

**LOCAL LAW PERM. 3, 2020**  
LOCAL LAW INTRO. NO. 12 OF 2019

**A LOCAL LAW AMENDING CHAPTER 336 OF THE BROOME COUNTY  
CHARTER AND CODE**

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1: Chapter 336 of the Broome County Charter and Code is amended to read as follows:

ARTICLE I  
GENERAL PROVISIONS

§ 336-1. Applicability.

This chapter shall apply to all taxicabs, limousines (except where exempted), vans and/or other vehicles, utilized in the business of transporting passengers for compensation, as defined herein, which nonexclusively load or discharge passengers in the County of Broome and the taxicab drivers and operators of those vehicles. For purposes of this chapter, the actions of taxicab drivers shall be treated as actions of the owner of said vehicles.

§ 336-2. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section. Whenever used in this chapter, pronouns and other references to persons and entities shall be considered to include the masculine and the feminine and the singular and the plural, as the sense and neutral application thereof shall require.

COUNTY – The County of Broome, New York.

COUNTY TRANSPORTATION FACILITY – Any County-owned or -operated property used for the purpose of transportation to include the Greater Binghamton Airport and Greater Binghamton Transportation Center.

DIRECTOR OF SECURITY – (Hereinafter “Director.”) The Director of Security of the County of Broome or the officer designated by him to perform the duties and carry out the responsibilities assigned to the Director of Security hereunder, unless otherwise specified.

EXEMPT VEHICLE – Any motor vehicle which is used for commercial transportation purposes for charge or hire by paying passengers or persons for whom a fare has been paid but which is, or is being used as, an ambulance; a truck carrying freight or otherwise engaged in interstate commerce; a van or other like vehicle used for transportation of disabled, frail or elderly persons; a bus or van used for school or educational purposes; a bus or other vehicle used for mass transit; or a vehicle being used in a funeral or for such other purpose as the law or the Director may determine to be exempt from the provisions of this chapter. Notwithstanding this definition, taxicabs providing transportation services under the New York State Medicaid program are not exempt vehicles and must comply with all requirements of this chapter, unless expressly provided otherwise.

FARE – Either a customer or passenger paying or for whom a charge has been paid to hire a lawfully licensed taxicab for transportation services under this chapter; or the charge so levied and lawfully incurred by such passenger, according to the sense thereof as used herein.

LIMOUSINE – A luxury passenger sedan usually with an extended wheel base driven by a chauffeur.

OWNER – Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the County or engaged in the business of operating a taxicab or a taxicab company in the County.

RATE CARD – A card on which is printed the tariff rates or fares charged for taxi service in the County.

STREET – Includes any street, alley, avenue, thoroughfare, court, bridge, lane or other public place in the county.

TAXICAB – Any motor vehicle, including limousines engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Law and exempted thereby from the provisions of this chapter or used by funeral homes or undertakers in carrying on their business.

TAXICAB DRIVER – Any person who drives a taxicab available for hire or under hire, whether such person is the owner or lessee of such taxicab or employed by or in contract with a taxicab owner, operator or lessor.

TAXICAB DRIVER'S LICENSE – A license granted by the County to any otherwise qualified person to drive any licensed taxicab for hire or under hire upon the streets of the County.

TAXICAB NUMBER – A four-digit number included on each taxicab vehicle license and sticker issued by the Director; each vehicle so licensed shall be assigned one unique number as described in this chapter.

TAXICAB STAND – Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the Director and/or by the codes and rules of the constituent municipalities of the County for the use of taxicabs and specifically designated therefor.

TAXICAB VEHICLE LICENSE – A license granted by the County to any business or person to keep for hire any vehicle to be used as a taxicab in such County; each such license being specifically issued to one specified vehicle only.

TRIP SHEET – One or more sheets of paper upon which the driver and/or operator records information pertaining to each trip carrying one or more paying passengers, as described in this chapter.

#### § 336-3. Miscellaneous.

- A. All fees required by this chapter shall be determined by resolution of the Broome County Legislature.

- B. Each application or form herein shall be furnished by the Director and shall contain the following statement:

“PURSUANT TO THE NEW YORK STATE PENAL LAW § 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.”

- C. Any false statement knowingly made by the applicant in any application or form in connection with this chapter shall be promptly investigated by the Director and reported to the District Attorney of Broome County, if appropriate, and shall result in the denial of such application or revoking of an issued license.

## ARTICLE II

### Taxicab Requirements

#### § 336-4. Business license required; application.

- A. It shall be unlawful for any person, corporation or entity to operate a taxicab business that has fares originating within the County, or has fares which bring the taxicab business into the County more than five times a year, without a valid license to operate such business herein. Application for such license shall be made available by the Director and shall be accompanied by an annual fee. Upon the issuance of a taxicab business license, each such company shall be assigned a unique identification number.
- B. One application for each taxicab business license shall be made by the owner or other person with legal authority over same upon blank forms furnished by the Director. Such application, which shall be signed and sworn to by the applicant and filed with the Director as a permanent record, shall contain at a minimum:
- (1) Applicant's full name, current residence, phone number (home, work, cellular), age, date of birth, and whether applicant is a citizen of the United States.
  - (2) Whether applicant has been previously licensed to operate a taxi service and in what municipality and, if so, whether applicant's license has ever been suspended or revoked and for what cause. Any previous experience applicant has had in the business of owning, furnishing, leasing, operating, driving, repairing or other enterprises in connection with providing transportation or related services for hire or charge.
  - (3) The company name, business address and the telephone number from which the applicant will operate the taxicab business; the address, phone number and date of birth of the business contact person if other than the owner; the address of the vehicle maintenance facility and the address of the dispatching facility.
  - (4) Proof of New York State workers' compensation insurance, if the taxicab company is required to carry such insurance, in a form and amount as required by New York State law.

- (5) A copy of the established rates for fare for transport within, throughout and outside County limits along with all established additional fees for any service provided by the taxicab company to a passenger pursuant to § 336-19A(4)(a) of this chapter.
- (6) Such other information as the Director may deem necessary.

#### § 336-5. Licenses Required.

It shall be unlawful for any person to drive, operate, offer or keep for hire or charge within the limits of the County any taxicab or other motor vehicle providing transportation service for charge or fee without first having obtained and paid for a taxicab driver's license and a taxicab vehicle license, and all other licenses and permits required by law, including a valid New York State driver's license of the appropriate class and certification, and causing the same to be and remain valid and in force and effect at all times under the provisions of this chapter.

#### § 336-6. Taxicab driver's license application.

- A. Each applicant for a taxicab driver's license must comply with the following requirements and provide the required information to the satisfaction of the Director:
  - (1) Applicant must have all required New York State licenses, including a state chauffeur's license. Applicant's full residence address of the applicant must be entered on applicant's New York State Department of Motor Vehicles driver's license.
  - (2) Must be of good eyesight and not subject to any medical condition which might render applicant unfit for the safe operation of a public vehicle, and applicant shall affirm to such physical status in writing.
  - (3) Must produce, on forms provided by the Director, affidavits of good character from two reputable citizens of the County who have known applicant personally and have observed applicant's conduct for at least one year preceding the date of application, unless, at the option of the Director, sufficient reason is given for its omission.
  - (4) Applicant shall complete an application provided by the Director, which shall be signed and sworn to by applicant and filed with the Director as a permanent record; Application shall contain the following:
    - (a) Applicant's full name, current residence, places of residence for five years immediately preceding applicant's moving to applicant's present address, age, date of birth, height, color of eyes and hair, place of birth, whether a citizen of the United States, places of previous employment for the preceding five years, and whether married or single;
    - (b) Whether applicant has ever been convicted of a felony or misdemeanor or any offenses involving illegal drugs, or alcohol, or domestic violence, or a sexually related offense and any pending charges; and

- (c) Whether applicant has been previously licensed as a driver or chauffeur and, if so, whether applicant's license has ever been revoked and for what cause, the number of the chauffeur's license issued by the state, and the company name, business address and telephone number from which the applicant will operate and/or drive any taxicab.
- (5) Applicant shall additionally submit to the following requirements and all associated costs shall be included in the nonrefundable application or renewal fee unless expressly provided otherwise:
- (a) A drug screening test, performed on the date of applicant's submission, from a laboratory as directed to by the Director which performs approved drug abuse testing, indicating applicant does not use controlled substances unless prescribed by a licensed health-care provider, the results of which test shall be submitted directly to the Director.
  - (b) Review of applicant's State Department of Motor Vehicles driver's license abstract, which shall be requested by the Director, and true and accurate copies of certificates of disposition for any and all arrests of such applicant.
  - (c) A photograph taken at the time of the filing of the application by the Director.
  - (d) Submission of applicant's fingerprints taken by such vendor as may be designated by the Director. The Director is hereby authorized to submit such fingerprints to the New York State Division of Criminal Justice Services for a noncriminal applicant fingerprint inquiry for the purpose of conducting a criminal history and background check for such applicant. The Director shall be responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services, which shall be used by the Director to evaluate and determine the qualifications and fitness of such applicant to be issued a license hereunder. All costs associated with the noncriminal applicant inquiry required for application are the responsibility of the applicant and shall be paid directly to the designated vendor.
- B. The Director is hereby authorized and empowered to require such additional information as same shall be reasonably related to applicant's fitness and/or eligibility as Director may deem necessary from any applicant for any license required by this chapter. The Director is hereby authorized to waive production of any information from any applicant as may otherwise be required under this chapter if in Director's opinion such requirement is unreasonable, unnecessary, inappropriate or unjust under the circumstances.

§ 336-7. Application fee. Approval of Director.

- A. Each application for a taxicab driver's license shall be accompanied by a nonrefundable application fee.
- B. The Director shall conduct an investigation of each applicant for a taxicab driver's license upon receipt of an application along with the required information/documentation as provided in § 336-6, and the report of this investigation and copy of the traffic and police

record, if any, shall be attached to the application and filed. The Director shall refuse to issue or renew a taxicab driver's license for the following reasons:

- (1) Does not meet a qualification for a license.
- (2) Has made a material false statement on the application.
- (3) Has submitted a drug screening test with a positive result. If an applicant is denied a license solely on this basis, the applicant may reapply for a taxicab driver's license 90 days or any day thereafter upon the date of the Director's denial notice.
- (4) Has been convicted of, pleaded guilty to or forfeited bond or collateral upon any of the following charges, whether the conviction, plea or forfeiture occurred in the State of New York or elsewhere:
  - (a) Any offense which constitutes a "serious offense," as the term is defined by § 265.00 of the Penal Law of the State of New York or any act or amendment supplementary thereto.
  - (b) Has accumulated, within the past 18 months, 11 or more points on applicant's driver's license, as such points are determined by the Department of Motor Vehicles of the State of New York, or accumulation of equivalent points through any other State.
- (5) Has had any taxicab driver's license or a similar license or permit revoked.
- (6) For any other reason reasonably related to applicant's fitness and/or eligibility for a taxicab driver's license.

C. The Director shall notify the applicant, in writing, of any approval of an application, and of any refusal to approve any application and the reason therefor.

D. If a prospective applicant has a criminal history record that contains criminal conviction information for any offenses, including but not limited to those pursuant to Section 336-7B of this chapter, any decision regarding such prospective applicant's fitness for a license shall be made upon consideration of New York State Correction Law §§ 701 - 703-b and §§ 751 – 753. The Director shall be authorized to approve a taxicab driver's license if an applicant is other ineligible based on the contents of this section if, at the request of said applicant, the Director review any extenuating circumstances for a prior conviction for any offenses and finds that the applicant is suitable for a taxicab driver's license.

#### § 336-8. Forms and terms of taxicab driver's license.

A. Issuance and form. Upon satisfactory fulfillment of the foregoing requirements and upon the payment of a nonrefundable driver's license fee, the Director shall issue to applicant a license, which shall contain the driver's name, photograph and signature, the expiration date of the license and it shall be stamped by the seal of the County.

- B. Tampering. Any licensee who alters, defaces, mutilates, changes, removes or obliterates any official entry made upon the license, or of any other form, format, color, content or component thereof, shall be punished by the revocation of said license.
- C. Duration. Taxicab driver's licenses shall be valid for one calendar year from the date of issue and shall remain valid unless otherwise revoked or suspended.
- D. Display. Each such license shall be placed in a transparent plaque or frame of a size to be determined by the Director. It shall always be displayed when the driver is operating the cab for hire in a position readily visible to the passengers of said taxi.
- E. Replacement. In the event a driver's appearance changes substantially or a driver's license must be replaced, the driver shall have a new photograph taken by the Director and shall accompany such photograph with an application fee.

§ 336-9. Renewal of taxicab driver's license; fee.

An application to renew a taxicab driver's license shall be made at least 15 days prior to its expiration upon a form furnished by the Director. Such form shall be filled out completely and accurately with such other information as the Director may deem necessary. Applicant shall also be subject to the requirements of § 336-6A(5)(a)-(b). Such application shall be accompanied by a nonrefundable fee. Any application submitted less than 15 days prior to the expiration date shall be treated as a new application unless excused upon the presentation of reasons satisfactory to the Director.

§336-10. Taxicab licenses not transferable; fees not prorated.

No licenses issued under this chapter are transferable, unless expressly provided otherwise. No license fee shall be prorated or refunded. Each fee in its entirety shall accompany each application therefor.

§ 336-11. Suspension or revocation of taxicab licenses; relicensing.

- A. The Director may monitor and record the number of convictions of violation of County Code and of the laws, codes and rules of the State of New York pertaining to and arising out of the operation of every driver, vehicle and company of one or more taxicabs in the County. License holders shall disclose any convictions of violations of the above to the Director within 30 days. Unreported convictions may result in suspension or revocation of the license holder's license.
- B. Upon such notice of any convictions pursuant to § 336-11A, the Director shall suspend and/or revoke any license issued under this chapter, only after considering the number or severity of any such convictions, including such factors as required by this chapter for obtaining a taxicab driver, vehicle or business license, when necessary to protect public health and safety.
  - (1) Any license issued by the County may at any time be temporarily suspended or revoked for cause by the Director after the license holder has been afforded an opportunity to be heard. "Cause" includes but is not limited to, violation of any sections of this chapter; conviction of a violation, misdemeanor or felony pursuant to the laws of the State of New York; transporting, soliciting or procuring any person to ride in a taxicab for the purpose of commission of a crime; use of the vehicle for immoral or

illegal purposes; failing to be and remain in compliance with all applicable laws, rules and regulations.

(2) A taxicab driver or owner shall be subject to the following schedule of suspensions:

(a) First suspension: Minimum of ten days and maximum of fifteen days but in no event shall it exceed fifteen days.

(b) Second suspension: Minimum of fifteen days and maximum of twenty days but in no event shall it exceed twenty days.

(3) Any violations or convictions of offenses affecting public health and safety following a second suspension shall result in the license being revoked for a period of one year.

(4) Three or more convictions of operating an unlicensed vehicle and/or employing an unlicensed driver in any twelve-month period shall result in the business license of the owner being revoked for a period of one year.

C. The penalties provided for herein shall be in addition to and not instead of any and all other penalties provided under this chapter or County Code provisions or any law, rule or regulation of the state or federal government or other regulatory authority.

D. Upon making a determination to revoke or suspend a license, the Director shall notify the license holder and any owner or operator by which said licensee is employed of such decision, in writing, to the last address set forth in the County's records and shall state the reasons for such decision in such notice and afford the license holder an opportunity to be heard at an administrative hearing. Any such suspension shall be noted, together with a statement of the reason therefor. The license shall be returned to the Director as the license is property of the County. The license shall be returned to the license holder at the expiration of the period for which it was suspended. A license holder having a license reissued after a suspension shall be subject to a reissuing fee.

(1) Administrative Hearing. An administrative hearing may be held at the discretion of the Director when the suspension or revocation of a license issued herein is initiated for good cause and in the interest of the health, welfare, and safety of the public.

(a) The Broome County Security Division shall schedule the time and place of the administrative hearing in a letter addressed to the licensee, which shall also contain the reasons underlying such decision to suspend or revoke a license issued herein.

(b) The licensee shall have the right to appear in person and to be represented by counsel, to present evidence, to call and cross-examine witnesses under oath, and to present argument before a Hearing Officer.

(c) The formal rules of evidence shall not apply; however, all evidence shall be relevant and based upon personal knowledge.

- (d) The County must prove its case against the licensee by substantial evidence.
  - (e) Upon the completion of the hearing, the Hearing Officer shall issue a decision orally or in writing which is subject to appeal in accordance with § 336-11 (G).
  - (f) If the Hearing Officer decides in favor of the County, the Hearing Officer is restricted to the schedule of suspensions in accordance with § 336-11 (B) (2).
- E. Notwithstanding the above, the Director may temporarily suspend a license pending the outcome of the prosecution of the licensee under this chapter or under any other provision of any applicable law, code, rule or regulation when in the interest of the health, welfare, and safety of the public. The Director shall notify the licensee and any owner or operator by which said licensee is employed of such decision and shall state the reasons therefor and the length of the suspension. Such suspension shall not exceed ten (10) days without a licensee being afforded an opportunity to be heard.
- F. Relicensing. No license holder whose license has been revoked shall be again licensed in the County unless upon the presentation of reasons satisfactory to the Director. In such event, the application shall be treated as a new application.
- G. Appeal of suspension or revocation. Any suspension of a license may be appealed by submitting a written appeal to the Broome County Commissioner of Public Works, Parks, Recreation and Youth Services within 10 days of the suspension or revocation by the Director. The Commissioner of Public Works, Parks, Recreation and Youth Services may uphold or overturn the decision of the Director based on the documentation provided.

#### § 336-12. Recordkeeping.

There shall be kept in the office of the Director a complete record of each license issued to a driver and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application for a license.

#### § 336-13. Taxicab vehicle license required; fee.

- A. It shall be unlawful for any person to drive, operate or permit to be operated a taxicab upon the streets of the County or to solicit or pick up taxicab passengers within the County without first having paid a nonrefundable fee as provided for herein for each such vehicle so licensed and without first having obtained for each such vehicle a taxicab vehicle license under the provisions of this chapter from the Director. Such license shall be valid for one calendar year from the date of issue unless sooner suspended or revoked. It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the County any taxicabs without a valid vehicle license and inspection sticker issued herein.
- B. For each vehicle licensed as a taxicab hereunder, the Director shall issue a sticker of uniform design. Each sticker shall display a unique number as provided in this chapter and shall show the expiration date of said taxicab vehicle license. Each sticker shall also display the vehicle identification number for the vehicle being licensed as a taxicab. Such sticker shall be affixed to allocation at the discretion of the Director. Each taxi company

shall be assigned a unique number, and each vehicle operated by each such company shall be assigned a unique number with said company.

- C. The acceptance by an owner or operator of a license issued under this chapter is conditioned upon and shall be sufficient evidence of the continuing consent of such owner or operator and of the driver of each and every taxicab vehicle to display the public notice as required by and described in § 336-17 of this chapter and to consent to any such stop and visual inspection by any law enforcement agency within the County.
- D. The County shall issue new stickers as described in this section annually or at such other times as the County shall determine to be appropriate and necessary.

§ 336-14. Taxicab vehicle license application.

- A. One application for each taxicab vehicle license shall be made by the owner or other person with legal authority over same upon blank forms furnished by the Director. Such application shall contain at a minimum:

- (1) The name, age and residence of the person applying for the license, proof of the applicant's ownership and/or legal authority over each such vehicle and, if other than the owner, the name, age and residence of the person(s) to be in immediate charge of the driving of each such taxicab;
- (2) For each such vehicle, the type of motor vehicle to be used, the horsepower, the vehicle identification number, the state license and registration numbers and the seating capacity according to its trade rating;
- (3) Whether and when the vehicle has ever been previously licensed to operate as a taxicab or vehicle for hire and, if so, where;
- (4) Whether such vehicle's license to operate as a taxicab or vehicle for hire has ever been revoked or suspended, when, and for what cause;
- (5) Copy of New York State vehicle registration and expiration date of current New York State motor vehicle inspection and sticker number. The full address of the registered owner must be on the Department of Motor Vehicles registration; post office box numbers are not acceptable;
- (6) Proof that the vehicle is covered by a current for-hire insurance policy shall be attached to the application in the form of a certificate of insurance. Broome County shall be a certificate holder on the policy; and
- (7) Such other information as the Director may deem necessary.

The application must include the approved assigned unique official taxicab vehicle number assigned by the Director, which shall be added to such application by the applicant or Director when such application is approved.

§ 336-15. Insurance Required.

- A. No taxicab company shall be licensed as a taxicab company hereunder unless it carries a New York State workers' compensation insurance policy as required by New York State law. In lieu of a worker's compensation policy, a waiver issued by the New York State Workers' Compensation Board may be submitted.
- B. No vehicle shall be licensed as a taxicab hereunder unless it has a for-hire insurance policy in effect, to include a public policy for damages, for death or injuries to persons in the amount provided in the laws, rules and regulations established by the State of New York as the minimum required of any vehicle operated as a taxicab.
- C. The certificate face shall:
  - (1) Indicate coverage and minimum amounts as prescribed by the laws of New York State; and
  - (2) Provide that the coverage shall not be canceled, terminated or materially changed until at least 30 days' prior written notice has been given to the Broome County Office of Risk and Insurance.
- D. The certificate holder should read:

Broome County Office of Risk and Insurance  
P.O. Box 1766  
Binghamton, NY 13902
- E. If the applicant fails to procure or maintain the required coverage and minimum limits, such failure shall constitute a material breach of this chapter and shall result in denial or revocation of the license.

§ 336-16. Refusal/revoking of license.

The Director shall refuse a taxicab vehicle license or, if already issued, shall revoke or suspend a license if the vehicle is unsuitable for public patronage by virtue of being unclean, unsafe or out of compliance with any applicable law, rule or regulation, or if, in the discretion of the Director, the design, capacity or other specifications of such vehicle render it unsuitable for use as a taxicab.

§ 336-17. Taxicab vehicle license card.

If upon inspection a vehicle is found to be in proper condition and in compliance in accordance with the provisions of all applicable laws, rules and regulations and, upon the approval of the application for a taxicab vehicle license and the payment of the license fee hereinafter set forth, such vehicle shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the Director. The card shall contain the official license number of the taxicab vehicle, vehicle identification number, the name, address and phone number of the owner of the vehicle and a statement to the effect that, in case of any complaints, the Director shall be notified, giving the license number of the taxicab and the telephone number and address via which such complaints may be made. Such card shall be signed by the Director. The taxicab vehicle license number assigned hereunder shall, in each case, be the same as that assigned to the vehicle for

that year pursuant to law. Taxicab vehicle license cards must be displayed in a prominent place visible to all passengers in the taxicab vehicle for which the license card is issued, as determined by the Director. For each such vehicle, the license number shall correspond to the number appearing on the inspection sticker required by this chapter.

### ARTICLE III

#### Inspection Criteria

§336-18. Vehicle inspections required; reports of inspection; expiration of inspection.

- A. Taxicabs are to be inspected annually at a private New York State licensed inspection station. Such inspection shall occur once per year as required by the New York State Vehicle and Traffic Law and regulations.
- B. No vehicle shall be licensed as a taxicab pursuant to this chapter until it has been inspected and examined and found to be in a thoroughly suitable condition for the transportation of passengers in accordance with this chapter and in complete compliance with all requirements of the County Code and with all other applicable laws, codes and regulations, including that each such vehicle shall bear taxi or livery plates issued by the New York State Department of Motor Vehicles.
- C. It shall be the responsibility of each operator, owner and driver of a taxi licensed in the County as a taxicab vehicle to cause all such licensed taxicabs to be inspected by the Director or Director's designee at intervals of not more than 180 days, or upon receipt of notification from the Director that a complaint has been submitted, or as often as may be necessary. Reports of all inspections shall be filed with the Director. Failure to comply with inspection requirements or notifications shall result in a suspension or revoking of the taxicab vehicle license. Each inspection shall be accompanied by a fee.
- D. A copy of the inspection report shall be given to the vehicle owner and/or operator and/or driver and the Director at the completion of the inspection.
- E. The inspection of the taxi shall include, but not be limited to, a review of the following and shall also include an inspection of those items listed in § 336-19 of this chapter and those items required by the New York State Department of Motor Vehicles.
  - (1) Parking lights.
  - (2) Door handles, inside and out.
  - (3) Upholstery, body damage, rust (including bumpers) and paint.
  - (4) Heater and air conditioner.
  - (5) Muffler and exhaust system (noise, fumes, smoke, visible and otherwise).
  - (6) Wheel covers or hubcaps.

- (7) Any other items as relates to the condition, safety, cleanliness and operability of the vehicle as a taxicab suitable for public use that the Director may deem appropriate.
- F. Upon receipt of a report which finds a taxi to be unfit or unsuited for public patronage or which shall fail to comply with the requirements of this chapter, the licensing official shall refuse a license or shall revoke or suspend the license previously issued. All items not in compliance shall be repaired within five business days of the inspection with satisfactory proof of repair presented to the Director. The taxicab vehicle license shall be temporarily suspended until the repair work is complete. Failure to make such necessary repairs and to present satisfactory proof within 5 business days shall result in the taxicab's vehicle license being revoked. Taxicabs that do not have the required repair work completed within five business days of the initial inspection shall be subject to a reinspection fee. Taxicabs that schedule an inspection appointment and are not present at the time of the appointment shall be charged the inspection fee.
- G. Upon receipt of a report which finds a taxi to be fit for public patronage, the Director will issue a suitable inspection sticker with the month and year of inspection expiration marked on it. The inspection sticker shall include the unique vehicle number assigned by the Director.
- H. Upon being issued a County taxi inspection sticker, the inspector will affix the sticker to a location determined by the Director where it shall be clearly visible and available for inspection at all times while said vehicle is licensed within the County.
- I. It shall be unlawful to possess or display a forged, altered or unauthorized County inspection sticker.
- J. The Director may temporarily suspend the vehicle taxicab license for any violation of this chapter until such time as the deficiency is corrected. Said inspections shall not be evidence to be used against the County with respect to any claim of liability, and the County assumes no special duty or obligation to any person with respect to same, but shall be evidence merely that the licensee has had inspections made as required by this chapter.

## ARTICLE IV

### General Operations

§ 336-19. Taxicab vehicle markings, safety and equipment; owner, operator and/or driver responsibilities.

A. Taxi vehicle identification.

- (1) Taxicab markings must be permanently displayed on both front doors of each vehicle. Markings must include taxi owner or company name, the words "taxi" or "taxicab" or "cab" and "Broome County, New York."

(2) The taxicab number furnished by the Director must also be permanently and visibly displayed on the vehicle in a location determined by the Director.

(3) Each taxicab vehicle shall prominently display on the outside of the driver's side door and on the outside of the front passenger's side door the minimum fare charged. In addition, each taxicab driver shall make a fare card available for inspection immediately upon the request of any passenger or potential passenger.

(a) Such schedule of fares shall list, at a minimum, the following information:

[1] Fees charged to passengers for the hire of such taxicab for trips originating and ending within the County;

[2] The long distance rate for trips ending outside the County;

[3] Any fees not included in the posted fare, which may include, but are not limited to, services such as the use of the trunk space and the loading by the driver of passenger personal effects; and

(4) The signs and numbers described herein as required must contain lettering in a form acceptable to the Director.

(5) The exterior roof light must contain the name of the company or words "taxi" or "taxicab" or "cab." The exterior roof light must be permanently mounted and lit at night.

B. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab operating within the County shall at all times remain in compliance with each of the following vehicle requirements:

(1) No vehicle shall be licensed as a taxicab if it was manufactured 12 years or more prior to the application date.

(2) Every vehicle shall display an approved version of the Broome County Taxi Drivers and Passengers Rights and Responsibilities decal in a location as determined by the Director.

(3) Sedans shall have no fewer than four doors, not including a hatchback or other rear entry, two of which lead into the driver's compartment, and all doors shall be so constructed that they may be opened from the inside and the outside. Under no circumstances shall any two-door vehicle be licensed as a taxicab. Vans may be licensed and approved for use as taxicab vehicles only if each such van provides a seat and a seat belt for each passenger and carries no more than seven passengers at any given time.

(4) Every vehicle shall be equipped with an adequate heater of a type which will not permit exhaust gases to enter the interior of the vehicle.

- (5) Every vehicle shall be equipped with at least three adjustable rear-view mirrors, one in the driver's compartment and two exterior mirrors installed on the exterior of the vehicle, one on the driver's side door and one on the passenger-side door.
- (6) Every vehicle shall be equipped with a standard speedometer properly installed and maintained in good working order.
- (7) Every vehicle shall have either acceptable snow tires, all-weather radial tires or tire chains on the drive wheels of such vehicle when pavement conditions are such as to require said use for the safety of the driver, passenger and the general public.
- (8) Every vehicle shall be equipped with dual windshield wipers properly installed and maintained in good working order. This shall include windshield washers in proper working condition.
- (9) Every vehicle shall contain original or replacement upholstery and floor mats in good and suitable condition for satisfactory use by the public.
- (10) Every vehicle shall be equipped with an interior light capable of illuminating the entire interior of the taxicab after sundown. The light shall be so arranged as to be automatically turned on by the opening of any door to the vehicle.
- (11) All glass in said licensed vehicle shall be in good condition and shall not contain air bubbles, cracks or fractures. Window tint shall remain in compliance with all applicable New York State laws and regulations.
- (12) The fenders, bumpers and body of each licensed vehicle must be rigidly and tightly fastened to said vehicle, free from significant or extensive dents or mutilation, shall be of a uniform color, and shall be so constructed as to allow the full opening of all doors of the vehicle. The exterior of the vehicle shall be properly maintained, painted and the finish in good condition. This includes all exterior light lenses to be free from cracks and to be the proper color.
- (13) The vehicle must be equipped with both front and rear window defrosters/defoggers in proper working condition.
- (14) Every vehicle shall be equipped with hubcaps on all four wheels in compliance with the manufacturer's specifications or shall have uniformly painted wheels in lieu thereof.
- (15) Shades or curtains are prohibited on the inside of any taxicab.
- (16) Every company operating any taxicab shall designate an employee who shall be responsible to keep and maintain a trip sheet at all times during the operation of such taxicab.
  - (a) Such trip sheet shall record, at a minimum, the following information:

[1] The name and driver's license number of each and every driver operating such vehicle for the trips recorded on the trip sheet;

[2] Date, commencement time by hour and minute and origin point of each trip for each passenger;

[3] Date, dropoff or termination time by hour and minute and destination or termination location of each trip for each passenger;

[4] Fare charged and collected for each trip for each passenger;

[5] Date, time by hour and minute and location of any accident or breakdown causing an interruption or discontinuance of the operation of such taxicab and a description thereof; and

[6] The issuance of any citation or violation of any law, rule or code involving the operation of such taxicab and/or the conduct of the driver of same.

- (b) The owner of any taxicab business shall produce any and all such trip sheets for any and all taxicabs operated, owned or controlled by such persons upon demand therefor by any law enforcement officer.
  - (c) All such trip sheets shall be retained and kept on file and made available for audit, examination and inspection by the Director at all reasonable times for a minimum period of two years by every owner, operator and/or proprietor of every taxicab and company operating and/or owning same.
- (17) Each vehicle used as a taxicab shall comply with all applicable federal, state and other laws, rules and regulations pertaining to its use by and accessibility to persons with disabilities.
- (18) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in no less than eighteen-point type advising that seat belts are available and should be used by all passengers.
- (19) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in no less than eighteen-point type stating that smoking is prohibited within the vehicle by all passengers and drivers.
- C. Taxicabs licensed in accordance with this chapter may be equipped with partitions or shields made of translucent plexiglass or other shatterproof material located between and effectively separating the front and rear seats.
- D. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab company operating within the County shall at all times remain in compliance with each of the following requirements applicable to all owners and operators thereof:

- (1) Shall maintain and furnish a current list of drivers and employees available upon request of the Director.
- (2) Shall provide a letter to the Director upon the discharge or termination for any reason of a driver and/or employee, giving the reason for such discharge or termination.
- (3) Shall promptly report to the Director the transfer of ownership of any vehicle licensed by the County and concurrently turn in to the Director the taxicab vehicle license of such vehicle.
- (4) Shall report, in writing, changes of address of the owner, operator or driver of a taxicab to the Director within three business days of said change.
- (5) Shall report a revocation or cancellation of insurance immediately to the Director.
- (6) Shall submit any changes to the established rates for fare or additional services to the Director in writing five business days prior to the effective date of the change.
- (7) Shall report any vehicle accident which renders a taxicab vehicle inoperable or causes personal injuries to anyone involved in the accident in writing to the Director within five business days of the accident.

E. In addition to the requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab driver operating within the County shall at all times remain in compliance with each of the following driver requirements:

- (1) Shall keep the interior and exterior of the taxicab in a clean and sanitary condition and shall at all times maintain the vehicle in compliance with County Code.
- (2) Shall not smoke or allow any passenger to smoke at any time within the vehicle.
- (3) At no time shall a driver allow the engine of the taxicab to idle in a fixed location for more than 15 minutes.
- (4) Shall immediately report any unlawful act committed in, with or in connection with the driver's vehicle or any attempt to use such vehicle to commit a crime or escape from the scene of a crime to the police agency of jurisdiction and shall also submit a written report to the Director within five business days.
- (5) Shall not permit any passenger in the taxicab except a paying fare during such time as the taxi is being used for business purposes.
- (6) Shall not operate a taxicab when there is snow or ice on the pavement unless there are chains, all-weather radial tires or snow tires on the drive wheels.

- (7) While on duty, the driver shall state his/her name and employer's name to my passenger or law enforcement officer on request. Also, it shall be unlawful for any driver of any taxicab to misrepresent or withhold the name of his/her employer or the business address and business telephone of the same.
- (8) Carriage of infected persons. Should it be found by the owner, operator or driver that a taxicab has been used to convey any person infected with a contagious disease, or if any blood or bodily fluids or discharges have contaminated the passenger area of the taxi, such vehicle shall not be used until it has been thoroughly cleaned and disinfected in accordance with applicable laws, rules and regulations related to public health.
- (9) Any owner or operator shall not permit any one driver to operate a taxicab more than 12 hours in any continuous twenty-four-hour period, except the driver of a taxicab exclusively hired or engaged for special trips or excursions.
- (10) Shall carry no more than the number of passengers provided for on the vehicle's New York State Registration. This number shall include the driver of the vehicle.
- (11) Shall not operate a taxicab if the vehicle has any equipment violations as defined in this chapter or in the Vehicle and Traffic Law § 375, or other laws, rules and regulations.
- (12) Must not consume alcohol or intoxicating drugs prior to or during the driving or other operation of a taxicab. This excludes prescriptions prescribed by a licensed physician and over-the-counter medications which do not cause drowsiness, fatigue, blurred speech or vision or other conditions which may impair the ability to drive safely.
- (13) The driver shall pull to the curb to pick up and discharge passengers. The driver shall not intrude upon or obstruct pedestrian crossings, bus stops, loading zones, driveways, intersections or other areas requiring the free and unobstructed flow of traffic when stopped to pick up or discharge passengers.
- (14) The driver shall provide a written receipt accurately stating the exact fare paid by any passenger requesting a receipt. Such receipt shall show the name of the driver, the name of the owner or the taxicab, the number of the taxicab, the time when the trip began and ended, the origin, any stops, the final destination of the trip and the amount of fare collected.
- (15) Each and every operator and driver of a taxicab vehicle operating as such in the County is required to accept as a paying fare every orderly adult person and shall not refuse to accept as a paying fare any adult person on the basis of any disability or on the basis of race, ethnicity, religion, sex, age, sexual preference or other discriminatory basis or criteria prohibited by law.
- (16) Shall not illegally use, consume, possess or distribute intoxicating liquors or drugs.

(17) The driver shall be neat and clean in both person and in clothing.

(18) No driver shall engage in fighting or in violent, tumultuous or threatening behavior; use abusive, offensive or obscene language or make obscene gestures or acts; or make unreasonable noise.

§ 336-20. Register of license taxicabs.

The Director shall keep a register of the name of each person owning or operating or otherwise legally responsible for a taxicab vehicle licensed under this chapter, together with the license numbers of vehicles. Such record shall be open to the inspection of the public at all reasonable times.

§ 336-21. Return of licenses, cards and permits; transfer of vehicle license; exception; fee.

- A. Every licensee who has been issued a license under the provisions of this chapter shall, upon discontinuing or abandoning the ownership, operation or driving of a taxicab, return such license card, license or permit to the Director, unless such card, license or permit has been lost or for other reason cannot be restored, as these are the property of Broome County.
- B. Such card, license or permit shall not be assigned or transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits such license to be used by any other person or for any vehicle other than the one for which same was issued and any person who uses such license granted or given to any other person or who uses such license for a vehicle other than the one for which it was issued shall each be guilty of a violation of this chapter.
- C. Notwithstanding the foregoing, the owner or operator of a vehicle licensed as a taxicab under this chapter may take such vehicle out of service as a taxicab for any reasonable cause, such as damage, wear and tear, sale of the vehicle, age of the vehicle or other. In such case, such owner or operator may apply to the Director for permission to transfer the license issued to such vehicle to another vehicle to be put in service as a taxicab to replace the vehicle originally licensed.
- D. Such application shall include all the information pertaining to the replacement vehicle required for a taxicab vehicle license, and such replacement vehicle shall meet all the requirements applicable to taxicabs as required by this chapter to include the preclicensing inspection. Such application to transfer such taxicab vehicle license shall be accompanied by a nonrefundable transfer application fee, which shall include the costs associated with the preclicensing inspection.

§ 336-22. Duplicate license, permit or card.

Whenever a license shall be lost, stolen or destroyed, without fault on the part of the holder, or agent or employee of the holder, a duplicate in lieu thereof may be issued by the Director upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the replacement fee.

§ 336-23. Taxicab stands.

Taxicab stands may be established by law enforcement regulation or by ordinance of any constituent municipality of the County or by the County itself, subject to such approval as the governing body may require. Taxicab stands operated by the County may only be used by licensed taxicabs when available for hire and being driven by licensed taxicab drivers.

§ 336-24. Soliciting; cruising prohibited.

No person shall solicit passengers from any point other than immediately adjacent to the taxicab. Taxicabs shall not cruise or operate on the streets of the County without a fare under hire for the purpose of soliciting business.

§ 336-25. Schedule of charges.

- A. The soliciting of tips, gratuities or any charges in addition to those authorized herein is prohibited. This clause shall not prohibit the voluntary offer or acceptance of a tip or gratuity.
- B. No person shall charge or attempt to charge any passenger a greater fare than that to which the taxicab driver is entitled to collect under the rate sheet posted in the vehicle and on file with the Director.
- C. Transport of animals.
  - (1) There shall be no additional charge for carrying a service animal trained to provide assistance to an individual with a disability, and no driver shall refuse or decline to carry a passenger or fare for the reason that such person is accompanied by such an animal.
  - (2) Drivers may refuse to transport any other animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle or is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

§ 336-26. Payment of fares.

- A. Prepayment. Every driver of a taxicab shall have the right to demand payments of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request to any lawful destination anywhere in the County, unless previously engaged, off duty or otherwise lawfully unable to do so.
- B. Disputed fares. All disputes as to fares shall be determined by the law enforcement agency of jurisdiction at the time of dispute. Copies of same shall be requested by the Director for review of the incident for compliance with this chapter.

§ 336-27. Carrying additional passengers.

No driver of a licensed taxicab shall carry any person(s) other than the passenger first employing a taxicab without the consent of such first passenger, unless as part of job training. No person shall be required to ride in or to pay for a called taxicab if the same is already occupied by another

passenger without their consent. No person shall be required to ride in or to pay for a taxicab if the driver of same takes on additional passengers without the consent of the first passenger. This section shall not apply to taxicabs providing transportation services under the Medicaid program.

§ 336-28. Compliance with noise ordinance required; sounding of horn prohibited.

Every driver of a taxicab shall at all times comply with the ordinances of the County and its constituent municipalities and all other applicable laws, rules and regulations prohibiting loud or unnecessary noise in disturbance of peace and quiet.

§ 336-29. Articles found in taxicabs.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, shall be maintained at the business address of the owner of the vehicle for a period of not less than 30 days. All articles must be logged in at the business address. Items of significant value, to include but not be limited to, wallets, purses, handheld communication devices, electronics and jewelry, are to be deposited with the Director, along with the trip sheet for the period in which the item was found, by the end of the next business day.

§ 336-30. Use of vehicle for unlawful purposes and deceiving or misinforming passengers prohibited.

- A. It shall be unlawful for any licensed driver of any taxicab to misrepresent his/her own name, and/or the name of his/her employer, or knowingly receive or transport any person or persons who intend any unlawful act in such vehicle during the voyage or at the termination thereof, whether within such vehicle or not. It shall be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab with the intent of the driver or of any or all passengers to commit any unlawful act therein or at any time during the voyage or immediately following the termination thereof, whether within the vehicle or not.
- B. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure the sale or distribution of controlled substances. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure any person to ride in a licensed taxicab for the purpose of sale or distribution of controlled substances.
- C. Operating a vehicle under the influence of alcohol or a controlled substance shall be grounds for immediate suspension and revocation of a driver's license. The Director may require a licensee to submit to drug and alcohol screening tests upon reasonable cause. Refusal to submit to such screening test or a positive test result shall constitute grounds for revocation of a license. The licensee shall be responsible for the fees associated with the drug testing as authorized in this section only if a positive test is returned.
- D. No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger who may pay for a taxicab service, or who may ride or desire to ride in any such vehicle, as to the shortest route to a destination or as to the lawful fare to be charged. No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger as to the location or distance of the destination request, nor shall any

passenger be transported to any destination other than the one specified and/or by any route directed or requested by such person.

§ 336-31. Penalties for offenses.

- A. For purposes of this chapter, the actions of representatives, agents, employees or taxicab drivers utilizing vehicles owned or operated by a taxicab business shall be treated as actions of the owner of said taxicab vehicles and taxicab business.
- B. Any person violating any of the provisions of this chapter shall, upon conviction, be responsible for any penalty as a result and as administered by Broome County and as approved by the Broome County Legislature. In addition thereto a licensee, or the owner, operator or driver of a licensed vehicle, may have his/her license suspended or revoked.
- C. The Director may refuse access to all County transportation facilities pending the outcome of the prosecution of the licensee under this chapter or under any other provision of any applicable law, code, rule or regulation.
- D. Vehicles found to be operating without a proper County taxicab business and vehicle license, inspection or by a driver without a valid taxicab driver's license or found to be in violation of any section of this chapter shall be subject to impoundment by any law enforcement agency operating within the County. Any violation of this provision shall be deemed a violation, and the taxicab owner shall be guilty of a violation and subject to the following schedule of fines and/or imprisonment:
  - (1) First offense: not more than \$100.
  - (2) Second offense: not more than \$250 or 15 days' imprisonment, or both such fine and imprisonment.
  - (3) Third offense: not more than \$500 or 30 days' imprisonment or both such fine and imprisonment.
- E. The penalties set forth in § 336-31 are in addition to the provisions of § 222-4V(9)(b) and (10)(d) of the Broome County Charter and Code. These penalties shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

§ 336-32. Enforcement

The County Executive, Director of Security Services, Commissioner of Aviation, County Sheriff and other agents duly designated in addition to local, County and state police or law enforcement officers are hereby authorized to, and they shall, enforce the foregoing rules and regulations.

§ 336-33. Public emergency; police powers.

Whenever a state of emergency is declared by the County or whenever the Director or, if there be none, the highest-ranking officer in command of the Division of Security or his/her designee determines that protection of public safety so requires, the County Executive and/or the Director may suspend the provisions of this chapter, in whole or in part, for part or all of the period during

which such emergency conditions may prevail. Such power shall include but not be limited to the suspension of the requirement that fares be paid by passengers and/or other requirements of this chapter. Under such circumstances, all drivers and operators shall endeavor to keep and maintain accurate records showing the trips provided and the details of same during such period, similar to such records as would be required to be kept by this chapter if such period of emergency had not existed.

§ 336-34. Exceptions.

- A. The provisions of this chapter shall have no application to exempt vehicles, as defined herein, or for special events, upon advance notice of same being provided to the Director and the approval thereof.
- B. The licensing fee set forth in this chapter shall not be required for taxicab vehicles or other vehicles for hire to which this chapter would otherwise apply if same are owned by or operated under the control of a corporation duly organized and existing pursuant to the Not-For-Profit Corporation Law of the State of New York and while being used solely for the purposes of such corporation.
- C. Limousines are exempted from certain requirements of this chapter at the discretion of the Director to include by not limited to the placement of exterior markings and signage.

SECTION 2: This Local Law shall become effective upon filing with the Secretary of State