

**NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

**Notice of Promulgation of Rules**

**Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) hereby promulgates rules establishing definitions for the TLC’s new rule book.**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on these proposed rules were held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on April 30, 2010 at 2:30 p.m and on July 8, 2010 at 10:00 a.m..

These rules will take effect on January 1, 2011.

Section 1. Title 35 of the Rules of the City of New York is hereby amended by adding a new chapter 1 thereto, to read as follows:

New Material is underlined.

# Chapter 1

# DEFINITIONS

## **§1-01** Scope of this Chapter.

- (a) Other than words that are capitalized in the normal course (such as “Mayor of the City of New York” or the first word in a sentence) any word (or group of words) in these Rules that has its first letter capitalized will be a “defined term.”
- (b) Most defined terms appear in this Chapter. For ease of reference, certain defined terms may also appear in the “Definitions Applicable to this Chapter” section of Chapters in which the terms are most relevant. Certain general terms (Driver, License, Owner, for example) will have a more specific meaning in individual Chapters (so, Driver in the Chapters governing Taxicabs and their Drivers will mean a Taxicab Driver). In some cases, a defined term in a Chapter can have a meaning different from that in this Chapter (for example, a Broker in Chapter 15 is different). Those different definitions will appear in the relevant Chapters.

## **§1-02** Penalties.

This Chapter is informational in nature and does not contain penalties.

## **§1-03** Definitions

**Accessible Medallion** is a Restricted Medallion valid for use only with an Accessible Taxicab.

**Accessible Livery** is a For-Hire Vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is equipped with a Taximeter.

**Accessible Vehicle** is a vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is authorized by the Commission to transport passengers for hire, by prearrangement.

**Accessible Taxicab** is a Vehicle that is licensed by the Commission and that meets the specifications of the Americans with Disabilities Act as described in §17-05.2 of these rules.

**Activation Date.** The Activation Date is January 1, 2011.

**Administrative Code** refers to the Administrative Code of the City of New York, including Title 19, “Transportation of Passengers for Hire by Motor Vehicles.”

**Administrative Law Judge (or ALJ)** is an attorney admitted to practice law in the State of New York who has been appointed by the Commission to conduct administrative hearings for the Commission.

**Administrator** means the duly appointed administrator, executor, executrix or personal representative of an estate.

**Agent** is an individual or Business Entity that has been licensed by the Commission to operate or facilitate the operation of one or more Taxicabs on behalf of the Taxicab owner.

**Alternative Fuel Medallion** is a Restricted Medallion valid for use only with a vehicle powered by compressed natural gas or a hybrid electric vehicle.

**Appeal** is the request for review of a decision of an ALJ, an OATH ALJ or the Chairperson.

**Appeals Unit** is a unit of ALJs within the Commission Adjudications Tribunal responsible for deciding cases on Appeal, who do not hear cases in the first instance.

**Applicant** is an individual or Business Entity seeking approval from the Commission for a new or renewed License or authorization, or for a change, transfer or other action requiring Commission approval .

**Approved Motor Vehicle Accident Prevention Program** is an accident prevention course approved by the New York State Department of Motor Vehicles.

**Authorization** means the Commission’s approval to operate a Commuter Van Service within the geographic boundaries specified by the Commission.

**Authorized** means that a Commuter Van Service has been given permission to operate by the Commission.

**Authorized Taxicab Training** refers to a course of training approved by the Commission that contains at least 80 hours of instruction on Commission-required topics such as Commission rules and procedures, geography, map reading, Passenger relations, and courtesy.

**Authorized Taxicab Training Refresher Course** refers to a four-hour course of training approved by the Commission that is required for renewal of a Probationary License, and that includes topics such as an update of Rule changes, a review of Driver Responsibilities and duties, passenger relations, and an awareness of serving passengers with disabilities.

**Base Affiliation** is a business arrangement by which a Vehicle is affiliated or associated with a Base. Certain Vehicles must be associated with a specific type of Base and work only with the Base with which it is affiliated.

**Base (or Base Station)** is the Commission licensed business dispatching a particular type of Vehicle. This term is used more specifically in some Chapters.

**Bidder** means an individual submitting a sealed bid for one or more Lots of Taxicab Medallions or a Business Entity to which an individual Bidder assigns a bid.

**Black Car** is a Vehicle that affiliates with a Black Car Base.

**Black Car Base** is a “central dispatch facility” (as the term is defined in New York Executive Law, §160-cc) and For-Hire Base that operates as follows:

- (1) All Black Car Vehicles are dispatched on a pre-arranged basis;
- (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and
- (3) More than ninety percent (90%) of the Base’s business is on a payment basis other than direct cash payment by a Passenger.

**Broker** is an individual or Business Entity licensed by the Commission to act as an agent for another person or Business Entity in negotiating either of the following:

- (1) The transfer of any interest in a Medallion
- (2) A loan to be secured by a Medallion or a Taxicab.

**Brokerage** is the business of being a Broker.

**Business Entity** is a sole proprietorship, corporation, partnership or limited liability company. A Business Entity can be further limited in a Chapter.

**Business Entity Persons** may mean:

- (1) The proprietor of a sole proprietorship
- (2) All shareholders of a corporation
- (3) All officers of a corporation
- (4) All partners of a partnership
- (5) All members of a limited liability company.

**Certified Taximeter Technician** means a technician certified by a Licensed Taximeter Manufacturer to perform work on its Taximeters.

**Chairperson** shall mean the Chairperson of the Taxi and Limousine Commission or his or her designee.

**Chapter** refers to a chapter in these Rules.

**Chauffeur's License** means:

- (1) A Valid NYS driver's license Class A, B, C or E; or
- (2) A Valid license of similar class from another state of which the Licensee is a resident .

**Claim Letter** is a letter asserting a possible Excess Claim against an Owner of a Taxicab Medallion.

**Clean Air Vehicle** is a Vehicle that uses a type of fuel which allows the Vehicle to:

- (1) Receive an air pollution score of 9.0 or higher from the U.S. EPA and
- (2) Emit 6.4 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.

**Clean Air Vehicle Level I** is a vehicle that uses a type of fuel which allows the vehicle to:

- (1) Receive an air pollution score of 9.5 or higher from the U.S. EPA and
- (2) Emit 5.0 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.

**Clean Air Vehicle, Level II** is any Clean Air Vehicle that does not meet the standards of a Clean Air Vehicle Level I.

**Closing Deadline** is the date by which a winning Bidder must close on any Lot as established in §15-07(a) of these Rules.

**Commission** means the New York City Taxi and Limousine Commission.

**Commission Adjudications Tribunal (or Commission Tribunal)** is the judicial body that has, except as otherwise provided in these Rules, jurisdiction over:

- (1) Violations of Title 19, Chapter 5 of the Administrative Code
- (2) Violations of Commission Rules
- (3) Review of the fitness of an Applicant or a Licensee to hold a License.

**Commuter Van Driver's License** is a License to drive a Commuter Van Vehicle

**Commuter Van Service.** A service that is Authorized by the Commission to use Commuter Vans to provide transportation into, out of, or within New York City:

- (1) on a prearranged, regular daily basis,
- (2) over non-specified or irregular routes, and
- (3) between a zone in a residential neighborhood and a location which will be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport.

**Commuter Van Vehicle.** A motor vehicle having a seating capacity of at least nine (9) but not more than twenty (20) passengers that has been licensed by the Commission to carry passengers for hire in an Authorized Commuter Van Service.

**Critical Driver's Program** is a Commission program that imposes additional penalties on a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her driver's license within a certain amount of time.

**Decal** is a sticker issued by the Commission and attached to a For-Hire Vehicle as evidence that it is a Licensed Vehicle.

**De-licensed** means an individual or Business Entity whose License is suspended or revoked.

**Defensive Driving Course** refers to a course in defensive driving given by a school, facility or agency approved by the Commission and certified by the New York State Department of Motor Vehicles.

**De Novo** is a legal term meaning "over again from the beginning."

**Discretionary Revocation** is the imposition of the penalty of revocation when a Rule does not specify that revocation *must* be imposed; Discretionary Revocation can be sought by the Chairperson for *any* Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.

**Dispatch** is a request made from a Base Station to a Driver of an affiliated Vehicle, directing the Driver to provide transportation to a passenger who has previously arranged for such transportation.

**Distracted Driving Course** means a course of training approved by the Commission about the dangers of driving while distracted by Using an Electronic Communication Device and about the rules governing the Using of an Electronic Communication Device. The course must last at least one hour.

**DMV** means the NYS Department of Motor Vehicles.

**Driver** is a person licensed by the Commission to drive a Commission-Licensed Vehicle.

**Driver Authorization Statement** is the document an Owner files with the Commission indicating that a Taxicab will be operated by the Named Drivers listed or by Unspecified Drivers, along with the required additional information.

**Electronic Communication Device** means any portable or hands-free electronic device able to do any of the following:

- (1) Make a telephone call.
- (2) Send or receive a text message.
- (3) Allow a user to speak on the device hands-free or operate the device by voice command, even when allowed by New York State Law.
- (4) Act as a personal digital assistant.
- (5) Send or receive data, voice or images from the internet or from a wireless network.
- (6) Act as a laptop or portable computer.
- (7) Send or receive pages.
- (8) Allow two-way communications between different people or parties.
- (9) Play games.
- (10) Play music, audio, or video.
- (11) Make or display images.
- (12) Transfer images, sound, text or messages.
- (13) Provide a function which can distract a Driver.

Exceptions: Any device specifically authorized to be used while a Driver is driving a Vehicle by a Rule is NOT an Electronic Communication Device. A GPS is NOT an Electronic Communication Device as long as the Vehicle is legally standing or parked while the Driver is inputting or transmitting data.

**Electronic Trip Record System** is the hardware and software that collects and stores the data that must be recorded for each passenger trip.

**Escrow Amount** is the amount for which an escrow account is required to be established in order to satisfy one or more Excess Claims.

**Excess Claim** is a tort claim asserted against the Owner of a Taxicab Medallion for more than the amount of insurance covering the Taxicab at the time the claim arose.

**Exclusive Listing** means that the Broker has been given the right to be the only Broker for a particular transaction. Usually the right will be limited to a specific period of time.

**Fair Market Value** in reference to the transfer of a Taxicab Medallion is the average value of arms-length transactions for similar Medallions during the prior calendar month, as determined by the Commission.

**Finding of Public Need** is a determination that a CommuterVan Service being proposed will be required either now or in the future for the convenience and necessity of the public.

**Feed Line** is the line of Taxicabs that feeds into the specific pick-up location to pick up a Passenger.

**Fit to Hold a License** means that the Applicant or Licensee is qualified (“fit”) to assume the duties and obligations of the particular TLC Licensee and meets and will continue to

meet the qualifications for licensure established by applicable Rule or law, and that a Licensee or Applicant for a License will comply and continue to meet such qualifications and comply with such applicable Rule or law.

**Flat Rate** is a definite dollar amount that will be charged to a Taxicab passenger for a specific trip, and is fixed before the trip begins (*NOTE: “double the Taximeter” is not a Flat Rate*)

**Fleet** is a Business Entity organized for the purpose of owning or operating Taxicabs that meets the following requirements:

- (1) Controls a minimum of 25 Taxicabs
- (2) has a single business location that is adequate for the storage, maintenance, repair and dispatch of the Fleet Taxicabs and the storage and maintenance of records
- (3) operates with a dispatcher on the premises at least 18 hours every day, who assigns Drivers to Fleet Taxicabs.

**For-Hire Base (or “Base”)** is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:

- A Black Car Base,
- A Livery Base (or Base Station),
- A Luxury Limousine Base.

**For-Hire Driver** is the Driver of a For-Hire Vehicle.

**For-Hire Vehicle** is a motor Vehicle licensed by the Commission to carry Passengers for-hire in the City, which:

- (1) Has a seating capacity of 20 or fewer Passengers
- (2) Has three or more doors;
- (3) Is not a Taxicab, a Commuter Van, or an authorized bus as defined by NYS law.

**GPS** means a device using a global positioning navigation system to which all of the following apply:

- (1) The GPS uses a voice function to convey directions.
- (2) The Driver does not input or transmit data unless legally standing or parked.
- (3) The GPS transmits only geographical direction information.
- (4) Except for the transmission of geographical direction information, the GPS cannot be used as an Electronic Communication Device in any other way.

(Note: A GPS which a Driver is operating by inputting or transmitting data while the Vehicle is not legally standing or parked is an Electronic Communication Device).

**Government** means the United States, any state or territory, or any political subdivision of a state or territory.

**Group Ride Program** is a program established by the Commission for the transportation of more than one Passenger from a common location to destinations within a specified common geographic area.

**Hack-up** means to outfit a vehicle as a Medallion Taxicab and obtain approval from the Commission for that vehicle to serve as a Taxicab for the first time.

**Hearing** is the presentation and consideration of evidence before an Administrative Law Judge.

**Hearing Officer** is the Administrative Law Judge who presides over a hearing.

**Hybrid Electric Vehicle** is a commercially available, mass-produced vehicle originally equipped by the manufacturer with a combustion engine system and an electric propulsion system that operate in an integrated manner.

**Independent Medallion is** a class of Medallion Taxicab License, the owner of which may only own one Medallion.

**Inquest** is the presentation and consideration of evidence at a Hearing before an ALJ, when the Respondent has failed to appear.

**Issuing Jurisdiction** is a county within New York State contiguous to New York City that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.

**Legatee** means someone to whom the proceeds of an estate are to be distributed.

**License** is the formal approval given by the Commission certifying that a Driver, Owner, Vehicle, Base Station or other service, business or equipment has met the relevant criteria and is now qualified to operate under the supervision of the Commission. An Authorization is a License.

**Licensed Taxicab.** See “Taxicab” (*The terms “Medallion Taxicab,” “Licensed Medallion Taxicab,” and “Taxicab” mean the same thing, and may be used interchangeably.*)

**Licensee** is an individual or Business Entity that has been issued a License by the Commission, and shall include Licensees whose Licenses have been suspended unless the context of these rules clearly dictate otherwise.

**Limited Business Entity Persons** are all Business Entity Persons *except* shareholders holding *less than* 10% of the stock of the Business Entity.

**Livery** is a For-Hire Vehicle that is affiliated with a Livery Base Station..

**Livery Base Station (“Base” or “Base Station”)** is a For-Hire Base that operates as follows:

- (1) All Livery Vehicles are dispatched from the Base on a pre-arranged basis.
- (2) All Livery Vehicles are designed to carry fewer than six (6) Passengers
- (3) Passengers are charged for service on the basis of a flat rate, time, mileage, or zones .

**Long-Haul**, as used at certain transportation terminals, means that Taxicabs in the Feed Line designated as a “Long Haul” line must only accept customers who are requesting trips of at least a certain distance or time.

**Long-Term Driver** is a Licensed Medallion Taxicab Driver who meets all of the following conditions:

- (1) Personally drives the Taxicab at an annual rate of at least 160 hours per month;
- (2) Is named on the rate card (is a Named Driver)
- (3) Owns the Medallion or is leasing the Medallion for a term of no less than five months; and
- (4) Is a Long-Term Driver on no more than one Taxicab.

**Lot** is one or more Medallions being sold in a single unit. *See Chapter 15, Medallion Sales.*

**A Luxury Limousine** is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.

**A Luxury Limousine Base** is a For-Hire Base that operates as follows:

- (1) All Luxury Limousines are dispatched from the Base by pre-arrangement;
- (2) Luxury Limousine Vehicles have a seating capacity of 20 or fewer Passengers;
- (3) More than ninety percent (90%) of its business is on a payment basis other than direct cash payment by a Passenger.
- (4) Passengers are charged “garage to garage” service on the basis of a flat rate, time or mileage.

**Mailing address** is the address designated by the Licensee where Licensee will receive all notices, correspondence and service of summons sent by the Commission; specific requirements are noted as applicable in Chapter definitions.

**Mandatory Revocation** is the imposition of the penalty of revocation when a Rule specifies that revocation must be imposed.

**Manufacturer’s Representative.** An individual or Business Entity appointed by a Taximeter Manufacturer to hold a License on behalf of that manufacturer and to carry out that manufacturer’s duties and responsibilities as a Licensee under this chapter.

**Market Value** in reference to the transfer of a Taxicab Medallion will be the greater of: (i) the actual consideration being paid for the transfer; or (ii) the Fair Market Value.

**Maximum Escrow Amount** means:

- (1) the Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by the Medallion and the Transfer costs  
PLUS
- (2) the value of any proceeds of any refinancing received by the Owner which was not used to reduce any previously existing debt or liens secured by the Medallion following the date of an occurrence of an alleged tort involving the Taxicab which tort gives rise to a potential Excess Claim.

**Medallion** is the numbered plate originally issued by the Commission and affixed to the outside of a Taxicab as physical evidence that the Taxicab has been licensed to operate as a Medallion Taxicab.

**Medallion Taxicab.** See “Taxicab”. (*The terms “Medallion Taxicab,” “Licensed Taxicab,” and “Taxicab” mean the same thing, and may be used interchangeably.*)

**Merchant** means an individual or Business Entity who holds a Commission License and who has agreed to do the following:

- (1) Facilitate contracts between Taxicab Technology Service Providers and Commission-approved banks, and
- (2) Contract to provide credit/debit card services for in-cab payment of Taxicab fares.

**Minifleet** is a Business Entity licensed by the Commission to own and operate two or more taxicabs; Minifleets often contract with a Fleet for the daily storage and dispatch of its Taxicabs.

**Minifleet Medallion** means a Medallion Taxicab License that is classified and must be owned in groups of at least two.

**MTA Tax** is the 50 cent tax on taxicab trips imposed by Article 29-A of the NYS Tax Law.

**Named Drivers** is a term indicating that only the Drivers specifically named on the Rate Card are allowed to drive the Taxicab.

**New Rules** means Title 35 of the Rules of the City of New York and any amendments that become effective on and after the Activation Date.

**Notice of Seizure** is a document served upon and mailed to an owner of a vehicle that has been seized and removed to a secure facility.

**NYC (or “the City”)** means New York City.

**NYS** means New York State.

**Official Bus Route** means the route, including all stops, traveled upon by a bus line that is operated by:

- (1) The New York City Transit Authority
- (2) The City of New York, or
- (3) A private bus company that is regulated or franchised by local law or Charter provision in accordance with section 80(4) of the Transportation Law.

**OATH** is the New York City Office of Administrative Trials and Hearings

**OATH ALJ** is an administrative law judge appointed by OATH.

**Old Rules** means Title 35 of the Rules of the City of New York as in effect before the Activation Date.

**Owner** means the legal owner and is further defined in each relevant Chapter.

**Owner-Must-Drive Rule** is a requirement that an owner of an Independent Medallion must personally drive at least 210 nine-hour shifts in every calendar year.

**Paratransit Base or Base Station** is the facility from which a paratransit service operates a transportation service for Persons with Disabilities, including all ambulette services.

**Paratransit Disability** is a physical or mental impairment, including a mobility impairment which requires the use of a wheelchair, three-wheeled motorized scooter or other mobility aid, or prevents a person from boarding, riding or disembarking from a vehicle without the assistance of a wheelchair lift or other boarding assistance device.

**Paratransit Vehicle** (also know as a wheelchair accessible van) is any motor vehicle, equipped with a hydraulic lift or ramp(s) designed for the purpose of transporting persons who use wheelchairs or containing any other physical devices designed to permit access to and the transportation of a person with a Paratransit Disability

**Passenger** means a person riding in a Vehicle, other than the Driver

**Passenger Manifest** is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.

**Penalty Point** is a non-monetary penalty assessed against either a Base Owner or the Owner of a For-Hire Vehicle if they are convicted of certain violations of these Rules.

**Persistent Violator Program** establishes additional penalties for Drivers who repeatedly violate these Commission Rules within a certain amount of time. Persistent Violator penalties are determined based on points accrued as part of the penalties established by these Rules.

**Persons with a Disability (or People with Disabilities)** means an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a Service Animal, but who can transfer from such a mobility aid to a Taxicab, For-Hire Vehicle or Commuter Van with or without reasonable assistance.

**Personal Use—Off Duty** is the designation made when a Driver is no longer operating the Taxicab for hire and is usually for a longer period than Relief Time.

**Petition** is a request or application for the Commission to adopt a rule.

**Prior Claim Letter** is a Claim Letter received by the Commission prior to February 1, 2009.

**Qualified Jurisdiction** is an Issuing Jurisdiction that meets the requirements for reciprocity described in section 498 of the NYS Vehicle and Traffic Law.

**Qualified Vehicle License (or “QVL”)** is the license issued by a Qualified Jurisdiction to that jurisdiction’s vehicles authorizing them to provide pre-arranged, for-hire transportation within its boundaries.

**Qualified Driver’s License (or “QDL”)** is a license issued by a Qualified Jurisdiction to that jurisdiction’s drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its boundaries.

**Rate Card** is a card issued by the Commission for each Medallion Taxicab, which displays the Taxicab Medallion number, Rates of Fare, and such other data as the Commission may require.

**Rate Schedule** is the Commission-approved listing of the manner in which and the amount of fare a Commission service is permitted to charge a passenger.

**Rates of Fare** is a listing of the manner and amount of fares Medallion Taxicab Drivers may charge passengers, as established by the Commission.

**Reciprocity (or Reciprocal Recognition)** means that:

- (1) New York City For-Hire Vehicles and Drivers can pick up or drop off Passengers in a Qualified Jurisdiction for trips ending or beginning in NYC, and
- (2) Vehicles and drivers that are licensed to perform for-hire transportation by a Qualified Jurisdiction can pick up or drop off Passengers in NYC for trips ending or beginning in a Qualified Jurisdiction.

**Recommended Decision.** A Recommended Decision is a decision made by an ALJ (or by OATH) following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.

**Relief or Relief Time** is a limited period of time when a Driver is off duty to fulfill personal needs.

**Representative** is a non-attorney authorized by the Commission to represent Respondents before the Commission's Adjudications Tribunal.

**Reserve Status Bids** are the highest ten percent of the non-winning bids in each category, unless the Chairperson determines that a greater number of non-winning bids will receive Reserve Status and sets a higher qualifying percentage. A bid holding Reserve Status is a Reserve Status Bid and is converted to a winning bid when a winning Bidder fails to comply with the Closing Deadlines established in these Rules.

**Respondent** is an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being not Fit to Hold a License.

**Restricted Medallion** is a Medallion restricted to use with a particular type of vehicle, such as either an Accessible Medallion or an Alternative Fuel Medallion;

**Roof Light** is a light attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying information.

**Rule(s)** refers to any rule adopted by the Commission, or this set of Rules that comprises Title 35 of the Rules of the City of New York.

**Safety and Emissions Inspection** means the required vehicle inspections conducted at the Commission's inspection facility.

**Scheduled Retirement Date** is the date on which a Taxicab must be retired from service, as determined in section 17-18 of these rules, unless extended as provided in section 17-19 of these rules.

**Seal** means a prophylactic device, approved by the Commission, that is used on a Taximeter, wire, wiring mechanism, gear or other device, so that no adjustment, repair, alteration or replacement can be made without removing or mutilating the Seal or Seals.

**Seating Capacity** means the maximum number of adult passengers a vehicle is intended to carry according to the manufacturer's specifications.

**Secondary Owner** is an individual or Business Entity that has a lien or mortgage or any other type of legal interest in a Vehicle.

**Secured Lender Escrow Amount** means the Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by Medallion and the Transfer Costs.

**Secured Lender Recipient** means a secured creditor seeking to repossess or foreclose upon a Taxicab Medallion in order to realize the value of its secured interest, but *not* applying to operate the Taxicab Medallion and not eligible to be considered a Transferee, provided the Secured Lender Recipient places the Medallion in storage as required in §8-45(c) of this Chapter.

**Service Animal** means a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

**Short Haul**, as used at certain transportation terminals, means that Taxicabs in the Feed Line designated as a "Short Haul" line must only accept customers who are requesting trips of less than a certain distance or time.

**Stand-By Vehicle** means any vehicle licensed by the Commission to be used by a Fleet as a replacement for a Licensed Taxicab that is temporarily out of service.

**Stop-Use Directive** is a notice sent to an Owner by the Commission directing the Owner to stop using a designated Agent because that Agent's License has been revoked or suspended.

**Substantial Interest in Taxicab Medallions** means direct or indirect ownership of four or more Medallions that can result from one or more of the following:

- (1) Ownership of 25 percent or more of the stock in one or more corporations that own Medallions
- (2) Ownership of 25 percent or more of the membership interests in one or more limited liability companies that own Medallions
- (3) A partnership interest in one or more partnerships that own Medallions

- (4) Being an officer in one or more corporations that, in the aggregate, have a direct or indirect equity interest in four or more Medallions.

**Summary Suspension** means that a Licensee's License is suspended *before* a hearing is held on the violation.

**Taxi Stand** is a place where Taxicabs are authorized (either by NYC Department of Transportation or a transportation terminal operator) to line up and wait for customers.

**Taxicab** means a motor vehicle, yellow in color, bearing a Medallion indicating that it is licensed by the Commission to carry up to five passengers for hire and authorized to accept hails from persons in the street. *(The terms "Medallion Taxicab," "Licensed Taxicab," and "Taxicab" mean the same thing, and may be used interchangeably.)*

**Taxicab Candidate** is a vehicle being considered for use as a Taxicab Model.

**Taxicab Driver's License** means the authority granted by the Commission to an individual to drive a Taxicab in the City of New York.

**Taxicab License** is the authority granted by the Commission for an Applicant to own and operate a designated vehicle as a Taxicab within the Commission's jurisdiction, as evidenced by the Medallion affixed to the hood of the vehicle.

**Taxicab Model** is a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in §17-05, §17-05.1 or §17-05.2 of these Rules.

**Taxicab Technology Service Provider (or T-PEP Provider)** means a vendor who has contracted with the Commission to install and maintain the Taxicab Technology System in Taxicabs.

**Taxicab Technology System (or T-PEP)** means the hardware and software that provides the following four core services:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip data collection and transmission; and
- (4) Data transmission by means of the passenger information monitor.

**Taximeter** is an instrument or device approved by the Commission that automatically calculates and plainly indicates the charge to a passenger for hire of a Taxicab.

**Taximeter Business** is a business licensed by the Commission that sells new or used Taximeter equipment or installs, repairs, adjusts, tests, seals, or calibrates Taximeters and/or Taxicab Roof Lights.

**Taximeter Manufacturer** means an entity licensed by the Commission that manufactures Taximeters ; only Taximeters made by a licensed Taximeter Manufacturer may be installed or used in Taxicabs.

**Taxpayer** is a person or Business Entity required to pay the MTA Tax.

**Tort Letter** is a statement from the insurer of a Taxicab stating whether or not the insurer is aware of any Excess Claims against the Taxicab Medallion or its Owner.

**Transfer** means the transfer of all or any portion of a Medallion ownership interest, including the transfer of interests in a Business Entity owning Medallions.

**Transferee** is an Applicant seeking approval from or approved by the Chairperson to own and operate a Medallion Taxicab in which Applicant is acquiring or has acquired an interest, either directly or indirectly, through a transfer described in section 8-42 of these Rules.

**Transfer Costs** means the administrative costs involved in processing a transfer of ownership of a Taxicab Medallion, including the costs of any foreclosure or similar action and any outstanding fines or fees owed to the Commission or the Parking Violations Bureau.

**Transferor** is the Owner of an interest in a Taxicab Medallion being transferred.

**Trip Record (or Trip Sheet)** refers to the hand-written or electronic collection of data that is required to be kept for each passenger trip.

**Unlicensed Activity** is the provision or advertising of any Commission-regulated for-hire transportation service by any (i) Licensee whose License is suspended, revoked, or expired and not yet renewed, or by any (ii) person who does not hold a Valid License or Authorization for the vehicle, for the driver of the vehicle and, if applicable, for the service. Unlicensed Activity includes these activities specified in sections 19-506 and §19-529 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of his or her vehicle.

**Unrestricted Medallion** is a Medallion Taxicab License that is not restricted to use with a particular type of vehicle such as a Clean Air vehicle or an Accessible vehicle.

**USPS** is the United States Postal Service

**Unspecified Driver** is a term that is entered on a Rate Card indicating that the Taxicab can be driven by any Licensed Taxicab Driver whose name (or category) has been filed with the Commission by the Owner of that Taxicab.

**Use an Electronic Communication Device (or Using an Electronic Communication Device)** means to:

Operate any function of an Electronic Communication Device in any way,  
or  
Have a device permitting hands-free operation of an Electronic  
Communication Device in or near the ear.

**Valid** means a license or other document which is not expired, suspended, revoked, conditional or restricted as to its use by the Commission, the New York State Department of Motor Vehicles or an agency of another state which licenses vehicles and drivers of vehicles or issues violations of traffic laws or regulations.

**Valid Claim Letter** is a Claim Letter which is not a Prior Claim Letter, and which:

- (1) Is dated no more than one year prior to the date documentation is submitted to the Chairperson for a proposed transfer of a Taxicab Medallion;
- (2) Sets forth a minimum claim in an amount sufficient to be an “Excess Claim”;
- (3) Includes a copy of the police report regarding the incident in question; and
- (4) Includes a representation by the sender that the party against which the Excess Claim has been asserted has been provided with a copy of the Claim Letter.

**Vehicle** is a motor vehicle licensed by the Commission for the purpose of providing for hire transportation.

**Vehicle Owner** means the individual or Business Entity in whose name is Vehicle is registered and in whose name the Vehicle License is issued, as further specified in these Rules.

**Weapon** is any firearm (as defined in the New York State Penal Law) for which a license has not been issued as provided in the New York State Penal Law and the Administrative Code of the City of New York, electronic dartgun, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sandstick, slingshot, pilum ballistic knife, sand bag, sand club, wrist brace type slingshot, shirken, kung fu star, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other instrument or thing whether real or simulated, and capable of inflicting or threatening bodily harm, including but not limited to any other weapons, the possession of which is prohibited pursuant to the New York State Penal Law.

**Wheelchair Passenger** is a Passenger using a wheelchair.

**Wiring Harness** means any wire or collection of wires that is connected in any manner to a Taximeter or that in any way affects the operation of a Taximeter.



## **Statement of Basis and Purpose of Rules**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consisted of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules were redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter was revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings were held separately from monthly stated Commission meetings.

When this process had been completed for all TLC rules, the complete set of rules was presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. Following promulgation of these rules, the rules will become effective and the repeal of the current rules will occur on January 1, 2011.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules promulgated here are as follows:

| Current Rule Chapters revised in this rule-making | Proposed Rule Chapters |
|---|------------------------|
| All chapters (definitions)                        | Chapter 1, Definitions |

The rules promulgated here are intended to consolidate in one place definitions used throughout the TLC’s new rule book.

## **Supplemental Statement**

A public hearing on these proposed rules was held on April 30, 2010. Following that hearing the TLC voted at a public meeting on May 20, 2010, to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having been conditionally approved by the TLC, the 19 chapters were re-published for additional public comment and final approval by the TLC which occurred on July 15, 2010.

After the conditional TLC approval of this rules chapter, the following additional substantive change has been made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- The Activation Date has been reset to reflect staff expectations of when activation and implementation of the revised rule book is likely to occur.
- References to the Accessible Dispatch program, which is being discontinued, were eliminated; Chapter 3, which was conditionally approved by the Commission, will not be submitted for final approval or promulgation.