

**NASSAU COUNTY  
DEPARTMENT OF CONSUMER AFFAIRS  
TAXI & LIMOUSINE COMMISSION**



**RULES AND REGULATIONS**

**March 4, 2009**

**Nassau County Taxi & Limousine Commission  
Rules and Regulations**

**Table of Contents**

<b>§ 1-01</b>	<b>Applicability .....</b>	<b>3</b>
<b>§ 1-02</b>	<b>Definitions .....</b>	<b>3</b>
<b>§ 1-03</b>	<b>For-Hire Vehicle Terms of Registration .....</b>	<b>6</b>
<b>§ 1-04</b>	<b>For-Hire Vehicle Registration Administrative Fees .....</b>	<b>10</b>
<b>§ 1-05</b>	<b>For-Hire Vehicle Owner Conduct .....</b>	<b>11</b>
<b>§ 1-06</b>	<b>For-Hire Vehicle Conditions of Operation .....</b>	<b>13</b>
<b>§ 1-07</b>	<b>For-Hire Vehicle Driver Terms of License .....</b>	<b>15</b>
<b>§ 1-08</b>	<b>For-Hire Vehicle Driver License Administrative Fees .....</b>	<b>18</b>
<b>§ 1-09</b>	<b>For-Hire Vehicle Driver Conduct .....</b>	<b>19</b>
<b>§ 1-10</b>	<b>Information Sharing with Qualified Jurisdictions .....</b>	<b>24</b>
<b>§ 1-11</b>	<b>Reciprocal Recognition of Vehicles and Drivers Licensed by Qualified Jurisdictions .....</b>	<b>25</b>

## **§ 1-01 Applicability**

1. The violation of any of these regulations shall be a violation of the Nassau County Administrative Code Unfair Trade Practice provisions, which prohibit deceptive and unconscionable trade practices.
2. Authority to issue rules and regulations is contained in §7(c) of Nassau County Ordinance 113 of 2005.

## **§ 1-02 Definitions**

1. Agent. An individual, partnership, or corporation that acts by employment, contract or otherwise on behalf of one or more owners to operate or provide for the operation of a registered vehicle in accordance with the requirements of these rules. An agent shall not include an attorney or representative who appears on behalf of the vehicle owner before the Commission.
2. Affiliated driver. An affiliated driver is a person who drives a for-hire affiliated vehicle and who is required to be licensed by law.
3. Affiliated vehicle. An affiliated vehicle is a for-hire vehicle which a base station is authorized by law to dispatch.
4. Ambulette / Paratransit. For the purposes of these rules an ambulette / paratransit is defined as a special-purpose for-hire vehicle, designed and equipped to provide non-emergency transport to or from facilities which provide medical care, that has wheelchair-carrying capacity, stretcher-carrying capacity, or the ability to carry disabled individuals.
5. Base station. A base station is a central facility, which manages, organizes and/or dispatches for-hire vehicles.
6. Chauffeur's license. A valid Class A, B, CDL-C or E driver license issued by the State of New York appropriate for the type of vehicle, type of passengers and number of passengers transported or a valid driver license of an equivalent and appropriate class from another state of which the licensee is a resident.
7. Commission. The Nassau County Taxi and Limousine Commission.
8. Commissioner. The Commissioner of the Nassau County Office of Consumer Affairs.
9. DMV. The New York State Department of Motor Vehicles.

10. DOT. The New York State Department of Transportation.
11. Decal. A sticker issued by the Commission evidencing the for-hire vehicle registration of a vehicle.
12. Dispatch. A request for a driver by a base to provide transportation to a passenger who has previously arranged for that transportation with a base.
13. Driver. A person who drives a for-hire vehicle and who is required to be licensed by the Commission or is required to have a hack license as defined herein.
14. For-hire vehicle. A for-hire vehicle is a vehicle carrying passengers for hire required to be registered by the Commission. It shall not include a bus operating along a fixed route nor any vehicle over which the County of Nassau does not have jurisdiction pursuant to state or federal law, provided such vehicle is found to be operating in compliance with all provisions of such law at the time of vehicle stop.
15. For-hire vehicle driver license. A for-hire vehicle driver license is a license issued by the Commission to persons who meet the qualifications herein as for-hire vehicle drivers.
16. For-hire vehicle registration. A for-hire vehicle registration is a registration issued by the Commission evidencing either Tier I or Tier II privileges [See Tier I or Tier II for-hire vehicle registration].
17. Hack license. A hack license is a valid license to operate a for-hire vehicle issued by a city, county, town, or village.
18. In-county for-hire vehicle. An in-county for-hire vehicle is a for-hire vehicle licensed by a town, city or village within Nassau County and required to be registered by the Commission.
19. Mailing address. The address designated in the registration or for-hire vehicle driver license application for the mailing of all notices and correspondence from the Commission and for service of tickets.
20. NCTLC license plate. A for-hire vehicle license plate authorized to be issued by the Commission to for-hire vehicle registrants and is issued by the DMV.
21. NYS. New York State.
22. Out-of-county for-hire vehicle. An out-of-county for-hire vehicle is a for-hire vehicle not required to be licensed by a town, city or village within Nassau County but is required to be registered by the Commission.

23. Passenger. A person who has engaged a for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched for-hire vehicle.
24. Person with a disability. An individual with a physical impairment or incapacity, including any person who uses a wheelchair, three-wheel scooter, crutches, other mobility aid or service animal, who can transfer from such mobility aid to a for-hire vehicle with or without reasonable assistance.
25. Qualified jurisdiction. A qualified jurisdiction is a licensing jurisdiction as defined by and meeting the standards and requirements set forth in subdivisions three (3), four (4) and six (6) of section 498 of the New York State Vehicle and Traffic Law.
26. Service animal. A guide dog or any other animal trained specifically to work or to perform tasks for a person with a disability, including but not limited to guiding individuals with visual impairments, pulling a wheelchair, or retrieving items.
27. Smoke. To smoke is to burn a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco as defined by New York State Public Health Law Article 13-E.
28. Tier I (Tier one) for-hire vehicle registration. A Tier I for-hire vehicle registration is a registration issued by the Commission to a vehicle or base station owner to allow an owned or affiliated vehicle to be dispatched and which qualifies the vehicle for reciprocity as set forth in section 498 (2) of the New York State Vehicle and Traffic Law.
29. Tier II (Tier two) for-hire vehicle registration. A Tier II for-hire vehicle registration is a registration issued by the Commission to a vehicle or base station owner to allow an owned or affiliated vehicle to be dispatched but which does not qualify the vehicle for reciprocity as set forth in section 498 (2) of the New York State Vehicle and Traffic Law.
30. Trip sheet / passenger log. A trip sheet or passenger log is a fully completed legibly written or electronic read only record not including a pager or cell phone of each passenger trip that is recorded prior to the commencement of the trip and is carried, at all times, in the for-hire vehicle. Such record shall include the vehicle's state license plate number, the passenger's name, the date and time of scheduled pick up, the location of scheduled pickup and the final destination.
31. Valid. For the purposes of these rules valid is defined as not conditional, suspended, expired, restricted, probationary, surrendered, revoked or in violation of any of the regulations herein.

32. Vehicle owner. An individual, partnership, corporation or any other entity in whose name a vehicle is titled, or the lessee of such vehicle from the titled owner. Service shall be deemed proper service on the vehicle owner if sent to the registrant or the lessee of the vehicle.
33. Weapon. Any firearm as defined in the New York Penal Law or any instrument or thing whether real or simulated and capable of inflicting or threatening bodily harm, including but not limited to any other weapons, the possession of which is prohibited pursuant to the New York Penal Law.

### **§ 1-03 For-Hire Vehicle Terms of Registration**

1. A for-hire vehicle registration shall expire one year subsequent to the date the registration was issued. The Commissioner may, in his discretion, extend the expiration date of such registration by up to an additional thirty-one (31) days.
2. An applicant for an original or renewal for-hire vehicle registration shall designate the vehicle operator or driver as agent for service of process from the Commission, which may be issued against the titled owner, registered owner or lessee.
3. An applicant for an original or renewal Tier I for-hire vehicle registration must sign and have notarized an affidavit requiring that all Tier I registered for-hire vehicles will only be operated by drivers possessing a valid for-hire vehicle driver license as defined herein.
4. An applicant for an original or renewal Tier I for-hire vehicle registration must provide and maintain a minimum of one (1) for-hire vehicle driver possessing a valid for-hire vehicle driver license as defined herein, per vehicle applied for prior to such registration being issued.
5. An owner of a vehicle that is currently licensed by the NYS DOT may apply to register their vehicle as either a Tier I or Tier II for-hire vehicle, provided that Tier II applicants must also comply with §1-03 (4) of these rules. A DOT licensed vehicle will be charged the in-county fee to be registered.
6. All owners of for-hire vehicles licensed by the NYS DOT must submit valid DOT operating authority in addition to a current valid DOT inspection sheet for each vehicle prior to these vehicles receiving a Commission registration.
7. An owner of a valid bus plated vehicle registered outside of NYS may apply for a Tier I or Tier II out-of-county registration provided that such owner complies with all NYS DOT guidelines.

8. All out-of-county for-hire vehicles shall be registered on a bi-annual basis beginning with the 2009 registration renewal period at the bi-annual rate.
9. If a for-hire vehicle owner is unlicensed by a municipality because of no requirement to be licensed by such municipality wherein the owner operates a for-hire vehicle, such owner shall be permitted to register their for-hire vehicle as an out-of-county for-hire vehicle with the Commission.
  - a. The Commission shall require a background check of the vehicle owner including but not limited to a current fingerprint and DMV license check, the cost of which shall be borne by the applicant.
  - b. The Commission shall require that any driver of an out-of-county for-hire vehicle possess a valid for-hire vehicle driver license or valid for-hire vehicle driver license issued by a qualified jurisdiction. For the purposes of this rule, a Tier II registered vehicle may be operated with any valid hack license.
10. A renewing for-hire vehicle registration applicant must file a completed application, as determined by the Commission, on or before the due date on the Commission for-hire vehicle registration renewal notification but no later than the expiration date of the registration.
11. Any for-hire vehicle engaged in for-hire activity after the expiration date of a for-hire vehicle registration and before the issuance of a renewal registration may subject the for-hire vehicle owner to penalties pursuant to applicable statutes and regulations.
12. A for-hire vehicle owner shall pay all fines, settlements, penalties and fees assessed or agreed to and fulfill any additional requirements by the Commission within the time allotted by a Hearing Officer, authorized employee or agent of the Nassau County Office of Consumer Affairs and/or the Commissioner. Additionally, each ticket settlement agreed to by a for-hire vehicle owner or their representative prior to a hearing is considered an admittance of guilt for each offense so settled with all consequences thereof. If a for-hire vehicle owner fails to pay any fines, settlements, penalties or fees owed to the Commission or County of Nassau or fails to fulfill any requirements, all owned for-hire vehicle registrations may be suspended and all owned for-hire vehicles may be seized and held until all monies owed are paid in full and/or all requirements met. For-hire vehicle registration suspensions shall be effective immediately at the close of business on the day payment and/or terms of settlement are due to be completed.
13. No for-hire vehicle owner may register or renew a registration of a for-hire vehicle unless and until all outstanding fines or fees owing to the County of Nassau or to any other qualified jurisdiction or to a municipality within the County of Nassau are paid.

14. All required for-hire vehicle owners failing to renew their Commission registration within thirty (30) days after the expiration date are subject to tickets, vehicle seizures and may have their DMV registration suspended or revoked for having no Commission registration.
15. The for-hire vehicle registrations of an owner, against whom there is an outstanding judgment or unpaid civil penalty owed for a violation relating to traffic in a qualified jurisdiction or for a violation of the regulations of a qualified jurisdiction, shall be suspended until such judgment is satisfied or such civil penalty is paid.
16. All for-hire vehicle owners must register each of their for-hire vehicles with NCTLC license plates. Vehicles licensed by and required to have New York City Taxi and Limousine Commission or Westchester County Taxi and Limousine Commission license plates, bus plates or out of state plates are exempt from this rule.
17. Any for-hire vehicle owner registering a for-hire vehicle with the DMV and the Commission with a declared seating capacity less than the vehicle actually has, as evidenced by the actual number of passengers found in the vehicle or by measurement, may have the Commission registration of such vehicle revoked immediately at the time the actual seating capacity is determined, subjecting such vehicle to impoundment as an unregistered for-hire vehicle with owner and operator in violation of NYS Vehicle and Traffic Law §392 and such vehicle owner and operator subject to all applicable penalties therefor.
18. No for-hire vehicle owner of a for-hire vehicle required to be licensed by a town, city or village within the County of Nassau shall be allowed to file for an original, renewal or replacement registration for such vehicle without one of the following:
  - a. A valid for-hire vehicle license for the vehicle issued by the town, city or village, which includes all of the following:
    1. Name of issuing municipality.
    2. Municipality license number of vehicle.
    3. Name of vehicle title owner.
    4. Name of affiliated base or the words "Independent Owner".
    5. Year of vehicle.
    6. Make of vehicle.
    7. Model of vehicle.
    8. Vehicle identification number (at least last 6).
    9. License plate number.
    10. Date license was issued.
    11. Expiration Date of License.



- b. A certification for taxi plate form also known as a taxi legend for the vehicle issued by the town, city or village, which includes all of the following:
  - 1. Name of issuing municipality.
  - 2. Date form was issued.
  - 3. Name of vehicle title owner.
  - 4. Name of affiliated base or the words “Independent Owner”.
  - 5. Year of vehicle.
  - 6. Make of vehicle.
  - 7. Model of vehicle.
  - 8. Vehicle identification number (at least last 6).
  
- c. An original letter from the town, city or village, on municipal letterhead, stating either that “the following for-hire vehicle(s) is(are) licensed” or that “the following for-hire vehicle(s) is(are) in the process of receiving a license” and which includes all of the following:
  - 1. Date letter was issued.
  - 2. Name of vehicle title owner.
  - 3. Municipality license number of vehicle if licensed.
  - 4. Name of affiliated base or the words “Independent Owner”.
  - 5. Year of vehicle.
  - 6. Make of vehicle.
  - 7. Model of vehicle.
  - 8. Vehicle identification number (at least last 6).
  - 9. License plate number if licensed.
  - 10. Date license was issued if licensed.
  - 11. Expiration Date of License if licensed.
  
- 19. A for-hire vehicle owner having applied to the Commission with a letter from a town, city or village within the County of Nassau, declaring that the owner’s vehicle(s) is(are) “in the process of receiving a license” and including all information as set forth in §14(c) (1-10) shall be permitted to register such vehicle(s) for a period of up to one (1) year or until notification by the issuing town, city or village of license application denial, whichever comes first. Upon notification of a license application denial all issued Commission registrations and all DMV registrations issued as a result of such “in the process” letter may be suspended.
  
- 20. No for-hire vehicle shall be a two-door vehicle.

21. A for-hire vehicle carrying less than 9 passengers, operated solely for funeral transportation and insured solely for funeral transportation shall be exempt from registration requirements. Exempt vehicles shall not have livery license plates. Exempt vehicles shall not be used as for-hire transportation in any other way, i.e., for weddings, proms, etc., without first obtaining the proper registration from the Commission.

#### **§ 1-04 For-Hire Vehicle Registration Administrative Fees**

1. The fee for an original for-hire vehicle registration or a renewal thereof shall be paid at the time of filing the application via certified check or money order only and shall not be refunded in the event of a disapproval of an application.
2. The fee for an original or renewal in-county Tier I for-hire vehicle registration shall be five dollars (\$5.00) annually.
3. The fee for an original out-of-county Tier I for-hire vehicle registration shall be three hundred dollars (\$300.00) annually.
4. The fee for a renewal out-of-county Tier I for-hire vehicle registration shall be two hundred fifty dollars (\$250.00) annually.
5. The fee for an original or renewal Tier II in-county for-hire vehicle registration shall be five dollars (\$5.00) annually.
6. The fee for an original Tier II out-of-county for-hire vehicle registration shall be three hundred dollars (\$300.00) annually.
7. The fee for a renewal Tier II out-of-county for-hire vehicle registration shall be two hundred fifty dollars (\$250.00) annually.
8. There shall be an additional fee of twenty-five dollars (\$25.00) for the late filing of a for-hire vehicle registration renewal application where such filing is permitted by the Commission.
9. There shall be an additional fee of twenty-five dollars (\$25.00) for each replacement registration required during the registration period.
10. The fee for a set of NCTL plates shall be twenty-five dollars (\$25.00) for each application therefor.

## **§ 1-05 For-Hire Vehicle Owner Conduct**

A for-hire vehicle owner shall be responsible for obtaining the for-hire vehicle registration from the Commission and for compliance with the following rules:

1. For-hire vehicle owners shall be responsible for the acts of a driver who operates the for-hire vehicle as the agent of the owner.
2. A for-hire vehicle registration shall be valid only while the NYS registration of the vehicle remains valid, or in a case where a vehicle is registered in another state, while the vehicle registration issued by such state remains valid. Operation of a for-hire vehicle without a valid NYS registration or in a case where a vehicle is registered in another state without a valid registration from such state, is operation without a Commission registration, regardless of whether such registration had previously been obtained while a New York or other state registration was valid. A for-hire vehicle owner shall immediately surrender his for-hire vehicle registration to the Commission upon the expiration, restriction, suspension or revocation of the NYS or other state vehicle registration.
3. A for-hire vehicle owner shall not dispatch nor permit another person to dispatch a for-hire vehicle unless it is registered with the Commission.
4. A for-hire vehicle owner shall not dispatch nor permit another person to dispatch a for-hire vehicle without a valid local for-hire vehicle license, when such license is required.
5. A for-hire vehicle owner shall not dispatch nor permit another person to dispatch a for-hire vehicle in violation of the NYS Vehicle and Traffic Law, Nassau County local law, and any other applicable ordinances, rules or regulations.
6. A for-hire vehicle owner shall not dispatch nor permit another person to dispatch a for-hire vehicle which is not a limousine when a limousine is specifically requested.
7. A for-hire vehicle owner shall not dispatch nor permit another person to dispatch a for-hire vehicle with more than one Commission registration decal affixed to the windshield.
8. A for-hire vehicle owner or dispatcher shall return any personal property left by any passenger of such for-hire vehicle to the Nassau County police precinct of occurrence within twenty-four (24) hours as per NYS Personal Property Law Article 7-B.
9. A for-hire vehicle owner shall comply with the NYS Vehicle and Traffic Law and the NYS Insurance Law regarding coverage by bond or policy of liability insurance and all other forms of insurance required by law.

10. A for-hire vehicle owner and base station shall comply with all provisions of the NYS Workers' Compensation Law and rules and regulations promulgated thereunder with respect to the provision of coverage and benefits to eligible persons.
11. A for-hire vehicle owner, who receives notice that his liability insurance is to be terminated, shall surrender his for-hire vehicle registration certificate and decal to the Commission on or before the termination date of the insurance, unless the owner of the vehicle submits proof of new insurance effective on the date of the termination of the policy.
12. Within seven days, exclusive of holidays and weekends, a for-hire vehicle owner shall notify the Commission in writing of any change in insurance carrier or coverage, specifying the name and address of the insurance carrier, new and former, and the number of the policy for each vehicle and submit proof of such coverage.
13. A for-hire vehicle owner shall immediately report to his insurance carrier in writing all accidents involving his for-hire vehicle, which are required to be reported to the insurance carrier.
14. A for-hire vehicle owner shall immediately report to the Commission in writing when the registered for-hire vehicle is removed permanently from for-hire service.
15. For-hire vehicle registration certificates and decals shall be maintained in a neat condition in the registered vehicle.
16. No unauthorized entry shall be made on either the for-hire vehicle registration certificate or decal nor shall any entry on either the for-hire vehicle registration certificate or decal be changed or defaced.
17. An unreadable for-hire vehicle registration decal shall be immediately surrendered to the Commission for replacement.
18. A for-hire vehicle owner shall immediately notify the Commission of the theft, loss or destruction of a for-hire vehicle decal and shall furnish the Commission with an affidavit or such information as may be required, and shall replace the decal.
19. A for-hire vehicle owner shall be responsible for ensuring that the replacement of any lost or stolen NYS license plates is reported to the Commission within forty-eight hours, exclusive of weekends and holidays after obtaining such plates.

20. A for-hire vehicle owner shall designate each and every driver who operates the vehicle for acceptance of service from Commission or Office of Consumer Affairs personnel of tickets or notices to correct defects in the vehicle. Delivery of such tickets or notice to a driver shall be deemed proper service of the ticket or notice on the vehicle owner. The Commission shall send a photocopy of any ticket or notice to correct defects to the vehicle owner.
21. A for-hire vehicle owner shall notify the Commission in person or by first class mail, within seven days, exclusive of weekends and holidays, of any change in mailing address. Any notice, directives or other communication from the Commission shall be deemed sufficient if sent to the last mailing address furnished by the for-hire vehicle owner.
22. A for-hire vehicle owner shall comply with all Commission notices and directives within the time limits set forth therein, including but not limited to those concerning complaints, tickets, hearings and vehicle defect repairs.
23. A for-hire vehicle owner shall maintain on file with the Commission a current telephone number, which must be connected to an answering machine or recording device, a pager number, an answering service telephone number or similar means of telephone contact so that the owner may be reached by the Commission on a twenty-four (24) hour basis.
24. A for-hire vehicle owner must respond to any telephone pager contact from the Commission within forty-eight hours, seven days a week.
25. A for-hire vehicle owner shall keep all trip sheets / passenger logs in a secure location for a period of no less than one year after such trip and made available for inspection upon request by a police officer, peace officer or other person authorized by the Commission during this time.

#### **§ 1-06 For-Hire Vehicle Conditions of Operation**

1. No for-hire vehicle shall operate in for-hire service unless the vehicle is in compliance with the following:
  - a. A valid Commission registration decal is affixed to the front right (passenger's side) windshield of the vehicle so as to be plainly visible.
  - b. A valid DMV registration sticker is affixed to the front left (driver's side) windshield so as to be plainly visible, or in a case where a vehicle is registered in another state, a registration sticker or other registration identifier shall be affixed to the vehicle as designated by such state.

- c. A valid DMV inspection sticker is affixed to the front left (driver's side) windshield so as to be plainly visible, or in a case where a vehicle is registered in another state, an inspection sticker or other inspection identifier shall be affixed to the vehicle as designated by such state. For-hire vehicles shall be inspected annually, and at any other time the Commission has reason to believe that the vehicle is unfit or unsafe for use.
  - d. The vehicle identification number (VIN) and the current plate number on the state registration of a for-hire vehicle shall match the VIN and plate number on the Commission decal, if any, and shall match the VIN and plate number on the vehicle.
  - e. No for-hire vehicle shall be used in the course of operation as a for-hire vehicle unless the following documents are present in the vehicle:
    - 1. the driver's valid chauffeur's license;
    - 2. the driver's valid for-hire vehicle driver license, as defined herein, if operating a Tier I registered for-hire vehicle or any valid hack license if operating a Tier II registered for-hire vehicle. Note: Tier I registered for-hire vehicles found operating without the driver in possession of a valid for-hire vehicle driver license, as defined herein, will immediately have the Tier I registration revoked and may subject the vehicle to impoundment as an unregistered for-hire vehicle and the owner and driver for all applicable tickets and penalties;
    - 3. the NYS vehicle registration certificate or photostat thereof, or in a case where a vehicle is registered in another state, a registration certificate or photostat thereof of a vehicle registration issued by such other state;
    - 4. the Commission registration certificate or photostat thereof;
    - 5. valid insurance card or photostat thereof, and
    - 6. a trip sheet / passenger log as defined herein. Failure to present a trip sheet / passenger log to a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs on their request shall be presumptive evidence of illegal interjurisdictional operation as per NYS Vehicle and Traffic Law, section 498 (3)(i).
2. No for-hire vehicle owner shall allow a for-hire vehicle to be dispatched unless the driver's chauffeur's license as defined herein is valid.

3. No for-hire vehicle owner shall allow a Tier II registered for-hire vehicle to be dispatched unless the driver's hack license and the vehicle's local for-hire vehicle license as required is valid.
4. No for-hire vehicle owner shall permit a for-hire vehicle to be operated without a daily personal inspection and a reasonable determination that all equipment, including but not limited to, air conditioning, heating, tires, brakes, lights, signals, and passenger seat belts and shoulder belts, is in good working order; the vehicle is clean inside and out and the vehicle meets all equipment requirements of the NYS Vehicle and Traffic Law and these rules.
5. No for-hire vehicle owner shall knowingly allow a registered vehicle to be dispatched where the driver is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.
6. No for-hire vehicle owner shall allow a vehicle to operate as a for-hire vehicle when authorized representatives of the Commission or of a qualified jurisdiction, the Police, the DMV or the DOT has determined that the vehicle is unsafe or unfit for use as a for-hire vehicle and the vehicle owner has been directed to remove such vehicle from service.
7. No for-hire vehicle owner shall allow a vehicle to operate as a for-hire vehicle unless all seat belts and shoulder belts are clearly visible, accessible and in good working order. Each for-hire vehicle shall be equipped with shoulder belts for both outside rear seat passenger positions and shall be in compliance with NYS Vehicle and Traffic Law §375(51)(a) and (b) – “Adam’s Law”, requiring legible and conspicuous posting to all passengers in all seating positions the following notice: “Seatbelts must be available for your use. Please buckle up.”

#### **§ 1-07 For-Hire Vehicle Driver - Terms of License**

1. An applicant for a for-hire vehicle driver license shall be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services. The criminal history of any applicant, including a renewal applicant, shall be reviewed in a manner consistent with Article 23-A of the New York State Correction Law and the application of any applicant denied, or the for-hire vehicle driver license of any current licensee shall be revoked, after notice, an opportunity to be heard and a ruling adverse to the applicant, following conviction of such applicant or current licensee for any serious criminal offense as set forth in section 498(1)(f) of the NYS Vehicle and Traffic Law. The applicant shall pay any processing fee required by the State. A driver shall immediately inform the Commission with a certified copy of the Certificate of Disposition issued by the Clerk of the Court with respect to such conviction.

2. A new applicant for a for-hire vehicle driver license, other than an applicant who is a current Nassau County Police Officer, shall be tested, at the applicant's expense, for drugs or controlled substances, as set forth in §3306 of the NYS Public Health Law. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the NYS Department of Health. The applicant shall pay any processing fee required for the test directly to the testing lab. An applicant who tests positive shall be denied a for-hire vehicle driver license after notice, an opportunity to be heard and a ruling adverse to the applicant.
3. All new for-hire vehicle driver license applicants must attend and complete a defensive driving course from a school, facility or agency authorized by the Commission and certified by the DMV. The course must have been completed within six (6) months prior to the date of application.
4. A renewal applicant for a for-hire vehicle driver license, other than a current Nassau County Police Officer licensee, shall be tested annually, at the licensee's expense, for drugs or controlled substances, as set forth in §3306 of the NYS Public Health Law. For-hire vehicle driver licensees in the first year of a two (2) year license, such testing must occur no sooner than thirty (30) days prior to, and in any event no later than, the date one (1) year prior to the expiration date of such license. For licensees in the second year of a two (2) year license, such testing must occur no sooner than thirty (30) days prior to, and in any event no later than the expiration date of such license. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the NYS Department of Health. The applicant shall pay any processing fee required for the test directly to the testing lab. The for-hire vehicle driver license of an applicant who tests positive for drugs or intoxicating liquors shall be revoked after notice, an opportunity to be heard and a ruling adverse to the applicant.
5. Failure of a for-hire vehicle driver licensee in the first year of a two (2) year license to be tested no sooner than thirty (30) days prior to, and in any event no later than, the date one (1) year prior to the expiration date of such license shall result in suspension of the for-hire vehicle driver license. If such licensee undergoes the required testing within thirty (30) days after the date one (1) year prior to the expiration date of the current license, the suspension of the for-hire vehicle driver license shall be lifted. If such licensee undergoes the required testing more than thirty (30) days after the date one (1) year prior to the expiration date of the current license, such licensee shall also be required to pay a penalty of one-hundred dollars (\$100) to have the suspension of the for-hire vehicle driver license lifted.



6. Failure of a for-hire vehicle driver licensee in the second year of a two-year license to be tested by the expiration date of such license shall result in denial of a for-hire vehicle driver license renewal application, if any, and expiration of the license. If such licensee fulfills his or her for-hire vehicle driver license renewal requirements, including undergoing the required drug testing, within thirty (30) days after the expiration of the license, such licensee shall be required to pay a late fee of twenty-five dollars (\$25.00). If such licensee fulfills his or her for-hire vehicle driver license renewal requirements, including undergoing the required drug testing, between thirty (30) and sixty (60) days after the expiration of the license, such licensee shall be required to pay a late fee of fifty dollars (\$50.00). A for-hire vehicle driver license cannot be renewed if all renewal requirements are not fulfilled within sixty (60) days after the expiration of the license.
7. All renewal for-hire vehicle driver license applicants must submit proof of having attended and completed an authorized defensive driving course from a school, facility or agency authorized by the Commission and certified by the DMV. The course must have been completed within three (3) years prior to the date of the renewal application.
8. A for-hire vehicle driver license shall expire two (2) years subsequent to the date the license was issued. The Commissioner may, in his discretion, extend the expiration date of such license by up to an additional thirty-one (31) days.
9. A renewing for-hire vehicle driver license applicant must file a completed application, as determined by the Commission, on or before the due date on the Commission for-hire vehicle driver license renewal notification but no later than the expiration date of the license.
10. A driver who engages in for-hire vehicle activity after the expiration date of a for-hire vehicle driver license and before the issuance of a renewal for-hire vehicle driver license may be subject to penalties pursuant to applicable statutes and regulations.
11. A for-hire vehicle driver license shall expire two (2) years subsequent to the date the license was issued. A license issued to a renewing applicant for a renewal for-hire vehicle driver license shall expire two (2) years subsequent to the date 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 (31) days.

12. A driver shall pay all fines, settlements, penalties and fees assessed or agreed to and fulfill any additional requirements by the Commission within the time allotted by a Hearing Officer, authorized employee or agent of the Nassau County Office of Consumer Affairs and/or the Commissioner. Additionally, each ticket settlement agreed to by a driver or his or her representative prior to a hearing is considered an admittance of guilt for each offense so settled with all consequences thereof. If an individual driver fails to pay any fines, settlements, penalties or fees owed to the Commission or County of Nassau and/or fails to fulfill any requirements, all owned for-hire vehicle registrations may be suspended and all owned for-hire vehicles may be seized and held until all monies owed are paid in full and/or all requirements met. For-hire vehicle driver license and registration suspensions shall be effective immediately at the close of business on the day payment and/or terms of settlement are due to be completed.
13. The for-hire vehicle license of a driver, against whom there is an outstanding judgment or unpaid civil penalty owed for a violation relating to traffic in a qualified jurisdiction or for a violation of the regulations of a qualified jurisdiction, shall be suspended until such judgment is satisfied or such civil penalty is paid.
14. The for-hire vehicle driver license of a driver shall be suspended in emergency situations where the Commissioner determines that a suspension is necessary to protect the riding public.

#### **§ 1-08 For-Hire Vehicle Driver License Administrative Fees**

1. The fees for an original for-hire vehicle driver license or a renewal thereof shall be paid at the time of filing the application via certified check or money order payable to the County of Nassau and shall not be refunded in the event of a disapproval of an application.
2. The fee for an original and renewal for-hire vehicle driver license shall be one hundred dollars (\$100.00) bi-annually.
3. The state fee for fingerprinting is seventy-five (\$75.00) dollars. This fee must be in the form of a certified check or money order payable to the County of Nassau.
4. The fee for drug testing is set by the testing labs and is to be paid directly to the testing lab used in a form and amount required by such lab.
5. The fee for a defensive driving course is set by the defensive driving course provider and is to be paid directly to the provider in a form and amount required by such provider.

6. There shall be an additional fee of one hundred (\$100.00) dollars to lift the suspension of a for-hire vehicle driver license if such license was suspended for the purposes described in §1-07 (5) herein.
7. There shall be an additional fee of twenty-five dollars (\$25.00) or fifty (\$50.00) dollars for the late filing of a for-hire vehicle driver license renewal application, as described in §1-07 (6) herein, where such filing is permitted by the Commission.
8. There shall be an additional fee of twenty-five dollars (\$25.00) for each replacement for-hire vehicle license required during the license period.

### **§ 1-09 For-Hire Vehicle Driver Conduct**

1. A for-hire vehicle driver shall not operate a for-hire vehicle without a valid Commission registration decal affixed to the front right (passenger's side) windshield so as to be plainly visible and the following items shall be present in the vehicle:
  - a. the driver's valid chauffeur's license;
  - b. the driver's valid for-hire vehicle driver license, as defined herein, if operating a Tier I registered for-hire vehicle or any valid hack license if operating a Tier II registered for-hire vehicle. Note: Tier I registered for-hire vehicles found operating without the driver in possession of a valid for-hire vehicle driver license, as defined herein, will immediately have the Tier I registration revoked and may subject the vehicle to impoundment as an unregistered for-hire vehicle and the owner and driver for all applicable tickets and penalties;
  - c. the Commission registration certificate or photostat thereof;
  - d. the NYS vehicle registration certificate or photostat thereof, or in a case where a vehicle is registered in another state, a registration certificate or photostat thereof of a vehicle registration issued by such other state,
  - e. a valid insurance card or photostat thereof, and
  - f. a trip sheet / passenger log as defined herein. Failure of a driver to present a trip sheet / passenger log to a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs on their request shall be presumptive evidence of illegal interjurisdictional operation as per NYS Vehicle and Traffic Law, section 498 (3) (i).

2. A for-hire vehicle driver shall not smoke nor permit any passengers to smoke while operating a for-hire vehicle as per the NYS Public Health Law Article 13-E, section 1399-O, subsection 5.
3. A for-hire vehicle driver shall not pick up additional passengers except if the passenger who hired the vehicle requests that the driver do so.
4. A for-hire vehicle driver, while operating a for-hire vehicle shall not have in his or her possession or in the vehicle, a weapon as defined herein, or any other instrument which is intended to be used as a weapon.
5. A for-hire vehicle driver, during his or her work shift, shall keep the for-hire vehicle's interior clean.
6. A driver shall be clean and neat in dress and person. A driver may not wear as outer clothing: underwear, tank tops, tube tops, body shirts, swimwear, bathing trunks or cut-off shorts.
7. A for-hire vehicle driver shall not operate a for-hire vehicle without continuing personal inspection and a reasonable determination that all equipment, including but not limited to, air conditioning, heating, tires, brakes, lights, signals, and passenger seat belts and shoulder belts, is in good working order.
8. A for-hire vehicle driver shall return any personal property left by any passenger to the Nassau County police precinct of occurrence prior to the end of his or her work shift as per NYS Personal Property Law Article 7-B.
9. A for-hire vehicle driver shall not operate a for-hire vehicle under the influence of any drugs or alcohol or if his or her driving ability is in any way impaired.
10. A for-hire vehicle driver shall comply with all Commission notices and directives within the time limits set forth therein, including but not limited to those concerning tickets, complaints and hearings.
11. A for-hire vehicle driver shall not operate a for-hire vehicle in violation of the NYS Vehicle and Traffic Law, Nassau County local law, and any other applicable ordinances, rules or regulations.
12. A for-hire vehicle driver shall remain courteous when interacting with a police officer, Commission officer, other authorized employee or agent of the Nassau County Office of Consumer Affairs or any member of the public and shall not threaten, harass, abuse, use physical force in any manner, commit larceny, attempt to bribe or take any action against the public interest during such interactions.
13. A for-hire vehicle driver shall comply in a timely manner with any lawful directive by a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs.

14. For-hire vehicle driver licenses shall be maintained in a neat condition and no unauthorized entry shall be made on it, nor shall the license be changed or defaced in any way.
15. An unreadable for-hire vehicle driver license shall be immediately surrendered to the Commission for replacement.
16. A for-hire vehicle driver licensee shall immediately notify the Commission of the theft, loss or destruction of their for-hire vehicle driver license and shall furnish the Commission with an affidavit or such information as may be required, and shall replace the license.
17. A for-hire vehicle driver licensee shall notify the Commission in person or by first class mail, within seven days, exclusive of weekends and holidays, of any change in mailing address. Any notice, directives or other communication from the Commission shall be deemed sufficient if sent to the last mailing address furnished by the for-hire vehicle driver.
18. A for-hire vehicle driver licensee shall maintain on file with the Commission a current telephone number, which must be connected to an answering machine or recording device, a pager number, an answering service telephone number or similar means of telephone contact so that the driver may be reached by the Commission on a twenty-four (24) hour basis.
19. A for-hire vehicle driver licensee must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.
20. Critical Driver Program.
  - a. The for-hire vehicle driver license of any driver who, within a period of fifteen (15) months, accumulates six (6) or more points against his license issued by the DMV or an equivalent license issued by the driver's state of residence, unless previously revoked, shall be suspended for thirty (30) days.
  - b. The for-hire vehicle driver license of any driver who, within a period of fifteen (15) months, accumulates ten (10) or more points against his license issued by the DMV or an equivalent license issued by the driver's state of residence shall be revoked.
  - c. The Commission or Commissioner may at any time review the fitness of a currently licensed for-hire vehicle driver or a for-hire vehicle driver license applicant concerning 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 by the Commissioner.

- d. For the purpose of this rule, the points assigned by the DMV for any violation shall be deemed to have been accumulated as of the date of occurrence of the violation.
- e. The relevant fifteen (15) 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.
- 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 DMV, and who furnishes the Commission with proof that the course was completed on or 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 that may have been commenced prior to the completion of the course. No person shall receive a point reduction pursuant to this subsection more than once in any eighteen (18) month period; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee.

21. Program for Persistent Violators of For-Hire Vehicle Rules.

- a. Any driver who has been found guilty of three (3) or more Commission violations that occurred within a fifteen (15) month period and whose license has not been revoked will accumulate one point on his for-hire vehicle driver license.
- b. Any driver who has accumulated six (6) or more points against his for-hire vehicle driver's license within a fifteen (15) month period and whose license has not been revoked shall have his license suspended for thirty (30) days.
- c. Any driver who has accumulated ten (10) or more points against his for-hire vehicle driver's license within a fifteen (15) month period shall have his license revoked.
- d. For the purpose of subdivisions (a) through (c) of this section, a driver who has been found guilty of multiple violations arising from a single incident shall be deemed guilty of the single violation with the highest point total for purposes of this section.

- e. The penalties set forth herein will be imposed following the hearing where the driver has been found in violation of the rules that bring his accumulated point total to the level described in subdivision (b) and (c). These penalties will be added to those imposed for the underlying rule violations.
- f. The minimum penalties set forth in subdivision (a) through (c) of this section shall not preclude the imposition by the Commission of additional or more severe penalties in accordance with Rules of the Commission.
- g. The Schedule of Points is as follows:

<b>Rule No.</b>	<b>Description</b>	<b>Points and Action</b>	
§1-09(1)	Driver operating a for-hire vehicle not registered with the Commission:	3	
§1-09(1)(A)	Driver not in possession of valid chauffeur's license at time of car stop:	[not in possession]	1
§1-09(1)(A)	Driver not in possession of valid chauffeur's license at time of car stop:	[not valid]	2 FIELD CONFISCATION & SUSPENSION OR REVOCATION
§1-09(1)(B)	Driver not in possession of a valid for-hire vehicle driver license at time of car stop:	[not in possession]	1
§1-09(1)(B)	Driver not in possession of valid chauffeur's license at time of car stop:	[not valid]	2 FIELD CONFISCATION AND SUSPENSION OR REVOCATION
§1-09(11)	Street Hail - Non-prearranged passengers accepted by driver:	1	
§1-09(12)	Discourtesy:	3	
§1-09(12)	Action against public interest:	3	
§1-09(12)	Threatening, harassment, abuse:	5	
§1-09(12)	Bribery:	6	
§1-09(12)	Larceny:	SUSPENSION OR REVOCATION	

§1-09(12)	Physical force:	SUSPENSION OR REVOCATION
§1-09(13)	Failure to comply in timely manner with a directive from a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs:	3
§1-09(13)	Failure to comply with a directive from a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs:	SUSPENSION OR REVOCATION
	<b>NYS Vehicle &amp; Traffic Law violations:</b>	<b>SEE INDIVIDUAL VIO</b>
§1-09(11)	Dangerous driving:	3
§1-09(11)	Driving in wrong direction:	3
§1-09(11)	Driving left of center:	3
§1-09(11)	Failing to stop for school bus with red lights flashing:	5
§1-09(11)	Failing to yield right of way:	3
§1-09(11)	Following too closely:	2
§1-09(11)	Improper passing:	3
§1-09(11)	Inadequate brakes (own vehicle):	4
§1-09(11)	Inadequate brakes (employer's vehicle):	2
§1-09(11)	Leaving scene of accident:	4
§1-09(11)	Leaving scene of accident involving property damage or injury to animals:	3
§1-09(11)	Prohibited telephone use:	2
§1-09(11)	Railroad crossing violation:	3
	Speeding:	SEE BELOW
§1-09(11)	1 to 10 miles above posted speed limit:	3
§1-09(11)	11 to 20 miles above posted speed limit:	4
§1-09(11)	21 to 30 miles above posted speed limit:	5
§1-09(11)	31 to 40 miles above posted speed limit:	6
§1-09(11)	41 or more miles above speed limit:	8
§1-09(11)	Stop sign violation:	2
§1-09(11)	Traffic signal violation:	2
§1-09(11)	Unsafe lane change:	2
§1-09(11)	Yield sign violation:	2

### § 1-10 Information Sharing With Qualified Jurisdictions

1. The Commission shall maintain a dedicated phone line or read-only access to an electronic database to make available to qualified jurisdictions the information required to be shared pursuant to section 498 (3)(e) of the New York State Vehicle and Traffic Law.



## **§1-11 Reciprocal Recognition of Vehicles and Drivers Licensed by Qualified Jurisdictions**

1. A vehicle for which a qualified jurisdiction has issued a license or permit shall be eligible for reciprocity as set forth in section 498 (2) of the New York State Vehicle and Traffic Law provided that such vehicle license or permit is valid and the vehicle and driver meet all of the following requirements:
  - a. Evidence of a valid vehicle license from the qualified jurisdiction must be attached to the windshield of the vehicle;
  - b. the vehicle is operated by a driver who holds a valid chauffeur's license as defined herein;
  - c. the vehicle is operated by a driver who holds, is carrying and provides on request to a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs, a valid for-hire vehicle driver license issued by a qualified jurisdiction;
  - d. the vehicle is validly registered in NYS or the state of the vehicle owner's residence and evidence of such registration in the form of the certificate or a legible photostat thereof must be carried in the vehicle;
  - e. a valid DMV inspection sticker is affixed to the front left (driver's side) windshield so as to be plainly visible, or in a case where a vehicle is registered in another state, a valid inspection sticker or other inspection identifier shall be affixed to the vehicle as designated by such state;
  - f. the vehicle must contain and the driver must have completed a trip sheet / passenger log as defined herein and which the vehicle owner must keep as described in §1-05 (25) herein; failure of a driver to present a trip sheet / passenger log to a police officer, Commission officer or other authorized employee or agent of the Nassau County Office of Consumer Affairs on their request shall be presumptive evidence of illegal inter-jurisdictional for-hire vehicle operation.
  
2. A qualified jurisdiction vehicle or driver found not to be in compliance with §1-11 (a) through (f) shall subject such vehicle owner and / or driver or base to all applicable penalties for illegal inter-jurisdictional operation including tickets and vehicle impoundment.