

NYC Initiative Petition to Amend NYC Charter – under § 37, New York Municipal Home Rule Law

I, the undersigned, do hereby state that I am a resident of and a registered and qualified voter in New York City, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby sign this Petition, as set forth below and on the one additional page, to enable the contents of this Petition (or an approved summary) to be submitted to the electors of New York City at a general election.

In witness where, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of signer (signature required) (printed name may be added)	Residence	Enter NYC County
-------------	--	------------------	-----------------------------

<i>Signature:</i>	<i>[No. & Street]</i>
<i>/ /13 [printed name:]</i>	<i>[Borough]</i> <i>[County]</i>

**PETITION FOR A BILL OF RIGHTS FOR DRIVERS, OWNERS AND LICENSEES
IN THE TAXICAB AND LIMOUSINE INDUSTRY**

WHEREAS, drivers of taxicabs and limousines and other for-hire-vehicles in the NYC taxicab and limousine industry are being unfairly targeted by NYC police, traffic enforcement agents, various types of employees of the NYC Taxi & Limousine Commission, and the systems and judges for issuing and hearing tickets and violations issued to drivers and owners;

WHEREAS, drivers and owners of taxicabs, limousines and other for-hire-vehicles, and owners of medallions or other licenses issued by the NYC Taxi & Limousine Commission are being targeted by NYC police, traffic enforcement agents, various types of employees of the NYC Taxi & Limousine Commission as sources of revenue for NYC far in excess of the need for enforcement activities, as a slush fund for NYC to spend on activities designed to aid existing elected officials of NYC to obtain re-election, in what amounts to an unfair and illegal tax upon the taxi and limousine industry and the users thereof.

[Note: The Petition is continued on page 2.]

Complete ONE of the following:

(1) STATEMENT OF WITNESS

(2)

I, (name of witness) _____ state: I am a duly qualified voter of the City of New York and I am also duly qualified to sign the Petition. I now reside in New York City at (residence address) _____
_____. The individual whose name is subscribed to this Petition sheet containing 1 signature, subscribed the same in my presence on the date above indicated and identified himself/herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

_____/_____/2013 _____
Date **Signature of Witness**

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the Board of Elections in order for this petition sheet to be valid.

County in New York City: [check 1 County only] ___New York ___Kings ___Queens ___Bronx ___Richmond

(2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the date above indicated before me personally came the NYC voter whose signature appears on this Petition sheet containing one petition signature who signed same in my presence and who being by me duly sworn, said that the foregoing statement made and subscribed by him/her was true.

_____/_____/2013 _____
Date **Signature and Official Title of Officer Administering Oath**

[Page 2 of the Petition]

WHEREAS, drivers and owners of taxicabs, limousines and other for-hire-vehicles, and owners of medallions or other licenses issued by the NYC Taxi & Limousine Commission are being victimized through regulatory procedures that are designed to coerce payment rather than provide justice, thereby causing consumers higher prices and a lower quality of transportation services.

THE FOLLOWING IS HEREBY DESIRED AND APPROVED AS AN INITIATIVE FOR ADOPTION OF A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER, TO BE PRESENTED TO VOTERS OF THE CITY OF NEW YORK AT A GENERAL ELECTION OF VOTERS:

1. The title of this local law is "Act to Establish a Bill of Rights for Drivers, Owners and Licensees in the Taxicab and Limousine Industry".
2. It shall be unlawful for the NYC Taxi & Limousine Commission ("TLC") or any other NYC agency regulating taxicab or for-hire-vehicle drivers or other professional drivers or the owners or holders of any medallions, licenses or permits relating to taxicabs, limousines or other for-hire-vehicles (hereinafter, collectively, the "Agency", including the TLC) to revoke or suspend any professional driver's license, chauffeur's license or other license or permit issued to an owner or licensee or taxicab driver or other professional driver (such as a truck driver or black car driver or private chauffeur) in violation or infringement of the following rules or "Bill of Rights":
FIRST: if the number of points for moving violations (or the number of points for non-moving violations) against the professional driver is (a) less than 3 times the number of points at which a license or permit would be revoked or suspended for a typical non-professional driver, assuming the professional driver has averaged at least 60,000 miles per year during the preceding 36 months; or (b) x times such number of points where x is equal to the driver's annual average driving mileage for the past 36 months divided by 60,000, whichever number is greater. Thus, professional drivers are entitled to 3 times as many points if they drive an average of 60,000 or more miles per year during the preceding 36 months, and a proportionate number of points if they drive less than an average of 60,000 miles per year for the preceding 36 months.
SECOND: No appearance by the holder or owner of a medallion, license or permit in response to any type of violation or complaint (hereinafter, the "Licensee") will be required or demanded by the Agency unless the complaining official or customer (the "Complainant") has first agreed in writing to appear, that a copy of the written agreement to appear has been provided to the Licensee by mail postmarked at least 35 days prior to the date of the hearing, and upon any non-appearance by the Complainant the complaint is automatically decided with prejudice in the Licensees favor, with costs, and attorney's fees to be paid by the Agency within 35 days of the date of non-appearance.
THIRD: Any Licensee has the right to issue a summons and complaint to any employee or official of the TLC or other Agency as to any claimed violation of the FIRST or SECOND rights above, or for any unfair, illegal or discriminatory regulatory practice, and any such complaint shall be handled as to scheduling, notices and regulatory procedures as if the summons and complaint had been issued by the TLC or other agency against a Licensee, so that as much as possible the regulators are themselves subject to meaningful regulation, including appropriate loss of employment and payment of fines in proportion to any violations of law committed by the employee or official (which includes officials and employees of the NYC Police Department).
3. The purpose of this statute is to stop the systematic abuse and use of the Taxicab and Limousine Industry for the raising of revenues for NYC as distinguished from regulation for the safety and well-being of the public and consumers.
4. If any provision of this law is held to be unconstitutional or invalid for any reason, the remaining provisions shall be in no manner affected thereby but shall remain in full force and effect.

Plan for Financing the Implementation of this Statute to Establish a Bill of Rights for Drivers, Owners and Licensees in the Taxicab and Limousine Industry

(Submitted in Support of the Petition pursuant to ¶ 11 of Section 37 of the NY Municipal Home Rule Law)

The implementation of this statute concerning the revocation or suspension of the drivers licenses of professional drivers regulated by NYC is self-funding as a regulatory activity and does not require any funds.

Availability of Additional Information about this Petition, the Ballot Initiative Process, and the Individuals Involved

Additional information about this Petition and other Petitions, the Ballot Initiative Process and the individuals involved is available at www.NYC-TLC-Ballot-Initiative.org *[create domain name and association]*. Copies of this Petition may be downloaded.

WHERE TO MAIL THE ORIGINAL SIGNED PETITION

Please mail the Petition (as signed by two NYC registered voters) to:

**Taxi and Limousine Licensees Association
P.O. Box xxxx
Times Square Station
New York NY 10036**

[end of petition]