



DEPARTMENT OF GENERAL SERVICES

CONSUMER AFFAIRS DIVISION

112 STATE STREET, ROOM 1113

ALBANY, NEW YORK 12207-2021

(518) 447-7581 • FAX (518) 487-5048

www.albanycounty.com

DANIEL P. MCCOY
COUNTY EXECUTIVE

JOHN T. EVERS
COMMISSIONER

JOSEPH MCELROY
DEPUTY COMMISSIONER

TODD L. STANTON
DIRECTOR OF WEIGHTS AND MEASURES

**NOTICE OF ADOPTION OF REGULATIONS
PURSUANT TO LOCAL LAW 3 FOR 2012**

Pursuant to the powers vested in me under Section 4(C) of Local Law 3 for 2012 (formerly known as "Local Law 'J' for 2012"), I deem the following regulations necessary and appropriate to implement and carry out the provisions of the Local Law:

Section 1: Notice Requirements

- a. Each taxicab subject to Local Law 3 for 2012 (the "Local Law") shall post a display of the Taxicab Passenger's and Driver's Bill of Rights (the "Bill of Rights") where it can be seen by all passengers (the "Display").
- b. The dimensions of the Display shall be no smaller than 8 ½ by 11 inches, and the written content shall be typed using 12-point font or larger.

Section 2: Complaints and Comments; Investigation of Complaints

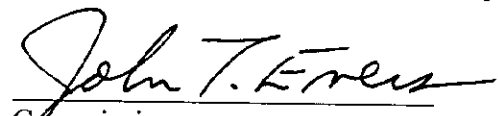
- a. Complaints and comments regarding the Bill of Rights may be reported to the Albany County Consumer Affairs Division (the "Consumer Affairs") by mailing a written complaint to Consumer Affairs at 112 State Street, Room 630, Albany, New York 12207 or emailing it to consumer_complaints@albanycounty.com.
- b. Consumer Affairs shall record complaints and comments it receives regarding the Bill of Rights and shall issue an annual report to the Clerk of the Albany County Legislature and the County Executive on or before December 31st of each year. Consumer Affairs shall post the annual report on the Consumer Affairs page of the Albany County website.
- c. Consumer Affairs shall investigate all complaints it receives involving a taxicab owner's failure to post the Bill of Rights in conformance with Section 1, above. The investigation shall include, but not be limited to, an on-site investigation of the taxicab owner's place of business.

Section 3: Notice of Civil Penalty; Appeal

- a. After completing an investigation pursuant to Section 2, subsection c, above, Consumer Affairs shall determine whether a failure to post violation occurred. If it determines such a violation occurred, Consumer Affairs shall mail the taxicab owner a written notice of its determination (the "Determination"). The Determination shall contain a concise statement of the facts constituting the failure to post the Bill of Rights in conformance with Section 1, above, shall state the amount of the civil penalty being imposed pursuant to "SECTION 4: Penalties" of the Local Law (the "Notice of Civil Penalty"), and shall inform the taxicab owner where to send the payment and that the payment shall be made within fifteen days after the date on the Notice of Civil Penalty.
- b. The Notice of Civil Penalty shall also contain a statement informing the taxicab owner of the right to appeal the civil penalty determination and a description of the appeals procedure, which procedure shall include, but not limited to, sending a letter to the Commissioner of the Albany County Department of General Services (the "Commissioner of DGS") within fifteen days after the date on the Notice of Civil Penalty, stating the reason(s) why the civil penalty should not be imposed.
- c. Upon receipt of an appeal, the Commissioner of DGS shall provide the taxicab owner with at least ten days written notice of the date, time and location of the appeals hearing. Within fifteen days after conducting the appeals hearing, the Commissioner of DGS shall mail a written decision to the taxicab owner that sustains or overturns the Notice of Civil Penalty (the "Decision"), and, in the event of sustaining the civil penalty, shall inform the taxicab owner where to send the payment and that the payment shall be made within fifteen days after the date on the Decision.
- d. If the taxicab owner fails to pay the civil penalty, Consumer Affairs may refer the matter to the Office of the County Attorney for a legal proceeding to collect the penalty.

Section 4: Legal Proceedings

- a. A taxicab owner who wishes to appeal the Decision may file a proceeding pursuant to Article 78 of the N.Y. Civil Practice Law and Rules in New York Supreme Court in the County of Albany (the "Article 78 Proceeding").
- b. Upon receipt of a referral from Consumer Affairs pursuant to Section 3, subsection d, above, the Office of the County Attorney may bring a special proceeding in New York State Supreme Court in the County of Albany to recover the civil penalty and to otherwise make effective its purposes by seeking the appropriate judicial relief.


Commissioner,
Department of General Services

March 26, 2013