

# Chapter 56

# Paratransit Drivers

## Contents

§56-01	SCOPE OF THIS CHAPTER .....	3
§56-02	Penalties .....	3
§56-03	Definitions Specific to this Chapter .....	4
§56-04	Licensing – Requirements .....	5
§56-05	RESERVED [Licensing – Probationary Licenses] .....	8
§56-06	Licensing – Term of Licenses .....	8
§56-07	Licensing – License and Administrative Fees .....	8
§56-08	Licensing – Process and Cause for Denial of License .....	9
§56-09	RESERVED [Licensing – Transfer of License] .....	11
§56-10	Licensing -- Care of License .....	11
§56-11	Comply with Laws -- Unlicensed Activity Prohibited .....	13
§56-12	Comply with Laws – Proper Conduct.....	14
§56-13	Comply with laws – Miscellaneous .....	16
§56-14	Operations – Passenger and Driver Safety.....	19
§56-15	Operations -- General Rules During Operation of Vehicle .....	22
§56-16	Operations -- Comply with Reasonable Passenger Requests.....	24
§56-17	Operations – Method of Payment.....	25

<b>§56-18 Operations -- Lost Property .....</b>	<b>25</b>
<b>§56-19 Operations – Passenger Solicitation and Engagement .....</b>	<b>25</b>
<b>§56-20 Operations – Refusing Passengers .....</b>	<b>26</b>
<b>§56-21 RESERVED [Operations –Cooperation with Issuing Jurisdictions] .....</b>	<b>26</b>
<b>§56-22 Vehicles – Operation and Condition of Vehicle.....</b>	<b>26</b>
<b>§56-23 Vehicles – Items Required to be in the Vehicle During Operation .....</b>	<b>27</b>
<b>§56-24 Vehicles – Trip Records.....</b>	<b>27</b>
<b>§56-25 Vehicle Equipment – Electronic Trip Record System .....</b>	<b>29</b>
<b>§56-26 Vehicle Equipment – Miscellaneous.....</b>	<b>29</b>
<b>§56-27 Accessible Street Hail Liveries.....</b>	<b>29</b>

*Updated February 1, 2013*

## **§56-01 Scope of this Chapter**

- (a) To establish procedures for the licensing and supervision of Paratransit Drivers who operate for hire in the City of New York.
- (b) To establish operating rules to protect the customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

## **§56-02 Penalties**

- (a) *Unlicensed Activity.*
  - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
    - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
    - (ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
  - (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (c) *Payment of Fines.*
  - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation.
  - (2) If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or

paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date of the issuance of the recording.

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

(d) *Mandatory Penalties.* If a Licensee has violated a Rule listed below, or any combination of these Rules, the Commission will enforce the following mandatory penalties and fines:

<b>VIOLATION Description</b>	<b>Rule</b>	
1. Proper licensing	<b>§56-11(a)</b>	First Violation: \$100 - \$350
2. only Licensees can operate Paratransit Vehicles	<b>§56-11(d)(2)</b>	
3. refusal to serve	<b>§56-20(a)</b>	Second Violation within 24 months: \$350 - \$500
4. refusal to transport equipment for disabled passengers	<b>§56-15(k)(1)</b>	Third Violation within 24 months: Revocation of relevant License for Driver, base owner, or owner found in violation
5. attempt to overcharge additional fare to passengers	<b>§56-15(g)(1)</b>	
6. can conduct prearranged service only	<b>§56-19(a)</b>	

- (1) The Commission can also suspend or revoke a Paratransit Driver’s License.
- (2) The 24-month period referred to above will be counted backward from the date of the most recent conviction.
- (3) Any individual or Business Entity whose License has been revoked will not be eligible for any Commission License for at least one year after revocation.
- (4) The Commission will automatically revoke the License of any Licensee who has five or more summonses that remain open and outstanding for 12 months. The 12-month period will be counted from the date the earliest summons was issued.

**§56-03 Definitions Specific to this Chapter**

- (a) *Applicant* in this Chapter means an Applicant for an original or renewal Paratransit Driver’s License.
- (b) *Application* in this chapter refers to an application for a Paratransit Driver’s License including all documentation and other information submitted as part of the application.
- (c) *Approved Motor Vehicle Accident Prevention Program.* An accident prevention course approved by the New York State Department of Motor Vehicles.

- (d) *Chauffeur's License*. As used herein, Chauffeur's License shall mean:
  - (1) A Valid New York driver's license Class A, B, C or E; or
  - (2) A Valid license of similar class from another state of which the licensee is a resident.
- (e) *Driver* when used alone in this Chapter refers to a Paratransit Driver.
- (f) *Driver's License (or License)*. In this Chapter, any reference to "Driver's License" or "License" (when used alone) will refer to a Paratransit Driver's License.
- (g) *Paratransit Disability*. A person with a Paratransit 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.
- (h) *Paratransit Vehicle* (also know as a wheelchair accessible van). A Paratransit Vehicle 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 Paratransit Disability.
- (i) *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.
- (j) *Vehicle* when used alone in this Chapter refers to a Paratransit Vehicle.

**§56-04            Licensing – Requirements**

- (a) *Age*. An Applicant must be at least 18 years of age.
- (b) *Identification*. If the Applicant is applying for an original License, he or she must provide both of the following proofs of identity:
  - (1) A Valid Government photo ID
  - (2) A Valid, original social security card
- (c) *Chauffeur's License*. An Applicant must hold a Valid Chauffeur's License.

- (d) *Qualified “Bus Driver” Under Article 19-A.* An Applicant for a Paratransit Driver’s License must meet the special requirements for bus drivers under Article 19-A of the NYS Vehicle and Traffic Law.
- (e) *Fitness for the Job.*
  - (1) The Applicant must be in sound mental and physical condition
  - (2) The Applicant’s fitness must be certified by a licensed physician on forms provided by the Commission or as part of Applicant’s qualification process under Article 19-A of the NYS Vehicle and Traffic Law.
  - (3) The Commission can, for good cause, require the Applicant to be examined by a licensed physician chosen by the Commission.
  - (4) An existing License can be suspended or revoked if the Driver fails to be examined as directed.
  - (5) The Applicant’s vision must be tested and Applicants must possess at least 20/40 vision in each eye (with corrective lenses if necessary).
  - (6) The Applicant must be of good moral character.
- (f) *Speak and Understand English.* Applicants must be able to understand, speak, read and write the English language.
- (g) *Familiar with Geography.* Applicants must be familiar with New York City geography, streets and traffic regulations, as well as New York State Vehicle and Traffic Law.
- (h) ***Reserved. Pass Drug Test***
- (i) *Fingerprinting and Tests.* All Applicants must be fingerprinted, be photographed and pass all tests administered or directed by the Commission.
- (j) *File Application.* Applicants must personally sign and file their application for a new or renewal Paratransit Driver’s License.
- (k) *Agreement to Accept Service of Process.* An Applicant agrees that the City of New York can serve any notice or legal process of any kind upon the Driver by leaving a copy with anyone who resides at the Mailing Address listed on the Driver’s application.
- (l) ***Reserved. Training.***

- (m) *Unique Requirements / Exceptions for New York Police Officers.* A member of the New York City Police Department who applies for a Paratransit Driver's License must satisfy all the normal requirements for the License and also provide a letter to the Commission from his or her commanding officer approving the application.
- (n) *Payment of Fines and Fees.*
  - (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
    - (i) the Commission
    - (ii) NYC Department of Finance's Parking Violations Bureau,
    - (iii) NYC Department of Finance's Red Light Camera Unit,
    - (iv) NYS DMV's Traffic Violations Bureau and
    - (v) any of their successor agencies.
  - (2) This requirement includes payment of fines and fees owed as of the date of the application by
    - (i) any Business Entity Persons of the Applicant
    - (ii) any Business Entity of which the Applicant is a Business Entity Person, and
    - (iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.
  - (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (o) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address.
- (p) *Material Changes in the Application.* The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:
  - (1) Changes in Applicant's Chauffeur's License status;

- (2) Mailing address; additional criminal convictions;
- (3) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or
- (4) Any change to the information provided or submitted with the Application.

**§56-05            RESERVED [Licensing – Probationary Licenses]**

**§56-06            Licensing – Term of Licenses**

- (a) *Original (New) License Term.* An original (new) Paratransit Driver’s License will be Valid for two years from the date it is issued.
- (b) *Renewal License Term.* A License issued to a renewing Applicant will be Valid for two years from the date that the previous License expired.
- (c) *When to File for Renewal.*
  - (1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License in order to avoid a late fee.
  - (2) A renewing Applicant can file a completed application less than 30 days before the expiration date as a “late application,” if the Applicant pays a late fee of \$25.
  - (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.
  - (4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.
- (d) *Suspended Licenses.*
  - (1) If a License is suspended, the Licensee must apply for renewal as required in (c) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.
  - (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

**§56-07            Licensing – License and Administrative Fees**

- (a) *Fee for License.* The fee for a Paratransit Vehicle Driver’s License will be \$84 annually.

- (b) *When Fee is Paid.* The fee for an original (new) or renewal License must be paid at the time the application is filed.
- (c) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (d) *Late Filing Fee.* The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.
- (e) *License Replacement Fee.* The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

**§56-08            Licensing – Process and Cause for Denial of License**

- (a) *Fit to Hold a License - Applicant.* The Chairperson will deny the original Paratransit License or renewal License of any Applicant who fails to demonstrate that the Applicant is Fit to Hold a License. The Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.
- (b) *Fit to Hold a License - Licensee.* If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny Driver’s renewal application or may seek to suspend or revoke his or her License.
- (c) *Denial of an Application.* The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson, no Application fees will be refunded.
  - (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
    - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs.
    - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
    - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
    - (iv) *Revocation of a prior License.*

1. *Revocation.* If a prior License was revoked, the three-year ban will run from the date of the revocation.
  2. *Surrender While License Revocation Charges were Pending.* If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered.
  3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.
- (2) *Two-Year Ban.* The Chairperson can deny an Application if, during the previous two years, the Applicant has committed:
- (i) Any act constituting for-hire operation of a motor vehicle without a valid TLC License, except for the traffic infraction of unlicensed operation .
  - (ii) Six or more violations of these Rules while holding any License or Licenses issued by the Commission. The two-year ban will be counted from the date of the last violation.
- (3) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:
- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
  - (ii) The traffic infraction of unlicensed operation of a motor vehicle,
  - (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the denial of a previous Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one year ban will be counted from the date the prior application was denied
  - (iv) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.
- (4) *Other Reasons for Denial of an Application.*
- (i) *Mistake or Omission in the Application.* The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.
  - (ii) *Eligible for Critical Driver Penalty.* The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or revocation under the Critical Driver Program at the time the Application is submitted.

- (iii) *Pendency of Criminal Charges.* The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.
- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the:
  - (i) The agreement is in writing, and
  - (ii) The ban on applying for a new Driver’s License is **not less** than one year.
- (d) *Failure to Complete Application Requirements.*
  - (1) The Chairperson will deny an Application for a new License if the Applicant has not completed all the requirements of an Application within 90 days of the date the application is filed.
  - (2) The Chairperson will deny an Application for a renewal License if the Applicant has not completed all the requirements of an Application by the expiration date of the prior License.
  - (3) The Chairperson will not deny an Application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.
- (e) *Additional Consideration of an Application.* If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

**§56-09            RESERVED [Licensing – Transfer of License]**

**§56-10            Licensing -- Care of License**

- (a) *No One Else Can Use.* A Driver must not allow anyone to use his or her Paratransit Driver’s License. Drivers must not use another person’s Paratransit Driver’s License.

§56-10(a)	Fine: \$250	Appearance REQUIRED
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- (b) *Suspension or Revocation of Chauffeur's License.* A Driver must immediately report the suspension or revocation of his or her Chauffeur's License to the Commission, and must then surrender his Paratransit Driver's License to the Commission.

§56-10(b)	Fine: \$15-\$150	Appearance REQUIRED
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- (c) *Loss or Theft of License.* A Driver must notify the Commission in writing of the loss, theft or mutilation of his Paratransit Driver's License within 72 hours of that loss (not counting weekends and holidays). A Driver must report in person to apply for a replacement Paratransit Driver's License and must be re-photographed.

§56-10(c)	Fine: \$50	Appearance NOT REQUIRED
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- (d) *Unreadable License.*

- (1) A Driver must not do anything to any portion of his Paratransit Driver's License or the attached photograph that would make the License unreadable or the photograph unrecognizable.

§56-10(d)(1)	Fine: \$50	Appearance NOT REQUIRED
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- (2) A Driver must immediately surrender any unreadable, unrecognizable, or mutilated Paratransit Driver's License to the Commission.

§56-10(d)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (e) *Keep Photo Updated.* A Driver must come to the Commission to be re-photographed whenever his or her physical appearance has changed.

§56-10(e)	Fine: \$50	Appearance NOT REQUIRED
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- (f) *Safeguarding Licenses.*

- (1) A Driver must safeguard his or her Paratransit Driver's License and the Paratransit Vehicle License.

- (2) Locking the Paratransit Vehicle with the Paratransit Driver's License and Paratransit Vehicle License inside during his or her shift will satisfy this rule.

- (3) A Driver must not leave his or her Licenses in the Paratransit Vehicle while another is in possession of the Vehicle.

§56-10(f)	Fine: \$25	Appearance NOT REQUIRED
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- (g) *Surrender of License.* A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§56-10 (g)	(p) Fine: \$1,000 to be paid if Driver applies for a new License of any type.	Appearance N/A
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**§56-11 Comply with Laws -- Unlicensed Activity Prohibited**

- (a) *Vehicle Must be Licensed.* A Driver must not operate a paratransit vehicle for hire within the City of New York, unless it is properly licensed by the Commission.

§56-11(a)	MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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- (b) *Driver Must be Licensed.* A driver of a New York City Paratransit Vehicle for hire must be licensed as a Paratransit Driver by the Commission.

§56-11(b)	Fine: First Violation: \$1,500 and Summary Suspension until compliance. Second Violation in 36 months: \$2,000 and Summary Suspension until compliance. Third Violation: revocation.	Appearance NOT REQUIRED
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- (c) *Driver Must Have Valid Chauffeur's License.* A Driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Chauffeur's License.

§56-11(c)	Fine: First Violation: \$1,500 and Summary Suspension until compliance. Second Violation in 36 months: \$2,000 and Summary Suspension until compliance. Third Violation: revocation.	Appearance NOT REQUIRED
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- (d) *Driver Must Possess Valid Paratransit License.*

- (1) A driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Paratransit Driver's License.

§56-11(d)(1)	Fine: \$500 to \$1,500 and Summary Suspension until compliance.	Appearance NOT REQUIRED
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- (2) A Driver will not permit any individual who is not currently licensed by the Commission to operate the Paratransit Vehicle in which he or she is dispatched, unless directed to do so by the owner or his or her agents.

§56-11(d)(2)	MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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- (e) *Vehicle Must be Insured.* A Driver must not operate a Paratransit Vehicle unless the vehicle is adequately insured in accordance with New York State Law.

§56-11(e)	Fine: \$100	Appearance REQUIRED
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(f) *Driver Must Not Drive with Expired Paratransit License.*

- (1) A Driver must submit an application for renewal of his or her License before its expiration date, unless the Commission extends the date.

§56-11(f)(1)	Fine: \$25	Appearance NOT REQUIRED
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- (2) A driver who operates as a licensee after the expiration date of a License and before the renewal License has been issued is engaged in Unlicensed Activity and can be subject to penalties under other applicable statutes and regulations.

(g) *Driver Must Not Drive with a Suspended or Revoked Paratransit License.* A driver must not operate a Paratransit Vehicle in New York City while his Paratransit Driver's License is revoked, suspended or expired.

§56-11(g)	<i>Fine:</i> \$100 – 1 <sup>st</sup> Offense \$250 – 2 <sup>nd</sup> Offense \$350 – 3 <sup>rd</sup> Offense OATH – 4 or more offenses within 12 months	Appearance REQUIRED
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**§56-12 Comply with Laws – Proper Conduct**

- (a) *No Bribery.* An Applicant or Driver (or anyone representing the Driver) must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§56-12(a)	Fine: \$10,000 and revocation	Appearance REQUIRED
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- (b) *Report Request for Bribe.* A Driver must immediately report to the Commission any request or demand for a gift, gratuity or thing of value from him or his representative by any employee, representative or member of the Commission or any other public servant.

§56-12(b)	Fine: \$1,000 and/or suspension up to 30 days or revocation	Appearance REQUIRED
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- (c) *No Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§56-12(c)	Fine: \$350-\$1,000 and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (d) *No Willful Acts of Omission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public although not specifically mentioned in these Rules.

§56-12(d)	Fine: \$150-\$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED
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- (e) *No Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with any other, any act that is against the best interests of the public although not specifically mentioned in these rules.

§56-12(e)	Fine: \$150-\$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED
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- (f) *Notify of Criminal Conviction.*

- (1) A Driver must notify the Commission within 15 calendar days after the Driver is convicted of any crime.
- (2) The Driver must deliver to the Commission a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction, within 15 days of sentencing.

§56-12(f)	Fine: \$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (g) *Cooperate with the Commission.*

- (1) A Driver must answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.
- (2) A Driver must produce any licenses, Trip Records, or other documents required by the Commission.

§56-12(g)(1)(2)	Fine: \$300 and Summary Suspension until compliance	Appearance REQUIRED
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- (3) (i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§56-12(g)(3)(i)	Fine: \$100	Appearance NOT REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

- (h) *Cooperate with Law Enforcement.* A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is

not limited to, responding to a request for the Driver’s name, License number, and any documents Driver is required to have in his or her possession.

§56-12(h)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (i) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Driver must not threaten, harass, or abuse any person or distract or attempt to distract any Service Animal.

§56-12(i)	Fine: \$350-\$1000 and/or suspension up to 30 days	Appearance REQUIRED
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- (j) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee, a Driver must not use or attempt to use any physical force against a person or Service Animal.

§56-12(j)	Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation.	Appearance REQUIRED
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- (k) *No Unlawful Purpose.* A Driver must not use or permit another person to use his or her Paratransit Vehicle for any unlawful purpose and must immediately report to the police any criminal use or attempted criminal use involving the vehicle.

§56-12(k)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (l) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

56-12(l)	Fine: \$10,000 and revocation.	Appearance NOT REQUIRED
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**§56-13 Comply with laws – Miscellaneous**

- (a) *Traffic Laws.* A Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose fines and penalties in addition to any fines and penalties imposed by the underlying law as follows:

- (1) Laws, rules or regulations governing stationary vehicles.

§56-13(a)(1)	Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) Laws, rules or regulations governing moving vehicles, *other than hazardous moving violations* defined by paragraph (3) of this subdivision.

§56-13(a)(2)	Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:
- speeding;
  - failing to stop for school bus;
  - following too closely (tailgating);
  - inadequate brakes, either your own vehicle or your employer’s vehicle;
  - failing to yield right of way;
  - traffic signal violation;
  - stop sign violation;
  - yield sign violation;
  - railroad crossing violation;
  - improper passing;
  - unsafe lane change;
  - driving left of center;
  - driving in wrong direction; and,
  - leaving scene of an accident involving property damage or injury to animal.

§56-13(a)(3)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing, for each violation below.	Appearance NOT REQUIRED
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(b) *Critical Driver’s Program.* (“Points” in this Section refers to points assessed by the Department of Motor Vehicles). In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission’s Critical Driver’s Program:

- (1) *License Suspension.* If, within a 15-month period, a Driver accumulates six or more points on his or her driver’s license (whether issued by New York or another state), the Commission will suspend the Driver’s Paratransit Driver’s License for 30 days.
- (2) *License Revocation.* If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver’s license (whether issued by New York or another state), the Commission will revoke the Driver’s Paratransit Driver’s License.
- (3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will calculate the 15-month period by counting backwards 15 months from the date

of the most recent violation carrying points that is cited in the summons issued under this section.

- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date the violation occurred.
- (6) *Multiple Points from a Single Incident.* A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, if a Driver has accumulated points for multiple violations arising from a single incident, the Commission will count the single violation with the highest point total..
- (7) *Point Reduction for Voluntary Course Completion.*
  - (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Paratransit Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the motor vehicle accident prevention course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.
  - (ii) The Driver must furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
  - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
  - (iv) If the Driver completed the course on or after September 1, 1999, the Commission will not reduce the total points of any Driver more than once in any 18-month period.
- (c) ***Reserved. Program for Persistent Violators.***

**§56-14 Operations – Passenger and Driver Safety**

(a) *Reserved.*

(b) *Reckless Driving Rule.* A Driver must not operate a Paratransit Vehicle in a manner or speed that unreasonably endangers users of other vehicles, pedestrians or the Passengers.

§56-14(b)	Fine: \$350-\$1000 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within an 18-month period.	Appearance REQUIRED
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(c) *Report Before Leaving Scene.*

(1) A Driver who knows or should have known that a traffic accident involving the Driver’s Paratransit Vehicle resulted in personal injury to another or damage to another’s property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

(i) Show his or her Chauffeur’s License, Paratransit Driver’s License, and Vehicle License to the party sustaining the damage.

(ii) Give the other involved party his or her name, Chauffeur’s License number, the Vehicle owner’s name, the affiliated Base name and telephone number, Paratransit Driver’s License number, and Vehicle License number, as well as the name of the Vehicle’s insurance carrier and the insurance policy number.

§56-14(c)(1)	Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.	Appearance REQUIRED
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(2) *Notify Paratransit Vehicle Owner of Accident.* If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Paratransit Vehicle and to the affiliated Base.

§56-14(c)(2)	Fine: \$100	Appearance NOT REQUIRED
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(d) *Driving While Impaired.* A Driver must not operate a Paratransit Vehicle if his or her driving ability is impaired by either alcohol or Drugs. A Driver must not consume alcoholic beverages or Drugs while occupying the vehicle.

§56-14(d)	Fine: \$50-\$300 and/or suspension or revocation.	Appearance REQUIRED
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(e) **Reserved.** *TLC can Require Drug Test.*

(f) *Not Allowed to Drive More than 12 Consecutive Hours.* A Driver must not operate a Paratransit Vehicle for more than 12 consecutive hours. If a Driver has accepted a passenger prior to the conclusion of the twelfth hour the Driver can complete that trip provided he or she is able to drive safely.

§56-14(f)	Fine: \$25.	Appearance NOT REQUIRED
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(g) *Handling Passengers with Infectious Diseases.*

(1) Drivers must obey any Federal, State or City laws and regulations regarding the handling of passengers with infectious diseases. This includes providing passengers with things such as masks and gloves when required.

(2) Drivers must adhere to any Federal, State or City laws and regulations regarding cleaning Paratransit Vehicles after transporting passengers with infectious diseases and the disposal of contaminated materials. It is the responsibility of the owner of the Paratransit Vehicle to provide protective clothing (goggles, gloves, gowns and masks) to any employee who disinfects the vehicle.

(i) The New York State Department of Health has recommended the following as 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.*

(ii) If a stretcher is contaminated, it can be cleaned and disinfected by wiping. If it is saturated, however, Drivers (or owners) are required to dispose of it in an appropriate manner. The Driver (or owner) must 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.

(iii) In the case of gross contamination, where the vehicle is saturated or encrusted, then the vehicle must be sterilized with steam, gas or liquid agents.

§56-14(g)	Fine: \$25-\$1,000 possible suspension or revocation (OATH) .	Appearance REQUIRED
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(h) *Accident Notification.*

(1) A Driver must immediately notify the Vehicle owner if the Driver and the Paratransit Vehicle are involved in an accident.

- (2) A Driver must immediately notify his or her employer of any traffic infraction, accident or conviction as required in section 509-i of Article 19A of the New York State Vehicle and Traffic Law.

§56-14(h)	Fine: \$25-\$250 and/or suspension up to 30 days	Appearance REQUIRED
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(i) *Use of an Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§56-14(i)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.	Appearance NOT REQUIRED
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- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.

- (3) *Affirmative Defense.* A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
- (ii) The communication reports an imminent threat to life or property;
- (iii) The Driver could not safely stop the Vehicle to make the report; and
- (iv) The Driver provides documentary proof of communication with an emergency response provider.

**§56-15 Operations -- General Rules During Operation of Vehicle**

- (a) *No Weapons.* A Driver must not carry a weapon while operating a Paratransit Vehicle without the Commission’s written authorization.

§56-15(a)	Fine: \$100 and/or suspension up to 30 days.	Appearance REQUIRED
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- (b) *Driver Neat & Clean.* A Driver must be clean and neat in dress and person and present a professional appearance.

§56-15(b)	Fine: \$25.	Appearance NOT REQUIRED
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- (c) *No Smoking.* A Driver must not smoke when transporting a passenger, or while assisting the passenger in or out of the vehicle.

§56-15(c)	Fine: No Penalty Noted.	Appearance NOT REQUIRED
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- (d) ***Reserved. No Locking Rear Doors.***

- (e) ***Reserved.***

- (f) ***Reserved. Have E-Z Pass.***

- (g) *No Overcharges.*

- (1) A Driver must not charge or try to charge a fare above the approved rate of fare established by the owner and filed with the Commission.

- (2) A Driver must not charge or try to charge any additional fees for transporting a person with a Paratransit Disability, a Service Animal, or a wheelchair or other mobility aid.

§56-15(g)(1)-(2)	MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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- (3) A Driver must give passengers the correct change.

§56-15(g)(3)	Fine: \$25-\$150.	Appearance REQUIRED
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- (4) A Driver must not ask or in any way indicate to a passenger that a tip is expected or required.

§56-15(g)(4)	Fine: \$50.	Appearance REQUIRED
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- (h) ***Reserved. Non-Paying Customers.***

- (i) *No Overloading Vehicle.* A Driver must never carry more passengers than the capacity of the vehicle as determined by the State Department of Transportation.

§56-15(i)	Fine: \$25.	Appearance NOT REQUIRED
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(j) **Reserved.** *Use of Front Seat.*

(k) *Luggage.*

(1) A Driver must not refuse to transport a passenger's wheelchair, crutches or other property.

§56-15(k)(1)	MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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(2) When necessary or if the passenger requests it, the Driver must load or unload the passenger's luggage and other property, within reason.

§56-15(k)(2)	Fine: \$50-\$100.	Appearance REQUIRED
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(l) **Reserved.** *No Transporting Property Only.*

(m) *No 'Marketing' to Passengers.* A Driver must not sell or advertise any service or merchandise to the passengers without prior written approval from the Commission.

§56-15(m)	Fine: \$50.	Appearance NOT REQUIRED
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(n) *Assist Passengers to Board Vehicle.*

(1) A Driver must provide all necessary and reasonable assistance to passengers to board the vehicle, to be secured inside, to be delivered to their destination, and to depart from the vehicle.

(2) The Driver must assist all passengers whether the passenger is ambulatory, or uses a wheelchair or other mobility aid.

(3) The Driver's assistance must also include ensuring that a service animal has entered and exited the vehicle.

(4) The Driver is not required to assist passengers up or down the steps.

§56-15(n)(1)-(4)	Fine: \$100-\$340 and/or suspension up to 30 days and possible revocation (OATH).	Appearance REQUIRED
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(o) *Be Punctual.* A Driver must be diligent and on time in picking up and transporting passengers.

§56-15(o)	Fine: \$25.	Appearance NOT REQUIRED
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(p) *Find Alternate Transportation if Vehicle Breaks Down.*

(1) If the Paratransit Vehicle becomes inoperable while a passenger is in the Vehicle, the Driver must try to find comparable transportation for the remainder of the passenger's trip.

(2) This does not apply if the passenger wants to find his or her own transportation.

§56-15(p)	Fine: \$50 - \$150.	Appearance REQUIRED
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(q) *Courtesy.* A Driver must be courteous to passengers.

§56-15(q)	Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.	Appearance NOT REQUIRED
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**§56-16 Operations -- Comply with Reasonable Passenger Requests**

(a) *Shortest Route.* A Driver must take passengers to their destination by the shortest, most reasonable route unless the Driver or passenger requests a different route, and all of the other passengers agree.

§56-16(a)	Fine: \$25-\$150.	Appearance REQUIRED
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(b) *Request to Change Destination or Terminate.* A Driver must comply with a passenger's request to change the destination or terminate the trip unless it is impossible or unsafe for the Driver to comply. The passenger can not request this change in an emergency situation, and any change or termination must be in the best interest of the other passengers.

§56-16(b)	Fine: \$25-\$150.	Appearance REQUIRED
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(c) *Request for Driver's Name, License Number.* A Driver must comply with all lawful and reasonable requests from passengers. This can include giving his or her name, his or her Paratransit Driver's License number and the Paratransit Vehicle's license number.

§56-16(c)	Fine: \$50-\$100.	Appearance REQUIRED
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(d) *Request for Receipt.*

(1) Upon request, the Driver must give a passenger a receipt for payment of the fare.

(2) The receipt must clearly show the date, time, Paratransit Vehicle license plate number, name of the Base, fare paid, extras, and the telephone number of the Commission's complaint department.

§56-16(d)	Fine: \$25.	Appearance NOT REQUIRED
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(e) *Passenger Requests on Audio.*

- (1) A Driver must turn the radio on or off at the passenger's request.
- (2) The passenger has the right to select the radio station.
- (3) The radio volume will only be played at a reasonable level, and the Driver must abide by all noise ordinances.

§56-16(e)	Fine: \$25.	Appearance NOT REQUIRED
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- (f) *Passenger Request Regarding Air Conditioning / Heat.* A Driver must turn the air conditioning or heating device in a Paratransit Vehicle on or off at a passenger's request.

§56-16(f)	Fine: \$25.	Appearance NOT REQUIRED
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**§56-17 Operations – Method of Payment**

- (a) *Reserved. Accept US Currency.*
- (b) *Be Able to Make Change.* A Driver must always be capable of making change for a \$20 bill when providing service on a cash basis.

§56-17(b)	Fine: \$25.	Appearance NOT REQUIRED
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- (c) *Reserved. Credit/debit Card with Operable T-PEP.*

**§56-18 Operations -- Lost Property**

- (a) *Inspecting for Passenger Property.* The Driver must inspect the interior of the Paratransit Vehicle after each trip and any property found must be returned to the passenger if possible; otherwise it must be taken immediately to the police precinct closest to where the passenger was discharged.

§56-18(a)	Fine: \$50-\$250.	Appearance REQUIRED
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- (b) *Inform Commission of Lost Property.* The Driver must 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.

§56-18(b)	Fine: \$25.	Appearance NOT REQUIRED
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**§56-19 Operations – Passenger Solicitation and Engagement**

- (a) *Limitations on Driver Solicitation of Passengers.* A Driver must only pick up passengers on a prearranged basis. Paratransit Drivers must not solicit or respond to hails.

§56-19(a)	MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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**§56-20 Operations – Refusing Passengers**

- (a) *Must Not Refuse.* Unless justified, a Driver who is dispatched must not refuse by words, gestures or any other means, to transport a person who has prearranged the trip with a destination within the City of New York. This includes a passenger accompanied by a service animal.

§56-20(a)	MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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- (b) *Justification for Refusal.* The following are justifiable grounds for refusing to provide transportation services:

- (1) The passenger has a weapon.
- (2) The passenger has a package or some article that the Driver reasonably believes could injure others or damage the Paratransit Vehicle.
- (3) The passenger is intoxicated or disorderly. (A Driver will not, however, refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (4) The passenger is accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. This provision will not apply to service animals accompanying people with disabilities.
- (5) The passenger is in need of emergency medical assistance.

**§56-21 RESERVED [Operations –Cooperation with Issuing Jurisdictions]**

**§56-22 Vehicles – Operation and Condition of Vehicle**

- (a) *Pollution Control.*

- (1) The Driver will not unnecessarily allow the Vehicle’s engine to idle for longer than three minutes.
- (2) The Driver will adhere to the New York City Air Pollution Control Code.

§56-22(a)	Fine: \$25.	Appearance NOT REQUIRED
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- (b) *Inspect Condition.* A Driver must personally inspect and reasonably determine that all equipment, including brakes, tires, lights, signals, wheelchair ramps and fastening devices are in good working order, before operating the vehicle.

§56-22(b)	Fine: \$15-\$150.	Appearance REQUIRED
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- (c) **Reserved.** *No On-street Maintenance Other than Emergency.*
- (d) *Clean Interior.* A Driver must keep the Paratransit Vehicle clean and in good appearance during his or her work shift.

§56-22(d)	Fine: \$25.	Appearance NOT REQUIRED
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- (e) *No Unauthorized Equipment.* Drivers must not put any unauthorized equipment, devices or signs on or in a Paratransit Vehicle during their work shifts (excluding mobility devices, such as grab bars, or non-slip flooring). Drivers can install devices or equipment not listed here only with the written authorization of the Commission.

§56-22(e)	Fine: \$25-\$200 and/or suspension up to 30 days.	Appearance REQUIRED
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**§56-23            Vehicles – Items Required to be in the Vehicle During Operation**

- (a) *General.* The following items must be present in the Paratransit Vehicle prior to its operation:
  - (1) The Driver’s Paratransit Driver’s License
  - (2) The Vehicle’s registration certificate (or a photocopy)
  - (3) The Paratransit Vehicle License (or s photocopy)
  - (4) An insurance card (or a photocopy)
  - (5) The lease card, if any, (or a photocopy)
  - (6) The Trip Record
  - (7) Any notices required to be posted in the Paratransit Vehicle

§56-23(a)	Fine: \$15 each violation.	Appearance NOT REQUIRED
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**§56-24            Vehicles – Trip Records.**

- (a) *Information Required in Trip Records.* All Trip Records will 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 each passenger
  - (4) The date and time of drop-off of each passenger

- (5) The locations of pick-ups and drop-offs
- (6) Any other entries required by the Commission and local, state or federal law.
- (7) When the electronic Trip Record system is operable, the Driver will use the system to record entries for the locations, dates and time of pick-ups and drop-offs, at the times they occur; the Base Owner is permitted to make all other entries

§56-24(a)	Fine: \$50 for each violation of this rule; however, no fine for a violation of this rule will exceed \$100 for each vehicle stop.	Appearance NOT REQUIRED
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(b) *Electronic Trip Record System.*

- (1) An electronic Trip Record system must be installed and functioning in each Paratransit Vehicle.
- (2) If the electronic system malfunctions, the Driver:
  - (i) Must report the malfunction promptly,
  - (ii) Must use a written Trip Record temporarily, and
  - (iii) Must not operate the Paratransit Vehicle for hire for more than three business days after timely reporting the malfunction.

§56-24(b)	Fine: \$250.	Appearance REQUIRED
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(c) *Maintaining Written Trip Records When Electronic System is Inoperable.* The written Trip Record must contain each of the record entries required under §56-24(a) above and must be maintained as follows:

- (1) All entries must be in ink and the Trip Record must be current.
- (2) At the beginning of each work shift the Driver will 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 is sufficient.)

§56-24(c)	Fine: \$50 for each violation of this Rule; however, no fine shall exceed \$100 for each Vehicle stop.	Appearance NOT REQUIRED
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(d) *Correcting Trip Records Entries.* The only method of correcting errors in written trip records is as follows:

- (1) Drivers must correct errors by written Trip Records by drawing a single line through the incorrect entry and initialing the correction.
- (2) A Driver must not erase, smear, cross out or otherwise cover an entry on a written Trip Record, and must not leave any blank lines between entries.
- (3) No one may erase, delete, alter, change or obliterate electronic Trip Record data collected in the Paratransit Vehicle.
- (4) A Driver must report all necessary corrections to the Base owner.

§56-24(d)	Fine: \$30.	Appearance NOT REQUIRED
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**§56-25 Vehicle Equipment – Electronic Trip Record System**

- (a) The “electronic Trip Record system” is hardware and software that collects and stores the electronic trip record data required by the Commission. This includes the following:
  - (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.
- (b) The specific pick-up and drop-off locations, dates and times must be collected in the vehicle during the trip; the Base Owner is permitted to make other entries.

**§56-26 Vehicle Equipment – Miscellaneous**

- (a) *Wheelchair Ramps and Fastening Devices.* A Driver must only use wheelchair ramps and fastening devices that are functioning properly and are secure.

§56-26(a)	Fine: \$25-\$250 and/or suspension up to 30 days.	Appearance REQUIRED
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**§56-27 Accessible Street Hail Liveries.**

- (a) *Authorization.*
  - (1) A Paratransit Driver who holds a Valid Paratransit Driver’s License is authorized to drive an Accessible Street Hail Livery.

- (b) *Must Comply with Chapter 54.* The holder of a Valid Paratransit Driver's License must comply with all requirements for operation of an Accessible Street Hail Livery as set forth in Chapter 54 of these Rules while operating an Accessible Street Hail Livery. A Driver operating an Accessible Street Hail Livery can be found liable for violating the requirements of Chapter 54.
- (c) *Special Penalty Programs.*

Any points accumulated under Chapter 54 by a Paratransit Driver while operating an Accessible Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as specified in

- (1) Section 56-13(b) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or
- (2) Section 54-27(b) of these Rules if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules,

and the Driver may incur the penalties specified as a result. A Paratransit Driver's License can be suspended or revoked as provided in section 54-27 of these Rules as if it were a Taxicab Driver's License.