

**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 governing commuter van owners and services.**

These rules are proposed 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 September 11, 2009 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 11 thereto, to read as follows:

New Material is underlined.

**Chapter 11**  
**Commuter Van**  
**Vehicles and Owners**

**Sub-chapter 11A**

**Commuter-Van  
Vehicle Owners**

**Sub-chapter 11B**

**Commuter-Van  
Service Owners**

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**§11A-01      Scope of this Sub-chapter**

- (a) To establish the procedures and requirements for obtaining and maintaining a Commuter-Van Vehicle Owner's License.
- (b) To provide penalties for violation of the requirements of maintaining a Commuter-Van Vehicle Owner's License.
- (c) All Rules in this sub-chapter apply to the Commuter-Van Vehicle Owner, and the penalties included will be assessed against the Commuter-Van Vehicle Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

**§11A-02      Penalties**

- (a) Unlicensed Activity.
  - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
    - (i) Any Licensee whose License is suspended, revoked, expired and not yet renewed, or
    - (ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
  - (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (c) Payment of Fines.
  - (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
  - (2) If the fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

- (3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.
- (d) Effect of Suspension or Revocation of Service Authorization on Affiliated Commuter-Van Vehicle Owners.
- (1) Any Vehicle affiliated with a Commuter-Van Service whose Authorization has been suspended or revoked will have its License suspended or revoked if the suspension or revocation was based in whole or in part on the actions of the Commuter-Van Vehicle.
- (2) If the suspension or revocation was *not* based on the actions of the Commuter-Van Vehicle, the Vehicle's License will remain Valid. However, the Vehicle must not operate until it has formed an affiliation with another authorized Commuter-Van Service.
- (e) Mandatory Penalties.

§	Violation	Cumulative Criteria	Penalty, after opportunity for Hearing
11A-11(b)	Failure to maintain proper insurance	Failure to maintain the required liability insurance three or more times within one year	Revocation of Vehicle License
11A-26	Failure to comply with safety inspection requirements	Operating without complying with any safety inspection requirement three or more times within one year.	Revocation of Vehicle License

**§11A-03 Definitions Specific to this Sub-chapter**

- (a) Applicant in this Sub-chapter means an Applicant for an original or renewal Commuter-Van Vehicle License.
- (b) Authorization means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission.
- (c) Driver in this Sub-chapter refers to a Commuter-Van Vehicle Driver.
- (d) License in this Sub-chapter means a Commuter-Van Vehicle License.
- (e) Official Bus Route in this Sub-chapter 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 has been approved by local law or Charter provision enacted in accordance with §80-4 of the Transportation Law.
- (f) Owner in this Sub-chapter refers to a Commuter-Van Vehicle Owner and, in addition to complete ownership of the Vehicle, includes those individuals or entities with the following ownership interests:
  - (1) Entitlement to the use and possession of a Vehicle subject to a security interest held by another, regardless of the terms of the contract. (Owner does NOT include any party with a security interest in a Vehicle that is not in that party's possession.)
  - (2) The right, by any lessee or bailee, to exclusive use of the Vehicle for more than 30 days.
- (g) Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.
- (h) Vehicle, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

**§11A-04     Licensing – General Requirements**

- (a) Reserved. [ID]
- (b) Reserved. [Age]
- (c) Fingerprinting to Verify Good Moral Character.
  - (1) An Applicant for a Commuter-Van License must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.
  - (2) Fingerprints will be taken of all of the Applicant's Limited Business Entity Persons.
  - (3) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition.
  - (4) Any additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.
  - (5) The Applicant must pay any processing fee required by the State.

- (d) *Fitness to Hold License.* No Commuter-Van License can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is fit, willing, and able to operate a Commuter-Van Vehicle.
- (e) *Designate Drivers as Agents for Service.* An Applicant must agree that any Driver who operates one of Owner's Commuter-Van Vehicles will be considered an agent of the Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.
- (f) *Vehicle Liability Insurance.* No Commuter-Van Vehicle License will be issued or renewed unless the Applicant proves that the Vehicle is properly registered and has the insurance coverage required in §11A-11.
- (g) *Forms and Filing.* An application for a Commuter-Van Vehicle License or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.

**§11A-05      Licensing – Term of License**

- (a) *New Licenses.* The term of a new Vehicle License is two years.
- (b) *Renewals.* The renewal term of a Vehicle License is two years from the date on which the previous License expired.

**§11A-06      Licensing – Fees**

- (a) *Fee for License.* The fee for a Commuter-Van Vehicle License will be \$275 annually.
- (b) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.
- (c) *No Refund if Application Denied.*
  - (1) The Commission will not refund the application fee if it denies or disapproves the application.
  - (2) However, if disapproval of the Vehicle License is based on disapproval of the affiliated Commuter-Van Service Authorization, the vehicle application fee will be refunded.
- (d) *License Replacement Fee.* The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

**§11A-07      Licensing – Causes for Denial**

- (a) Material Misrepresentation. The Commission can deny an application if the Applicant has made a material false statement or concealed a material fact relating to the application.
- (b) Conduct Prohibited by Rules. The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the License under the Rules in this sub-chapter.
- (c) Commission's Failure to Approve. Any application that the Commission does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.
- (d) Refusal to Renew. The Commission can refuse to renew a Commuter-Van Vehicle License for additional reasons, including but not limited to:
  - (1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
  - (2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.
  - (4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Vehicle Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Vehicle License.
  - (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Vehicle License.
  - (6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

**§11A-08      Licensing – Transfer of License**

- (a) Not Transferable. A Commuter-Van License is not assignable or transferable.

**§11A-09      RESERVED [Licensing – Care of Licenses]**

**§11A-10      Comply with Laws – No Unlicensed Activity**

- (a) Vehicle Must Be Licensed. A Commuter-Van Vehicle Owner must not allow a vehicle to be operated within the City of New York as a Commuter Van if the vehicle does not have a Valid License from the Commission.

§11A-10(a)	Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months	Appearance REQUIRED
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- (b) Vehicle Must Be Affiliated with Authorized Commuter-Van Service. A Commuter-Van Vehicle Owner must not allow Owner’s Vehicle to be operated within the City of New York unless it is affiliated with a Validly Authorized Commuter-Van Service.

§11A-10(b)	Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months	Appearance REQUIRED
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- (c) Vehicle Must Be Registered and Insured. Failure to comply with the registration or insurance requirements established in this Sub-chapter will create an automatic License suspension as of the date the compliance lapsed, and any operation of the Vehicle during this time will be considered unlicensed activity.

§11A-10(c)	Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months	Appearance REQUIRED
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- (d) Driver Must Be Licensed. The Commuter-Van Vehicle Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle in the operation of a Commuter-Van Service has:

- (1) A Valid driver’s license that qualifies as a Chauffeur’s License, and
- (2) A Valid Commuter-Van Driver’s License.

§11A-10(d)	Fine: \$300 and suspension of Commuter-Van license until compliance	Appearance REQUIRED
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- (e) No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service. No person is allowed to operate or to allow anyone else to operate a vehicle bearing the words “Commuter-Van service”, “van service”, “Commuter-Van”, “van” or other similar designation unless:

- (1) The vehicle is a Validly Licensed Commuter Van Vehicle
- (2) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and

(3) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

§11A-10(e)	Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months	Appearance REQUIRED
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(f) Special Procedures Relating to Unlicensed Commuter-Van Operations.

(1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:

(i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or

(ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.

(2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:

(i) Suspend the vehicle’s registration.

(ii) Deny any application for the vehicle’s registration or registration renewal.

(iii) Take any other action permitted under law.

(3) The Commission will also notify the NYS Department of Finance.

**§11A-11 Comply with Laws – Vehicle Insurance Coverage**

(a) Joint Responsibility. The Commuter-Van Vehicle Owner is liable for ensuring that every Commuter-Van Vehicle owned and operated by Owner is in compliance with the insurance requirements set forth in this §11A-11.

§11A-11(a)	Fine: \$300 and/or revocation of Commuter-Van license	Appearance REQUIRED
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(b) Surety Bond or Policy of Insurance. No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Type of Liability	Minimum Coverage Required	
	Commuter-Van for 12 Passengers Or Fewer	Commuter-Van for 13-20 Passengers
• For personal injury or death to one person	\$100,000	\$100,000

• <u>For personal injury or death to one person in one accident</u>	<u>\$300,000</u>	<u>\$500,000</u>
▪ <u>Maximum for each person in one accident</u>	<u>\$100,000</u>	<u>\$100,000</u>
• <u>For property damage</u>	<u>\$50,000</u>	<u>\$50,000</u>

<u>§11A-11(b)</u>	<u>Fine: \$300 and suspension until compliance</u> <u>Three or more violations within one year: License</u> <u>revocation (see Mandatory Penalties §11A-02(d))</u>	<u>Appearance REQUIRED</u>
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- (c) Remain in Effect Until Terminated. Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.
- (d) Conditions for Replacement of Bonds or Insurance. Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:
- (1) The new surety bond or certificate of insurance is acceptable to the Commission.
  - (2) The Commuter-Van Service Owner or an authorized employee of the Commuter-Van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.
  - (3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.
- (e) Provision for Continuing Liability. Every surety bond or certificate of insurance must contain a provision for a continuing liability after a claim has been successfully filed and recovered against the bond or insurance.
- (f) Notice of Cancellation to the Commission.
- (1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.
  - (2) Proper notification must be given on or in the relevant **Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies** or **Form L – Uniform Notice of Cancellation of Motion Carrier Surety Bonds**. Copies of these forms are available at Commission offices.

- (3) If a cancelled insurance policy or bond is reinstated:
  - (i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and
  - (ii) The new certificate must have the relevant phrase “REINSTATEMENT OF INSURANCE POLICY” or “REINSTATEMENT OF BOND” typed or printed on it in capital letters, as shown.
- (g) Forms. Certificates of insurance and other forms necessary for filing can be obtained from the Commission.
- (h) Contract is Required. No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Commuter-Van Vehicle Licensee (or the Authorized Commuter-Van Service) and the insurance or bonding company making the filing.
- (i) Commission’s Right to Refuse. The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

**§11A-12 Comply with Laws – Proper Conduct**

- (a) No Bribery. An Applicant or Licensee must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11A-12(a)	Fine: \$1,000 and/or suspension or revocation	Appearance REQUIRED
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- (b) Report Request for Gift. A Licensee must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11A-12(b)	Fine: \$1,000 and/or suspension or revocation	Appearance REQUIRED
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- (c) No Threat or Use of Physical Force. While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§11A-12(c)	Fine: \$50 – \$350 and/or suspension or revocation	Appearance REQUIRED
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(d) Report Criminal Conviction.

- (1) A Licensee must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Limited Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§11A-12(d)	Fine: \$100	Appearance NOT REQUIRED
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(e) Cooperate with the Commission. A Commuter-Van Vehicle Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§11A-12(e)(1)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
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- (2) Produce or be responsible for instructing the Driver of Owner's Commuter-Van Vehicle to produce any documents required to be kept in the Commuter-Van upon the demand of the Commission or its representatives.

§11A-12(e)(2)	Fine: \$50-\$150	Appearance REQUIRED
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- (3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission.

§11A-12(e)(3)	Fine: \$75-\$350 and/or suspension until compliance	Appearance REQUIRED
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- (4) Aid the Commission to obtain information regarding any Commuter-Van Driver operating a Commuter-Van owned by the Owner.

§11A-12(e)(4)	Fine: \$75-\$350 and/or suspension until compliance	Appearance REQUIRED
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- (5) Respond to any contact from the Commission within 48 hours, seven days a week.

§11A-12(e)(5)	Fine: \$500	Appearance NOT REQUIRED
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(f) Reserved. No Willful Acts of Omission.

(g) Reserved. No Willful Acts of Commission.

**§11A-13 Comply with Laws – Miscellaneous**

(a) Commission Rules. The following actions can result in suspension or revocation of an Owner’s Commuter-Van Service Authorization:

- (1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Vehicles or Service in Chapter 5, Title 19 of the Administrative Code.
- (2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.
- (3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.
- (4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner’s fitness or ability to perform the functions required of a Commuter-Van Service Owner.
- (5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Vehicle Owners.
- (6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

(b) Workers Compensation. A Commuter-Van Vehicle Owner must comply with all provisions of the NYS Workers’ Compensation Law and regulations with respect to coverage of and benefits to eligible persons.

§11A-13(b)	<u>Fine: \$25 for each day of non-compliance, and either suspension until compliance or license revocation.</u>	<u>Appearance REQUIRED</u>
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(c) Disability Laws. The Commuter-Van Vehicle Owner must ensure that all new Commuter-Van Vehicles comply with the applicable provisions of law regarding accessibility to Persons with Disabilities.

§11A-13(c)	<u>Fine: \$200-\$350</u>	<u>Appearance REQUIRED</u>
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- (d) Motor Vehicle Registration Laws. A Commuter-Van Vehicle Owner must ensure that no Commuter-Van Vehicle is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§11A-13(d)	<u>Fine: \$300 and suspension of the Commuter-Van license until compliance</u>	<u>Appearance REQUIRED</u>
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**§11A-14     RESERVED [Operations – Business Premises]**

**§11A-15     RESERVED [Operations – Management Oversight (Use of Agents)]**

**§11A-16     Operations – Service Requirements (Passengers)**

- (a) No Pick-Ups Outside Authorized Area. No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Commuter-Van Service Owner’s Authorization.
- (b) No Pick-Ups Along Bus Routes.
- (1) Restriction. No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers along any Official Bus Route.
- (2) Grandfathered Exception.
- (i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area.
- (ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

§11A-16(a), (b)	<u>Fine: \$75</u>	<u>Appearance NOT REQUIRED</u>
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- (c) Service Must Be Pre-Arranged. No Commuter-Van Vehicle Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§11A-16(c)	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (d) Multiple Person Liability. The Commuter-Van Vehicle Owner is liable for violating this §11A-16 even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

**§11A-17      Operations – Responsibility with Respect to Drivers**

- (a) Prohibit Disability Discrimination by Drivers. A Vehicle Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:
  - (1) Refusing to serve Persons with Disabilities,
  - (2) Refusing to load and unload the mobility aids of Persons with Disabilities, and
  - (3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.
  
- (b) Multiple Person Liability. The Commuter-Van Vehicle Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§11A-17	Fine: \$200-\$350	Appearance REQUIRED
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**§11A-18      Records – Trip Record Information**

- (a) Commuter-Van Service. The Vehicle Owner is responsible for ensuring that the following records are kept for all dispatched calls:
    - (1) The Passenger Manifest
- |               |            |                         |
|---------------|------------|-------------------------|
| §11A-18(a)(1) | Fine: \$50 | Appearance NOT REQUIRED |
|---------------|------------|-------------------------|
- (2) Records of requests for service and trips
- |               |             |                         |
|---------------|-------------|-------------------------|
| §11A-18(a)(2) | Fine: \$100 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|
- (3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11A-18(a)(3)	Fine: \$300	Appearance NOT REQUIRED
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**§11A-19      Records – Current Contact Information**

- (a) Current Phone Number for Immediate Access. A Commuter-Van Vehicle Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact

that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

§11A-19(a)	Fine: \$100	Appearance NOT REQUIRED
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**§11A-20      RESERVED [Records – Additional Records to be Maintained]**

**§11A-21      RESERVED [Reporting Requirements]**

**§11A-22      RESERVED [Operations – Rates and Tolls]**

**§11A-23      RESERVED [Operations – E-ZPass]**

**§11A-24      Operations – Miscellaneous**

- (a) Advertising Must State Commission Licensed and Authorized. No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§11A-24(a)	Fine: \$50	Appearance NOT REQUIRED
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**§11A-25      Vehicle Condition – Inspections**

- (a) Inspection by NYS Department of Transportation. A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation. Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in §80-5.a.(1).

§11A-25(a)	Fine: \$300	Appearance NOT REQUIRED
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- (b) Display Inspection Certificate. All Commuter-Van Vehicles must display the inspection certificate.

§11A-25(b)	Fine: \$100	Appearance NOT REQUIRED
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**§11A-26      Vehicle Condition – Meets Safety Standards**

- (a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§11A-26(a)	Fine: \$100-\$500 and/or suspension or revocation of Commuter-Van License Three or more violations within one year: License	Appearance REQUIRED
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	revocation (see Mandatory Penalties §11A-02(d))	
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**§11A-27      Vehicles – Markings and Displays**

(a) Required Exterior ID Markings. All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the Vehicle in letters at least 3 inches in height:

- (1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;
- (2) The Commuter-Van Vehicle Owner’s exact name next to the word OWNER; and
- (3) A Vehicle License number.

§11A-27(a)	Fine: \$50	Appearance NOT REQUIRED
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(b) Required Interior ID Markings.

- (1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.
- (2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling “311” or through the Commission’s website: <http://nyc.gov/taxi>.

§11A-27(b)	Fine: \$50	Appearance NOT REQUIRED
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(c) Valid Commission Decal.

- (1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.
- (2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:
  - (i) The lower right corner of the front windshield
  - (ii) The center of the rear window
  - (iii) One on each of the rear-most side windows

§11A-27(c)	First violation in a 1-month period: \$500 Second and subsequent violations within a 12-month period: \$1,000 and suspension of the Commuter-Van	Appearance NOT REQUIRED
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	<u>License until compliance</u>	
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- (d) Vehicle Cannot Be Yellow. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

<u>§11A-27(d)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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**§11A-28     Vehicles – Items Required to be in the Vehicle**

- (a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:

- (1) The Commuter-Van Vehicle License;
- (2) The Driver’s Commuter-Van Driver’s License;
- (3) The Authorization to operate a Commuter-Van Service, or a legible photocopy;
- (4) The Vehicle registration and evidence of current liability insurance; and
- (5) A Passenger Manifest.

<u>§11A-28(a)</u>	<u>Fine: \$25 per missing item; maximum penalty \$50</u>	<u>Appearance NOT REQUIRED</u>
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**§11A-29     Vehicle Equipment**

- (a) Two-Way Radio. A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

<u>§11A-29(a)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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**§11B-01     Scope of this Sub-chapter**

- (a) To establish the procedures and requirements for obtaining and maintaining Authorization for a Commuter-Van Service.
- (b) To provide penalties for violation of the requirements of maintaining Authorization for a Commuter-Van Service.
- (c) The Rules in this sub-chapter apply, primarily, to the Commuter-Van Service Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

**§11B-02 Penalties**

(a) Unlicensed Activity.

- (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
  - (i) Any Licensee or holder of an Authorization whose License or Authorization is suspended, revoked, or expired and not yet renewed, or
  - (ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, or for the for hire vehicle, or for the for hire service, as applicable.

(b) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
- (2) If fines are not paid by the close of business on the date due, the violator’s License or Authorization will be suspended until the fine is paid.
- (3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

(d) Mandatory Penalties.

- (1) The following cumulative violations will result in mandatory revocation:

<u>§</u>	<u>Violation</u>	<u>Cumulative Criteria</u>	<u>Penalty, after opportunity for Hearing</u>
11B-11(b)	Failure to maintain proper insurance	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Revocation of Service Authorization
11B-26	Failure to comply with any safety inspection requirement	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Revocation of Service Authorization
11B-10(a)	Operating a Vehicle without a Commuter-Van Drivers License	Any Driver driving for the Service commits three or more violations within six months	Revocation of Service Authorization
11B-	Drivers operating a	The number of violations is equal to 90%	Revocation of

10(c)	vehicle without any one of the licenses necessary to operate a Commuter Van	(rounded up) of the Service's Vehicles, or 5, whichever is greater.	Service Authorization
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- (2) A Service that has had its Authorization revoked under any of these mandatory penalties is not permitted to apply for a new Authorization for a period of six months after the date of revocation.

**§11B-03 Definitions Specific to this Sub-chapter**

- (a) Applicant in this Sub-chapter means an applicant for an original Commuter-Van Service Authorization or its renewal.
- (b) Authorization means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission. An Authorization is a License.
- (c) Business Entity is a sole proprietorship, partnership or corporation.
- (d) Driver in this Sub-chapter refers to a Commuter-Van Vehicle Driver.
- (e) Finding of Public Need means a determination that a Commuter-Van Service being proposed will be required either now or in the future for the convenience and necessity of the public.
- (f) Limited Business Entity Persons are all Business Entity Persons except shareholders holding less than 10% of the stock of the Business Entity.
- (g) New York City will be abbreviated NYC or the City.
- (h) New York State will be abbreviated NYS.
- (i) Official Bus Route in this Sub-chapter 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 has been approved by local law or Charter provision enacted in accordance with §80-4 of the Transportation Law.
- (j) Owner, when used alone in this Sub-chapter, means a Commuter-Van Service Owner.
- (k) Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.

- (l) Vehicle, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

**§11B-04      Authorization – Requirements**

- (a) Reserved. [ID]
- (b) Reserved. [Age]
- (c) Fingerprinting to Verify Good Moral Character.
- (1) An Applicant for a new Service Authorization must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.
- (2) An Applicant for a renewal of a Service Authorization must be fingerprinted when a new Finding of Public Need is also required.
- (3) Fingerprints will be taken of all of the Applicant’s Limited Business Entity Persons.
- (4) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission’s approval within five days of the change or addition, and those additional Limited Business Entity Persons must be fingerprinted either before or during the Commission’s approval process.
- (5) The Applicant must pay any processing fee required by the State.
- (d) Fitness to Hold Authorization. No Commuter-Van Service Authorization can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is fit, willing, and able to operate a Commuter-Van Service.
- (e) Designate Driver as Agent for Service. An Applicant must agree that any Commuter-Van Driver who drives for Owner’s Commuter-Van Service will be considered an agent of the Service Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.
- (f) Forms and Filing. An application for a Commuter-Van Service Authorization or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.
- (g) Certification of Compliance with ADA. An applicant for an Authorization to operate a Commuter-Van Service or its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with Title III of the

Federal Americans With Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(h) Certification of Compliance with Federal Omnibus Testing Act. An Applicant for an Authorization to operate a Commuter-Van Service or for its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with all applicable provisions of section 5 of the Federal Omnibus Transportation Testing Act of 1991 (49 U.S.C. App. Section 2717), as amended, and all regulations relating to the Act.

(i) A “Finding of Public Need”.

(1) The Commission cannot issue an Authorization to operate a Commuter-Van Service unless the NYC Commissioner of Transportation makes a Finding of Public Need.

(2) Role of the Commission:

(i) The Commission will forward any new application for Authorization to operate a Commuter-Van Service (or a renewal application that requires a new Finding of Public Need) to the NYC Commissioner of Transportation.

(ii) The application must include the following information:

A. The geographic area proposed to be served by the Applicant;

B. The maximum number of vehicles to be operated; and

C. The capacity of each vehicle.

(iii) The Applicant has the burden of demonstrating that the proposed service will be required now or in the future for the convenience and necessity of the public.

(3) Role of the NYC Commissioner of Transportation.

(i) The Commissioner of Transportation can request that the Applicant provide any additional information relevant to his or her determination.

(ii) The Commissioner of Transportation must:

A. Consult with the NYS Department of Transportation,

- B. Provide a notice of the application for publication in the City Record
  - C. Allow for public comment for a period not to exceed 60 days after the date of publication of the notice.
  - D. Notify the New York City Transit Authority and all City Council members and community boards representing any portion of the geographic area set forth in the application.
- (iii) If a city bus line or the New York City Transit Authority initiates a protest by timely submitting objections to the application for a Finding of Public Need, the Commissioner of Transportation will evaluate their objections as follows:
- A. The adequacy of the existing transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and
  - B. The impact that the proposed operation may have on any existing transit or mass transportation facilities.
- (iv) If the Commissioner of Transportation makes a Finding of Public Need, the Finding must specify the geographic area where service is authorized and the number of Commuter-Van Vehicles authorized to be used in providing the service.
- (4) *Term of a Finding of Public Need.*
- (i) A Finding of Public Need will be in effect for six years or until the Authorization granted by the Commission is revoked, whichever comes first.
  - (ii) A Finding of Public Need can be renewed prior to its expiration. If the Finding of Public Need expires, a new determination of public need must be made by the Commissioner of Transportation.

**§11B-05 Authorization – Term of Authorization**

- (a) *New Authorizations.* The term of a new Commuter-Van Service Authorization is two years from the date the Authorization is issued.
- (b) *Renewals.* The renewal term of a Commuter-Van Service Authorization is two years from the date on which the previous Authorization expired.

- (c) No Temporary Authorization. The Commission will not issue a temporary authorization to operate a Commuter-Van Service.

**§11B-06      Authorization – Fees**

- (a) Reserved. [Commuter Service Authorization Fee]
- (b) Authorization Replacement Fee. The fee to replace any lost, damaged or destroyed Authorization is \$25.

**§11B-07      Authorization – Causes for Denial**

- (a) Material Misrepresentation. The Commission can deny an application for Authorization if the Applicant has made a material false statement or concealed a material fact relating to the information required on the application.
- (b) Conduct Prohibited by Rules. The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the Authorization under the Rules in this sub-chapter.
- (c) Prior Unlicensed Activity. The Commission will deny an application for an Authorization if the Applicant has been found guilty of operating a Commuter-Van Service without Authorization two times within a six-month period prior to the date of application.
- (d) Failure to Approve. Any application that the Commission, after consultation with the NYS Department of Transportation, does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.
- (e) Refusal to Renew. The Commission may refuse to renew a Commuter-Van Service Authorization for additional reasons, including but not limited to:
  - (1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
  - (2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.
  - (4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant’s fitness or ability to perform the functions required of a Commuter-Van Service Owner, or has been convicted of any offense

that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Service Authorization.

- (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Service Owners.
- (6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

**§11B-08      Licensing – Transfer of License**

- (a) Not Transferrable or Assignable Without Approval. An authorization to operate a Commuter-Van Service will not be assignable or transferable unless otherwise provided by the Commission.

**§11B-09      Licensing – Care of Licenses**

- (a) If the Authorization for a Commuter-Van Service is lost, damaged, or destroyed, the Owner must provide the Commission with a statement of what happened and any proof that the Commission requires.
- (b) The Commission can issue a duplicate or substitute Authorization upon the Owner’s payment of a \$25 fee.

**§11B-10      Comply with Laws – No Unlicensed Activity**

- (a) Vehicle Must Be Licensed. A Commuter-Van Service Owner must not allow an vehicle to be operated within the City of New York (meaning performing passenger pick-up and drop-off wholly within New York City) if the vehicle does not have a Valid Commuter-Van License from the Commission.

<u>§11B-10(a)</u>	<u>Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months</u>	<u>Appearance REQUIRED</u>
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- (b) Vehicle Must Be Affiliated with Authorized Commuter-Van Service. A Commuter-Van Service Owner must not operate a Commuter-Van Vehicle within the City of New York unless it is affiliated with the Owner’s Commuter-Van Service.

<u>§11B-10(b)</u>	<u>Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months</u> <u>Multiple violations: See Mandatory Penalties (§11B-02(c))</u>	<u>Appearance REQUIRED</u>
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- (c) Driver Must Be Licensed. The Commuter-Van Service Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle affiliated with the Owner’s Service has:

- (1) A Valid driver’s license that qualifies as a Chauffeur’s License, and
- (2) A Valid Commuter-Van Driver’s License.

<u>§11B-10(c)</u>	Fine: \$300 and suspension of Commuter-Van license until compliance <u>Multiple violations: See Mandatory Penalties (§11B-02(c))</u>	<u>Appearance REQUIRED</u>
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(d) No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service.

- (1) No person is allowed to operate or to allow anyone else to operate his or her vehicle bearing the words “Commuter-Van service,” “van service,” “Commuter-Van,” “van” or other similar designation unless:
  - (i) The vehicle is a Validly Licensed Commuter Van Vehicle
  - (ii) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and
  - (iii) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.
- (2) A “License” that has expired and has not yet been renewed is not a “Valid License” and operating with an expired License is considered “unlicensed activity.”

<u>§11B-10(d)</u>	Fine: \$500 – first violation; \$1,000 – subsequent violation within twenty-four months	<u>Appearance REQUIRED</u>
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(e) Special Procedures Relating to Unlicensed Commuter-Van Operations.

- (1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:
  - (i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or
  - (ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.
- (2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:
  - (i) Suspend the vehicle’s registration.

- (ii) Deny any application for the vehicle’s registration or registration renewal.
  - (iii) Take any other action permitted under law.
- (3) The Commission will also notify the NYS Department of Finance.

**§11B-11 Comply with Laws – Insurance Coverage**

- (a) Joint Responsibility. The Commuter-Van Service owner must ensure that no Commuter-Van will be used in the Commuter-Van Service unless such vehicle is in compliance with the insurance requirements set forth in this §11B-11.

<u>§11B-11(a)</u>	<u>Fine: \$300 and/or revocation of Commuter-Van license</u> <u>If each one of a group of at least 30% of the Vehicles affiliated with a Commuter-Van Service fails to maintain liability insurance three times within a 12 month period, the Service’s Authorization will be revoked (§9-14(a)(1))</u>	<u>Appearance REQUIRED</u>
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- (b) Surety Bond or Policy of Insurance. No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

<u>Type of Liability</u>	<u>Minimum Coverage Required</u>	
	<u>Commuter-Van for 12 Passengers or Fewer</u>	<u>Commuter-Van for 13-20 Passengers</u>
• <u>For personal injury or death to one person</u>	<u>\$100,000</u>	<u>\$100,000</u>
• <u>For personal injury or death to one person in one accident</u>	<u>\$300,000</u>	<u>\$500,000</u>
▪ <u>Maximum for each person in one accident</u>	<u>\$100,000</u>	<u>\$100,000</u>
• <u>For property damage</u>	<u>\$50,000</u>	<u>\$50,000</u>

<u>§11B-11(b)</u>	<u>Fine: \$300 and suspension until compliance</u> <u>Multiple violations: See Mandatory Penalties (§11B-02(c))</u>	<u>Appearance REQUIRED</u>
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- (c) Remain in Effect Until Terminated. Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.
- (d) Conditions for Replacement of Bonds or Insurance. Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

- (1) The new surety bond or certificate of insurance is acceptable to the Commission.
  - (2) The Commuter-Van Service Owner or an authorized employee of the van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.
  - (3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.
- (e) Provision for Continuing Liability. Every surety bond or certificate of insurance must contain a provision for a continuing liability even after a claim has been successfully filed and recovered against the bond or insurance.
- (f) Notice of Cancellation to the Commission.
- (1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.
  - (2) Proper notification must be given on or in the relevant **Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies** or **Form L – Uniform Notice of Cancellation of Motion Carrier Surety Bonds**. Copies of these forms are available at Commission offices.
  - (3) If a cancelled insurance policy or bond is reinstated:
    - (i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and
    - (ii) The new certificate must have the relevant phrase “REINSTATEMENT OF INSURANCE POLICY” or “REINSTATEMENT OF BOND” typed or printed on it in capital letters, as shown.
- (g) Forms. Certificates of insurance and other forms necessary for filing can be obtained from the Commission.
- (h) Contract is Required. No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Authorized Commuter-Van Service (or the Commuter-Van Vehicle Licensee) and the insurance or bonding company making the filing.

- (i) Commission’s Right to Refuse. The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

**§11B-12      Comply with Laws – Personal Conduct**

- (a) No Bribery. A Commuter-Van Service Owner must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11B-12(a)	Fine: \$1,000 and/or suspension or revocation	Appearance REQUIRED
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- (b) Report Request for Gift. A Commuter-Van Service Owner must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11B-12(b)	Fine: \$1,000 and/or suspension or revocation	Appearance REQUIRED
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- (c) No Threat or Use of Physical Force. While performing the duties and responsibilities of an Authorized Commuter-Van Service Owner, or any act in connection with those duties, an Owner must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§11B-12(c)	Fine: \$50 – \$350 and/or suspension or revocation	Appearance REQUIRED
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- (d) Report Criminal Conviction.

- (1) A Commuter-Van Service Owner must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or, if the Owner is a Business Entity, of any Limited Business Entity Person.

- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§11B-12(d)	Fine: \$100	Appearance NOT REQUIRED
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- (e) Cooperate with TLC. A Commuter-Van Service Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives;

<u>§11B-12(e)(1)</u>	<u>Fine: \$200 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (2) Produce or be responsible for instructing Drivers working in association with Owner’s Commuter-Van Service to produce any documents required to be kept in the Commuter-Van Vehicle upon the demand of the Commission or its representatives;

<u>§11B-12(e)(2)</u>	<u>Fine: \$50-\$150</u>	<u>Appearance REQUIRED</u>
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- (3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission;

<u>§11B-12(e)(3)</u>	<u>Fine: \$75-\$350 and/or suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (4) Aid the Commission to obtain information regarding any Commuter-Van Driver or Commuter-Van Vehicle affiliated with the Owner’s Commuter-Van Service.

<u>§11B-12(e)(4)</u>	<u>Fine: \$75-\$350 and/or suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (5) Respond to any contact from the Commission within 48 hours, seven days a week.

<u>§11B-12(e)(5)</u>	<u>Fine: \$500</u>	<u>Appearance NOT REQUIRED</u>
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(f) *Reserved. No Willful Acts of Omission.*

(g) *Reserved. No Willful Acts of Commission.*

**§11B-13 Comply with Laws – Miscellaneous**

- (a) Commission Rules. The following actions can result in suspension or revocation of an Owner’s Commuter-Van Service Authorization:

- (1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Service in Chapter 5, Title 19 of the Administrative Code.

- (2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.
  - (4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner’s fitness or ability to perform the functions required of a Commuter-Van Service Owner.
  - (5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Service Owners.
  - (6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.
- (b) Workers Compensation. A Commuter-Van Service Owner must comply with all provisions of the NYS Workers’ Compensation Laws and regulations with respect to coverage of and benefits to eligible persons.

§11B-13(b)	Fine: \$25 for each day of non-compliance, and either suspension until compliance or license revocation.	Appearance REQUIRED
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- (c) Disability Laws. A Commuter-Van Service Owner must ensure that any new Commuter-Van Vehicle purchased or leased by the Commuter-Van Service complies with all applicable provisions of law regarding accessibility to Persons with Disabilities.

§11B-13(c)	Fine: \$200-\$350	Appearance REQUIRED
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- (d) Motor Vehicle Registration Laws. A Commuter-Van Service Owner must ensure that no Commuter-Van is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§11B-13(d)	Fine: \$300 and suspension of the Commuter-Van license until compliance	Appearance REQUIRED
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§11B-14 **RESERVED [Operations – Business Premises]**

§11B-15 **RESERVED [Operations – Management Oversight (Use of Agents)]**

§11B-16 **Operations – Service Requirements (Passengers)**

- (a) No Pick-Ups Outside Authorized Area. No Commuter-Van Service Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Owner's Authorization.

§11B-16(a)	Fine: \$75	Appearance NOT REQUIRED
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- (b) No Pick-Ups Along Bus Routes.

- (1) Restriction. No Commuter-Van Service Owner will permit the pick up or discharge of passengers along any Official Bus Route.

§11B-16(b)(1)	Fine: \$75	Appearance NOT REQUIRED
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- (2) Grandfathered Exception.

- (i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area
- (ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

- (c) Service Must Be Pre-Arranged. No Commuter-Van Service Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§11B-16(c)	Fine: \$50	Appearance NOT REQUIRED
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- (d) Multiple Person Liability. The Commuter-Van Service Owner is liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

**§11B-17 Operations – Responsibility with Respect to Drivers**

- (a) Prohibit Disability Discrimination by Drivers. A Commuter-Van Service Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

- (1) Refusing to serve Persons with Disabilities,
- (2) Refusing to load and unload the mobility aids of Persons with Disabilities, and

- (3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.
- (b) Multiple Person Liability. The Commuter-Van Service Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

<u>§11B-17</u>	<u>Fine: \$200-\$350</u>	<u>Appearance REQUIRED</u>
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**§11B-18 Records – Trip Record Information**

- (a) Commuter-Van Service. The Commuter-Van Service Owner is responsible for ensuring that the following records are kept for all dispatched calls:

- (1) The Passenger Manifest

<u>§11B-18(a)(1)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (2) Records of requests for service and trips;

<u>§11B-18(a)(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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- (3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

<u>§11B-18(a)(3)</u>	<u>Fine: \$300</u>	<u>Appearance NOT REQUIRED</u>
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**§11B-19 Records – Current Contact Information**

- (a) Current Phone Number for Immediate Access. A Commuter-Van Service Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

<u>§11B-19(a)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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**§11B-20 Records – Additional Records to be Maintained**

The Commuter-Van Service Owner is responsible for keeping the following records:

- (a) A list of all Vehicles currently operating under the Service Owner’s Authorization, and information about each vehicle including, but not limited to the following:

- (1) The Vehicle Owner's name, mailing address, and home telephone number,
- (2) The Vehicle's registration number,
- (3) The Vehicle's Commuter-Van License number,
- (4) The Department of Motor Vehicles license plate number of the Vehicle,
- (5) The name of the Vehicle's insurance carrier and the policy number, and
- (6) The dates of inspection of the Vehicle and the outcome of each inspection.

<u>§11B-20(a)</u>	Fine: \$300	<u>Appearance NOT REQUIRED</u>
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- (b) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

<u>§11B-20(b)</u>	Fine: \$300	<u>Appearance NOT REQUIRED</u>
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**§11B-21      RESERVED [Reporting Requirements]**

**§11B-22      RESERVED [Operations – Rates and Tolls]**

**§11B-23      RESERVED [Operations – E-ZPass]**

**§11B-24      Operations – Miscellaneous**

- (a) Advertising to State TLC Licensed/Authorized. No one is permitted to advertise Commuter-Van services unless the advertisement states **CONSPICUOUSLY** that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

<u>§11B-24(a)</u>	Fine: \$50	<u>Appearance NOT REQUIRED</u>
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**§11B-25      Vehicle Condition – Inspections**

- (a) Inspection by NYS Department of Transportation. The Commuter-Van Service Owner will be responsible for compliance with the following provisions:
- (1) A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation.
  - (2) Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in §80-5.a.(1).

§11B-25(a)	Fine: \$300	Appearance NOT REQUIRED
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- (b) All Commuter-Van Vehicles must display the inspection certificate.

§11B-25(b)	Fine: \$100	Appearance NOT REQUIRED
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**§11B-26 Vehicle Condition – Meets Safety Standards**

- (a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§11B-26(a)	Fine: \$100-\$500 and/or suspension or revocation of Commuter-Van license Multiple violations: See Mandatory Penalties (§11B-02(c))	Appearance REQUIRED
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**§11B-27 Vehicles – Markings and Displays**

- (a) Required Exterior ID Markings. All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the vehicle in letters at least 3 inches in height:

- (1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;
- (2) The Commuter-Van Vehicle Owner’s exact name next to the word OWNER; and
- (3) A Vehicle License number.

§11B-27(a)	Fine: \$50	Appearance NOT REQUIRED
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- (b) Required Interior ID Markings.

- (1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.
- (2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling “311” or through the Commission’s website, <http://nyc.gov/taxi>.

§11B-27(b)	Fine: \$50	Appearance NOT REQUIRED
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- (c) Valid TLC Decal.

- (1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.
- (2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:
  - (i) The lower right corner of the front windshield
  - (ii) The center of the rear window
  - (iii) One on each of the rear-most side windows

<u>§11B-27(c)</u>	<u>First violation in a 12-month period: \$500</u> <u>Second and subsequent violations within a 12-month period: \$1,000 and suspension of the Commuter-Van License until compliance</u>	<u>Appearance NOT REQUIRED</u>
	<u>Third violation within a 12-month period: revocation of Commuter-Van Service Authorization</u>	<u>Appearance REQUIRED</u>

- (d) Vehicle Cannot Be Yellow. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

<u>§11B-27(d)</u>	Fine: \$100	<u>Appearance NOT REQUIRED</u>
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**§11B-28      Vehicles – Items Required to be in the Vehicle**

- (a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:
  - (1) The Commuter-Van Vehicle License;
  - (2) The Driver’s Commuter-Van Driver’s License;
  - (3) The Authorization to operate a Commuter-Van Service, or legible photocopy;
  - (4) The Vehicle registration and evidence of current liability insurance; and
  - (5) A Passenger Manifest.

<u>§11B-28(a)</u>	Fine: \$25 per missing item; maximum penalty \$50	<u>Appearance NOT REQUIRED</u>
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**§11B-29      Vehicle Equipment**

- (a) Two-Way Radio. A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

<u>§11B-29(a)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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## 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 significant 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 was 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	New Rule Chapters
Chapter 9 Commuter Vans (Vehicles and Services).	Chapter 11 Commuter Van Owners and Services

The promulgated rules, as initially proposed, make two substantive changes to the provisions of the current rules governing commuter vehicles and bases. Specifically, the promulgated rules:

- Eliminate transition provisions contained in sections 9-04 and 9-05 of the existing rule as such provisions are now obsolete.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for 30 days, and further pending decision of a timely-filed appeal.

## **Supplemental Statement**

A public hearing on these rules was held on September 11, 2009. Following that hearing, the TLC voted at a public meeting on September 17, 2009 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 republished for additional public comment, another hearing and final approval by the TLC, which occurred on July 15, 2010.

After the conditional TLC approval of this rules chapter (and before final approval), the following additional substantive changes were made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions of section 11A-10 were modified to clarify that unlicensed vehicles may not be operated as commuter vans, based on staff comment.
- The provisions regarding response to TLC communications were modified to make clear that the TLC expects a response to any communication, not just a communication by telephone or pager.