

Cab Gab
by Abe Mittleman

Reckless Driving-Follow-UP

If you are a regular reader of Mini Press you should recall reading the following report I wrote in the February issue:

I have been in this business for 40 years. I'm what I believe to be a much better than average driver as far as safety is concerned. I drive slow. I don't have accidents. In 40 years I can say with complete honesty that no one has ever been hurt in a taxi that I was driving. My summonses are few and far apart. I have only been convicted of one moving violation in the last twenty five years.

So, this is unbelievable. I have been given a summons for of all things "Reckless Driving". It happened on a Sunday night just after 7:30pm. At this time of day there was not any traffic at all on 3rd avenue, where this took place. Therefore, I didn't obstruct or interfere with any moving traffic. All I did was very cautiously move from the right side of third ave to the left side

in order to be in position to turn left. This was done to accommodate my passenger and save this passenger a few cents.

"Reckless Driving" is chargeable in two ways, either as a traffic offence or as a crime. As a traffic offense it is returnable in traffic court. As a crime it is chargeable in criminal court.

I was given a summons for "Reckless Driving" in Criminal Court and not a traffic ticket. "Reckless Driving" is a misdemeanor and can be punished by up to a year in jail. I've spoken to several drivers about this and learned that I am not alone. Charging it as a crime in criminal court instead of charging it as a traffic offense seems to be the latest fad among police against taxi drivers.

Although I have come to understand that most of these summonses are dismissed, I'm still a little apprehensive about how this will turn out. I have competent legal help from the Mini Fleet association and that puts me somewhat at ease. But still I want this to be resolved and dismissed as it

should be. Stay tuned, I have to appear in March and I'll have a lot more to say about this in a future issue.

So now I will tell you the rest of the story:

For two months I worried about how this erroneously huge charge would play out in court. I worried that there at some point would be a trial. I worried that the police officer would test-a-lie, as it is called by the police who believe this is a correct thing to do, in order to make this ridiculous charge stick. I worried that in the end my clean driving record would be damaged. I even worried that I could even wind up with a criminal record. After all "Reckless Driving" is a misdemeanor and the court of appearance was criminal court.

I worried for nothing! I hired a lawyer, just in case I needed one. You should never go to court without one. But very soon after I entered the court room it was very obvious that this was all about money. Unless I insisted there never was any intention on behalf of the court to bring this to

trial. All they wanted was money. And their way of getting it was to put a huge charge on the table and then offer you a way out by pleading guilty to a minor violation with a moderate fine.

I was told that the police officer, who wasn't present, reported in his deposition that I was traveling at a very fast speed while cutting off several other vehicles. Of course this was as far from the truth as can be. But they knew that few in their right minds would take a chance of bringing this to trial when offered a chance to have the charge done and over with by pleading guilty to a lesser non criminal charge that would not give points or any criminal record and paying a \$100.fine. So, despite the audaciousness of the entire situation I jumped at the chance of being over and done with this and took the deal.

Now, let me make this comment: It is better to be safe than sorry. What happened in my case may not always be the case. I want to make it clear that if you are

faced with the same situation you should not relate my experience as the normal way things are done. Any time you receive a summons to appear in criminal court, you are in jeopardy. I'm not a lawyer, but I strongly recommend that you consult with one before going any further.

Hack License Size

I recently completed my bi-annual hack license renewal. This is the fortieth year that I am renewing this license. I've seen the style change a number of years ago to what we are accustomed to seeing today. But the dimensions have always remained the same size. That is until now. I couldn't believe the smaller size. It is now the size of a New York State drivers license and can fit into your wallet.

I don't think this is a good idea. Considering that it has to be displayed for the passengers to see in the same holder. And considering the frequency that it will be handled, especially by drivers who must remove them daily from the taxi they drive, they

are bound to be lost a lot more often. It almost makes you wonder if this was done to save money or perhaps increase revenue by having to issue replacement licenses to the drivers who will undoubtedly lose them.

Although those are possibilities, I really couldn't believe this could actually be true. So, I inquired as to why this change was made. I was told that the machine that makes the larger licenses wasn't available anymore. It was no longer being made nor were replacement parts available for this machine.

In any case the question remains how do we best work with the new sized license in a way where we will not lose or misplace them?

I taped my new license to the old larger size license. I used clear tape and was sure to cover up the old expired information. It will now fit into the frame that holds the hack license in place without getting lost. I am not aware of any rules that prohibit me from doing this as long as my current license is displayed and clearly visible.

