

Submitted by the County Executive and Introduced by

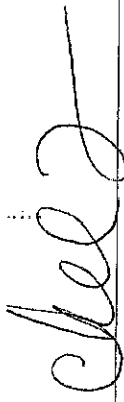
LOCAL LAW NO. 18-2014

A LOCAL LAW TO AMEND THE COUNTY CHARTER AND THE ADMINISTRATIVE CODE IN RELATION TO ESTABLISHING THE TAXI AND LIMOUSINE COMMISSION.

Passed by the Nassau County Legislature on December 1, 2014
Voting: ayes: 17 nays: 2 abstained: 0

Became a law on December 2, 2014 with the approval of th County Executive.

Deputy County Attorney



WHEREAS, in May 2003 a home rule message was sent to the State Legislature requesting that the State authorize Nassau County to regulate taxicabs and limousines; and

WHEREAS, on August 26, 2003, the Governor of the State of New York signed Chapter 430 of the Laws of 2003, amending the General Municipal law and authorizing the County of Nassau to regulate the registration of taxicabs and limousines by Ordinance, and

WHEREAS, the Nassau County Legislature enacted Ordinance No. 90-2003, establishing a system for registration of for-hire vehicles; and

WHEREAS, the Nassau County Legislature enacted Ordinance No. 113-2005, amending Ordinance No. 90-2003; and

WHEREAS, many unlicensed passenger vehicles, some aided by modern digital or computer technology, continue to operate as for-hire within Nassau County and continue to pose a danger to County residents because these vehicles may be uninsured and/or unsafe; and

WHEREAS, it is necessary and proper for this Legislature to enact a local law to provide for the proper level of control over for-hire taxis and limousines and meaningful registration procedures; and

WHEREAS, in order to truly establish control over for-hire taxis and limousines and their registration it is desirable to establish a specialized office of County government devoted to this task; now, therefore,

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Title D-9, Registration of Taxicabs and Limousines, of the Nassau County Administrative Code, as enacted by Local Law No. 21-2003 is hereby repealed.

Section 2. Article XXI-B of the County Government Law of Nassau County (the County Charter) is amended to read as follows:

ARTICLE XXI-B TAXI AND LIMOUSINE COMMISSION

Section	2157	Commission established; officers and employees.
	2158	Definitions.
	2159	Powers and duties of the Commission
	2160	Taxi and Limousine Board
	2161	Effect on Other County Departments

§2157. Commission Established.

There shall be an office of county government known as the Taxi and Limousine Commission, which shall be headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the Nassau County Legislature. The Commissioner shall appoint a Deputy Commissioner and such other officers and employees of the Commission, within the appropriation therefor, as are necessary to effectuate the purposes of the Commission. The Commissioner may, in addition to such other duties as he or she shall find appropriate, designate the Deputy Commissioner to act for and in place of the Commissioner in the exercise of his or her powers.

§2158. Definitions.

(a) "For-hire vehicle" shall mean a taxicab, limousine, private livery vehicle or a pre-arranged for-hire vehicle.

(b) "Limousine" shall mean a chauffeured for-hire vehicle seating not fewer than seven nor more than fourteen persons, including the driver, used solely for hire in connection with funerals, weddings, proms, social events, sports and similar functions on a prior agreement, fixed-rate basis.

(c) "Private Livery Vehicle" shall mean a for-hire vehicle seating five or six persons, including the driver, operating only by prior arrangement.

(d) "Taxicab" shall mean a for-hire vehicle, other than a private livery vehicle, having a seating capacity of not more than eight persons, including the driver.

§2159. Powers and duties of the Commission.

1. The Taxi and Limousine Commission shall have powers and duties, including:

- a. the regulation and supervision of for-hire vehicles in the County
- b. the issuance, revocation and regulation of registrations, as authorized by law, for the operation of for-hire vehicles in the County
- c. preventing the unlicensed and/or unregistered operation of for-hire vehicles within the County
- d. the adoption and implementation of regulations reasonably designed to carry out the purposes of the Commission

§2160. Taxi and Limousine Board.

(a) There shall be a Taxi and Limousine Board, which shall have the duty to devise and propose regulations for the regulation of for-hire vehicles in the County.

(b) The Board shall consist of nine voting members appointed by the County Executive and subject to approval by the Nassau County Legislature. Two members shall be appointed upon the recommendation of the Presiding Officer of the Nassau County Legislature; two members upon the recommendation of the Minority Leader of the

Nassau County Legislature and one member upon the recommendation of the Long Island Taxi Operators Association ("LITOA"), or any successor organization to LITOA.

(c) Term:

i. The five members initially appointed by the County Executive shall serve terms varying from three to five years, with one member serving from January 1, 2015 to December 31, 2019; three members serving from January 1, 2015 to December 31, 2018; and one member serving from January 1, 2015 to December 31, 2017. All successive appointments by the County Executive shall serve five year terms.

ii. The two members initially appointed by the County Executive upon the recommendation of the Presiding Officer shall serve terms varying from three to five years, with one member serving from January 1, 2015 to December 31, 2019, and one member serving from January 1, 2015 to December 31, 2017. All successive appointments by the County Executive upon the recommendation of the Presiding Officer shall serve five year terms.

iii. The two members initially appointed by the County Executive upon the recommendation of the Minority Leader shall serve terms varying from three to five years, with one member serving from January 1, 2015 to December 31, 2019, and one member serving from January 1, 2015 to December 31, 2017. All successive appointments by the County Executive upon the recommendation of the Minority Leader shall serve five year terms.

(d) Members shall not be entitled to any compensation but shall be entitled to reimbursement for ordinary and reasonable expenses incurred while conducting the business of the Board. All requests for reimbursement shall be approved by the Commissioner who shall make a final determination as to what expenses are ordinary and reasonable.

(e) The Board shall hold meetings at a location so designated by the Commissioner on a quarterly basis or as often as is necessary to conduct Board business.

(f) The Board shall recommend any rules and regulations needed to effectuate the purpose of this Ordinance to the Commissioner for adoption by the Taxi and Limousine Commission, and the Commissioner may adopt all rules and regulations necessary to effectuate the purpose of this Ordinance.

§ 2161. Effect on other County Departments. Nothing herein shall limit the power of any County Department, agency or office to perform any such services to the extent authorized by Executive Order or other provisions of state or local law.

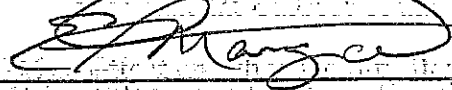
Section 3. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 5. This local law shall take effect immediately, however, the County Executive may direct the Office of Consumer Affairs to perform such regulatory duties heretofore entrusted

to it by Ordinance No. 90-2003, as amended by Ordinance No. 113-2005, pending the establishment of the Commission and the Board.

APPROVED



County Executive

DATE Dec. 2, 2014