



Motor Carrier Attachment

Exemptions from Authority, Page Four (4) Passenger Carrier's Guide for Administrative Compliance Section 1.2 dated December 1, 2017

Schoharie, NY October 6, 2018

HWY19MH001

(2 pages)

Section 1.2: Exemptions from Authority

Exemptions:

There are some exemptions which allow certain types of for-hire transportation without authority from the Department. Transportation provided in sedans, station wagons, limousines or mini-vans which generally have a Manufacturer's Rated Seating Capacity (MRSC) of less than 11 passengers including the driver does not need authority. The MRSC is listed on a tag which is generally located on the jam of the driver's door and is the maximum seating capacity of the vehicle which may be different from the number of seats actually in a vehicle. In addition, transportation provided in vehicles larger than sedans, station wagons, limousines or minivans does not need authority when such transportation is performed:

1. Incidental to or in furtherance of any non-transportation commercial or not-for-profit enterprise of the provider of the transportation when such transportation is not open to the general public;
2. To and from schools and school-related activities;
3. In non-profit car pools;
4. On an occasional, casual or reciprocal basis by persons not engaged in transportation as a regular occupation or business;
5. As a sightseeing service conducted pursuant to the jurisdiction or regulatory control of a city, village or town when such service is operated wholly within the county in which the city, town or village is located or when such service is operated wholly within a city with a population of one million or more;
6. In ambulances that are under the jurisdiction of the New York state department of health;
7. By transportation authorities when the transportation performed is wholly within the transportation district prescribed by the public authorities law for such transportation authority;
8. By transportation systems that are wholly owned by a municipality when the transportation performed is wholly within such municipality's boundaries;
9. By bus lines operating wholly within any city having regulatory control or jurisdiction over bus line operations pursuant to subdivision four of section eighty of this chapter; and
10. By carriers operating under a contract with an employer to provide transportation for the exclusive use of employees.
11. As a taxi or livery service, except for transportation services that are designed for the transportation of transportation-disabled persons, conducted in vehicles having a seating capacity of less than fifteen passengers pursuant to the jurisdiction or regulatory control of a municipality, other than a city with a population over one million, authorized to adopt an ordinance relating to both registration and licensing pursuant to subdivision one of section one hundred eighty-one of the general municipal law, when service is conducted wholly within such municipality and when such service is available to the general public on a prearranged or demand-response basis over a non-specified or irregular route with the point or points of pick-up and discharge determined by the passenger, but such taxi or livery service shall not include van service. For the purpose of this subdivision, the term "livery service" shall include the term "limousines" as used in subdivision one of section one hundred eighty-one of the general municipal law.
12. As a taxi or livery service conducted in vehicles having a seating capacity of twenty passengers or less pursuant to the jurisdiction or regulatory control of a city with a population over one million, when such service is conducted wholly within such a city; provided, however, that vehicles having a seating capacity of fifteen or more passengers shall be subject to the provisions of section one hundred forty of this chapter.

For the purposes of this article, the term "sedan" or "sedans" as used herein shall include private passenger automobiles, but shall not include commercial motor vehicles with a seating capacity of eleven persons or more including the driver.