

**Testimony of David Yassky**  
**NYC Taxi & Limousine Commissioner/Chair**  
**INTRO 735, sponsored by CM Vacca and Crowley, IN RELATION TO**  
**STRENGTHENING THE PENALTIES FOR ILLEGALLY OPERATING NON-TLC**  
**LICENSED VEHICLES FOR HIRE**  
**INTRO 725, sponsored by CM Ferreras and Vacca, IN RELATION TO THE**  
**UNLAWFUL USE OF VEHICLES FOR THE PURPOSE OF PROMOTING**  
**PROSTITUTION**

**City Council Transportation and Women's Issues Committees**  
**December 14, 2011**

Good Morning, Speaker Quinn, Chairs Vacca and Ferreras, and the members of the City Council Committees on Transportation and Women's Issues, I am David Yassky, Chairman of the Taxi and Limousine Commission. Thank you for the opportunity to speak to you today regarding Intro 735 which will increase penalties for unlicensed operation of vehicles for hire in the City, and Intro 725 which will implement an education program and civil penalties for promotion of prostitution by for-hire vehicle service providers. The Taxi and Limousine Commission strongly agrees with increased penalties for unlicensed activity, as well as tough penalties for those who participate in the promotion of prostitution. However, we would also like to see further refinement of both proposals and look forward to working with you on both of these bills.

The first proposed item of legislation, Intro 725, addresses promotion of prostitution in the City's for-hire vehicle industry. The proposal sets out new civil penalties for drivers that knowingly allow a for-hire vehicle to be used in the promotion of prostitution and it also requires a new education component for all TLC licensees. While the agency supports the Council's efforts in this regard, without sufficient external funding for this initiative, the cost of this program will be borne by drivers. The agency suggests an information packet or pamphlet that could be developed and distributed to licensees at application and renewal; this solution could be provided with a low cost while meeting the goals of this legislation.

The second bill, Intro 735, addresses illegal operation of a for-hire vehicle. As you know, the Commission has eagerly worked with you and other members of the

Council to improve for-hire service throughout the five boroughs. Specifically, we have worked with the Transportation Committee to increase fines for yellow-cab service refusals, and we have increased our enforcement resources and efforts focused both on preventing unlicensed cars from operating as FHV's and on preventing licensed livery cars and black cars from accepting street hails in violation of TLC Rules. Since January 2011, our enforcement personnel have issued 5,064 summonses for unlicensed operation and 9,886 summonses for illegal street hails; 3,147 of the summonses written for unlicensed operation and 5,532 of the illegal street hail summonses were written since June of this year – evidence of the agency's commitment to reducing these illegal activities.

While these two types of violations are similar, it is important to note the differences between them. Wholly unlicensed operation by "straight plates" is a more serious offense. "Straight plates" pose a much greater risk to the public because drivers have not undergone drug testing, a background check, or any other criteria that is required for TLC licensure; similarly an unlicensed vehicle has not been inspected at our facility in Woodside either for driver and passenger safety or state emissions standards.

To the extent that this legislation seeks to increase penalties for straight plates, we fully support it. However, the proposed penalties require revision. Current law prohibits unlicensed activity, which includes picking up street hails unless you are a yellow taxi. Section 19-506 of the Administrative Code already makes street hails illegal in any of the following circumstances:

- An unlicensed driver in an unlicensed car ("straight plates" - those vehicles not bearing the TLC's "TC" plates)
- A TLC licensed driver in an unlicensed car
- An unlicensed driver in a TLC licensed car
- A licensed driver doing street hails in a TLC licensed car

This legislation – while aimed at eliminating the first type of activity, street hails by wholly-unlicensed drivers in wholly unlicensed vehicles – will have much broader effects than possibly intended. Licensed drivers operating in either a licensed or unlicensed vehicle will be liable for the increased penalties proposed under 19-506. Similarly, unlicensed drivers driving either a licensed or unlicensed vehicle will be liable for the same fines and penalties. We support clarification of this Section to create a distinction that creates stronger penalties for wholly-unlicensed operators.

Once this distinction is made, we recommend that the Council look to State law and its treatment of similar offenses. For wholly-unlicensed operation, we suggest penalties similar to those imposed on drivers offering illegal rides at the airports (“hustling”). While licensees operating outside the scope of their TLC-issued license are a smaller risk to the public, we believe that these penalties should also be increased to better deter such activity. However, these penalties should be revised in conjunction with creating a legitimate opportunity for these operators to accept street hails. Without this option, you run the risk of disrupting a necessary service for a large part of the City and acting contrary to public interest.

In addition to revising “poaching” penalties, the proposal addresses the seizure of illegally-operating vehicles. The proposed legislation would change the TLC’s ability to seize illegally-operating vehicles to an affirmative obligation to do so. While the agency aims to, and would much like to, remove all illegally-operating vehicles from City streets, our enforcement resources must be prioritized where most-needed and where they can be most efficiently employed. In the time it takes to seize 3 cars, we may find it more effective to issue a hundred summonses. If we must operate under a mandate to seize all vehicles operating illegally, our ability to enforce against other violations will be significantly reduced. Furthermore, while we’re currently working on expanding our capacity to store seized vehicles, at this time the Commission has very limited tow pound space, creating a logistical challenge.

This concludes my testimony regarding Intros 735 and 725. I would like to thank you for the opportunity to testify today about this proposed legislation. At this time, I would be happy to answer any questions you may have.