

CHAPTER 4	PARATRANSIT SERVICES – TRANSPORTING PEOPLE WITH DISABILITES
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Updated 12/22/10

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

§4-01 Definitions.

Applicant. An applicant is an individual applying for an original or renewal license for a paratransit vehicle and/or to operate such vehicle and/or to operate a paratransit base.

Base. A base is a central facility approved by the Commission which manages, organizes and/or dispatches a licensed vehicle or vehicles. This location should also be the official location on record with the New York State Department of Transportation.

Base Owner. A base owner is any individual, partnership or corporation licensed by the Commission to own and operate a base.

Chauffeur's license. Chauffeur's license means a valid New York State Chauffeur's license or its equivalent from another state of which the licensee is a resident.

Commission. Commission shall refer to the New York City Taxi and Limousine Commission.

Common carrier. A common carrier is a vehicle licensed by the state for public use in the conveyance of persons or property within New York State.

Dispatch of a paratransit vehicle. Dispatch of a paratransit vehicle is a dispatcher's instruction to a paratransit driver (usually by radio) directing the driver to provide service to a prospective passenger on a prearranged basis.

Driver. A driver is a person licensed by the Commission to drive a paratransit vehicle in the City of New York.

Fastening devices. A fastening device is a device, as approved by the New York State Department of Transportation, which will securely hold wheelchairs in position in a paratransit vehicle and will not cause a tripping hazard.

Electronic Trip Record System. The "electronic trip record system" is hardware and software that collects and stores the electronic trip record data required by section 4-09(gg). The specific locations and times of pick-up

and drop-off and any other data that may be collected in the vehicle must be done contemporaneously with the trip.

Lease card. A lease card is a card issued to a lessee of a paratransit vehicle by the Commission, setting forth the name and address of the lessee, the period of the lease and any other information prescribed by the Commission.

Licensed vehicle. A licensed vehicle is a paratransit vehicle or ambulette authorized by the Commission to transport, by prearrangement and for hire, any person with a disability.

Mailing address. A mailing address is the address designated by the paratransit vehicle owner, base owner or driver for the receipt of all notices and correspondence from the Commission and for the receipt of service of summonses by the Commission. In the case of the base owner, the mailing address shall be the base address. In the case of the driver, it shall be the home address of the driver. In the case of the paratransit vehicle owner, an individual shall designate the home address of such individual or, if a partnership, of one of the partners and a corporation shall designate the address of the secretary of the corporation. However, the licensee may also designate a U.S. post office box number as a mailing address. Any notice from the Commission shall be deemed sufficient if sent to the address last furnished to the Commission by the paratransit vehicle owner, base owner or driver.

Owner. An owner is any individual, partnership, association, organization (including non-profit), or corporation licensed by the Commission to own a paratransit vehicle. Accordingly, under these rules, the term includes an agent or employee of such owner having authority to act on behalf of the owner, including a lessee of a paratransit vehicle.

Paratransit driver's license. A paratransit driver's license is a license issued by the Commission to persons who meet Commission qualifications as paratransit vehicle drivers.

Paratransit service. A paratransit service is a transportation service for persons with disabilities, including all ambulette services.

Paratransit vehicle. A paratransit vehicle is a wheelchair accessible van. For the purposes of these rules, this term shall include all ambulettes (whether wheelchair accessible or not).

Paratransit vehicle license. A paratransit vehicle license is a license issued by the Commission to an owner of a paratransit vehicle which displays the vehicle's license number and other data prescribed by the Commission which serves as evidence that the vehicle is licensed to operate in New York City.

Passenger. A passenger is any individual carried in a paratransit vehicle for travel for hire to a given destination.

Person with a disability. A person with a disability is an individual with a physical or mental impairment, including any person with a mobility impairment who uses a wheelchair, three-wheeled motorized scooter or other mobility aid, or is semi-ambulatory, and who cannot board, ride or disembark from a vehicle without the assistance of a wheelchair lift or other boarding assistance device.

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.

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.

Trip Record. A trip record, also known as a trip sheet, is a written document or data in electronic form setting forth or containing the origin and destination of each trip as well as other information required by the Commission pursuant to section 4-09(gg) of this chapter. Written trip records, when permitted by section 4-10(m) of this chapter, must be carried by the paratransit vehicle driver.

Weapon. A weapon is any instrument or thing whether real or simulated, capable of inflicting or threatening bodily harm.

Wheelchair accessible van (also known as paratransit vehicle). A wheelchair accessible van is any motor vehicle, equipped with a hydraulic lift or ramp(s) designed for the purpose of transporting persons who use wheelchairs or containing any other physical devices designed to permit access to and the transportation of a person with a disability.

§4-02 Term of Licenses.

- (a) The term of every driver license and every base license issued by the Taxi and Limousine Commission under the Paratransit Services Rules shall be as follows:
 - (1) A license issued to a new applicant shall expire two years subsequent to the date the license was issued.
 - (2) A license issued to a renewing applicant shall expire two years from the date on which the previous license expired.
- (b) A license issued to a new applicant for a vehicle license issued by the Taxi and Limousine Commission under the Paratransit Services Rules shall expire two years subsequent to the day the license was issued. A license issued to a renewal applicant for a vehicle license issued by the Taxi and Limousine Commission under the Paratransit Services Rules shall expire two years from the day on which the previous license expired. The Commission may, in its discretion, extend the expiration date of such license by up to an additional thirty-one days.
- (c) A renewing applicant must file a completed renewal application on or before the expiration date of the license.
- (d) A person who engages in a licensed activity after the expiration date of a license and before the issuance of a renewal license may be subject to penalties pursuant to applicable statutes and regulations.

§4-03 Paratransit Driver's License.

- (a) An applicant for a paratransit driver's license:
 - (1) must be at least 18 years of age;
 - (2) if an applicant for an original license, must provide to the Commission proof of identity in the form of

- (A) A valid form of photo identification issued by the United states, any state or territory thereof, or any political subdivision of such state or territory; and
- (B) A valid, original social security card;
- (3) must be tested and evince a vision of at least 20/40 in each eye (with corrective lenses if necessary);
- (4) must be the holder of a valid New York State Motorist License Class A, B, C, or E. For the purposes of these rules, a valid license shall mean a license, issued by the New York State Department of Motor Vehicles, which is neither probationary, suspended, revoked, conditional, nor restricted as to use for violations of traffic laws or regulations.
- (5) must be of sound mental and physical condition and fit to safely operate and drive a vehicle for hire as certified to by a licensed physician on forms provided by the Commission. The Commission may direct the applicant or driver to appear before a duly licensed physician designated by the Commission, for an examination of his physical or mental condition, should the Commission have cause to believe that an applicant or driver has a physical or mental impairment that renders him unfit for the safe operation of a paratransit vehicle. An existing license may be suspended or revoked if the driver fails to appear as directed,
- (6) must not be addicted to drugs or alcohol;
- (7) must be of good moral character (a certified court transcript of disposition is required if ever convicted of a crime);
- (8) must be fingerprinted and photographed;
- (9) must be able to understand, speak, read and write the English language;

- (10) must be familiar with New York City geography, streets and traffic regulations, as well as New York State Vehicle and Traffic Law;
 - (11) qualified pursuant to Article 19-A of the New York State Vehicle and Traffic Law to drive a paratransit vehicle.
- (b) A Commission application for a paratransit driver's license must be signed and filed by the applicant with the Commission. An applicant for a driver's license shall agree that service of any paper, notice, letter, summons, complaint or legal process of any kind or nature may be made by the City of New York, or any department thereof, upon the person to whom the license is issued by leaving a copy of any such paper, notice, letter, summons, complaint or legal process with any member of his or her family or other person with whom he or she may reside at the address listed as a mailing address in his or her application.
 - (c) All applicants are required to be fingerprinted and to pass all prescribed tests, administered by the Commission or at its direction.
 - (d) A member of the New York City Police Department, applying for a paratransit driver's license must satisfy all the requirements herein for such license and provide a letter from his commanding officer approving such application to the Commission.
 - (e) Material falsification contained in an original or renewal application for a license shall be cause for denial, suspension or revocation of such license, as well as any other sanctions imposed by the Commission.
 - (f) Failure to notify the Commission of any material change in the information contained in the license application shall be cause for denial, suspension or revocation of such license, as well as any other sanctions imposed by the Commission.
 - (g) The Commission may deny the renewal application or suspend or revoke the license of any driver who no longer meets the requirements for a paratransit driver's license.

- (h) An applicant or any person acting on his behalf shall not offer or give any gift or gratuity to any employee, representative, public servant, or member of the Commission.
- (i) An applicant shall immediately report to the Inspector General of the Commission or to the New York City Department of Investigation any request or demand for any gift, or gratuity by any employee, representative, public servant, or member of the Commission.
- (j) If the applicant has failed to meet the requirements for a paratransit driver's license, the Commission will deny the license or its renewal and will specify the reason for the denial in writing to the applicant.
- (k) If an application for a license or its renewal is denied, the applicant or driver shall be entitled to a hearing before the Commission at which he may be represented by an attorney or a non-attorney representative. However, the Commission may, for cause, deny a non-attorney representative the opportunity to appear at such hearing.

§4-04 Paratransit Vehicle Licensing.

- (a)
 - (i) An individual, the members of a partnership, or the officers and shareholders of a corporation applying for an original paratransit vehicle license must provide to the Commission proof of identity in the form of
 - (1) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and
 - (2) A valid, original social security card.
 - (ii) An individual, the members of a partnership or the officers and shareholders of a corporation applying for a paratransit vehicle license or its renewal must
 - (1) have ownership in a wheelchair accessible vehicle;

- (2) be at least 18 years of age;
- (3) be of good moral character (a certified court transcript of disposition is required if ever convicted of a crime);
- (4) operate from a base that is licensed;
- (5) have a valid certificate of Operating Authority for the City of New York issued by the New York State Department of Transportation.

(b) The applicant must also:

- (1) complete required Commission application forms;
- (2) be qualified to assume the duties and obligations of an owner of a paratransit vehicle license, thereby rendering him “fit” as determined by the Commission; criminal records, driving records, medical conditions, mental health, as well as prior or current drug or alcohol use will be scrutinized in determining fitness.
- (3) demonstrate that the vehicle is in safe operating condition and meets all requirements of the Commission and all other governmental agencies having concurrent jurisdiction;
- (4) prove that he has the required liability insurance coverage by bond or policy as determined by the State of New York;
- (5) provide the certificate of title or a copy thereof and the certificate of registration, both of which must be in the applicant’s name unless title is retained by a lessor or conditional vendor; provided, however, in addition to the terms set forth in this paragraph (b)(5), on and after January 1, 2008, the applicant must provide (i) the certificate of title or a copy thereof and (ii) the certificate of registration that evidences that the paratransit vehicle is of a model year that is not excluded by section 4-18 of this chapter and will not be required to be retired prior to the expiration of the two-year term of licensing.

- (6) provide a copy of the motor vehicle tax stamp receipt, a current rate schedule and a New York State Department of Transportation inspection checklist and
 - (7) demonstrate that the vehicle will be dispatched from a place of business approved by the Commission as a base, unless the applicant has been exempted from this requirement by the Commission.
- (c) Fingerprinting shall be required of all individuals, the members of a partnership, and officers and shareholders of a corporation applying for or holding an owner's license. Also, any individual, members of a partnership and officers and shareholders of a corporation who provide funds to an owner shall be fingerprinted unless such provider is a licensed bank or loan company. The Commission has the discretionary right to waive any requirements of this subdivision (c).
- (d) If the paratransit vehicle is leased, a copy of the leasing agreement must be filed with the license application.
- (e) A partnership shall file a certified copy of the partnership certification from the County Clerk, with its license application.
- (f) A corporation, shall file a certified copy of its certificate of incorporation, with its license application. The applicant shall also furnish a list of its shareholders and current officers.
- (g) A corporate or trade name which is similar to a name already in use by another owner will not be accepted by the Commission.
- (h) The Commission will deny the paratransit vehicle license or its renewal if it determines that the applicant has failed to meet the requirements, and will specify in writing to the applicant the reason for such denial.
- (i) The Commission may deny an owner's renewal application or suspend or revoke the owner's paratransit vehicle license should the Commission become aware of information that the owner no longer meets the requirements for a paratransit vehicle owner's license.

- (j) Failure to notify the Commission of any material change in the information contained in the paratransit vehicle license or any attempt by an owner or applicant to conceal the identity of a party having an interest in the ownership of a paratransit vehicle or another material falsification contained in an application shall be cause for denial of such application or revocation or suspension of such license, in addition to any other sanctions imposed by the Commission.
- (k) If an application for a paratransit vehicle license or its renewal is denied, the applicant or owner shall be entitled to a hearing before the Commission at which the applicant or owner may be represented by an attorney or by a non-attorney representative. However, the Commission may, for cause, deny a non-attorney representative the opportunity to appear at such hearing.

§4-05 Base License.

- (a) The base must be located on commercial property or within a zone which permits a base operation, unless there are four vehicles or less in which case the base may be maintained at the base owner's residence.
- (b) The base operation must be maintained as a separate entity.
- (c) The base must maintain outside advertising stating the business name and telephone number and indicating to the public that it is a paratransit base.
- (d) The base must maintain records of all paratransit vehicles dispatched.
- (e) The applicant for the base license must complete and file the required Commission application form and also submit:
 - (1) a copy of the New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority);

- (2) if the base owner is a corporation, a copy of the filing receipt and the certificate of Incorporation;
- (3) if the base owner is a partnership, a copy of the partnership agreement if such agreement exists;
- (4) a copy of the current Rate Schedule;
- (5) if an applicant for an original license, proof of identity of the owner, its partners if the owner is a partnership, and, if the owner is a corporation, officers and stockholders in the form of
 - (A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision or such state or territory; and
 - (B) A valid, original social security card.
- (f) Base owners, corporate officers and active stockholders must all be fingerprinted at the Commission.
- (g) A base license application must be accompanied by at least one paratransit vehicle licensing application. A paratransit base may dispatch only Commission licensed paratransit vehicles.
- (h) The Commission may deny a base owner's renewal application or suspend or revoke the base owner's license should the Commission become aware of information that the base owner no longer meets the requirements for a base license.

§4-06 Paratransit Driver's Responsibility to the Commission.

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.

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| (a) A driver shall answer and comply as directed with all questions, communications, directives, restrictions and summonses from the Taxi and Limousine Commission or its representatives. A driver shall produce his or her paratransit driver's license, chauffeur's license, trip records or any other documents when required by the Commission. | \$200 and suspension until compliance.
Personal Appearance Required. |
| (b) A driver shall not operate a paratransit vehicle for hire within the City of New York, unless it is properly licensed by the Taxi and Limousine Commission. | See §4-05
Personal Appearance Required. |
| (c) A driver of a New York City paratransit vehicle for hire must be duly licensed as a driver by the Commission. | \$100 – 1 st Offense
\$250 – 2 nd Offense
\$350 – 3 rd Offense
\$500 – 4 or more offenses
w/in 12 months
Personal Appearance Required. |

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.

(d) A driver shall not operate a paratransit vehicle unless:

(1) he or she possesses a paratransit driver's license;

(2) he or she possesses a valid New York State chauffeur's license or appropriate valid license of similar class of the state of which he or she is a resident;

(3) the vehicle is adequately insured in accordance with New York State Law.

(1) \$100
Personal Appearance
Required.

(2) \$100 - \$350
and/or suspension up
to 30 days unless
exempted by the
Commission;
summary suspension
until compliance
pursuant to §8-17(b)
of this title. Personal
Appearance Required.

(3) \$100
Personal Appearance
Required.

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.

- (e) A driver shall not operate a paratransit vehicle in New York City while his paratransit driver's license is revoked, suspended or expired.

\$100 – 1st Offense
\$250 – 2nd Offense
\$350 – 3rd Offense
4 or more offenses
within 12 months –

OATH

Personal Appearance
Required.

- (f) A driver shall immediately report the suspension or revocation of his state chauffeur's license (or its equivalent) to the Commission, at which time he shall also surrender his paratransit driver's license to the Commission.

\$15 - \$150
Personal Appearance
Required.

- (g) A driver shall notify the Commission within fifteen (15) days if he is convicted of a crime and he shall deliver to the Commission a certified copy of the certificate of disposition issued by the Court clerk within fifteen (15) days of sentencing.

\$25 - \$150
Personal Appearance
Required.

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.

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| <p>(h) A driver shall safeguard his or her paratransit driver's license and the paratransit vehicle license. Locking the paratransit vehicle with the paratransit driver's license and paratransit vehicle license therein during his or her shift shall be deemed compliance with this rule. However, leaving either or both of them in the paratransit vehicle while another possesses the paratransit vehicle is not deemed compliance.</p> | <p>\$25
Personal Appearance
Not Required.</p> |
| <p>(i) A driver shall notify the Commission in writing, within seventy-two (72) hours, exclusive of weekends and holidays, of the loss, theft or mutilation of his paratransit driver's license. He must report in person when applying for a replacement, and he shall furnish new photographs, and any affidavits required by the Commission.</p> | <p>\$25
Personal Appearance
Not Required.</p> |
| <p>(j) A driver shall not in any way alter, deface, mutilate or obliterate any portion of his paratransit driver's license or the attached photograph so as to make them unreadable or unrecognizable.</p> | <p>\$50
Personal Appearance
Not Required.</p> |
| <p>(k) A driver shall immediately surrender any unreadable, unrecognizable, or mutilated paratransit driver's license to the Commission.</p> | <p>\$25
Personal Appearance
Not Required.</p> |

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.

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| <p>(l) A driver's photograph on his or her paratransit driver's license shall accurately reflect his or her appearance, including such details as the wearing of glasses, hearing aid, mustache, beard, etc. Should the driver's appearance change, he or she must, without delay, submit four (4) new photographs to the Commission, and a new paratransit driver's license shall be issued.</p> | <p>\$25
Personal Appearance
Not Required.</p> |
| <p>(m) A driver shall not allow anyone to use his or her paratransit driver's license and he or she shall not use another's paratransit driver's license.</p> | <p>\$250
Personal Appearance
Required.</p> |
| <p>(n) A driver shall notify the Commission of any change of mailing address within 72 hours, exclusive of weekends and holidays, either in person or by registered or certified mail return receipt requested. This also applies to a change in any other information requested on the application. Any notice sent by the Commission shall be deemed sufficient if sent to the last mailing address furnished by the driver.</p> | <p>\$50
Personal Appearance
Not Required.</p> |

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.

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|---|---|
| (o) A driver shall not carry a weapon while operating a paratransit vehicle without the Commission's written authorization. | \$100 and/or suspension up to thirty (30) days
Personal Appearance Required. |
| (p) A driver shall not operate a paratransit vehicle or use it at any time to carry passengers unless it is in safe operating condition, and it meets and is operated under all the requirements of New York State and New York City vehicle and traffic laws, and all Commission requirements set forth in Chapter 4 of Title 35 of the Rules of the City of New York. | \$50 - \$150
Personal Appearance Required. |
| (q) A driver shall personally inspect and reasonably determine that all equipment, inclusive of brakes, tires, lights, signals, wheelchair ramps and fastening devices are in good working order, before operating such vehicle. | \$15 - \$150
Personal Appearance Required. |

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.

(r) The following items must be present in the paratransit vehicle prior to its operation:

- (1) the driver's paratransit driver's license;
- (2) the certification of registration or copy thereof;
- (3) the paratransit vehicle license or copy thereof;
- (4) an insurance card or copy thereof;
- (5) the lease card, if any, or copy thereof;
- (6) the written trip record;
- (7) any notices required to be posted in the paratransit vehicle.

(8) Notwithstanding any provision of this subdivision and any other provision of these rules, on and after July 1, 2008, an electronic trip record system required by section 4-10(n), in lieu of the written trip record set forth in section 4-06(r)(6); however, if such system malfunctions, the malfunction is timely reported and the paratransit vehicle is operated for hire not more than three (3) business days before being repaired a written trip record shall be used.

(1-7) \$15 each violation of this rule. Personal Appearance Not Required.

(8) \$250 Personal Appearance Required.

(s) A driver shall maintain all written trip records as follows:

(1) all entries must be in ink and the trip record must be current;

(2) at the beginning of each workshift the driver shall sign and certify on the trip record that the paratransit vehicle and its equipment are in good working condition and that all required items are present. One entry for an owner/driver will be deemed sufficient.

(3) the trip record shall contain the trip record entries required by section 4-09(gg) of this chapter.

Note: The Commission has discretionary power to waive any of these requirements upon showing by the owner that the required information is maintained and readily accessible to the Commission.

Notwithstanding the provisions of this subdivision and any other provision of these rules, the driver shall make all system entries that must be collected contemporaneously with the trip, such as the location and date and time of pick-up and drop-off. All other entries required by section 4-09(gg) may be provided by the dispatching base.

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.

\$50 for each violation of this rule; however, no fine for a violation of this rule shall exceed \$100 for each vehicle stop.

Personal Appearance
Not Required.

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.

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| <p>(t) At any time, a driver shall correct in a written trip record wrong entries by drawing a single line through the incorrect written entry and initialing the correction. Also, a driver shall not make erasures or obliterations or leave any blank lines between entries on a written trip record. Electronic trip record data collected in the paratransit vehicle shall not be erased, deleted, altered, changed or obliterated. A driver shall report all necessary corrections to the base owner.</p> | <p>\$30
Personal Appearance
Not Required.</p> |
| <p>(u) A driver shall attempt to procure comparable transportation for the balance of a passenger's trip, if the paratransit vehicle becomes inoperable while a passenger is in the vehicle. This does not apply if the passenger desires to find his own transportation.</p> | <p>\$50 - \$150
Personal Appearance
Required.</p> |
| <p>(v) The driver shall not cause or permit the engine of his paratransit vehicle to idle unnecessarily for longer than three minutes and will adhere to the New York City Air Pollution Control Code.</p> | <p>\$25
Personal Appearance
Not Required.</p> |

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.

- | | |
|--|---|
| (w) A driver or any person acting as his representative shall not offer or give any gift, gratuity or thing of value to any Commission member, employee, or representative or any public servant. | \$1,000 up to
Revocation
Personal Appearance
Required. |
| (x) A driver shall immediately report to the Commission any request or demand for a gift, gratuity or thing of value from him or his representative by any Commission member, employee, or representative or any public servant. | \$1,000 up to
Revocation
Personal Appearance
Required. |
| (y) A driver shall submit an application for renewal of his license prior to its expiration date, unless the Commission extends the date. | \$25
Personal Appearance
Not Required. |

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.

- (z) (1) A driver shall not use a portable or hands-free electronic device while operating a paratransit vehicle, unless such paratransit vehicle 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.

\$200
Personal Appearance
not Required.

A driver may offer as an affirmative defense that he or she was using a portable or hands-free electronic device while operating a paratransit vehicle 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.

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.

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

For purposes of this paragraph (z)(2), “portable or hands-free electronic device violation” shall mean a violation of section 4-06(z)(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.

Any paratransit 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 paratransit driver that he or she is required to take such course.

§4-07

Driver's Responsibilities When Operating the Vehicle.

Penalty

(a)(1) A paratransit driver shall not operate his vehicle in such manner at a speed which unreasonable* endangers others or their property.

(1) \$25 - \$250 and/or suspension up to or thirty (30) days or revocation if driver is found guilty of having violated this rule more than 3 times in a twelve month period.

Personal Appearance Required.

(2) A paratransit driver shall stop and identify himself if he has cause to know that personal injury has been caused to another person or to another's property due to an accident or to deliberate act involving the paratransit vehicle. Before leaving the place of occurrence the paratransit driver shall stop, exhibit to such person or to a police officer on the scene his chauffeur's license, paratransit driver's license and insurance card (or copy thereof) and he will give to such person his name, residence address, paratransit driver's number, paratransit vehicle identification number as well as the name of the vehicle's insurance carrier and the insurance policy number.

(2) \$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.

Personal Appearance Required.

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

Penalty

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| <p>(3) A driver shall operate his paratransit vehicle in full compliance with all New York State and City traffic laws, rules and regulations, as well as all applicable New York and New Jersey Port Authority and Triboro Bridge and Tunnel Authority rules and regulations and any other regulatory body or government agency having jurisdiction over motor vehicles.</p> | <p>(3)\$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.
Personal Appearance Required.</p> |
| <p>(4) A driver shall immediately report to the owner any accidents in which the driver and the paratransit vehicle are involved and shall notify his or her employer of any traffic infraction, accident or conviction(s) as required in section 509-i of Article 19A of the New York State Vehicle and Traffic Law.</p> | <p>(4)\$25 - \$250 and/or suspension up to 30 days.
Personal Appearance Required.</p> |
| <p>(b) When operating a paratransit vehicle, a driver shall cooperate with all law enforcement officers and authorized representatives of the Commission, and upon request shall provide his name, paratransit driver's license number, the vehicle identification card, trip record and any documents required to be in his possession.</p> | <p>\$15 - \$150
Personal Appearance Required.</p> |
| <p>(c) A driver shall not operate a paratransit vehicle if his driving ability is impaired by either alcohol or drugs, nor will he consume alcoholic beverages or illegal drugs while occupying such vehicle.</p> | <p>\$50 - \$300 and/or suspension or revocation.
Personal Appearance Required.</p> |

- | | <u>Penalty</u> |
|---|---|
| (d) A driver shall not permit any individual who is not currently licensed by the Taxi and Limousine Commission to operate the vehicle in which he or she is dispatched, unless directed to do so by the owner or his or her agents. | See §4-13
Personal Appearance
Required. |
| (e) A driver shall not operate a paratransit vehicle if he has been working for more than twelve (12) consecutive hours, however if a driver has accepted a passenger prior to the conclusion of the twelfth hour he may continue providing service to that passenger if he is alert enough to not unreasonably endanger himself or others. | \$25
Personal Appearance
Not Required. |
| (f) A driver shall never carry more passengers than the capacity of the vehicle as determined by the State Department of Transportation. | \$25
Personal Appearance
Not Required. |
| (g) A driver shall not commit or accept* to commit, alone or in concert with another, any act of fraud, misrepresentation, larceny, or perform any willful act of omission or commission which is against the interest or* the public, while performing his duties and responsibilities as a paratransit driver. | \$25 - \$350 and/or
suspension up to 30
days.
Personal Appearance
Required. |
| (h) A driver shall not use or permit another person to use his paratransit vehicle for any unlawful purpose and shall immediately report to the police any criminal use or attempt thereof involving the vehicle. | \$25 - \$350 and/or
suspension up to 30
days.
Personal Appearance
Required. |

* [As reads in the Official Compilation of the Rules of the City of New York. Should be: “A driver shall not commit or **attempt** to commit, alone or in concert with another, any act of fraud, misrepresentation, larceny, or perform any willful act **of** omission or commission which is against the interest of the public, while performing his duties and responsibilities as a paratransit driver.” [Emphasis added.]]

	<u>Penalty</u>
(i) A driver shall not put any unauthorized equipment, devices or signs on or in a paratransit vehicle during his workshift (excluding mobility devices, such as grab bars, or non-slip flooring). This includes all items not specifically enumerated in these rules, unless there is written authorization by the Commission.	\$25 - \$200 and/or suspension up to 30 days. Personal Appearance Required.
(j) (1) A driver shall be clean and neat in appearance when operating a paratransit vehicle for hire.	(1) \$25 Personal Appearance Not Required.
(2) A driver shall keep the paratransit vehicle clean and of good appearance during his workshift.	(2) \$25 Personal Appearance Not Required.
(k) A driver shall use written trip records while the electronic trip record system is not functioning and the vehicle is permitted to operate.	\$250 Personal Appearance Not Required.

§4-08 Driver’s Responsibilities to the Passengers.

	<u>Penalty</u>
(a)(1) A driver shall be courteous to the public.	(1) \$25 Personal Appearance Not Required.
(2) A driver shall comply with all lawful and reasonable requests of passengers, including but not limited to giving upon request his or her name, his or her paratransit driver’s license number and the	(2) \$50 - \$100 Personal Appearance Required.

paratransit vehicle's license number.

Penalty

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|---|--|
| (b) A driver shall not threaten, harass or abuse any passenger, Commission representative, or any other person while performing his or her duties and responsibilities as a driver. A driver shall not distract or attempt to distract a service animal that is accompanying a person with a disability. | \$50 - \$350 and/or suspension up to 30 days
Personal Appearance Required. |
| (c) A driver shall not use or attempt to use any physical force against a passenger, Commission representative or any other person while performing his or her duties and responsibilities as a driver. A driver shall not harm or use physical force against or attempt to harm or to use physical force against a service animal that is accompanying a person with a disability. | \$25 - \$350 and/or suspension up to 30 days or possible revocation (OATH)
Personal Appearance Required. |
| (d) A driver shall comply with a passenger's reasonable request to change his destination or terminate the trip unless it is impossible or unsafe for the driver to comply with such request in a non-emergency situation* any such change or termination is contrary to the best interest of the other passengers. | \$25 - \$150
Personal Appearance Required. |
| (e) A driver shall provide all necessary and reasonable assistance to all passengers whether ambulatory, or using a wheelchair or other mobility aid, to board the vehicle, to be secured therein, to depart from the vehicle and to be delivered to his destination. Such assistance also shall include ensuring that a service animal has boarded and exited the vehicle. (The driver is not required to assist passengers up or down the steps.) | \$100 - \$350 and/or suspension up to 30 days and possible revocation (OATH)
Personal Appearance Required. |

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

Penalty

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| (f) A driver shall only use wheelchair ramps and fastening devices which are functioning properly and are secure. | \$25 - \$250 and/or suspension up to 30 days.
Personal Appearance Required. |
| (g) A driver shall not refuse, by words, gestures or any other means, without justifiable grounds as set forth in section 4-09(h) herein to provide transportation, when dispatched, for a person who has prearranged the trip and the destination is within the City of New York. This includes a passenger accompanied by a service animal. | See §4-13
Personal Appearance Required. |
| (h) The following are justifiable grounds for conduct otherwise prohibited under section 4-09(g) of this chapter: | No penalty applicable. |
| (1) the passenger possesses a weapon, an article, package, case or container which the driver may reasonably believe will cause injuries to others or cause damage to the interior of the paratransit vehicle, impair its efficient operation, or cause it to become stained or foul smelling; | |
| (2) the passenger is intoxicated or disorderly. Provided, however, that a 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 that may offend, annoy, or inconvenience the driver or other employees of the paratransit service. | |

Penalty

- (3) the passenger is 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.
- (4) the passenger is in need of emergency medical assistance.
- (i) (1) A driver shall not refuse to transport a passenger's wheelchair, crutches, or other property. (1) See §4-13 Personal Appearance Required.
- (2) When necessary or upon the passenger's request, the driver shall load or unload such property, within reason, in or from the paratransit vehicle. (2) \$50 - \$100 Personal Appearance Required.
- (j) A driver shall be diligent and reasonably punctual in picking up and transporting passengers. \$25 Personal Appearance Not Required.
- (k) A driver shall turn the radio on or off at the passenger's request. The passenger has the right to select the radio station, however, the radio volume shall be played at a reasonable level only, and the driver shall adhere to all noise ordinances. \$25 Personal Appearance Not Required.
- (l) A driver shall turn the air conditioning or heating device in a paratransit vehicle on or off at a passenger's request. \$25 Personal Appearance Not Required.

Penalty

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| (m) A driver shall not smoke when transporting a passenger, or while assisting him * or out of the vehicle. | Personal Appearance
Not Required. |
| (n) A driver shall not charge or attempt to charge a fare above the approved rate of fare established by the owner and filed with the Commission. A 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 or other mobility aid. | See §4-13
Personal Appearance
Required. |
| (o) (1)A driver shall give a passenger who has paid the fare, the correct change. | (1) \$25 - \$150
Personal Appearance
Required. |
| (2)A driver must always be capable of making change of a \$20 bill, when providing service on a cash basis. | (2) \$25
Personal Appearance
Not Required. |
| (p) A driver shall not ask or in any way indicate to a passenger that a tip is expected or required. | \$50
Personal Appearance
Not Required. |
| (q) A driver shall give a passenger a receipt for payment of the fare at the end of the trip, when requested to do so by the passenger. Such report shall legibly state the date, time, paratransit vehicle plate number, name of the base, fare paid, extras and the Commission Complaint Department telephone number. | \$25
Personal Appearance
Not Required. |

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

Penalty

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| (r) A driver shall not sell, or advertise any service or merchandise to the passengers without prior written approval from the Commission. | \$50
Personal Appearance
Not Required. |
| (s) A driver shall take passengers to their destination by the most reasonable route unless the driver or passenger requests a different route and it is consented to by all of the other passengers. | \$25 - \$150
Personal Appearance
Required. |
| (t) A driver shall only pick up passengers on a prearrangement basis, he shall not solicit or respond to hails. | See §4-14
Personal Appearance
Required. |
| (u) (1)The driver shall inspect the interior of the paratransit vehicle after each trip and any property found shall be returned to the passenger if possible; otherwise it shall be taken immediately to the police precinct closest to where the passenger was discharged. | (1) \$50 - \$250
Personal Appearance
Required. |
| (2)The driver shall promptly inform the Commission of any property found and the police precinct where it is held, if the property is not returned to the passenger. | (2) \$25
Personal Appearance
Not Required. |

§4-09 Paratransit Vehicle Owner’s and Base Owner’s Responsibilities to the Commission.

Penalty

An owner and a base owner shall each be separately responsible for compliance with and liable for violations of subdivisions (a), (b), (c) and (d) and paragraph (k)(2):

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| (a) An owner shall not allow to be dispatched, a base owner shall not dispatch and neither shall permit the operation of a paratransit vehicle for hire that is not currently licensed by the Commission as a paratransit vehicle. | See §4-13
Personal Appearance
Required. |
| (b) An owner shall only allow a paratransit vehicle to be dispatched and a base owner shall only dispatch a driver with a current paratransit driver’s license. | See §4-13
Personal Appearance
Required. |
| (c) An owner shall not knowingly permit to operate and a base owner shall not dispatch a driver who does not have a current and valid state driver’s license and neither shall employ a driver without complying with qualification procedures set forth in Section 509-d of Article 19-A of the New York State Vehicle and Traffic Law. | See §4-13
Personal Appearance
Required. |
| (d) An owner shall allow to be dispatched and a base owner shall dispatch a paratransit vehicle only from a base currently approved by the Commission, unless exempted by the New York State Department of Transportation. | \$150
Personal Appearance
Not Required. |
| (e) A base owner must notify and get prior approval from the Commission before the base owner transfers, sells or assigns the base to another. The prospective new base owner must file the appropriate base application | \$150
Personal Appearance
Not Required. |

form with the Commission. Should the Commission approve the sale of a base to another, the Commission will permit the transfer of the entire fleet to the new base as long as the vehicles meet the age/retirement requirements set forth in section 4-18 of this chapter and the owner shall pay the paratransit affiliation fee to the TLC, if any is required.

Penalty

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|---|---|
| (f) An owner and a base owner shall report any pertinent changes, including any changes regarding finances, ownership or title and registration, and for a base owner, a change in the base address, to the Commission within 72 hours. (Any notice or summons from the Commission shall be deemed sufficient if sent to the address last furnished by the owner and the base owner, respectively.) | \$50
Personal Appearance
Not Required. |
| (g) A base owner shall maintain signage at the base, stating the base name and indicating to the public that it is a base. | \$50
Personal Appearance
Not Required. |
| (h) An owner without a current paratransit vehicle license shall not advertise or hold the owner out as “having Paratransit Service” or comparable designation. | See §4-13
Personal Appearance
Required. |
| (i) A base owner shall not dispatch a paratransit vehicle unless the rate of fares for such paratransit vehicle has been filed with the Commission including minimum fare, different fares for different types of paratransit services, portal time, tolls and extra charges, if any. | \$50
Personal Appearance
Not Required. |
| (j) A base owner shall file with the Commission annually or whenever there is any change, the schedule of the rate of fare at least ten (10) days prior to the effective date. | \$50
Personal Appearance
Not Required. |
| (k) (1) An owner shall comply with the Commission’s Paratransit Vehicle Specifications and all other pertinent laws, rules or regulations governing owners. | \$50
Personal Appearance
Not Required. |
| (2) An owner and a base owner shall comply with the Markings Specifications for paratransit vehicles. | |

Penalty

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|--|---|
| (l) A base owner operating a two-way radio service shall instruct the drivers and other employees on the rules of the Federal Communications Commission. | \$50 - \$250
Personal Appearance
Required. |
| (m) An owner and a base owner shall each cooperate with all Commission enforcement officers and authorized representatives and shall comply with all their reasonable requests, including, but not limited to giving, upon request, the owner's or the base owner's name, the base license number and trip records, the paratransit vehicle license number and, for an owner, the owner's paratransit vehicle license, and for a base owner the base license, and any other documents required to be maintained by the owner and base owner. | \$15 - \$150
Personal Appearance
Required. |
| (n) An owner, applicant for a paratransit vehicle license, a base owner, or applicant for a base license shall not offer or give any gift or gratuity to any employee, representative or member of the Commission, or any public servant. | \$1,000 up to
revocation
Personal Appearance
Required. |
| (o) An owner or a base owner shall immediately report to the Commission any request or demand for a gift, gratuity, or thing of value from the owner or the base owner or a representative by any Commission member, employee, representative or any public servant. | \$1,000 up to
revocation
Personal Appearance
Required. |

Penalty

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|---|--|
| (p) An owner or a base owner shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny, perform any willful act of omission or commission which is against the best interests of the public while performing the owner's or base owner's respective duties and responsibilities as an owner or base owner. | \$25 - \$350 and/or suspension up to 30 days.
Personal Appearance Required. |
| (q) An owner shall not use or permit another person to use his paratransit vehicle or garage for any unlawful purpose and shall immediately report to the police any criminal use or attempt thereof involving the vehicle or base. | \$25 - \$350 and/or suspension up to 30 days.
Personal Appearance Required. |
| (r) An owner or a base owner, including a member of a partnership or any officer or shareholder of a corporation shall notify the Commission within fifteen (15) days if he or she is convicted of a crime, and he or she shall deliver to the Commission a certified copy of the certificate of disposition issued by the court clerk within fifteen (15) days of disposition. | \$50 - \$250
Personal Appearance Required. |
| (s) An owner and a base owner shall promptly answer and comply with all communications, directives, restrictions and summonses to each of them, respectively, from the Commission or its representatives. | \$200 and suspension until compliance.
Personal Appearance Required. |
| (t) A base owner shall be responsible for bringing to the attention of drivers and other employees, all rules governing the conduct of drivers while performing their duty as drivers | \$50
Personal Appearance Not Required. |

and amendments thereof, and any other notices from the Commission. Also, a base owner shall be responsible for maintaining at the base a current copy of the Commission rules for the information of drivers and employees.

Penalty

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| (u) An owner shall be deemed to have designated every driver who operates his paratransit vehicle as his agent for accepting service by Commission personnel of notices to correct vehicle defects. Also, delivery of such notice to a driver shall be deemed proper service of the notice on the vehicle's owner. | No penalty applicable. |
| (v) An owner shall surrender the owner's paratransit vehicle license to the Commission within forty-eight (48) hours, should such license be suspended or revoked. | \$100
Personal Appearance
Not Required. |
| (w) An owner shall not make any unauthorized entry on a paratransit vehicle license or change, deface, conceal, obliterate or render unreadable any entry thereon. | See §4-13
Personal Appearance
Required. |
| (x) An owner shall immediately surrender an unreadable paratransit vehicle license to the Commission and will obtain a legible replacement. | \$25
Personal Appearance
Not Required. |
| (y) An owner shall notify the Commission and the Police Department within forty-eight (48) hours exclusive of weekends and holidays of the theft, loss or destruction of a paratransit vehicle license or New York State license plates. The owner also shall furnish such affidavit or information as may be required including the police receipt number and a substitute paratransit vehicle license will be issued by the Commission. | \$50
Personal Appearance
Not Required. |

Penalty

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|--|---|
| (z) An owner shall also report to the Commission the replacement of any New York State license plates within 48 hours, exclusive of weekends and holidays, after obtaining the new plates. | \$50
Personal Appearance
Not Required. |
| (aa) An owner or a base owner shall submit an application for the owner's or the base owner's respective license prior to the expiration date of the license, unless the time to do so is extended by the Commission. | \$25
Personal Appearance
Not Required. |
| (bb) A base owner shall only authorize the drivers the base owner dispatches to pick up passengers with a paratransit vehicle on a prearrangement basis and shall not allow them to solicit or respond to hails. | See §4-13
Personal Appearance
Required. |
| (cc) A base owner shall not require a driver to operate one or more paratransit vehicles more than twelve (12) consecutive hours; however, if a driver has accepted a passenger prior to the conclusion of the twelfth hour he or she may continue providing service to that passenger, if the driver is alert enough not to reasonably endanger himself, herself or others. | \$50
Personal Appearance
Not Required. |

Penalty

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|---|---|
| <p>(dd)(1) An owner shall maintain liability insurance for all paratransit vehicles and shall comply with all New York State Law regarding this coverage and will maintain at least the minimum amount prescribed by the New York State Department of Transportation.</p> | <p>(2) \$50
Personal Appearance
Not Required.</p> |
| <p>(2) An owner shall submit proof of liability insurance coverage to the Commission on or before the fifteenth (15th) day of January of each year, including the name and address of the carrier and the insurance policy number for each paratransit vehicle owned by him.</p> | |
| <p>(ee) An owner shall notify the Commission in writing, within seventy-two (72) hours of receipt of notice, of a cancellation of the required liability insurance or a change of insurance carrier or the insurance policy number.</p> | <p>\$100
Personal Appearance
Not Required.</p> |
| <p>(ff) An owner shall surrender the owner's paratransit vehicle license to the Commission prior to or on the termination date of the liability insurance, unless the owner obtains new insurance which is effective on the termination date of the old policy.</p> | <p>\$100
Personal Appearance
Not Required.</p> |

Penalty

(gg) An owner or the owner's specified agent shall only allow a paratransit vehicle to be dispatched after signing the owner's or agent's name to the written trip record.

\$50 for each violation of this rule; however, no violation of this rule shall exceed \$100 for each vehicle stop. Personal Appearance Not Required.

All trip records shall contain the following information:

(1) the driver's paratransit driver's license number;

(2) the paratransit vehicle's state license plate number;

(3) the date and time of pick-up of passengers;

(4) the date and time of drop-off of passengers;

(5) the locations of pick-ups and drop-offs;

(6) any other entries required by the Commission and local, state or federal law.

(hh) When using written trip records the owner or the owner's agent shall examine the trip record, and shall enter, in ink, the date and time at the end of the driver's workshift. The owner or the owner's agent shall also enter and sign a statement indicating that the driver's entries have been examined.

\$25
Personal Appearance
Not Required.

Penalty

- (ii) (1) The owner shall correct wrong entries on a written trip record or other written records which the owner is required to maintain by drawing a single line through the incorrect entry and initialing the correction. Also, an owner shall not make erasures or obliterations or omit any essential information. On and after July 1, 2008, the owner and base owner shall make all necessary correction entries and addition entries that need to be made to the electronic trip record. The electronic trip record data collected in the paratransit vehicle shall not be erased, deleted, altered, changed or obliterated.
- (2) An owner shall not rewrite a trip record in whole or in part, unless he has obtained prior Commission authorization.
- (jj) An owner shall maintain and make available for inspection complete financial and other operational records for a period of three (3) years, including the following records:
- (1) vehicle liability insurance coverage; and
- (2) any other documents specifically prepared in conjunction with the operation of a paratransit service.
- A base shall maintain and make available for Commission inspection complete financial and other operational records for a period of three (3) years, including the following:
- (1) the driver's trip records;
- (1) \$30
Personal Appearance
Not Required.
- (2) \$75 - \$300
and/or suspension up
to 30 days.
- \$50 for violation of
each subdivision
hereof.
Personal Appearance
Not Required.

(2) any workers' compensation insurance coverage; and

(3) any other documents created or maintained in conjunction with the operation of a base.

(kk) An owner shall make any records which the owner is required to maintain, and a base owner shall make any records which the base is required to maintain, or photocopies thereof, available to a driver should a driver be required to present such documents to the Commission or any other governmental agency.

\$50
Personal Appearance
Not Required.

Penalty

(ll) (1) A base 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.

\$25 for each day of non-compliance, and either suspension until compliance or license revocation. Personal Appearance Required.

(mm)(1)An owner and a base owner shall each 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 number or similar means of telephone contact, so that the owner and base owner may each be reached by the Commission on a twenty-four hour basis.

\$100
Personal Appearance
Not Required.

(2)An owner and a base owner must each respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

\$500
Personal Appearance
Not Required.

(nn) On July 1, 2008, and thereafter, owners and base owners shall transmit electronically on a monthly basis to the Commission the electronic trip record data required by section 4-09(gg).

For a violation that occurs on or before December 31, 2008, \$250; otherwise \$250 and suspension until compliance.
Personal Appearance
Not Required.

§4-10 Owner's and Base's Owner's Responsibilities for Paratransit Vehicle and Equipment.

An owner and a base owner shall be separately responsible for compliance with and liable for

Penalty

violations of subdivisions (j), (k), (l) and (m) of this section.

- (a) An owner shall keep all for-hire vehicles clean, well-painted and of good appearance. \$25
Personal Appearance
Not Required.
- (b) A base owner shall only dispatch a paratransit vehicle after the base owner inspects and reasonably determines that all equipment, including brakes, tires, lights, signals, wheelchair ramps, fastening devices, and heating and ventilation units are in good working order and meet all requirements of the New York State Vehicle and Traffic Law and these Commission Rules. The owner shall be responsible for all repairs. \$50 - \$500
Personal Appearance
Not Required.
- (c) An owner shall only allow paratransit vehicles to be dispatched which have been inspected and approved by the New York State Department of Transportation. \$100 - \$500
Personal Appearance
Not Required.
- (d) An owner shall comply with the New York State Department of Transportation regulations and inspection requirements and schedules. \$100
Personal Appearance
Not Required.
- (e) An owner shall make all repairs or alterations that the New York State Department of Transportation may require to meet their specifications or to maintain proper standards of safety and comfort. These repairs or alterations shall be made within the time period prescribed at state inspections. \$100
Personal Appearance
Not Required.
- (f) An owner shall replace a paratransit vehicle when the New York State Department of Transportation Inspectorial Services determines that the vehicle is unsafe or unfit for use as a paratransit vehicle for hire and directs the owner to remove it from service immediately. Failure to comply with the \$100 - \$500 and/or
suspension up to 30
days.
Personal Appearance
Required.

order to replace the vehicle within one hundred and twenty (120) days of service thereof, shall be deemed by the Commission as abandonment of the paratransit vehicle license and revocation proceedings may be initiated.

- (g) An owner is responsible for removing all official markings, when he sells or disposes of a paratransit vehicle, unless he obtains Commission approval in approved transfers. \$100
Personal Appearance
Not Required.

Penalty

- (h) An owner shall comply with all Commission notices, summons, and directives to correct defects in a paratransit vehicle. \$100
Personal Appearance
Not Required.

- (i) An owner shall only allow to be dispatched paratransit vehicles having equipment and devices specifically required by the Vehicle and Traffic Law and the Commission for use of paratransit vehicles unless the owner obtains written authorization from the Commission (excluding mobility devices, such as grab bars or non-slip flooring). \$30 - \$300 and/or
suspension up to 30
days.
Personal Appearance
Required.

- (j) An owner shall affix and a base owner shall be responsible for confirming that the vehicle has affixed a commercial use motor vehicle tax stamp to the lower right side of the paratransit vehicle windshield, so as to be plainly visible. \$25
Personal Appearance
Not Required.

- (k) Prior to January 1, 2008, the owner shall affix and the base owner shall be responsible for confirming that the owner has affixed to the paratransit vehicle Commission identification stickers (exterior decals), the company name or trade name and other vehicle identification number and markings \$50
Personal Appearance
Not Required.

required by the Commission and New York State Law. Notwithstanding the provisions set forth in this subdivision (k), on and after January 1, 2008, the owner and base owner shall be responsible for:

(i) when the paratransit vehicle is first licensed by the Commission, having the mileage of the paratransit vehicle verified as being in accord with section 4-18(j) of this chapter, by producing to the Commission at licensing the New York State Department of Transportation Form MC300 dated not more than one month prior to licensing indicating the vehicle mileage and,

(ii) when the paratransit vehicle is first licensed by the Commission, its license is being renewed, or when otherwise necessary, having affixed to each paratransit vehicle a valid Commission decal so as to be plainly visible.

(l) An owner and a base owner shall not display advertising on the exterior or interior of a paratransit vehicle unless the owner and base owner have first obtained Commission authorization.

\$50
Personal Appearance
Not Required.

Penalty

(m) An owner and a base owner shall only permit the operation and the dispatch of a paratransit vehicle when the following are present in the vehicle:

\$15 for each violation of this rule.
Personal Appearance Not Required.

- (1) the driver's written trip record;
- (2) the driver's paratransit driver's license;
- (3) the registration certificate or a photostat thereof;
- (4) the paratransit vehicle license or a photostat thereof;
- (5) the individual vehicle insurance card or photostat thereof;
- (6) the lease card or agreement, if any, or a photostat thereof;
- (7) all required notices; and
- (8) a two-way radio, if the base owner uses a radio system; and
- (9) on and after July 1, 2008, an electronic trip record system in lieu of the written trip record set forth in paragraph (1) of this subdivision, unless such system malfunctions, the malfunction is timely reported to the Commission and the paratransit vehicle is operated for hire not more than three (3) business days before being repaired, during which time a written trip record shall be used.

- (n) On July 1, 2008, and thereafter, owners and base owners shall install in all paratransit vehicles an electronic trip record system that collects electronic trip record data required by subdivision 4-09(gg) during and for each trip. \$250 and suspension until compliance. Personal Appearance Not Required.
- (o) (1) On July 1, 2008, and thereafter, an owner shall not allow to be dispatched and a base owner shall not dispatch a paratransit vehicle unless the electronic trip record system in the paratransit vehicle required by subdivision (n) of this section is in good working order. (1) \$500 Personal Appearance Required.
- (2) Should such system malfunction, the base owner shall report the malfunction to the Commission's Safety and Emissions Facility within twenty-four (24) hours of the time when the base owner knew or should have known of the malfunction, and the owner shall have the system repaired or replaced within three (3) business days of the report to Safety and Emissions. A paratransit vehicle in which the electronic trip record system is malfunctioning shall not be dispatched more than three (3) business days following the time when the malfunction was reported to Safety and Emissions. (2) \$250 Personal Appearance Required.

§4-11 Owner’s and Base Owner’s Responsibilities to the Passengers and Public.

Penalty

- | | |
|---|--|
| (a) Owners and base owners shall be courteous toward passengers and the general public, including Commission personnel, while performing the owner’s and base owner’s duties and responsibilities as an owner and a base owner. | \$25
Personal Appearance
Not Required. |
| (b) An owner and a base owner shall not threaten, harass, or abuse any passenger, Commission representative, or any other person while performing the owner’s and the base owner’s duties and responsibilities as an owner and a base owner. An owner and a base owner shall not harm or use physical force against or attempt to harm or use physical force against a service animal that is accompanying a person with a disability. | \$50 - \$350 and/or
suspension up to 30
days.
Personal Appearance
Required. |
| (c) An owner and a base owner shall not use or attempt to use any physical force against a passenger, Commission representative, or any other person, while performing the owner’s and the base owner’s duties and responsibilities as an owner and a base owner. An owner and a base owner shall not harm or use physical force against or attempt to harm or use physical force against a service animal that is accompanying a person with a disability. | \$20 - \$350 and/or
suspension up to 30
days possible
revocation (OATH)
Personal Appearance
Required. |
| (d) An owner and a base owner shall: | |
| (1) Schedule the daily pickups of passengers and the dispatchment of a paratransit vehicle as expeditiously as possible, to prevent and avoid an unreasonably late pickup or no pickup. | (1) \$25
Personal Appearance
Not Required. |
| (2) If such pickup is unreasonably delayed or | (2) \$50 |

cancelled, the owner or base owner shall promptly notify the waiting passenger of the delay or cancellation.

Personal Appearance
Not Required.

Penalty

- | | |
|--|--|
| (e) An owner shall train or arrange for the training of every driver in the knowledge, expertise and skills to properly and safely assist any person with a disability or other passenger in and out of a paratransit vehicle, and how to properly utilize the wheelchair ramp, the fastening devices, and any safety precautions or other devices contained in the vehicle. | \$50 - \$150
Personal Appearance
Required. |
| (f) An owner and a base owner shall monitor the behavior and conduct of the drivers toward the passengers. An owner and a base owner shall also investigate complaints by a passenger and shall take appropriate and reasonable action. | \$50- \$250 and/or
suspension until a
monitoring procedure
is devised and/or
other appropriate
action is taken to the
satisfaction of the
Commission.
Personal Appearance
Required. |
| (g) An owner shall not charge or attempt to charge a fare above the approved rate of fare currently filed with the Commission. An owner 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 or other mobility aid. | See §4-13
Personal Appearance
Required. |
| (h) An owner shall not refuse by words, gestures or any other means, without justifiable grounds to provide transportation to any orderly person, who has prearranged the trip and the destination is within New York City, unless he does not have a vehicle then available for the requested transportation. | See §4-13
Personal Appearance
Required. |

Penalty

- | | |
|---|--|
| (i) (1) An owner shall inspect the interior of the paratransit vehicle after each workshift and any property found shall be taken without delay to the police precinct where the garage is located unless its rightful owner is known or can be found and is notified within a reasonable time. | (1) \$50 - \$250
Personal Appearance
Not Required. |
| (2) The owner shall promptly inform the Commission of any property found and taken to a police precinct. | |

§4-12 Owners' and Drivers' Responsibilities for the Handling of Passengers with Infectious Diseases.

Penalty

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| (a) Owners and Drivers shall adhere to all Federal, State and City laws, rules and regulations, if any, in regard to the handling of passengers with infectious diseases. | \$25 - \$1,000
Possible suspension
or revocation (OATH)

Personal Appearance
Required. |
| (b) Owners shall adhere to all Federal, State and City laws, rules and regulations, if any, in regard to any necessary provisions which must be provided to the drivers or passengers when transporting passengers with infectious diseases (eg. masks, gloves, etc.). | \$25 - \$1,000
Possible suspension
or revocation (OATH)

Personal Appearance
Required. |

Penalty

- (c) (1) Owners and Drivers shall adhere to all Federal, State, and City laws, rules and regulations, if any, in regard to the cleaning of paratransit vehicles after transporting passengers with infectious diseases and the disposal of any contaminated materials. **Note:** According to the New York City Emergency Medical Service and the New York State Department of Health, the following is an appropriate disinfectant solution:
- One (1) part sodium hypochlorite solution (bleach) to nine (9) parts water – fill the bucket with water first and then add the solution. *(This solution is incompatible with acids, organic material or reducing agents. Therefore, this solution should never be mixed with hydrogen peroxide, ammonia or any other cleansing agent.)
- (2) The owner must provide protective clothing, (goggles, gloves, gowns, and masks) to anyone under his employ who disinfects the vehicle.
- (3) if a stretcher is contaminated, clean/disinfect by wiping, however, if it is saturated then dispose of it in an appropriate manner. Also, dispose of any contaminated linen. **Note:** Dispose of contaminated material by placing the items in a buff-colored impervious plastic bag and seal the bag and tag it as “contaminated” and dispose of the material in the manner approved at a local hospital.
- \$25 - \$1,000
Possible suspension or revocation (OATH)
Personal Appearance Required.

Penalty

(4) In the case of gross contamination, where the vehicle is saturated or encrusted then the vehicle must be sterilized, through the use of steam gas or liquid agents.	\$25 - \$1,000 Possible suspension or revocation (OATH) Personal Appearance Required.
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§4-13 Mandatory Penalties.

- (a) Any licensee who has been found to have violated a provision of sections 4-06(b), 4-07(d), 4-08(g), 4-08(i)(1), 4-08(n), 4-08(t), 4-09(a), 4-09(b), 4-09(c), 4-09(h), 4-09(w), 4-09(bb), 4-11(g), 4-11(h) or any combination thereof, shall be fined not less than \$100 nor more than \$350 for each violation for which a licensee is convicted. Any licensee who has been found in violation of any of the provisions of such rules or any combination thereof, for a second time within a twenty-four month period shall be fined not less than \$350 nor more than \$500. The Commission shall mandatorily revoke the driver's, the base owner's or the owner's license of any paratransit driver, base owner or owner who has been found to have violated any of the provisions of sections 4-06(b), 4-07(d), 4-08(g), 4-08(i)(1), 4-08(n), 4-08(t), 4-09(a), 4-09(b), 4-09(c), 4-09(h), 4-09(w), 4-09(bb), 4-11(g), 4-11(h) or any combination thereof, three times within a twenty-four month period. Nothing contained herein shall limit or restrict any other authority the Commission may have to suspend or revoke a paratransit driver's license.
- (b) The twenty-four month period referred to above shall be calculated with reference to the date of the conviction of the violation.
- (c) The Commission will not issue any license to any individual, corporation or partnership who/which has had his/its license revoked for a period of at least one year from the date of such revocation.

Any licensee who has had five (5) or more summonses issued to him that remain open and outstanding for a twelve (12) month period shall have his license automatically revoked at the end of said twelve month period. The twelve month period shall be calculated from the date of the issuance of the summons.

**§4-14 Procedures in the Event of a Violation of Commission Rules.
[Repealed]**

§4-15 Seizure and Forfeiture of Unlicensed Paratransit Vehicles.

- (a) Seizure. In accordance with §19-506(h) of the Administrative Code of the City of New York, any officer or employee of TLC designated by the Chairperson of TLC, and any police officer may, upon service of a summons for violation of subdivision b or c of §19-506 of the Administrative Code, seize any vehicle which such officer or employee has probable cause to believe is operated or offered to be operated without an appropriate vehicle license in violation of such subdivision b or c. A vehicle seized in accordance with such §19-506(h) shall be removed to a designated secured facility.
- (b) Summons and Notice of Seizure.
 - (1) The officer or employee effecting seizure shall serve a summons for violation of subdivision b or c of §19-506 of the Administrative Code upon the owner of the seized vehicle, by service upon the owner or upon a person who uses such vehicle with the permission of the owner, express or implied.
 - (2) An officer or employee of TLC who effects seizure as described in §4-15(a) shall also deliver to the vehicle owner a notice of seizure, including identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. Such notice of seizure may be delivered in the same manner as service of the summons.

- (3) An officer or employee of TLC shall also mail a notice of seizure to the owner of the vehicle. Any defect in delivery or mailing of a notice of seizure shall not affect the validity of service of a summons upon the owner as described in §4-15(b)(1) herein.
- (c) Expedited hearing concerning a seized vehicle. The summons shall set forth a date and time for a hearing in the administrative tribunal of TLC. Such hearing shall be held within seven calendar days after seizure, or, if the seventh day is a Saturday, Sunday or City government holiday, no later than on the business day next following the seventh day.
- (d) Release of a seized vehicle prior to the scheduled hearing.
 - (1) An owner of a vehicle is eligible for release of a seized vehicle prior to the scheduled hearing if the owner meets the following criteria: the owner has not been found in violation two or more times of subdivision b or c of §19-506 of the Administrative Code for acts committed on or after February 20, 1990 and within a thirty-six month period.
 - (2) An owner meeting the criteria of §4-15(d)(1) herein may obtain the release of the vehicle by appearing at the administrative tribunal with the notice of violation, on or before the scheduled hearing date, either to:
 - (i) Plead guilty, be determined by TLC staff as having met the criteria of §4-15(d)(1) herein and be assessed a civil penalty by an administrative law judge. TLC staff shall also determine the amount of removal and storage fees. The owner must pay in full the civil penalty and removal and storage fees. Upon such payment, TLC shall issue an order to release the vehicle. The owner or his agent may present the order at the designated secured facility to obtain the vehicle.
 - (ii) Be determined by TLC staff as having met the criteria of §4-15(d)(1) herein, and post a bond in the amount of the maximum civil penalty, plus removal and storage fees.

Upon the posting of such bond, TLC shall issue an order to release the vehicle. The owner or his or her agent may present the order at the designated secured facility to obtain the vehicle.

- (3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.
 - (4) A vehicle shall not be released from storage prior to the scheduled hearing if the owner fails to meet the criteria of §4-15(d)(1) herein.
- (e) Decisions at the expedited hearing.
- (1) If the administrative law judge dismisses the summons, the administrative law judge shall issue an order for release of the seized vehicle without removal and storage fees.
 - (2) If the administrative law judge finds that the owner was in violation and that this was not the third or subsequent violation by the owner of subdivisions b or c of §19-506 of the Administrative Code committed on or after February 20, 1990 and within a thirty-six month period, the administrative law judge shall assess a civil penalty as provided in §19-506(e) of the Administrative Code, and TLC staff shall assess removal and storage fees. The owner must pay the civil penalty and removal and storage fees in order to obtain from TLC an order for release of the seized vehicle.
 - (3) If the administrative law judge finds that the owner was in violation and that this was the third or subsequent violation by the owner of subdivision b or c of §19-506 of the Administrative Code committed on or after February 20, 1990 and within a thirty-six month period, the administrative law judge shall set a civil penalty, as provided in §19-506(e) of the Administrative Code, and shall issue a notice to the owner and to the Chairperson of TLC or his or her designee that the vehicle is subject to forfeiture upon a judicial determination.

- (4) Inquest hearings. If the owner of the seized vehicle fails to appear for the hearing, an inquest hearing will be held. An administrative law judge shall make a determination pursuant to paragraph (1), (2), or (3) of this subdivision (e). TLC will inform the respondent of the inquest determination by first class mail. The information mailed to the owner shall include the provisions of §4-15(i) herein concerning abandoned vehicles. The respondent may appear at TLC offices within seven calendar days of such mailing to comply with the inquest determination or to move in the administrative tribunal to vacate such inquest determination. In the event that such inquest determination is vacated, the respondent shall be entitled to a hearing de novo on the original summons. Such hearing shall be scheduled within seven calendar days of the order vacating the inquest determination, or, if the seventh day is a Saturday, Sunday or City government holiday, no later than on the business day next following the seventh day.
- (f) Appeals. If found in violation of subdivision b or c of §19-506 of the Administrative Code, an owner must pay the civil penalty together with removal and storage fees in order to appeal. However, if the decision to be appealed was made pursuant to §4-15(e)(3), the owner must pay only the civil penalty in order to appeal. If upon appeal the decision is reversed in whole or part, the owner shall receive a refund of the relevant civil penalty and fees.
- (g) Forfeiture.
- (1) In addition to the penalties set forth in §19-506(e) of the Administrative Code, if an owner is convicted in the criminal court or found in the TLC administrative tribunal to be in violation of subdivision b or c of §19-506 of the Administrative Code three or more times, and all of such violations were committed on or after February 20, 1990 and within a thirty-six month period, the interest of such owner in any vehicle used to commit such third or subsequent violation shall be subject to forfeiture upon notice and judicial determination.

- (2) The Chairperson of the TLC or his or her designee shall determine whether to pursue the remedy of forfeiture. If such person determines not to pursue the remedy of forfeiture, the owner shall be so notified by first class mail. The owner may obtain an order of release of the vehicle by paying the civil penalty determined pursuant to §4-15(e)(3) together with removal and storage fees.
 - (3) A forfeiture proceeding shall be commenced by proper service upon the owner of a summons and other papers pursuant to the provisions of the civil practice law and rules.
- (h) Public sale pursuant to forfeiture.
- (1) After a judicial determination of forfeiture, but no sooner than thirty days after such determination and upon notice of at least five days, the TLC shall sell such forfeited vehicle at public sale, except as provided in paragraph (2) herein. Such notice of sale shall be published in the City Record or in a newspaper of general circulation, and shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number license plates on the vehicle.
 - (2) Any person, other than an owner whose interest is forfeited pursuant to §19-506 of the Administrative Code and these rules, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:
 - (i) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;
 - (ii) pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and
 - (iii) either
 - (A) asserts a claim in the forfeiture proceeding; or

(B) submits a claim in writing to the commission within thirty days after judicial determination of forfeiture.

- (3) Notwithstanding paragraphs (1) and (2) of this subdivision (h), establishment of a right of ownership shall not entitle a person to delivery of a vehicle if TLC establishes in the forfeiture proceeding or in a separate administrative adjudication of a claim asserted pursuant to §4-15(h)(2)(iii) herein that the violations of subdivision b or c of §19-506 of the Administrative Code upon which the forfeiture is predicated were expressly or impliedly permitted by such person.
 - (4) If a person asserts a claim pursuant to §4-15(h)(2)(iii)(B) herein, the TLC shall schedule an adjudication of such claim in its administrative tribunal. Notice of the hearing shall be mailed to the claimant at least ten business days in advance of the hearing. The administrative law judge shall rule as to whether the violations upon which the forfeiture was predicated were expressly or impliedly permitted by the claimant. If the administrative law judge finds that there was such permission by the claimant, the claim shall be denied.
- (i) Abandoned vehicles.
- (1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subdivision (i), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by the deputy commissioner for legal affairs of TLC or his or her designee, without further hearing.
 - (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:
 - (i) has not removed the vehicle from storage within five days of obtaining an order of release pursuant to §4-15 (d) or (e) herein; or
 - (ii) has not paid the civil penalty and removal and storage fees within five days of a hearing determination of violation

pursuant to §4-15(e)(2) herein, or within seven days after notice of an inquest determination of violation was mailed to the owner pursuant to §4-15(e)(4) herein; or

(iii) has not obtained an order vacating an inquest determination of violation and setting a hearing de novo, within seven days after notice of such inquest determination was mailed to the owner pursuant to §4-15(e)(4) herein; or

(iv) has not paid the civil penalty and removal and storage fees, within seven days after a notice that the TLC will not pursue the remedy of forfeiture was mailed to the owner pursuant to §4-15(g)(2) herein.

- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subdivision (i), TLC shall mail to the owner a notice that the vehicle has been recovered by TLC as an abandoned vehicle and that, if unclaimed, its ownership shall vest in TLC and it will be sold at public auction or by bid after ten days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten days from the date that the notice described in paragraph (3) of this subdivision (i) was mailed, by paying the removal and storage fees due and, in the case of an owner, the civil penalty claimed as a lien by TLC on such vehicle.
- (5) In the event that an abandoned vehicle is not claimed within ten days after the notice described in paragraph (3) of this subdivision (i) was mailed, ownership of the abandoned vehicle shall vest in TLC. TLC may sell an abandoned vehicle at public auction or by bid. Any proceeds from the sale, less expenses incurred for removal, storage and sale of the vehicle and less the civil penalty claimed as a lien by TLC, shall be held without interest for the benefit of the former owner of the vehicle for one year. If not claimed within such one year

period, such proceeds shall be paid into the general fund by TLC.

- (j) Removal and storage fees.
 - (1) The removal fee shall be one hundred fifty dollars (\$150).
 - (2) The storage fee shall be ten dollars (\$10) per day or such other amount as may be set by the New York City Department of Transportation.

§4-16 License Fees.

- (a) Pursuant to §19-511 of the Administrative Code of the City of New York, the license fee for the operation of a wheelchair accessible van base is five hundred dollars (\$500) annually.
- (b) Pursuant to §19-504(b) of the Administrative Code of the City of New York, the license fee for each wheelchair accessible van shall be two hundred seventy-five dollars (\$275) annually.
- (c) Pursuant to §19-505(j) of the Administrative Code of the City of New York, the fee for a paratransit vehicle driver's license shall be sixty dollars (\$60) annually.
- (d) The fee for an original license or a renewal thereof shall be paid at the time of filing the applications and shall not be refunded in the event of disapproval of the application.
- (e) There shall be an additional fee of twenty-five dollars (\$25) for late filing of a license renewal application where such filing is permitted by the Commission.
- (f) An additional fee of twenty-five dollars (\$25) shall be paid for each license issue* to replace a lost or mutilated license.
- (g) *Vehicle Transfer Fees*

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

- (1) An owner may change the base with which a paratransit vehicle is affiliated after approval by the Chairperson and payment of a \$25 fee.
- (2) An owner may transfer a paratransit vehicle license to a different vehicle after approval by the Chairperson and payment of a \$25 fee.
- (3) An owner may replace the license plates on a paratransit vehicle after approval by the Chairperson and payment of a \$25 fee .
- (4) An owner must pay a separate fee for each separate transfer, regardless of when such transfer is made.

§4-17 Critical Driver Program.

- (a) The paratransit 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 paratransit 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 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.

§4-18 Vehicle Retirement and First Licensing.

(a) All paratransit vehicles first licensed by the Commission on or after January 1, 2008, shall meet the mileage specifications of a qualified replacement paratransit vehicle set forth in subdivision (j) of this section and shall comply with subdivision (h) of this section unless excepted pursuant to subdivision (i) of this section.

(b) All paratransit vehicles that are of model year 1998 or earlier must be retired from paratransit service no later than the expiration dates of their paratransit vehicle licenses on and after January 1, 2008.

- (c) All paratransit vehicles that are of model year 2000 or earlier must be retired from paratransit service no later than the expiration dates of their paratransit vehicle licenses on and after January 1, 2009.
- (d) All paratransit vehicles that are of model year 2002 or earlier must be retired from paratransit service no later than the expiration dates of their paratransit vehicle licenses on and after January 1, 2010.
- (e) All paratransit vehicles that are of model year 2004 or earlier must be retired from paratransit service no later than the expiration dates of their paratransit vehicle licenses on and after January 1, 2011.
- (f) On and after January 1, 2012, all paratransit vehicles shall be retired no later than seven (7) years after the vehicle was first licensed.
- (g) A paratransit vehicle that cannot pass the New York State Department of Transportation inspection must be retired, regardless of whether its retirement date has been reached. A paratransit vehicle which has reached its retirement date must be retired, regardless of whether it may still pass the New York State Department of Transportation inspection.
- (h) When the paratransit vehicle is first licensed by the Commission, the Commission shall verify that the mileage on the New York State Department of Transportation Form MC300 for such vehicle, dated not more than one month prior to the paratransit vehicle licensing, accords with the specifications in subdivision (j) of this section.
- (i) An owner may request an extension of a vehicle's retirement date no later than two months before that retirement date. The extension request must include documentation demonstrating that a new vehicle has been ordered but will not be delivered until after the retirement date, but no later than 60 days after the retirement date. The Commission's Chairperson, or his or her designee, may confirm the delivery date independently. Should the owner's documentation comply fully with the terms of this section and the compliant delivery date is confirmed, an extension of the vehicle's retirement date to the projected delivery date of the new vehicle shall be granted.

(j)(1) On and after January 1, 2008, all qualified replacement paratransit vehicles shall have been driven less than 100,000 miles;

(2) On and after January 1, 2009, all qualified replacement paratransit vehicles shall have been driven less than 50,000 miles;

(3) On and after January 1, 2010, all qualified replacement paratransit vehicles shall have been driven less than 25,000 miles; and

(4) On and after January 1, 2011, all qualified replacement paratransit vehicles be of the most recent model year or the immediately preceding model year and shall have been driven less than 500 miles.