstanding any inconsistent provision of §1224 of such law, if an owner seeks to reclaim such vehicle pursuant to §1224 of such law, such owner shall be deemed to have made a written demand for such vehicle and the Commission shall take such action as may be authorized by subdivisions (e) or (f) of this section.
- (h) The vehicle removal fee shall be one hundred fifty dollars (\$150).
- (i) The vehicle storage fee shall be fifteen dollars (\$15) per day.

§9-19 Forfeiture of Commuter Vans.

- (a) In addition to the penalties, sanctions and remedies provided in Chapter 5 of Title 19 of the Administrative Code and this chapter or in subdivisions 6 and 7 of §145 of the New York State Transportation Law, a vehicle seized pursuant to §19-529(2)* of the Administrative Code, and all rights, title and interest therein, shall be subject to forfeiture to the City in accordance with the provisions of §19-529(3)* of the Administrative Code upon judicial determination thereof, if the owner of such vehicle has been found liable at least two times in an administrative or court proceeding for operating a commuter van or other such common carrier by or on behalf of a person who is not the holder of a current, valid authorization or operating a commuter van without a commuter van license as required by this chapter, both of which violations were committed within a five-year period.
- (b) A forfeiture action which is commenced pursuant to §19-529(3)* shall be commenced by filing of a summons with notice or a summons and complaint pursuant to the New York Civil Practice Law and Rules,

* [As reads in the Official Compilation of the Rules of the City of New York.]

and such summons with notice or summons and complaint shall be served pursuant to subdivision (c) of this section. A vehicle which is the subject of such an action shall remain in the custody of the City pending the final determination of the forfeiture action.

- (c) Service of a summons with notice or a summons and complaint shall be made:
 - (1) by personal service pursuant to the New York Civil Practice Law and Rules upon all owners of the vehicle listed in the records maintained by the New York State Department of Motor Vehicles, or for vehicles not registered in New York State, in the records maintained by the state of registration;
 - (2) by first class mail upon all individuals who have notified the Administrative Tribunal of the Commission that they are an owner of the vehicle; and
 - (3) by first class mail upon all persons holding a security interest in such vehicle which security interest has been filed with the New York State Department of Motor Vehicles pursuant to the provisions of Title 10 of the New York State Vehicle and Traffic Law, at the address set forth in the records of the New York State Department of Motor Vehicles, and for vehicles not registered in New York State, all persons holding a security interest in such vehicle which security interest has been filed with the state of registration at the address provided by such state of registration.
- (d) Any owner who receives notice of the institution of a forfeiture action who claims an interest in the vehicle subject to forfeiture shall assert a claim for the recovery of the vehicle or satisfaction of the owner's interest in such vehicle by intervening in the forfeiture action in accordance with the New York Civil Practice Law and Rules. Any persons* with a security interest in such vehicle who receives a notice of the institution of the forfeiture action who claims an interest in such vehicle subject to forfeiture shall assert a claim for satisfaction of such person's security interest in such vehicle by intervening in the forfeiture action in accordance with the New York Civil Practice Law and Rules.

- (e) No vehicle shall be forfeited pursuant to §19-529(3) ^{*}, to the extent of the interest of a person who claims an interest in the vehicle, if such person shall plead and prove as an affirmative defense that:
- (1) the use of the vehicle for the conduct that was the basis for the seizure occurred without the knowledge of such person, or, if such person had knowledge of such use, without the consent of such person, and that such person did not knowingly obtain such interest in the vehicle in order to avoid the forfeiture of such vehicle; or
 - (2) the conduct that was the basis for the seizure was committed by any person other than such person claiming an interest in the vehicle, while such vehicle was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or any state.
- (f) For purposes of subdivision (e) of this section, if such person claiming an interest in the vehicle had knowledge of the use of the vehicle for the conduct that was the basis for such seizure, such person shall be deemed to have consented to the unlawful conduct unless such person establishes that he or she did all that could reasonably have been done to prevent the use of the vehicle for such unlawful conduct.
- (g) The City, after judicial determination of forfeiture, shall, at its discretion, either:
- (1) retain such vehicle for the official use of the City; or
 - (2) by public notice of at least twenty (20) days, sell such forfeited vehicle at public sale. The net proceeds of any such sale shall be paid the general fund of the City.
- (h) At any time within six months after the forfeiture, any person claiming an interest in a vehicle which has been forfeited pursuant to §19-529.3 who was not sent notice of the commencement of the forfeiture action pursuant to subdivisions (b) or (c) of this section or

^{*} [As reads in the Official Compilation of the Rules of the City of New York.]

who did not otherwise receive actual notice of the forfeiture action may assert, in an action commenced before the Justice of the Supreme Court before whom the forfeiture action was held, such claim as could have been asserted in such forfeiture action pursuant to §19-529.3. The court may grant the relief sought upon such terms and conditions as it deems reasonable and just if such person claiming an interest in the vehicle establishes that he or she was not sent notice of the commencement of the forfeiture action and was without actual knowledge of the forfeiture action and establishes either of the affirmative defenses set forth in subdivision (e) of this section.

- (i) In any action commenced pursuant to subdivisions (b) or (h) of this section, where the court awards a sum of money to one or more persons in satisfaction of such person's or persons' interest or interests in the forfeited vehicle, the total amount awarded to satisfy such interest or interest^{*} shall not exceed the amount of the net proceeds of the sale of the forfeited vehicle, after deduction of the lawful expenses incurred by the City, including the reasonable costs of removal and storage of the vehicle between the time of seizure and the date of sale.

§9-20 Critical Driver Program.

- (a) The commuter van driver's license of any driver, who, within a period of fifteen months, accumulates six or more points against his license issued by the Department of Motor Vehicles, or an equivalent license issued by the driver's state of residence, unless previously revoked, shall be suspended for thirty days.
- (b) The commuter van driver's license of any driver who, within a period of fifteen months, accumulates ten or more points against his license issued by the Department of Motor Vehicles, or an equivalent license issued by the driver's state of residence, shall be revoked.
- (c) The Commission may at any time review the fitness of a driver to be licensed by the Commission in view of any moving violation, accident, or other driving related incident. Nothing contained herein shall preclude the imposition by the Commission of additional or

^{*} [As reads in the Official Compilation of the Rules of the City of New York.]

more severe penalties, or any other action deemed appropriate, in accordance with the Rules of the Commission.

- (d) For the purpose of this Rule, the points assigned by the Department of Motor Vehicles for any violation shall be deemed to have been accumulated as of the date of occurrence of the violation.
- (e) The relevant fifteen-month period to be used for calculating any suspension or revocation imposed under subsection (a) or (b) herein shall be calculated from the date of the most recent occurrence which led to a conviction of a violation carrying points; provided however, that no action under subsection (a) or (b) shall be taken with regard to any violation carrying points which occurred prior to the effective date of this Rule.
- (f) For the purpose of calculating penalties pursuant to subsection (a) or (b) herein, a driver who has accumulated points for multiple violations arising from a single incident shall be deemed to have accumulated points for the single violation with the highest point total.
- (g) Any licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the Department of Motor Vehicles, and who furnishes the Commission with proof that the course was completed after the effective date of this Rule shall have two (2) points deducted from the total number of points assessed pursuant to this Rule. No point reduction shall affect any suspension or revocation action taken pursuant to these Rules prior to the completion of the course. No person shall receive a point reduction pursuant to this subdivision more than once in any eighteen-month period, and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee.

§9-21 Special Procedures Relating to Unlicensed Commuter Van Operations.

Where the Commission or an administrative tribunal thereof finds an owner liable for operating a vehicle as a commuter van without an authorization to operate a commuter van service or without a commuter van license, the Commission shall notify the New York State Commissioner of Motor

Vehicles pursuant to subparagraph 4 of paragraph a of subdivision 5 of §80 of the New York State Transportation Law of such finding. The Commissioner of Motor Vehicles may take such action as required pursuant to such subparagraph 4, including the suspension of the registration of such vehicle and the denial * any application for the registration of such vehicle or any application for the renewal thereof pursuant to subdivision 5-a of §401 of the Vehicle and Traffic Law until such time as the Commission may give notice that the violation has been corrected to its satisfaction. The Commission shall also notify the Department of Finance where it finds an owner liable for operating a vehicle as a commuter van without an authorization to operate a commuter van service or without a commuter van license.

APPENDIX A *

FORM K UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER INSURANCE POLICIES (EXECUTED IN TRIPLICATE)

Check Type Canceled]
BI and PD []
Cargo []

Filed with _____ (NAME OF COMMISSION) _____ (hereinafter called Commission)

This is to advise that under the terms of a policy or policies issued to:

_____ (NAME OF MOTOR CARRIER) _____

of _____ (ADDRESS OF MOTOR CARRIER) _____

by _____ (NAME OF COMPANY) _____

of _____ (ADDRESS) _____

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the _____ day of _____, 19____, 12:01A.M., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the _____

* [As reads in the Official Compilation of the Rules of the City of New York.]

* Appendix A added City Record Sept. 26, 1994 eff. Oct. 27, 1994.

Commission.

Insurance Company File No. _____
(POLICY NO.) (SIGNATURE OF INSURER)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

FORM L

UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER SURETY BONDS (EXECUTED IN TRIPLICATE)

Check Type Canceled
BI and PD []
Cargo []

Filed with _____ (NAME OF COMMISSION) _____ (hereinafter called Commission)

This is to advise that, under the terms of surety bond(s) executed in behalf of

_____ (NAME OF PRINCIPAL) _____

of _____ (ADDRESS) _____

by _____ (NAME OF SURETY) _____

of _____ (ADDRESS) _____

said bond(s) including any and all riders or certificates attached thereto or issued in connection therewith, is (are) hereby cancelled effective as of the _____ day of _____, 19____, 12:01 A.M. , standard time at the address of the Principal as stated in said bond(s) provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. _____
(POLICY NO.) (SIGNATURE OF PRINCIPAL OR SURETY)

This form determined by the National Association of Railroads and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

APPENDIX A - FORM E
UNIFORM MOTOR CARRIER BODILY INJURY AND
PROPERTY DAMAGE LIABILITY CERTIFICATE
OF INSURANCE
(EXECUTED IN TRIPLICATE)

Filed with _____ (hereinafter called Commission)
(Name of Commission)

This is to certify, that the _____
(Name of Company)

(hereinafter called Company) of _____
(Home Office Address of Company)

has issued to _____ of _____
(Name of Motor Carrier) (Address of Motor Carrier)

a policy or policies of insurance effective from _____ 12:01 A.M.,
standard time at the address of the insured stated in said policy or policies and continuing until
cancelled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury
and Property Damage Liability Insurance Endorsement, has or have been amended to provide
automobile bodily injury and property damage liability insurance covering the obligations
imposed upon such motor carrier by the provisions of the motor carrier law of the State in which
the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of
said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation
of the policy to which it is attached. Such cancellation may be effected by the Company or the
insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days'
notice to commence to run from the date notice is actually received in the office of the
Commission.

Countersigned at

(Street Address) (City) (State) (Zip Code)

this _____ day of _____, 19____

(Authorized Company Representative)
Insurance Company File No. _____
(Policy Number)

FORM F
UNIFORM MOTOR CARRIER BODILY INJURY
AND PROPERTY DAMAGE LIABILITY
INSURANCE ENDORSEMENT

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with the State Commissions indicated on the reverse side hereof.
3. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days' notice to commence to run from the date the notice is actually received in the office of such Commission.

Attached to and forming part of policy No. _____ issued by _____,
_____ herein called Company, of _____
_____ to _____ of _____.

Dated at _____ this _____ day of _____, 19____

Countersigned by _____
_____ Authorized Company Representative

This form determined by the National Association of Railroads and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

**UNIFORM MOTOR CARRIER BODILY INJURY AND
PROPERTY DAMAGE LIABILITY SURETY BOND
(EXECUTED IN TRIPPLICATE)**

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:
WHEREAS, the Principal is or intends to become a motor carrier subject to the laws of such State and the rules and regulations of

Within the limits hereinafter provided, the liability of the Surety extends to such losses, damages, injuries, or deaths regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the principal or elsewhere.

(Reverse)

This bond is effective from _____ (12:01 A.M., standard time at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission. The Surety shall not be liable hereunder for the payment of any judgment or judgments against the Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the Surety on each motor vehicle shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, 19____.

(Principal)

By _____

(AFFIX CORPORATE SEAL)

(Surety)

(City) (State)

By _____

Countersigned at _____ this _____ day of _____, 19____

Bond No. _____
(Registered Resident Agent)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).