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 medallion taxicab service.

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, 5th Floor, New York, New York 10006 on February 19, 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 8 thereto, to read as follows:

New Material is underlined.

Chapter 8 — Medallion Taxicab Service

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§8-01 Scope of this Chapter

(a) To establish the procedures and requirements for obtaining a Taxicab License

(b) To establish the rules and regulations for operating a Taxicab

(c) To establish the penalties for violating the Rules

§8-02 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, 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, 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 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.

§8-03 Definitions Specific to this Chapter

(a) *Administrator* for the purposes of this Chapter, will refer to an executor, administrator, conservator, guardian or any other person or entity legally appointed to act on behalf of an Owner of a Taxicab Medallion due to owner's death or incompetency.

(b) *Applicant* in this chapter means the individual or Business Entity applying for an original or renewal Taxicab License under this Chapter in whose name the License applied for will be issued.

(c) *Business Entity* in this Chapter includes corporations, partnerships and limited liability companies.

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

(e) *Dispatch*. When used in this Chapter, the term Dispatch refers to an Owner sending out one or more Taxicabs for a particular shift; it does NOT mean sending a Taxicab to pick up a particular passenger by pre-arrangement.

(f) *Driver* in this Chapter means a Taxicab Driver.

(g) *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.

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

(i) *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.

(j) *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.

(k) *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).

(l) *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.

(m) *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.

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

(o) *License* in this Chapter means a Taxicab License.

(p) *Licensee* in this Chapter means the holder of a Taxicab License.

(q) *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; and (ii) the Fair Market Value.

(r) *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 that 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 gives rise to a potential Excess Claim

(s) *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.

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

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

(v) *Owner* in this Chapter means an individual or Business Entity licensed by the Commission to own and operate one or more Medallion Taxicabs.

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

(x) *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.

(y) *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 that is *not* applying to operate the Taxicab Medallion and will not be considered a Transferee provided the Secured Lender Recipient places the Medallion in storage as required in §8-45(c) of this Chapter.

(z) *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.

(aa) *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 LLC's 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.

(bb) *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, and is evidenced by the Medallion affixed to the hood of the vehicle.

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

(dd) *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.

(ee) *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.

(ff) A *Transferee* is an Applicant seeking approval from or approved by the Chairperson to o*wn and ope*rate a Medallion Taxicab in which Applicant is acquiring an interest, either directly or indirectly, through a transfer described under this §8-42.

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

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

(ii) *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.

(jj) *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.

(kk) *Wheelchair Passenger*. A Wheelchair Passenger is a Passenger using a wheelchair.

§8-04 Licensing – General Requirements

(a) *Identification.* An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must provide to the Commission proof of identity in the form of:

(1) A Valid Government-issued photo ID and

(2) A Valid, original Social Security Card.

(b) *Age*. An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License or its renewal must be at least 18 years of age.

(c) *Good Moral Character.*

(1) An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must be fingerprinted and must be of good moral character. Fingerprinting for the purpose of investigating good moral character is also required of the following, unless waived by the Chairperson in his or her discretion:

(i) Any new Business Entity Persons added by a Licensee

(ii) Any individual or Business Entity Persons of a Business Entity that provides funds for any Owner, unless the provider is a licensed bank or loan company

(2) Applicant's criminal history will be considered in a manner consistent with the Corrections Law of the State of New York.

(d) *Fit to Hold a License*. An individual or Business Entity must demonstrate to the satisfaction of the Commission that the Applicant is qualified to assume the duties and obligations of an Owner of a Taxicab License.

(e) *Drivers Designated as Agents to Accept Service.*

(1) An Owner must designate each and every Driver who operates one of Owner's Taxicabs as an agent to accept service of Commission notices to correct defects in the Taxicab.

(2) Delivery of a notice of defect to a Driver will be adequate service of notice to the Owner.

(f) *Financial Disclosure.*

(1) An Applicant for a Taxicab License where the Applicant already owns one or more Medallion Taxicabs must provide a financial disclosure statement to the Commission.

(2) The disclosure statement must be completed on a form provided by the Commission and must include the disclosure of assets, liabilities, income and net worth of all Business Entity Persons of a Business Entity Applicant, as well as any other information required by the Commission.

(3) The financial disclosure statement must be given under oath and must include all attachments and documentation required by the Commission.

(g) *Liability Insurance.* The Applicant must have liability insurance coverage by bond or policy as required by the State of New York and these Rules.

§8-05 Licensing – Special Requirements

(a) *Commission Approval*. All Medallion transfers, including partial transfers, must be approved by the Commission. All Applicants to own a Medallion or an interest in a Medallion must be approved by the Commission.

(b) *Concurrent Purchase and Licensing of Medallion.* An application to own and operate a Medallion Taxicab must be filed by any individual or Business Entity acquiring a Medallion, including an interest in a Medallion, either:

(1) As part of the public sale or auction process, if the Applicant is purchasing a Medallion from the Commission

(2) Jointly, with the current Owner (the "transferor") of the Medallion, if the Applicant is purchasing a Medallion from a private Owner,

(3) As a transfer of an interest in an Owner,

(4) By becoming a new Business Entity Person in an Owner, or

(5) By succeeding to the interest of any Owner or Business Entity Person of any Owner.

(c) *Vehicle Ownership Requirements.* An Applicant must demonstrate to the satisfaction of the Commission that the Applicant:

(1) Owns a vehicle that meets all of the requirements set forth in Chapter 17 (Taxicab Hack-Up) of these Rules, as well as the requirements of all other governmental agencies having concurrent jurisdiction.

(2) Possesses the certificate of title and the certificate of registration, both of which must be in the name of the Applicant unless title is retained by a lessor or conditional vendor; and

(3) Has provided the Commission with all information required concerning the financing of the purchase price of the Medallion and/or Taxicab.

(d) *"Owner-Must-Drive" Rule*.

(1) If an Applicant is an Independent Medallion Owner and acquires his or her interest in the Medallion on or after January 7, 1990:

(i) The Applicant must also have a Valid Taxicab Driver's License, and

(ii) The Applicant must pledge that he or she will personally drive the Taxicab enough hours to fulfill the Owner-Must-Drive service requirements set forth in §8-20(a)(ii).

(2) If the Applicant is a Business Entity, then one Business Entity Person must fulfill this requirement.

(e) *Licensing – Special Requirements for Business Entities.*

(1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.*

(i) If the Applicant is a corporation it must file the following with its Taxicab License application:

A. A certified copy of its certificate of incorporation

B. A list of officers and shareholders

C. A certified copy of the minutes of the meeting at which the current officers were elected

(ii) No corporate or trade name will be accepted by the Commission that is similar to a name already in use by another Owner.

(iii) All officers and shareholders of the corporate Taxicab License Applicant must disclose each and every Medallion in which he or she has any interest whatsoever, including but not limited to, any interest as individual Owner or as a Business Entity Person in a Business Entity that owns other Medallion(s); this disclosure must be made:

A. Upon original application for the Taxicab License,

B. Upon application for renewal of a Taxicab License, and

C. Upon application for transfer of a Taxicab License

(iv) All corporate officers and shareholders are subject to the same standards and criteria as individual Owners.

(v) The Commission will only recognize corporate officers that have been approved by the Commission.

(vi) It is a violation of these Rules for a corporate Owner to appoint a new officer without the approval of the Commission.

(vii) Temporary approval contingent on final approval can be permitted in cases where an officer has resigned or died and another individual must be able to continue the regular daily operation of the Owner corporation.

(viii) The standards and criteria for Ownership are equally applicable when the shares of a corporate Owner are held by another Business Entity.

(3) *Closed Corporations.*

(i) A stockholder in a closed corporation that owns a Medallion will be personally accountable for complying with these Rules and any other laws that relate directly and uniquely to Medallion Ownership.

(ii) If a closed corporation wants to transfer stock or Medallion(s) to another closed corporation that is already an approved Medallion owner, the stockholders of the transferee corporation must sign an assumption and indemnification agreement in which they agree to assume all of the duties and responsibilities set forth in these Rules and to indemnify the Commission for all unpaid fines or fees regarding the Medallion(s) owned by the transferor corporation.

§8-06 Licensing – Term of License

(a) *New License.*

(1) *Length of Term.* The term of a new Taxicab License is a maximum of two years.

(2) *Expiration Date.* The first term of Taxicab License expires on May 31st of the year set by the Commission.

(b) *Renewal License.*

(1) *Length of Term.* Each renewal term is two years and expires on May 31st of the second year of the term.

(2) *Extension.* The Chairperson can extend the effectiveness of a Taxicab License until the completion of the next scheduled inspection of the Taxicab, or as the Chairperson believes is appropriate.

(c) *Filing for Renewal.*

(1) Unless the time to renew the License has been extended by the Chairman, a renewal application must be filed no later than April 30th of each year in which a License is scheduled to expire.

(2) It is the Owner's responsibility to obtain a renewal application in order to comply with the filing deadline.

§8-06(c)	Fine: $50-$350 and/or suspension up to 30 days	Appearance REQUIRED

(d) *Advertising Permits.* A permit to display exterior advertising runs for one year or less and each permit will expire on the 31st day of August.

§8-07 Licensing – Fees

(a) *Annual Fee.* The fee for each Taxicab License is $550 annually; the fee will be pro-rated if the License will be owned for less than one year by the next May 31st.

(b) *Medallion Plate Replacement Fee.*

(1) The fee for a new Medallion "tin" will be $10. This fee will be charged when the Commission issues a new "tin", including when it issues a new model of "tin".

(2) If a "tin" is lost, stolen or damaged, the replacement fee is $25.

(c) *License Plate Replacement Fee.* The Commission's fee for replacement of license plates issued by the New York State Department of Motor Vehicles will be $25 per vehicle.

(d) *Inspection Fee.* The Commission's fee for a required Taxicab Safety and Emissions inspection is fifty dollars ($50); this fee includes the certificate of inspection issued when the Taxicab passes the inspection. Inspection fees must be prepaid for each renewal period as part of the renewal.

(e) *Reinspection Fee.* There is no additional fee for the first re-inspection. If a second re-inspection is required, the fee is $35. No additional fees will be charged for the third or subsequent reinspections.

(f) *Stand-By Vehicle Fee.* The fee for each Stand-By Vehicle is $550 annually. Inspection fees are also charged for Stand-By Vehicles.

(g) *Advertising Permit Fee.* The fee for a permit to display exterior advertising is $50 annually. If a permit is surrendered in less than 6 months, one half of the fee will be refunded.

§8-08 Licensing – Causes for Denial

(a) *Failure to Meet Requirements.* The Commission can deny an application for a License or its renewal of any Applicant who fails to meet the requirements. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.

(b) *Material Misrepresentation or Falsification*. The Commission will deny an application for a License or its renewal, or can impose other sanctions, if any of the following occurs:

(1) The Applicant makes a material misrepresentation in the application

(2) The Applicant fails to inform the Commission of a material change in the information contained in the application

(3) The Applicant attempts to conceal the identity of a party having an interest in the ownership of a Taxicab

(c) *No Longer Meets Requirements.* The Commission can deny an application for a License or its renewal and can revoke or suspend any License if the Commission becomes aware of information that the Owner no longer meets the requirements for an Owner's License.

(d) *Violation of the Rules.* The Commission can deny an application for a License if, within the past two years, the Applicant (or any Business Entity Person of a Business Entity Applicant) has engaged in any of the following:

(1) Assault of a passenger, official or member of the public in any way relating to a Taxicab

(2) Any instance of bribery or unlawful gratuity toward a city employee

(3) Providing the Commission with false information

(4) Two or more unlawful passenger service refusals

(5) Two or more incidents of overcharging, as a Driver

(6) Three failures to respond to an official communication

(7) Three or more vehicle safety violations for a particular Taxicab

(8) Whether as an individual has or as a Business Entity Person of a Business Entity that has:

(i) Ten or more outstanding unexcused failures to appear at scheduled TLC hearings, or

(ii) Ten or more unsatisfied Commission fines or fines that remained unsatisfied until renewal.

(e) The Applicant's criminal history will be reviewed in a manner consistent with the NYS Corrections Law.

(f) *Chronic Disregard of Public Welfare*. An Applicant will not be approved to own another Medallion or to be a stockholder or an officer in another corporate Medallion Owner if he or she has evidenced a chronic disregard for the rules and regulations that impact the welfare, safety or security of the riding public.

§8-09 RESERVED [Licensing – Procedures for Approval / Denial]

§8-10 Licensing – Transfer of License (see §§8-42-47)

§8-11 Licensing – Care of Medallion License & Rate Card

(a) *Do Not Alter Rate Card*. An Owner must not change, mark, cross out or make any unauthorized entries on a Taxicab's Rate Card, or display a Rate Card that contains wrong information.

§8-11(a)	Fine: $100	Appearance NOT REQUIRED

(b) *Replace Damaged Medallion or Rate Card.* An Owner must immediately surrender an unreadable Rate Card or a damaged Medallion to the Commission for replacement.

§8-11(b)	Fine: Notice to correct within 10 days. Failure to comply: $200 and suspension until compliance	Appearance REQUIRED

(c) *Replace Damaged Medallion or Rate Card.* An Owner must immediately surrender an unreadable Rate Card or a damaged Medallion to the Commission for replacement.

(1) An Owner must notify the Commission and the Police Department of the theft, loss or destruction of any Medallion or Rate Card within 48 hours (not including weekends and holidays) of the loss.

(2) The Owner must also provide any affidavit or information the Commission requires, including the police receipt number.

(3) A substitute Medallion and Rate Card will be issued by the Commission.

§8-11(c)(1)-(2)	Fine: $200	Appearance NOT REQUIRED

(d) *Report Finding Lost Medallion or Rate Card*.

(1) An Owner must notify the Commission and the Police Department within 24 hours (not including weekends and holidays) after locating any Medallion or Rate Card that was reported as stolen or lost.

(2) The Owner must also provide any affidavit or information the Commission requires.

§8-11(d)	Fine: $200 for the first violation; $350-$500 for the second or subsequent violation(s) within 36 months	Appearance NOT REQUIRED

(e) *Surrender Medallion and Rate Card***.** An Owner must surrender Owner's Medallion and Rate Card to the Commission:

(1) Within 48 hours of notice that Owner's Taxicab License has been suspended or revoked

(2) Prior to the sale of Owner's Taxicab

(3) Prior to removal of Owner's Taxicab from service for a period of 30 or more consecutive days

§8-11(e)	Fine: $100	Appearance REQUIRED

(f) *Report Replaced New York License Plates*. An Owner must report to the Commission the replacement of any lost or stolen New York State license plates within 48 hours (not including weekends and holidays) after getting the new plates.

§8-11(f)	Fine: Notice to correct within 10 days. Failure to comply: $200 and suspension until compliance	Appearance REQUIRED

§8-12 Compliance with Law – No Unlicensed Activity

(a) *No Unlicensed Taxicabs.* An Owner must ensure that all of Owner's Taxicabs in operation for hire are Validly licensed by the Commission and have a Valid Medallion attached to the vehicle.

§8-12(a)	Fine: $50-$350 and/or suspension up to 30 days	Appearance REQUIRED

(b) *No Advertising as "Taxi" if Unlicensed.* An Owner who does not have a Valid License must not hold himself or herself out to the public as a "taxi," "Taxicab" or "hack" service.

§8-12(b)	Fine: $50-$350 and/or suspension up to 30 days	Appearance REQUIRED

(c) *No Unregistered Vehicles.*

(1) An Owner must ensure that all of Owner's Taxicabs are operated only while the registration of the vehicle remains Valid.

(2) Operating a vehicle without a Valid registration will be considered the same as operating without a Valid Taxicab License.

§8-12(c)	Fine: $100-$350 and/or suspension up to 30 days; Summary Suspension until compliance	Appearance REQUIRED

(d) *No Unlicensed Drivers.*

(1) No Taxicab can be operated for hire unless the driver has in his or her possession a Valid Taxicab Driver's License.

§8-12(d)(1)	Fine: $100-$350 and/or suspension up to 30 days	Appearance REQUIRED

(2) *Exceptions.* An Owner can permit a person who does not possess a Taxicab Driver's License to drive the vehicle only when all of the following limited circumstances are met:

(i) The vehicle is being driven to or from the Commission's centralized Taxicab inspection facility or a repair facility;

(ii) The off-duty light is illuminated;

(iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is "Off-Duty" and why;

(iv) The rear doors are locked;

(v) The person driving the vehicle is licensed to drive a motor vehicle;

(vi) The person driving the vehicle is not a person whose Taxicab Driver's License is suspended or revoked.

§8-12(d)(2)	Fine: $100-$350 and/or suspension up to 30 days	Appearance REQUIRED

§8-13 Compliance with Laws – Insurance Coverage

(a) *Maintain Insurance Coverage***.**

(1) Taxicab Owners must ensure that all of their Taxicabs are covered by liability insurance in the form of a bond or an insurance policy that fully complies with the New York State Vehicle and Traffic Law and the New York State Insurance Law.

(2) Owners must maintain all other forms of insurance required by law.

§8-13(a)	Fine: $150-$350 and/or suspension up to 30 days	Appearance REQUIRED

(b) *Submit Proof of Insurance.* Every year in which an Owner files an application to renew the License of one or more Taxicabs, Owner must, at that time, provide the Commission with the name and address of the Owner's insurance carrier and the policy numbers for each of Owner's Taxicabs, along with proof of coverage.

§8-13(b)	Fine: $100	Appearance REQUIRED

(c) *Notification of Changes in Insurance Coverage*. An Owner must notify the Commission in writing within 72 hours of any of the following:

(1) Receipt of notice that Owner's required liability insurance has been cancelled;

(2) A change of insurance carrier;

(3) A change in the policy number of Owner's liability insurance.

§8-13(c)	Fine: $100	Appearance NOT REQUIRED

(d) *Coverage Requirements*.

(1) All Taxicab Owners must, for each of Owner's Taxicabs, maintain liability coverage through an insurance policy or a bond in amounts not less than the following:

(i) $200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision "a" of §5102 of the New York State Insurance Law

(ii) $100,000 minimum liability and not less than $300,000 maximum liability for bodily injury or death, as these terms are described and defined in §370(1) of the Vehicle and Traffic Law.

§8-13(d)(1)	Fine: $350 and suspension until compliance	Appearance NOT REQUIRED

(2) A Taxicab Fleet or Minifleet as well as an Independent Owner operating more than one shift daily must maintain double shift insurance coverage.

§8-13(d)(2)	Fine: $50-$350 and/or suspension up to 30 days	Appearance REQUIRED

(e) *Report of Accidents*.

(1) *Report to Insurance Carrier*. Any accident involving one (or more) of Owner's Taxicabs that is required to be reported to the insurance carrier

must be immediately reported to the carrier by the Owner, in writing.

§8-13(e)(1)	Fine: $500-$1,000	Appearance REQUIRED

(2) *Report to Commission.*

(i) An Owner must immediately report to the Commission in writing all accidents that are required to be reported to the Department of Motor Vehicles (as required by §605 of the Vehicle and Traffic Law) that involve any of Owner's Taxicabs.

(ii) An Owner must also provide to the Commission a copy of any legally required report filed with the NYS Department of Motor Vehicles, within 10 days of the date the report is due to be filed with the Department of Motor Vehicles.

§8-13(e)(2)	Fine: $150 and $25 for each day of violation thereafter and suspension until compliance	Appearance REQUIRED

(f) *Surrender Rate Card and Medallion upon Termination of Insurance.* An Owner must either:

(1) Surrender the Taxicab's Rate Card and Medallion to the Commission on or before the termination date of the vehicle's insurance, or

(2) Submit proof of new insurance effective on the date of termination of the old policy.

§8-13(f)	Fine: $50	Appearance NOT REQUIRED

§8-14 Compliance With Laws – Workers' Compensation

(a) *Compliance with Law*. An Owner must comply with all provisions of the New York State Workers' Compensation Law and regulations with respect to coverage and benefits to eligible persons.

§8-14(a)	Fine: $25 for each day in violation	Appearance REQUIRED

(b) *File Certificate of Coverage with the Commission.* An Owner must maintain on file with the Commission a current Certificate of Workers' Compensation Coverage, or a Valid exemption.

§8-14(b)	Fine: $200	Appearance NOT REQUIRED

(c) *Designate the Commission to Receive Notices.* An Owner must designate the

Commission as a certificate holder to receive all notices concerning the Workers' Compensation policy.

§8-14(c)	Fine: $200	Appearance NOT REQUIRED

(d) *Provide Driver with Proof of Benefits Ending.* When a Driver who is receiving Workers Compensation benefits has recovered and is ready to return to work, an Owner must:

(1) File a notice with the Workers' Compensation Board to end the disbursement of benefits due to the worker's recovery; and

(2) Provide the Driver with documentation that benefits have ceased in order for the Commission to return the Driver's License.

§8-14(d)	Fine: $100-$250	Appearance REQUIRED

§8-15 Compliance with Law – Personal Conduct

(a) *Bribery.*

(1) *Actual Bribery Attempt***.** An Owner must not bribe or attempt to bribe or offer any gratuity whatsoever to any employee, representative or member of the Commission in return for favorable or preferential treatment.

§8-15(a)(1)	Fine: Up to $10,000 per Medallion implicated in the violation plus mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner.	Appearance REQUIRED

(2) *Appearance of Bribery*. An Owner must not offer or give any gift or gratuity or any other thing of value to any employee, representative or member of the Commission, or any public servant or dispatcher employed at a public transportation facility.

§8-15(a)(2)	Fine: $10,000 plus revocation	Appearance: N/A

(3) *Failure to Report Bribery*. An Owner must immediately report to the Commission and the NYC 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 or dispatcher employed at a public transportation facility or authorized group-ride taxi line.

§8-15(a)(3)	Fine: $100	Appearance NOT REQUIRED

(4) *Failure to Remove Cash*. When the Taxicab is in Owner's possession, Owner must remove all currency from a Taxicab's interior prior to its inspection by any Commission personnel.

§8-15(a)(4)	Fine: $50	Appearance NOT REQUIRED

(b) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, an Owner must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

§8-15(b)	Fine: $350-$1,000 and suspension up to 60- days or revocation	Appearance REQUIRED

(c) *Willful Acts of Omission.* While performing the duties and responsibilities of a Licensee, an Owner must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

§8-15(c)	Fine: $150-$350 and Suspension up to 30 days or revocation.	Appearance REQUIRED

(d) *Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, an Owner must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§8-15(d)	Fine: $150-$350 and Suspension up to 30 days or revocation.	Appearance REQUIRED

(e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, an Owner must not threaten, harass or abuse any person.

§8-15(e)	Fine: $350-$1,000 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(f) *Use or Threat of Physical Force*. While performing the duties and responsibilities of a Licensee, an Owner must not use any physical force against any person.

§8-15(f)	Fine: $500-$1,500 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(g) *Reporting of Criminal Conviction.*

(1) A Licensee must immediately notify the Commission of any criminal conviction of the Taxicab Owner, individually or, if the Licensee is a Business Entity, of any 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.

§8-15(g)	Fine: $50-$250	Appearance REQUIRED

(h) *Cooperate with Law Enforcement.* A Licensee must cooperate with all law enforcement officers, authorized representatives of the Commission and the NYC Department of Investigation. Cooperation includes, but is not limited to, responding to a request for Licensee's name, Licensee's Medallion numbers, Rate Cards, Trip Records, and any other documents required to be maintained by the Taxicab Owner.

§8-15(h)	Fine: $50-$350	Appearance REQUIRED

(i) *Cooperate with the Commission*

(1) An Owner must promptly answer all questions and comply with all communications, directives and summonses from the Commission or its representatives and the NYC Department of Investigation or its representatives.

§8-15(i)(1)	Fine: $200 and suspension until compliance	Appearance REQUIRED

(2) An Owner must respond to any contact from the Commission within 48 hours, seven days a week.

§8-15(i)(2)	Fine: $500	Appearance NOT REQUIRED

§8-16 Compliance with Law – Miscellaneous

(a) *Compliance with Commission Rules and Regulations, Generally.* An Owner must comply with the Commission's Taxicab specifications, the Marking Specifications for Taxicabs, all pertinent provisions of the Administrative Code and other laws, rules or regulations governing Taxicab Owners.

§8-16(a)	Fine: $50	Appearance NOT REQUIRED

(b) *Compliance with Accessible Taxicab Medallion Rules*. An Owner of an Accessible Taxicab Medallion must comply with Chapter 3 of these Rules.

(c) *No False Statements*.

(1) An Owner must not file with the Commission any statement required under the Special Requirements for Business Entities provision (§8-

05(d)(2)) that the Owner knows or should know to be false, misleading, deceptive or materially incomplete.

(2) An Owner must not file with the Commission any statement required under the Financial Disclosure provision (§8-04(f)) that the Owner knows or should know to be false, misleading, deceptive or materially incomplete.

§8-16(c) (1) and (2)	Fine: Up to $10,000 per Medallion implicated in the violation and/or mandatory divestiture of any and all interests in any Taxicab Licenses held by the Owner, shareholder, officer, director or partner in violation	Appearance REQUIRED

(d) *No Unlawful Purpose*

(1) An Owner must not use or permit any other person to use Owner's Taxicab, garage or office of record for any unlawful purpose.

§8-16(d)(1)	Fine: $350 – 1,000 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(2) An Owner must not conceal any evidence of a crime connected with Owner's Taxicab, garage or office of record.

§8-16(d)(2)	Fine: $350 – 1,000 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(3) An Owner must report immediately to the police any attempt to use Owner's Taxicab to commit a crime or to escape from the scene of a crime.

§8-16(d)(3)	Fine: $100 - $350 and/or suspension up to 30 days	Appearance REQUIRED

(e) *No False Credentials*

(1) An Owner must not attempt to avoid inspection of a Licensed vehicle by using false credentials to disguise one vehicle as another or by any other means contrary to law or regulation of the Commission.

§8-16(e)(1)	Fine: Up to $10,000 per Medallion implicated in the violation plus mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner	Appearance REQUIRED

(2) An Owner must not operate or present for inspection a vehicle in which the Vehicle Identification Number has been loosened and reattached, or

switched from another vehicle or otherwise altered in a manner not in compliance with Article 17 of the New York State Vehicle and Traffic Law.

§8-16(e)(2)	Fine: Mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner, plus a fine of up to $10,000 per Medallion implicated in the violation	Appearance REQUIRED

(3) An Owner must not present documents to the Commission that falsely indicate compliance with liability insurance and/or Workers' Compensation insurance requirements.

§8-16(e)(3)	Fine: Mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner, plus a fine of up to $10,000 per Medallion implicated in the violation	Appearance REQUIRED

§8-17 Operations – Business Premises

(a) *Maintenance of Physical Location.* The following entities must maintain a business premise in a location zoned for the operation of a business:

(1) Any Agent;

(2) Any Owner who leases or otherwise Dispatches one or more Taxicabs for return at the end of a shift;

(3) Any Owner or Business Entity that has a Substantial Interest in Taxicab Medallions.

(b) *Requirements of Premises.* The Business Premises must have the following:

(1) Sufficient off-street space at or near the premises to store the lesser of:

(i) Twenty-five (25) vehicles, or

(ii) Fifty percent (50%) of the Taxicabs leased or otherwise Dispatched on a daily or a shift basis, plus five percent (5%) of the Taxicabs leased for longer than one day.

§8-17(b)(1)	Suspension until condition is corrected	Appearance REQUIRED

(2) Sufficient office space to conduct business, where all records required by the Commission, including Trip Records and Driver records, can be kept.

§8-17(b)(2)	Suspension until condition is corrected	Appearance REQUIRED

(c) *Hours of Operation.* Owner must keep regular business hours, including the hours of 9:00 a.m. through 5:00 p.m. for every weekday.

§8-17(c)	Fine: $100	Appearance NOT REQUIRED

(d) *Contact Information.* Owner must maintain the current address and telephone number of the business premises with the Commission.

§8-17(d)	Fine: $100	Appearance NOT REQUIRED

§8-18 Operations – Management Oversight

(a) *Direct Owner Operations.* The Commission will hold the Owner of every Taxicab accountable for hands-on operation of the Taxicabs and expects the Owner to be personally responsible for :

(1) Physically observing the Taxicabs

(2) Overseeing compliance with Taxicab inspection requirements

(3) Overseeing compliance with insurance and all other regulatory requirements

(4) Communicating with Drivers (where the Owners vehicles are driven by Drivers other than him/herself).

(b) *Indirect Owner Operations.*

(1) Notwithstanding the provisions in §8-18(a) above, an Owner can authorize employees or a Licensed Agent to perform any or all such functions.

(2) The use of an employee or Agent will not relieve an Owner of any obligation under these rules.

(3) An Owner remains fully accountable for all violations of Commission rules, committed by any employee or Agent in the operation of Owner's Medallion(s).

(c) *Owner's Use of Agents*

(1) *Designation of Agent.*

(i) An Owner can designate an Agent to act on the Owner's behalf to operate a Licensed Taxicab and perform all required functions.

(ii) The Agent must be licensed by the Commission in under with Chapter 13 of these Rules.

(iii) The designation will remain in effect until:

A. The Owner revokes the designation and notifies the Commission, or

B. The Commission suspends or revokes the Agent's License and notifies the Owner.

§8-18(c)(1)	Fine: $500 – 1,000 and/or suspension up to 30 days	Appearance REQUIRED

(2) *File Designation with the Commission.* Prior to the use of an Agent, an Owner must file a designation of the Agent with the Commission.

§8-18(c)(2)	Fine: $200	Appearance NOT REQUIRED

(3) *Owner Can Use Only One Agent.* An Owner must not designate or use more than one Agent regardless of the number of Medallions in which Owner has an interest.

§8-18(c)(3)	Fine: $200	Appearance NOT REQUIRED

(d) *Limitations on Owner's Use of an Agent.*

(1) *Agent's Personal Oversight Required.* An Owner can designate or use an Agent, only if the Agent operates the Taxicab(s) through:

(i) Personal observation of the vehicle(s),

(ii) Personal oversight of compliance with inspection, insurance and all other regulatory requirements, and

(iii) Personal communications with Drivers.

§8-18(d)(1)	Fine: $200	Appearance NOT REQUIRED

(2) *Agent Must Not Assign Responsibilities.* An Owner can allow an Agent to use employees to assist in fulfilling these functions, however the Owner must NOT permit the Agent to delegate or assign its responsibilities to another party; Owner's designation of an Agent will be ineffective if the Agent delegates to another party.

§8-18(d)(2)	Fine: $200	Appearance NOT REQUIRED

(3) *Must Maintain Business Premises.* The Owner must ensure that the Agent maintains business premises meeting the requirements set forth in both §8-17 and §13-05 of these Rules.

§8-18(d)(3)	Fine: $200	Appearance NOT REQUIRED

(4) *Owner Must Not Use Unlicensed Agent.*

(i) An Owner must not designate or continue to use an Agent if the Commission has notified the Owner that the specified Agent's License is suspended or revoked.

§8-18(d)(4)(i)	Fine: $500 – 1,000 and/or suspension up to 30 days	Appearance REQUIRED

(ii) The Commission will issue a directive to Owners to discontinue use of a specified Agent (a Stop-Use Directive) by mailing notification to the Owner's personal address.

(iii) The Commission will maintain a list of all Agents whose Licenses are currently suspended or revoked. This information is available for inspection by the public, and the Commission strongly suggests that Owners review these lists before selecting an Agent.

(iv) If an Owner seeks to designate an Agent who is the subject of a current Stop-Use Directive, the Commission will reject the designation and inform the Owner that the Agent's License is suspended or revoked.

(5) *Provisions of this Section Cannot be Waived by Contract.*

(i) No contract or other agreement between an Owner and an Agent will include a provision intended to supersede or impair the effectiveness, in whole or in part, of the provisions of this §8-18(d).

(ii) No provision in a contract or other agreement between an Owner and an Agent that attempts to impair the effectiveness of this

section will be enforceable.

§8-19 RESERVED [Operations – Service Requirements (Passengers)]

§8-20 Operations – Responsibilities with Respect to Drivers

(a) *Hours of Operation*

(1) *Double Shift Requirement***.** A Fleet or Minifleet must operate each of its operating Taxicabs for a minimum of two nine-hour shifts per day (for a total operating time of 18 hours per day) including weekends and holidays.

§8-20(a)(1)	Fine: $75	Appearance NOT REQUIRED

(2) *Minimum Hours of Operation for Independent Owner*.

(i) An Independent Medallion Owner must operate his/her Taxicab a minimum of 210 nine-hour shifts per year (for a total operating time of 1,890 hours per year).

§8-20(a)(2)(i)	Fine: $100–$350 and/or suspension up to 30 days	Appearance REQUIRED

(ii) *Owner-Must-Drive Rule*.

A. If the Owner acquired the Independent Medallion on or after January 7, 1990, the Owner must personally drive the Taxicab the required minimum number of hours.

B. If the Owner is a Business Entity this requirement must be fulfilled by:

1. One shareholder if the Owner is a corporation.
2. One partner if the Owner is a partnership.
3. One member if the Owner is a limited liability company.

§8-20(a)(2)(ii)	Fine: $100–$350 and/or suspension up to 30 days	Appearance REQUIRED

(iii) Upon written request by an Owner, the Commission can waive or modify the requirements of the Owner-Must-Drive rule, for a limited time, for good cause shown.

§8-20(a)(2)(iii)	Fine: $100–$350 and/or suspension up to 30 days	Appearance REQUIRED

(3) *Maximum Driving Hours*. An Owner must not require a Driver to operate one or more Taxicabs for more than 12 consecutive hours.

§8-20(a)(3)	Fine: $50	Appearance NOT REQUIRED

(b) *Authorized Drivers.*

(1) *Driver Categories.* An Owner must not authorize or allow a Driver to operate a Taxicab unless the Rate Card specifies that the Taxicab will be driven by either:

(i) Unspecified Drivers, or

(ii) Named Drivers whose names have been entered on the Rate Card and no named lease Driver is operating beyond the lease expiration date entered on the Rate Card.

§8-20(b)(1)	Fine: $75-$150 for the first violation, $150-$300 for a second violation , $300-$500 for a third violation - within 24 months, and Suspension until compliance	Appearance REQUIRED

(2) *Driver Authorization Statement.*

(i) An Owner must maintain on file with the Commission a current Driver Authorization Statement, indicating whether the Taxicab will be operated by Named Drivers of record (including the Owner's Business Entity Persons, if applicable) or by "Unspecified Drivers;" the Driver Authorization Statement must include the additional information required below for either Unspecified Drivers or Named Driver Lessees.

(ii) The Commission will enter the Owner's choice on the Rate Card including, when applicable, the Named Drivers of record and the expiration dates of applicable leases.

§8-20(b)(2)	Fine: $250–$500 and suspension until compliance	Appearance REQUIRED

(3) *Driver Authorization Statement for Unspecified Drivers.* If an Owner elects to operate with Unspecified Drivers, the Driver Authorization Statement must be accompanied by a copy of a master lease, employment agreement and/or union contract, together with evidence that the Owner has unnamed driver insurance for the vehicle.

(4) *Driver Authorization Statement for Named Driver Lessees.*

(i) If an Owner elects to lease to Named Drivers, the Owner must file a Driver Authorization Statement for each lessee, before the lessee takes possession of the Taxicab.

(ii) The Owner must file the Driver Authorization Statement with the Commission in person or by power of attorney.

(iii) The Driver Authorization Statement must be signed by both parties and must include, but is not limited to, the following:

A. The date of execution of the lease

B. The term of the lease

C. The names and addresses of the lessor and lessee and their social security or federal tax identification numbers

D. The Medallion number, the license plate number, the vehicle identification number, and the titled Owner of the Taxicab

E. The name and address of the vehicle liability and workers' compensation insurance carriers, the policy numbers and expiration dates

F. The name, address and telephone number of the Owner's Agent, if the Agent arranged or manages the lease

G. The charges to lessee

§8-20(b)(4)(i)-(iii)	Fine: $250–$500 and suspension until compliance	Appearance NOT REQUIRED

(iv) If any lease (or its renewal) listed in the Driver Authorization Statement is terminated for any reason, the Owner must notify the Commission in writing within 48 hours of such termination, unless exempted by the Commission.

§8-20(b)(4)(iv)	Fine: $100	Appearance REQUIRED

(c) *Wheelchair Passenger Assistance Training.*

(1) *Training Must be Approved by Commission.* The Owner of an Accessible Taxicab must make sure each Driver of such Accessible Taxicab has attended a Commission-approved training course regarding Wheelchair Passenger assistance.

(2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:

(i) A review of all legal requirements that apply to transportation of Persons with Disabilities;

(ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures

(iii) Training with an actual person using a wheelchair

(iv) Sensitivity awareness, including customer service and conflict resolution policies.

(3) *Vehicle Owner Must Pay for Training.* The Accessible Taxicab Owner is responsible for paying any fees required to train each of Owner's Drivers.

(4) *Vehicle Owner Responsibility.* The Accessible Taxicab Owner must ensure that each of Owner's Accessible Taxicabs is driven only by a Driver who has completed the Wheelchair Passenger assistance training provided for in this section.

§3-07(a)(6)	Fine: $50	Appearance NOT Required

§8-20.1 Leasing a Taxicab or Medallion

(a) An Owner can lease a Taxicab (or a Medallion-only) to a Licensed Taxicab Driver, or to Licensed Drivers working different shifts or days if the Owner complies with the provision of this section.

(1) Regardless of the terms of the lease, the Owner is responsible for complying with all laws, rules and regulations governing Owners.

(2) An Owner must not authorize or allow a lessee of a Taxicab to sublease the Taxicab to another party.

§8-20.1(a)	Fine: $75-$150 for the first violation, $150-$300 for a second violation , $300-$500 for a third violation within 24 months, and Suspension until compliance	Appearance REQUIRED

(b) *Service and Maintenance of Leased Taxicab Vehicles.*

(1) Service and maintenance of a leased Taxicab (including the vehicle) is the responsibility of the Owner/lessor, and the cost of the service and maintenance of the Vehicle cannot be charged to the Driver/lessee.

(2) The lease of a Medallion-only does not include, and does not require, the Medallion Owner/lessor to provide service and maintenance of the vehicle.

(3) A Medallion-only lessor must not require the lessee to obtain service and maintenance from any particular provider, including, but not limited to, the Medallion Owner or any agent of the Medallion Owner.

§ 8-20.1(b)	First violation $500 Second and subsequent violations: $1000 and/or suspension of the Medallion for up to 30 days. In addition to the penalty payable to the Commission, the administrative law judge may order the owner to pay restitution to the driver, equal to the excess that was charged to the driver.	Appearance REQUIRED

(d) *Rate Rules***.**

(1) *Standard Lease Cap Rates.* An Owner of a Taxicab can charge a lease rate to a Driver that is not greater than the following Standard Lease Caps:

(i) The Standard Lease Cap for a Medallion and vehicle for one shift will not exceed:

A. $105, for all 12-hour day shifts

B. $115, for the 12-hour night shift on Sunday, Monday and Tuesday

C. $120, for the 12-hour night shift on Wednesday

D. $129, for the 12-hour night shifts on Thursday, Friday and Saturday

E. $666, for any one-week shift for one week or longer.

(2) *Cost Adjustments.* For Taxicabs that are Hacked-up under §17-05.1 and are not Accessible Vehicles, the Standard Lease Caps set forth in paragraph (1) above will be adjusted as follows:

(i) Beginning on May 1, 2009, each amount will be reduced by $4 per shift ($28 per week), so that the lease amount for one shift must not exceed:

A. $101, for all 12-hour day shifts

B. $111, for the 12-hour night shift on Sunday, Monday and Tuesday

C. $116, for the 12-hour night shift on Wednesday

D. $125, for the 12-hour night shifts on Thursday, Friday and Saturday

E. $638, for any one-week shift for one week or longer

(ii) Beginning on May 1, 2010, each amount will be reduced by $8 per shift ($56 per week), so that the lease amount for one shift must not exceed:

A. $97, for all 12-hour day shifts

B. $107, for the 12-hour night shift on Sunday, Monday and Tuesday

C. $112, for the 12-hour night shift on Wednesday

D. $121, for the 12-hour night shifts on Thursday, Friday and Saturday

E. $610, for any one-week shift for one week or longer

(iii) Beginning on May 1, 2011, each amount will be reduced by $12 per shift ($84 per week), so that the lease amount for one shift must not exceed:

A. $93, for all 12-hour day shifts

B. $103, for the 12-hour night shift on Sunday, Monday and Tuesday

C. $108, for the 12-hour night shift on Wednesday

D. $117, for the night shifts on Thursday, Friday and Saturday

E. $582, for any one-week shift for one week or longer

(3) *Cost Adjustments for the Lease of Hybrid Electric and Diesel-Fueled Vehicles.*

(i) The Standard Lease Cap for Hybrid Electric Taxicabs and Diesel-Fueled Taxicabs that are hacked-up under §17-05 of these Rules are raised by $3 per shift ($21 per week), so that the lease amount for one shift must not now exceed:

A. $108, for all 12-hour day shifts

B. $118, for the 12-hour night shift on Sunday, Monday and Tuesday

C. $123, for the 12-hour night shift on Wednesday

D. $131, for the 12-hour night shifts on Thursday, Friday and Saturday

E. $687, for any one-week shift for one week or longer

(4) *The Standard Lease Cap*:

(i) For a *Medallion-only* Hybrid Taxicab, Hacked-up under §17-05 is $842 weekly.

(ii) For all other *Medallion-only* Taxicabs, (including Accessible Taxicabs), is $800.

(5) *Limits on Additional Charges.* In addition to a lease amount no greater than the Standard Lease Cap (as adjusted), an Owner/lessor (as well as any agent or employee of the Owner/lessor) must not request of or accept from any lessee (of a Taxicab or Medallion-only) any money or other thing of value, except for the following (this means an Owner/lessor must not charge any tip, tax, surcharge or other fee of any kind above the Standard Lease Cap (as adjusted) except for the following):

(i) A credit card pass-along no greater than five percent (5%), as allowed under subdivision (f), below;

(ii) A security deposit and deductions from the security deposit no greater than allowed under subdivision (d) below;

(iii) The discount toll amount for use of the Owner's *EZ-Pass*® as described in §8-26 of this Chapter;

(iv) A late charge not to exceed $25 for any shift;

(v) A reasonable cancellation charge, subject to the provisions of subdivision (i)(5) below;

(vi) Parking tickets and red light violations permitted to be deducted from the security deposit described in subdivision (e) below, provided that the Driver/lessee is allowed to challenge any ticket or violation; and

(vii) If the Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can collect the MTA Tax collected by the lessee/Driver from the lessee/Driver. The MTA Tax must be collected in the following order:

A. The MTA Tax must first be deducted from any credit card reimbursements due as required in subdivision (f) below.

B. The MTA Tax must next be deducted from the security deposit permitted in subdivision (e) below.

C. If not fully paid, then the MTA Tax must be collected from the lessee/Driver.

§8-20.1(c)	Fine: First violation: $500 Second and subsequent violations; $1,000 and/or suspension of the Medallion for up to 30 days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was charged to the Driver.	Appearance REQUIRED

(6) *Collective Bargaining Exception to the Standard Lease Cap***.** The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed by the terms of a collective bargaining agreement that regulates the subject of lease prices.

(d) *Commission Review and Change of Lease Caps.* The Commission can make changes to the lease caps as a response to policy needs or in conjunction with its regular two-year review, as follows:

(1) The Commission can initiate lease cap changes at any time, if the Commission believes that policy considerations require changes to be made.

(2) During March of each even-numbered year, the Commission will hold a public hearing and solicit written comment as to operating expenses, driver earnings, the retention of experienced drivers in the Taxicab industry, and other matters relevant to the setting of lease caps, for purposes of considering changes to the Standard Lease Caps.

(e) *Security Deposit on Taxicab Vehicles.*

(1) *Security Deposit Provision Permitted.* An Owner can include a lease provision for a security deposit from the Driver, provided it complies with the requirements of this subdivision (e).

(2) *Permitted Withholdings from Security Deposit.* At the termination or expiration of a lease an Owner may be reimbursed from the security deposit only for the following:

(i) Any unpaid but owing lease charges.

(ii) Damage to the vehicle, if the lease clearly and prominently states that the Driver is responsible for damage.

(iii) Any parking tickets issued during the lease.

(iv) Any red light violations issued to the Owner during the lease, under the NYC Department of Transportation's camera surveillance system.

(v) If the Owner (or Owner's Agent) is a Taxpayer, any MTA Tax remaining due from the Driver after deductions from credit card receipts due to the Driver.

(3) *Deposit Not to be Used for Owner Violations*. An Owner must not require a Driver to pay any summons that is written to the Owner as Respondent, other than those specified above.

§8-20.1(e)(3)	Fine: First violation: $250; Second violation: $350; Third and subsequent violations $500 and/or suspension of the Medallion for up to thirty days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was withheld from the Driver, or equal to the amount that the Driver paid, at the requirement of the Owner, to satisfy any summons against the Owner	Appearance REQUIRED

(4) *Limits on Amount of Deposit*. An Owner must not require a Driver to post any security deposit that is greater in amount than the rate for one lease term. However, if the lease term is for more than one week, an Owner must not require a Driver to pay a security deposit in an amount greater than the lease rate for one week. Examples include:

(i) An Owner who leases a Taxicab for one shift at the rate of $80 per shift can require up to an $80 security deposit.

(ii) An Owner who leases a Taxicab or Medallion for one week at the rate of $500 a week can require up to a $500 security deposit.

(iii) An Owner who leases a Taxicab for six months at the rate of $2,000 a month can require up to a $500 security deposit.

§8-20.1(e)(4)	Fine: $200	Appearance NOT REQUIRED

(5) *Provide Driver Written Receipt and Accounting for Security Deposit.*

(i) An Owner must provide written receipts for any security deposits made by a Driver.

(ii) An Owner must provide a Driver with a written itemization of any items withheld or deducted from a security deposit.

§8-20.1(e)(5)	Fine: $50	Appearance NOT REQUIRED

(6) *Return Deposit within 30 Days of Lease Termination.*

(i) An Owner must return a security deposit no later than 30 days after the end of the lease term.

(ii) An Owner must return a security deposit either by check or by cash exchanged for a written receipt from the Driver.

§8-20.1(e)(6)	Fine: $50	Appearance NOT REQUIRED

(7) *Interest on Security Deposit.*

(i) An Owner who requires a security deposit must secure the funds in an interest-bearing account in a bank or credit union within the City of New York, in an account devoted to security deposits and not commingled with funds of the Owner.

(ii) The Owner must indicate in writing provided to the Driver the name and address of the bank or credit union and the applicable account number.

(iii) Interest on the security deposit must accrue to the benefit of the Driver furnishing the security, except, however, that the Owner can retain one percentage point of any interest, as compensation for bookkeeping expenses.

§8-20.1(e)(7)	Fine: $50	Appearance NOT REQUIRED

(8) *Collective Bargaining Agreement Exception to Limitations on Security Deposits.* The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed by the terms of a collective bargaining agreement that regulates the subject of security deposits.

(f) *Credit Card Charges.*

(1) For any lease of a Taxicab (vehicle and Medallion), an Owner (or Owner's Agent) must pay a Driver in cash, on a daily basis, the total amount of all credit card payments made during the Driver's shift;

(2) For any lease not described in subparagraph (1), an Owner (or Owner's Agent) must pay the Driver in cash, on no less than a weekly basis, the total amount of all credit card payments made during that period;

§8-20.1(f)(1)& (2)	Fine: $100	Appearance NOT REQUIRED

(3) An Owner (or Owner's Agent) can withhold from the cash payments, a credit card pass-along of no more than five percent (5%) of the total amount.

§8-20.1(f)(3)	Fine: First violation: $200 Second violation: $300 Third violation: $500 In addition to the penalty payable to the Commission, the ALJ may order the Owner to pay restitution to the Driver, equal to the excess amount that was charged to the Driver.	Appearance REQUIRED

(4) If an Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can deduct from the credit card receipts payable to the Driver the amount due for the MTA Tax from the Driver's trips.

(g) *Receipts to Drivers for All Payments*.

(1) An Owner (or Owner's Agent) must give a Driver a written receipt for every payment or deduction made under the lease and these Rules.

(2) The receipt must include the name of the Driver and the number of the Medallion subject to the lease.

(3) The receipt must clearly state the following information with respect to the payment or deduction:

(i) The date

(ii) The name of the recipient

(iii) The amount

(iv) The purpose

(v) The number of the section of this chapter that authorizes the payment or deduction

§8-20.1(g)	Fine: $50 plus driver gets free shift.	

(h) *Lease Must Be in Writing.*

(1) Every Taxicab operating lease (including any amendments), must be in writing, and must be signed by the Owner (or a person authorized to act on behalf of the Owner), and by the leasing Driver or Drivers.

(2) A copy of the fully executed lease must be provided to the leasing Driver or Drivers.

§8-20.1(h)	Fine: $500	Appearance NOT REQUIRED

(i) *Terms.* Every lease must contain the following terms:

(1) *The type and term of the lease.* The lease must state the beginning date and time of the lease and the ending date and time of the lease.

(i) A weekly lease must run for seven consecutive calendar days.

(ii) A shift must run for 12 consecutive hours.

(2) *Costs covered by the lease.* The lease must state the total lease amount, and must itemize that total cost, including:

(i) The amount of the lease that applies to the medallion and the amount, if any, that applies to the vehicle

(ii) The amounts, if any, of the security deposit

(iii) The percentage credit card pass-along

(iv) Any other costs that the Driver will be charged

(3) *Reference Authorizing Rule Sections.*

(i) For each itemized cost listed above (in subparagraph (2)), the lease must include a reference to the Commission Rule authorizing the Owner to charge the cost to the Driver.

(ii) The lease must either recite the complete text of each Rule or state the address of the Commission's Web page on which the Rule is published.

(4) *Overcharges.* Every lease must contain clearly legible notice that overcharging a lessee/Driver is prohibited by the Commission's Rules, and that complaints of overcharges may be made in writing to the Commission or by telephone call to 311.

(5) *Charges Upon Cancellation.*

(i) If an Agent demands the return of a Medallion upon the request of an Owner, the Driver has the right to request the Agent to provide a replacement Medallion and, if the Agent provides another Medallion, the Driver will not be responsible for the costs of hacking up a replacement vehicle.

(ii) Any cancellation charge contained in the lease must be reasonable, and will not be permitted unless the lease also provides that:

A. Owner is not permitted to charge a Driver a cancellation charge if the Driver is not late in making lease payments at the time the Owner cancels the lease.

B. When a cancellation payment is made, the Driver's obligation to make lease payments terminates immediately.

(6) *Deposit information.* Each lease must include the information regarding deposits required by §8-20.1(e) of this chapter.

§8-20.1(i)	Fine: First violation $500 Second and subsequent violations: $1000 and/or suspension of the Medallion for up to thirty days. In addition to the penalty payable to the Commission, the administrative law judge may order the owner to pay restitution to the driver, equal to the excess or non-authorized charge that was charged to the driver.	Appearance REQUIRED

(j) *Retaliation.*

(1) An Owner must not retaliate against any Driver for making a good faith complaint against any Owner for violation of the leasing provisions in §8-20.1 of this chapter.

(2) "Retaliation" will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

§8-20.1(j)	Fine: $1,000	Appearance NOT REQUIRED

§8-21 Records – Trip Record Information

(a) *Record of Passenger Trip Information.* The Trip Record is the record of all data collected from every for hire trip made by a Taxicab and must include the following information:

(1) The Taxicab Medallion number

(2) The Taxicab Driver's License number

(3) The location where each passenger is picked up

(4) The time each passenger is picked up

(5) The total number of passengers

(6) The location where each passenger is dropped off

(7) The time each passenger is dropped off

(8) The total trip mileage

(9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)

(10) Method of payment

(11) The trip number

(12) Other information required by the Commission

(b) *Form of Trip Record.*

(1) Trip Records must be collected and stored electronically, through the use of the Taxicab Technology System (T-PEP).

(2) If the T-PEP is inoperable, a written Trip Record must be kept during the 48-hour period the Taxicab is permitted to operate after timely notification of the malfunction. (*See §8-40 of this Chapter)*

(c) *Access to Trip Record.*

(1) Trip Record information must be available to the Commission and the Taxicab Driver.

(2) Trip Record information must be available at the end of each shift and/or at the end of a lease term.

(3) An Owner must take possession of any written Trip Records weekly.

§8-21(c)(3)	Fine: $25	Appearance NOT REQUIRED

(d) *Changes and Corrections*.

(1) An Owner must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record.

(2) An Owner must not make erasures or obliterate information on a written Trip Record, or other record that Owner is required to maintain.

§8-21(d)(2)	Fine: $50	Appearance NOT REQUIRED

(3) If a wrong entry is made on any written Trip Record, the Driver or Owner must correct it and record the date, time, and reason for the change, so long as a record of the manually changed entry exists**.**

§8-21(d)(3)	Fine: $50	Appearance NOT REQUIRED

(4) Trip Records must not be changed either in whole or in part, unless authorized by the Commission.

§8-21(d)(4)	Fine: $100 - $350 and/or suspension up to 30 days	Appearance NOT REQUIRED

§8-22 Records – Contact Information

(a) *Mailing Addresses.*

(1) Each Owner must designate a Mailing Address; this can be the Agent's address but cannot be a post office box number.

(2) Any notice from the Commission will be sufficient if sent to the Mailing Address.

(3) Each individual Owner must also file and maintain with the Commission the Owner's personal address and a telephone number where the Owner can be reached directly.

(4) Each Business Entity Owner must also file and maintain with the Commission the personal addresses and telephone numbers of each of Owner's Business Entity Persons.

§8-22(a)(1) –(4)	Fine: $100	Appearance NOT REQUIRED

(5) The Commission is not required to send any communication to the Owner's personal address, except when notifying Owner that the License of the Agent designated by Owner has been revoked. Other communications sent to the Owner's personal address are at the discretion of the Commission.

(b) *Telephone Number and Immediate Access.* An Owner must maintain on file with the Commission a current telephone number connected to an answering machine or recording device, a pager number, an answering service telephone number or a similar means of telephone contact, so that the Commission can reach the Owner on a 24-hour basis.

§8-22(b)	Fine: $100	Appearance NOT REQUIRED

§8-23 Records – Maintenance Requirements

(a) *Shift Drivers.* An Owner must keep accurate records of the Driver for each shift.

§8-23(a)	Fine: $250	Appearance NOT REQUIRED

(b) *Fleet or Minifleet Owner Records.* A fleet or minifleet Owner must maintain for a period of three years a written record of every shift providing the following information for each Taxicab:

(1) Driver's name,

(2) Taxicab Driver's License number,

(3) State license plate number,

(4) Medallion number,

(5) Time of leaving garage,

(6) Exact time of return.

§8-23(b)	Fine: $25	Appearance NOT REQUIRED

(c) All Owners must maintain the following additional records for a period of three years:

(1) Drivers' electronic and written trip records

(2) Receipts and disbursements from the Taxicab operations

(3) Payments to Drivers

(4) Mileage record of each vehicle

(5) Workers' compensation insurance coverage, if any

(6) Liability insurance coverage

(7) Any other information required by the Commission

§8-23(c)(1)-(7)	Fine: $50 for violation of each subdivision hereof.	Appearance NOT REQUIRED

(d) An Owner must make available to a Driver any records that the Owner is required to maintain, and that the Driver can be required to present to the Commission or any other governmental agency; the Owner can provide photocopies of the records.

§8-23(d)	Fine: $50	Appearance NOT REQUIRED

§8-24 Reporting Requirements

(a) *Report Change in Status.*

(1) When an Owner has a change of Mailing Address or a change in the office of record, the Owner must personally appear at the Commission to report the changes within 72 hours of such change (not including weekends and holidays).

(2) The Owner must bring the Rate Cards for all of Owner's Taxicabs.

§8-24(a)	Fine: $100	Appearance NOT REQUIRED

(b) *Lost, Stolen, or Damaged Taximeter***.** If a Taximeter is lost, stolen or damaged beyond repair, the Owner must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the loss, theft or destruction, and must provide any affidavit or information that the Commission requires.

§8-24(b)	Fine: $100	Appearance NOT REQUIRED

§8-25 Operations – Rates and Tolls

(a) *Metered Rate of Fare***.**

(1) *Metered Rate of Fare*. The rate of fare for Taxicabs is as follows, regardless of the number of passengers or stops:

(i) The charge for the initial unit is $2.50

(ii) The charge for each additional unit is $.40

(iii) The unit of fare is:

A. One-fifth of a mile, when the Taxicab is traveling at 12 miles an hour or more; or

B. 60 seconds (at a rate of $.40 per minute), when the Taxicab is traveling at less than 12 miles an hour.

(iv) The Taximeter must combine fractional measures of distance and time in accruing a unit of fare. Any combination of distance or time specified in paragraph (iii) above must be computed by the Taximeter in accordance with Handbook 44 of the National Institute of Standards and Technology.

(v) The fare must include pre-assessment of the unit currently being accrued; the amount due can therefore include a full unit charge for a final, fractional unit.

(2) *Surcharges*. In addition to the metered rate of fare, Taxicabs will add the following surcharges, except where surcharges are specifically exempted:

(i) A rush hour surcharge of $1.00 for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m.; this surcharge will not be applied on legal holidays

(ii) A nighttime surcharge of $.50 for all trips beginning after 8:00 p.m. and before 6:00 a.m.

(3) *MTA Tax*. The MTA Tax must be charged on any trip that starts in New York City and ends in any of the following:

(i) New York City

(ii) Dutchess County

(iii) Nassau County

(iv) Orange County

(v) Putnam County

(vi) Rockland County

(vii) Suffolk County

(viii) Westchester County

(b) *Flat Rates from Kennedy Airport*.

(1) *Flat Fare Rate to Manhattan*. The fare for a trip between Kennedy Airport and Manhattan will be a Flat Rate of $45, plus any tolls.

(i) NO surcharge will be added to this Flat Rate.

(ii) The MTA Tax must be charged in addition to the Flat Rate.

(iii) The Taximeter must reflect that this trip is a Flat Rate fare.

(2) *Calculating Fare for Multiple Stops to Manhattan*. If passengers request multiple stops on a trip from Kennedy Airport to Manhattan, the fare will be determined as follows:

(i) The first stop in Manhattan is paid as required by paragraph (1) of this subdivision (a Flat Rate fare of $45 plus tolls plus the MTA Tax).

(ii) The Taximeter is then turned on as if for a new trip and a new fare is calculated as a regular metered trip.

(iii) The total metered fare (plus any surcharge) is paid at the last stop by the remaining passenger.

(iv) No fare is due at the time any other passengers are dropped off between the first and last passenger.

(v) Example: if three passengers request stops at 42nd St., 18th St. and 4th St.:

A. $45.50 will be collected at 42nd St.

B. The Taximeter will be turned on at that point

C. When the second passenger exits at 18th St., the Taximeter remains on and no money is paid to the Driver.

D. The passenger dropped off at 4th St. must pay the fare on the Taximeter.

(3) *Metered Fare to Boroughs Other Than Manhattan*. All trips between Kennedy Airport and a borough other than Manhattan are governed by the metered rate of fare as set forth in §8-25(a).

(4) *Chairperson's Right to Suspend this Provision.* The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport.

(c) *Group Ride Fares.*

(1) *Group Ride Fare from LaGuardia Airport (*Reserved)

(2) *Group Ride Fare from York Avenue***.** The fare for trips made under a Group Riding plan from York Avenue to the Financial District will be $6.00 per passenger. In addition, there can be a fee for dispatch services as the Commission determines.

(3) *Experimental Group Ride Programs***.**

(i) *Additional Pickup Locations*. The Chairperson can recommend for Commission approval additional Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan.

(ii) *Demand-Driven Temporary Group Riding Plans.* The Chairperson can also recommend for Commission approval additional Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances.

(iii) *Duration.* Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:

A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or

B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.

(iv) *Termination.* The Commission can discontinue any Group Riding plan that has not been the subject of final rulemaking upon a determination that continuation of the plan is not in the best interest of the public.

(4) *MTA Tax*. In a group ride, one passenger will pay the MTA Tax. The fare for that passenger will be reduced by the amount of the MTA Tax. All passengers will pay the same total amount. (*Example:* If three passengers are taking a group ride for which the fare is $6.00 per person, the fare will be adjusted so that the total fare for all three passengers equals $17.50 plus the $.50 MTA Tax.)

(d) *Trips Beyond the City***.**

(1) For a trip beyond the limits of the City of New York, except for Westchester or Nassau County, or Newark Airport, the fare will be a Flat Rate. The MTA Tax must be added to the Flat Rate for any trip that starts in New York City and ends in any of the following:

(i) Dutchess County

(ii) Orange County

(iii) Putnam County

(iv) Rockland County

(v) Suffolk County

(2) For a trip to Westchester or Nassau County the fare will be the sum of the following amounts:

(i) The amount shown on the Taximeter for that portion of the trip that is inside the City limits, plus

(ii) Twice the amount shown on the Taximeter for that portion of the trip that is outside the City limits, plus

(iii) All necessary tolls to and from the destination.

(iv) The MTA Tax must be added to the total fare.

(3) For a trip to Newark Airport the fare will be the sum of the following amounts:

(i) The amount shown on the Taximeter, plus

(ii) A surcharge of $15.00, plus

(iii) All necessary tolls to and from the destination

(4) Any continuous trip where the point of origin and the destination are both within the limits of the City of New York will not be considered a trip beyond the City limits, even though the shortest and most direct route requires traveling outside the City limits but within continuous counties. The Taximeter must be kept in the recording position throughout the trip.

(e) *No Charge for Luggage or Mobility Aids***.** There will be no charge for:

(1) Steamer trunks or other luggage or belongings;

(2) Wheelchairs, crutches, three-wheeled motorized scooters and other mobility aids transported in the interior of the Taxicab;

(3) Use of the Taxicab's trunk.

(f) *Tolls – How Tolls are Paid.*

(1) All Taxicabs must be equipped with a New York MTA Bridges & Tunnels *EZ-Pass*®. (*See §8-26)*

(2) When a Taxicab drives through a toll plaza with an *EZ-Pass*®, the MTA Bridges & Tunnels automatically deducts the cost of the toll from an account maintained by the *EZ-Pass*® tag holder.

(3) Passengers must pay for the toll, and must be informed of this fact before the trip begins, but are only required to pay the actual amount (often a discounted toll) charged to the *EZ-Pass*®.

(4) Drivers must collect the proper toll amount from the passenger and forward it to the holder of the *EZ-Pass*® tag.

(g) *Tolls – What Tolls are Paid by Passenger.*

(1) On all trips within the City of New York, the passenger must pay:

(i) All tolls incurred driving *to* the passenger's destination

(ii) No tolls for the Driver's *return* trip, except for trips over:

A. The Cross Bay Veterans Bridge

B. The Marine Parkway – Gil Hodges Memorial Bridge

(2) On trips beyond the City of New York, the passenger must pay all necessary tolls *to and from* the destination.

(3) A Driver who charges a passenger *more* than the actual amount of the *EZ-Pass*® toll is guilty of an overcharge as prohibited by §4-15(g) of the Taxicab Drivers chapter.

(4) A Driver who fails to reimburse an *EZ-Pass*® tag holder for all toll charges incurred, including toll charges for which there is no passenger reimbursement, will be subject to the provisions of §4-15(f)(4) of the Taxicab Drivers chapter.

(5) In addition to any other penalty permitted, the Commission can order restitution to a passenger or the *EZ-Pass*® tag holder.

(h) *Credit/Debit Card Rules.*

(1) An Owner who is a merchant is permitted to charge the Driver a pass-along of not more than five percent (5%) of the total credit/debit charges incurred during the Driver's shift.

(2) Merchants are not permitted to charge a pass-along to any passenger for credit/debit card transactions.

§8-26 Operations – EZ-Pass® Required

(a) *EZ-Pass® Account.* All Owners must participate in the *EZ-Pass®* New York Program by maintaining a current account with the Metropolitan Transportation Authority, Triborough Bridge and Tunnel Authority ("MTA Bridges and Tunnels" or "MTA B&T").

§8-26(a)	Fine: $100 and suspension until compliance	Appearance REQUIRED

(b) *EZ-Pass® Tags Required on all Taxicabs.*

(1) Owners must either:

(i) Equip all of Owner's Taxicabs with an MTA Bridges and Tunnels *EZ-Pass®* tag, each of which must be attached as required by MTA B&T, or

(ii) Allow a Driver to use his or her personal *EZ-Pass®* tag.

(2) Owners must have available at least one MTA Bridges and Tunnels tag for each of their Medallions.

(3) Owners must maintain a sufficient balance in their *EZ-Pass®* account, according to what is required by the program.

§8-26(b)	Fine: $100 and suspension until compliance	Appearance REQUIRED

(c) *Driver Provides EZ-Pass® Tag.*

(1) A Driver can choose to use his or her own *EZ-Pass®* tag.

(2) If a Driver uses his or her own *EZ-Pass®*, the Driver keeps the toll money paid by the passenger, or is reimbursed the amount of the toll(s) if the passenger pays by credit or debit card.

(d) *Owner Provides EZ-Pass® Tag.*

(1) *Funds Accrue to Owner*. When an Owner provides the *EZ-Pass®* tag, the Driver must ensure that all of the monies paid by a passenger for toll(s) accrue to the Owner.

(i) If the customer pays by cash, the Driver will forward the money to the Owner at the end of his or her shift or at the end of his or her lease.

(ii) If the customer pays by credit or debit card, the Owner will retain any amount paid for toll(s).

§8-26(d)(1)	Fine: $250	Appearance NOT REQUIRED

(2) *Owner can Require Driver to Maintain a "Replenishment" Account.*

(i) An Owner who is the *EZ-Pass®* tag holder can require a Driver who is Dispatched in one of Owner's Taxicabs for one or more shifts to maintain an *EZ-Pass®* replenishment account with the Owner.

(ii) The Owner can require a Driver to maintain a maximum of $10 for every 12-hour shift included within a lease period, up to a maximum of $100, in the replenishment account for the benefit of Owner.

(iii) The Owner can collect from this account any tolls paid by the Owner's *EZ-Pass®* account for a tag assigned to a Taxicab operated by the Driver, for which the Owner has not been reimbursed.

(iv) Any funds held in the replenishment account that are not used to reimburse the Owner must be returned to a Driver within 30 days after the termination of the Driver's lease with the Owner.

(v) An Agent has the same rights and obligations as Owner under this paragraph §8-26(e)(2).

§8-26(d)(2)	Fine: $250 plus restitution to the Driver of any replenishment account improperly retained by an Owner or Agent	Appearance REQUIRED

§8-27 Operations – Miscellaneous Requirements

(a) *Lost Property–Police Notification.* Passenger lost property found in a Taxicab must be taken without delay to the police precinct in which the garage is located unless it can be returned to its rightful owner within a reasonable time.

§8-27(a)	Fine: $25 – 250	Appearance REQUIRED

(b) *Lost Property–Notify the Commission.* The Taxicab Owner must promptly inform the Commission of any property that has been taken to a police precinct as required by §8-27(a).

§8-27(b)	Fine: $25	Appearance NOT REQUIRED

(c) *No Solicitation***.**

(1) When a Taxicab is operating, Owners must not allow any service or merchandise to be sold or advertised to any passenger.

(2) An Owner must not make any arrangement with an owner, manager or employee of any restaurant, bar, night club, cabaret, dance hall, hotel, or any similar place, in which the Driver agrees to solicit or recommend patronage for such places, without prior written approval of the Commission.

§8-27(c)	Fine: $50 – 200	Appearance REQUIRED

(d) *No Disruption of Pedestrian or Vehicular Traffic.* An Owner must not Dispatch a Taxicab from a public street or other public area if the Dispatch will prevent the flow of pedestrians or vehicular traffic, or cause inconvenience or annoyance to the public.

§8-27(d)	Fine: $100	Appearance NOT REQUIRED

§8-28 Vehicle Condition – Inspections

(a) *Required Inspections.* No new or replacement Taxicab can operate for hire unless it has been inspected and approved by the Commission.

§8-28(a)	Fine: $100 and seizure of the vehicle	Appearance NOT REQUIRED

(b) *Tri-Annual Inspection.* An Owner must have his Taxicab inspected every four months at a date and time designated by the Commission and at any other time deemed necessary by the Commission.

§8-28(b)	Fine: (penalties below are cumulative) 0-30 days past inspection due date: $100 and Summary Suspension until compliance 31-60 days past inspection due date: $100-$250 and Summary Suspension until compliance 61-120 days past inspection due date: $250-$500 and Summary Suspension until compliance More than 120 days past inspection due date: $500 and/or revocation.	Appearance REQUIRED

§8-29 Vehicle Condition – Meet Safety Standards

(a) While a taxicab is in operation, all equipment, including brakes, tires, lights and signals must be in good working order and meet all requirements of the New York State Vehicle and Traffic Law, and the Rules of the Commission**.**

§8-29(a)	Fine: $100.	Appearance N/A

(b) An Owner must comply with all notices and directives to correct defects in Taxicabs.

§8-29(b)	Fine: $50 and suspension until the defective condition is corrected.	Appearance N/A

(c) An Owner must repair or replace a Taxicab when the Commission determines that the vehicle is unsafe or unfit for use as a Taxicab and directs the Owner to remove it from service. The Owner must surrender the Medallion and Rate Card to the Commission for storage and the License will be suspended.

§8-29(c)	Fine: $100 - $350 and/or suspension up to 30 days Summary Suspension until compliance	Appearance N/A

§8-30 Vehicle Condition – Miscellaneous

(a) *Clean***.** The Taxicab's exterior and interior must be clean.

§8-30(a)	Fine: $25	Appearance NOT REQUIRED

(b) *Trunk***.** The trunk compartment must be capable of securely holding passengers' baggage.

§8-30(b)	Fine: $75	Appearance NOT REQUIRED

(c) *Shoulder Belts.*

(1) Every Taxicab must be equipped with shoulder belts for both outside front seat positions and both outside rear seat positions.

§8-30(c)(1)	Fine: $100 - $250	Appearance REQUIRED

(2) All seat belts and shoulder belts must be clearly visible, accessible and in good working order.

§8-30(c)(2)	Fine: $100 - $250	Appearance REQUIRED

(d) *No Alterations.* An Owner will make no structural change in a Taxicab that deviates from the Taxicab specifications set forth in Chapter 17 of these Rules without the Commission's written approval.

§8-30(d)	Fine: $100	Appearance NOT REQUIRED

(e) *No Physical Movement of Medallion.* An Owner must not affix, remove or transfer a Medallion to a new or replacement vehicle without prior authorization of the Commission, except that an Owner can affix additional bolts to a Medallion in order to further secure it.

§8-30(e)	Fine: $100 - $350 and/or suspension up to 30 days	Appearance REQUIRED

(f) *Medallion Number on Roof Light***.** The Medallion number on the front and rear of the roof light must be clean and unobstructed so that the Medallion number is plainly visible.

§8-30(f)	Fine: $50	Appearance NOT REQUIRED

(g) *Illumination.* When a Taxicab is in operation for hire after sunset, the following items must be illuminated so that they are clearly visible from the rear seat:

(1) The face of the Taximeter

§8-30(g)(1)	Fine: $25	Appearance NOT REQUIRED

(2) The Taxicab Driver's License

§8-30(g)(2)	Fine: $200 Notice to correct within 10 Days	Appearance REQUIRED

(3) The Rate Card

§8-30(g)(3)	Fine: $200 Notice to correct within 10 Days	Appearance REQUIRED

(h) *Lighting Control.* The dashboard dimmer switch or any other device must not control the candlepower of the roof light, Taximeter light, card frame light or interior lighting.

§8-30(h)	Fine: $50 - $350 and/or suspension up to 30 days	Appearance N/A

§8-31 Vehicle – Markings & Advertising

(a) *Approved Exterior Markings.*

(1) An Owner of a Taxicab must apply to the exterior of the Taxicab the following markings approved by the Commission:

(i) Two Taxicab logo decals

(ii) Two rate of fare decals

(iii) Two Medallion number decals

(iv) Two checkerboard stripe decals

(2) An Owner of a Taxicab must obtain the approved Taxicab markings from a person or entity authorized by the Commission to print and distribute the decals. A depiction of the decals and a list of persons authorized to print and distribute the decals will be available on the Commission's website and/or through other means determined by the Commission and announced on its website.

(3) Authorized Stand-by vehicles must display SBV number decals in lieu of the Medallion number decals.

§8-31(a)(1)-(3)	Fine: $75	Appearance NOT REQUIRED

(b) *Approved Emblems.*

(1) An Owner must not display emblems on the Taxicab exterior, other than an emblem identifying:

(i) The Owner

(ii) An association of Owners

(iii) A Taxicab Drivers' union

(iv) The Taxicab manufacturer

(2) These emblems must conform to the Marking Specifications for Taxicabs and will be subject to the approval of the Commission.

(3) No more than two of the same emblem can be displayed on a Taxicab, unless otherwise authorized by the Commission.

§8-31(b)(1)-(3)	Fine: Notice to correct within 10 days; failure to comply: $200	Appearance REQUIRED

(c) *Other Approved Markings.* An Owner must not display any lettering, emblem, advertising or marking of any kind on the exterior of a Taxicab, including windows and exterior accessories, unless authorized by the Commission, except for the following:

(1) Markings, inscriptions and/or advertising specifically permitted or authorized by the Commission.

(2) Advertising that is authorized by the Commission on the Vehicle's Rate Card and for which the Owner has obtained a permit from the Commission

(3) *Accessible Taxicab Insignia*

(i) The design for insignia that will identify the vehicle as an Accessible Taxicab will be provided by the Commission on its website or through other means presented on its website.

(ii) These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the accessible Taxicab, and will be visible to passengers entering the accessible Taxicab.

(4) *Clean Air Taxicab Insignia*.

(i) The design for insignia that will identify the vehicle as a Clean Air Vehicle will be provided by the Commission on its website or though other means presented on its website.

(ii) These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such Taxicab, and will be visible to passengers entering the clean air Taxicab.

§8-31(c)	Fine: $25	Appearance NOT REQUIRED

(d) *Maintain in Good Condition.* Required inscriptions and markings must be maintained in good condition.

§8-31(d)	Fine: $75	Appearance NOT REQUIRED

(e) *Commercial Use Tax Stamp.* An Owner must affix a current New York City commercial use motor vehicle tax stamp to the lower right side of the Taxicab windshield so as to be plainly visible.

§8-31(e)	Fine: Notice to correct within 10 days Failure to comply: $200	Appearance REQUIRED

(f) *Approved Interior Markings.* An Owner must not display inside a Taxicab any advertising or other notice not specifically authorized by these rules or the Commission's Marking Specifications for Taxicabs unless approved by the Commission, except for the following:

(1) Industry signage/logos of all credit/debit cards accepted by the Taxicab Technology System, all of equal size, shown in the information content on the passenger information monitor screen; and

(2) Advertising in the information content on the passenger information monitor screen as set forth below in the Taxicab Marking Specifications table (§8-31(i)) and in §17-15(d) of these Rules.

§8-31(f)(2)	Fine: $50	Appearance NOT REQUIRED

(g) *Braille and Raised Lettering Plaques.* An Owner must equip all Taxicabs with both of the following:

(1) *A Taxicab Identification Braille Plaque*.

(i) This plaque must be made of .040 gauge aluminum with a matte finish and measure 3¼ inches in length and 1¾ inches in height, with radius corners.

(ii) The plaque must state, in Raster Braille grade two:

A. The Medallion number centered on the first line,

B. The word "COMPLAINTS" centered on the second line, and

C. The telephone number "212 NYC TAXI" centered on the third line.

(iii) The plaque must be permanently affixed on the door armrest of the horizontal plane of the right rear door, or another location approved by the Chairperson.

(2) *A Taxicab Identification Raised Lettering Plaque.*

(i) This plaque must be made of ⅛-inch thick black acrylic plastic and measure 11 inches in length and five inches in height, with radius corners and four holes (one in each corner) for attachment with screws.

(ii) The plaque must state, in one inch high white Helvetica lettering that is permanently affixed:

A. The Medallion number centered on the first line,

B. The word "COMPLAINTS" centered on the second line, and

C. The telephone number "212 NYC TAXI" centered on the third line with appropriate spacing between the three words.

(iii) The plaque must be permanently affixed on the rear of the front right passenger seat or partition, not more than six inches below the lexan or polycarbonate portion of the partition.

§8-31(g)(2)	Fine: $100. No penalty for missing plaque, if condition is corrected within forty-eight hour	Appearance N/A

(h) *Special Markings for Clean Air Vehicles.* Owners of a Clean Air Taxicab must display on the Taxicab's Personal Information Monitor information provided by the Commission that accomplishes the following:

(1) Identifies the Taxicab as a Clean Air Vehicle

(2) Includes the address of the Commission web page(s)

(3) Includes, to the extent practicable:

(i) Estimated air quality benefits associated with the use of the vehicle, and

(ii) The type of fuel used to power the vehicle.

§8-31(h)	Fine: Notice to correct within 10 days Failure to comply: $200	Appearance REQUIRED

(i) *Marking Specifications for Taxicabs.*

INSCRIPTION*	**LOCATION**	**SIZE**
(a) Rate of fare decals (required). (Non-detachable type only.)	Both rear doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle. The base line of the rate of fare and Taxicab logo decals must be parallel and the same distance to the bottom door edge.	The size of the approved rate of fare decals must be determined by the Commission.
(b) Taxicab logo decals (required) (Non-detachable type only.)	Both front doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle. The base line of the rate of fare and Taxicab logo decals must be parallel and the same distance to the bottom door edge.	The size of the Taxicab logo decals must be determined by the Commission
(n) Medallion number (required)	Front and rear of roof light.	2¾" to 3" high letters ½" thick.
(o) "OFF DUTY" (required)	Each end of roof light.	1¼" high letters ¼" thick.
(e) "Owner-Driver" (optional)	Rear of taxi.	3" maximum height
(f) EMBLEMS (Optional) (1) Fleet Owner (2) Owner Association (3) Taxicab Drivers' Union insignia (4) Taxicab manufacturer	On rear baggage compartment in lower right corner of deck lid. Consult the Commission if contour of lid requires another location on the lid.	2" high letters ¼" thick. Avoid overcrowding
(g) Medallion number, interior (required). Can be one-piece decal or a stencil. The number must be of a color contrasting with the seat, to provide for easy legibility.	On the back of the front seat. The top of the number must be located not more than two inches below the top of the front seat.	Numbers and letter must be 3" minimum in height.
(h) Passenger Information Sign. (required) Must contain the information required by the Chairman or his designee.	On the back of the front seat or on a safety partition, displayed in a manner that is clearly visible to the passengers in the back seat.	Approximately 12" wide by 6" high.
	If the taxi is equipped with a safety partition, the passenger information sign can be placed on the partition behind the Driver's head, but no higher than a headrest would be.	
(p) "Drivers Wanted" sign. Can include the telephone number of the Owner. (Optional)	Rear of taxi.	No more than 24" wide by 3" high.
(j) "If this taxi is parked for over 24 hours, please call Owner at (telephone number)…" (Optional)	Rear of taxi or horizontal on dashboard.	No more than 24" wide by 3" high.

INSCRIPTION*	LOCATION	SIZE
(q) Telephone available, or similar language or symbol (optional)	Exterior, on a door or a side window.	4" by 6", or smaller.
(r) Brand name of passenger information monitor manufacturer or Taxicab Technology Service Provider	On the bezel of the frame of the passenger information monitor	Not to exceed 11/4" in height and 4" in length
(m) "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED." (Non-detachable decals only)	On rear passenger window	Letters must be at least one-half inch high.
(s) Medallion number decals (required). (Non-detachable decals only.)	Immediately before the checkerboard stripe decal so that the two decals appear to be one stripe. The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and checkerboard are aligned and appear to be one stripe. On some vehicles, such as minivans, the Medallion number can be placed at the rear of the sliding door, but must still align with the checkerboard stripe.	The size of the Medallion number decals must be determined by the Commission.
(o) Checkerboard stripe decals (required). (Non-detachable decals only.)	Immediately behind the Medallion number decal so that the two decals appear to be one stripe. The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and checkerboard are aligned and appear to be one stripe. The tailing end of the checkerboard can be shortened, if necessary, on vehicles with short quarter panels.	The size of the checkerboard stripe decals must be determined by the Commission.
(p) "Drivers are not allowed to use cell phones or handheld electronics." Decal or sticker shall be issued by the Commission	Interior of passenger compartment in a location plainly visible to passengers	As issued by the Commission

*Detachable signs suspended from door frames are not permitted.

§8-32 Vehicles – Items Required in Vehicle

(a) The following must be present in the Taxicab while it is in operation for hire:

(1) The Taxicab Driver's License, in the Driver's License frame

(2) The Rate Card, in the Driver's License frame

(3) An insurance card or photocopy, unless the Owner is self insured and has noted this fact on the Rate Card along with any other information required by the Commission

(4) All other notices required to be posted in the Taxicab

§8-32(a)(1)-(4)	Fine: $25 for each (1) – (4) not in vehicle, not to exceed $75 in the aggregate	Appearance NOT REQUIRED

(5) A means of collecting and recording all of the Trip Sheet data.

§8-33 Vehicle Equipment

(a) *Roof Light.* A roof light is required on all Taxicabs, as required by the Hack-Up specifications in Chapter 17; the Taxicab Owner must ensure compliance with the following:

(1) *Off-duty Sign by Manual Switch.* While a Taxicab is in operation for hire, the "Off Duty" sign must not be illuminated in any way other than by a manually operated switch on the Taxicab dashboard.

§8-33(a)(1)	Fine: $75	Appearance NOT REQUIRED

(2) *Controlled by Taximeter.* The Taxicab roof light must be automatically controlled by the operation of the Taximeter so that it is lighted only when the Taximeter is in an off position and unlighted when the Taximeter is in a recording position. An Owner must not tamper with the operation of the Taxicab's roof light.

§8-33(a)(2)	Fine: $50 - $350 and/or suspension up to 30 days	Appearance REQUIRED

(b) *Optional Two-way Radio.*

(1) A Taxicab can be equipped with a two-way radio only in the Citizens Radio Service and only on the forty frequencies, within allowed deviation, specifically authorized under the rules of the Federal Communications Commission.

(2) Emissions, transmission power and antenna length must comply with limits established by the rules of the Federal Communications Commission.

(3) A two-way radio must not be used for purposes of Dispatch or passenger reservations.

§8-33(b)	Fine: $100 - $350 And removal of radio	Appearance N/A

(c) *Air Conditioning***.** Each Taxicab must be equipped with an operable air conditioning system; when the vehicle is also equipped with a partition, the air conditioning system must be able to provide cool air to the rear passenger area.

§8-33(c)	Fine: $50 per day except that where the system is installed and malfunctioning, a notice to correct within ten days must be issued	Appearance REQUIRED

(d) *Trouble Lights***.** An Owner must equip all Taxicabs with a help or distress signaling light system meeting the requirements of §17-11.

§8-33(d)	Fine: $100 and suspension until the condition is corrected	Appearance REQUIRED

§8-34 Vehicle Equipment – Partitions

(a) *Partition Required*. An Owner must equip all Taxicabs, except as provided in subdivision (b) of this section, with a partition that meets the specifications set forth in §17-10 of these Rules, and with provision for air conditioning for the rear passenger compartment, as set forth in §17-14.

§8-34(a)	Fine: $300 and suspension until the condition is corrected	Appearance REQUIRED

(b) *Owner-Drives Exemption from Partition Requirement*. An Owner of an Independent Medallion Taxicab or a Business Entity owning one or more Medallions will be exempt from the provisions of subdivision (a) provided all of the following five conditions are met:

(1) The Taxicab is driven only by the Owner(s) of the Medallion (including a Business Entity Person of a Business Entity Owner).

(2) The Rate Card lists only the persons named above in paragraph (1) as Named Driver(s).

(3) The Taxicab is equipped with the following:

(i) The required Trouble Lights

(ii) A cellular telephone with an emergency dialing feature.

(iii) A camera approved by the Commission

(4) The Owner has not previously been found in violation of this rule with respect to the subject Medallion.

(5) The Owner has applied for and received a certification of exemption from the Commission.

(c) *Exception to Exemption.* Even if the Owner meets all the conditions for an exemption, if a partition is the only approved location for display of the Rate Card and Driver License in a particular model of automobile, then a partition is required.

(d) *Curtain Airbags Modification.*

(1) A Taxicab that is equipped with factory installed curtain airbags will be equipped with a modified partition that does not extend the full width of the interior of the Taxicab.

(2) The modified partition instead must allow a space of six inches at each side, sufficient to permit proper deployment of the curtain airbags.

(3) The modified partition must conform in all other respects with the applicable requirements of §17-10 of these Rules.

§8-34(d)	Fine: $300 and suspension until the condition is corrected	Appearance REQUIRED

§8-35 Vehicle Equipment – In Vehicle Camera System (IVCS)

(a) When **an existing in-vehicle camera system is required to be replaced or when the system is installed**, the Taxicab will be equipped with an IVCS that meets the specifications of §17-12; the system must be installed and maintained by the manufacturer's authorized installer and will be in good working order.

§8-35(a)	Fine: $50	Appearance NOT REQUIRED

(b) Each Taxicab equipped with an IVCS must be equipped with a cellular telephone as set forth in subdivision (b) of this section.

§8-35(b)	Fine: $50	Appearance NOT REQUIRED

(c) Each Taxicab equipped with an IVCS must display decals on each rear passenger window, visible to the outside, that contain the following information: "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED."

§8-35(c)	Fine: $50	Appearance NOT REQUIRED

§8-36 Vehicle Equipment – Taximeters

(a) *Taximeter Requirements.* An Owner must equip the Taxicab with a Taximeter subject to the following conditions:

(1) The Taximeter must be of a make and type acceptable to the Commission.

§8-36(a)(1)	Fine: $50	Appearance NOT REQUIRED

(2) It must be affixed to the vehicle's dashboard so that it is clearly readable and visible to all passengers in the vehicle.

§8-36(a)(2)	Fine: $50	Appearance NOT REQUIRED

(3) The Taximeter's serial number must be the same as that shown on the Rate Card assigned to the Taxicab; or entered on the Rate Card by a Licensed Taximeter shop.

§8-36(a)(3)	Fine: $500	Appearance NOT REQUIRED

(4) The Taxicab tire size must be the same as that for which the Taximeter is calibrated, as indicated by the Rate Card.

§8-36(a)(4)	Fine: $50	Appearance NOT REQUIRED

(5) All Taximeter seals must be installed by a Licensed Taximeter repair shop or agent of the Commission.

§8-36(a)(5)	Fine: $500	Appearance REQUIRED

(6) The wiring harness leading from the Taximeter to the speed sensor must be of one piece construction with no intervening connectors, splices, "Y" connections, or direct or indirect interruptions or connections of any kind whatsoever.

§8-36(a)(6)	Fine: $500	Appearance REQUIRED

(b) *Accuracy of Taximeter.* A Taxicab must be equipped with a Taximeter that is in good working condition and will accurately compute the rate of fare currently established by the Commission. Penalties for violation are as follows:

(1) *1% Inaccurate.* The penalty is $50, if the Taximeter is found to be at least 52.8 feet (one percent) inaccurate, but less than 264 feet (five percent)

inaccurate in computing distance, or more than one percent but less than five percent inaccurate in computing time.

(2) *5% Inaccurate.* The penalty is $200, if the Taximeter is found to be at least 264 feet (five percent) inaccurate but less than 528 feet (ten percent) inaccurate in computing distance, or more than five percent but less than ten percent inaccurate in computing time.

(3) *10% Inaccurate.* The penalty is $300, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a first violation.

(4) *Repeated 10% Inaccuracy.* The penalty is $600, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a second or subsequent violation within thirty-six months.

§8-37 Vehicle Equipment – Taximeter Defects

(a) *No Defects in Taximeter or Installation.* A Taxicab must not be in service for hire with a defective Taximeter or a Taximeter that has been improperly installed.

(b) *Repair or Replace Defective Taximeter.* Whenever a Taximeter or its installation is defective or whenever a Taximeter computes an inaccurate rate of fare, the Owner must have the Taximeter:

(1) Repaired, tested and certified at a licensed Taximeter Business, or

(2) Replaced by the Taximeter Business with an approved Taximeter that has been inspected, tested and sealed;

(c) *Assembly Must be Certified.* After repair or replacement of the Taximeter, the Taximeter/vehicle assembly must be tested and certified in compliance with Commission regulations.

§8-37(a)-(c)	Fine: $100	Appearance NOT REQUIRED

(d) *Repairs by Licensed Agent.* No adjusted, repaired or recalibrated Taximeter or appurtenance of a Taximeter can be installed in a Taxicab unless the adjustment, repair or recalibration was done at a licensed Taximeter repair shop or other authorized facility; the Owner is responsible for any installation that violates this rule.

§8-37(d)	Fine: $75	Appearance NOT REQUIRED

§8-38 Vehicle Equipment – Taximeter Tampering

(a) *Unauthorized Tampering.* Unless authorized by the Commission, no person will tamper with, alter, repair or attempt to repair any portion of the Taximeter system that would affect the operation of the Taximeter or the Taxicab Technology System, including, but not limited to:

(1) The Taximeter

(2) The Taxicab Technology System

(3) Any seal affixed to the Taxicab by a licensed Taximeter repair shop or other authorized facility

(4) Any cable connection or cable system electrical wiring

(5) The vehicle's mechanism or its tires

(b) *Owner's Responsibility.* The Owner is responsible for any tampering, alteration or any unauthorized repair or attempt to repair.

§8-38(a) & (b)	Fine: $250 – 1,500 and/or suspension up to 30 days. Summary suspension until compliance under to §8-17(b) of this title	Appearance N/A

(c) *Owner's Defense.* It will be an affirmative defense to a violation of this section that the Owner:

(1) Did not know of or participate in the alleged tampering of the Taximeter or T-PEP; and

(2) Exercised due diligence to ensure that tampering with the Taximeter or T-PEP does not occur. Examples of an Owner's due diligence include, but are not limited to:

(i) Clearly warning Drivers that if they violate the Taximeter or T-PEP tampering rules, Owner will:

A. Immediately terminate any lease agreement Owner has with the Driver; and

B. Report the tampering violation to the Commission, which will result in the probable revocation of their Taxicab Driver's License;

(ii) Including the warning against violating the Taximeter and T-PEP tampering rules as a provision in any written lease agreement;

(iii) Stamping the warning against violating the Taximeter and T-PEP tampering rules on any written Trip Records whenever paper Trip Records must be issued to one or more Taxicab Drivers;

(iv) Conducting periodic random comparisons of the odometer and the Taximeter mileage readings of a Taxicab to check for any inappropriate disparities;

(v) Conducting periodic random inspections of the Taximeter and the T-PEP system in all the Owner's Taxicabs to detect any evidence of tampering; and

(vi) Having all of the Owner's Taxicabs inspected by a licensed Taximeter shop once every inspection cycle.

(d) *Notify the Commission of Tampered, Unauthorized or Removed Taximeter***.** An Owner must notify the Commission by telephone immediately, and in writing within 24 hours, upon discovering any of the following:

(1) Any Taximeter other than the Taximeter approved by the Commission (as indicated on the Rate Card) has been installed in the Owner's Taxicab;

(2) Any Taximeter seal in the Owner's Taxicab has been removed or tampered with;

(3) Any unauthorized device has been connected to any Taximeter, any seal, cable connection or electrical wiring, in the Owner's Taxicab, which can affect the operation of the Taximeter;

(4) Any intervening connections, splices, "Y" connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the Owner's Taxicab.

§8-38(d) (1)-(4)	Fine: $500-$1,000 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(e) *Inspections by Authorized Person*.

(1) A Taxicab's Taximeter must be tested for accuracy over a measured mile course and its installation must be tested for compliance with the rules of the Commission.

(2) Only personnel authorized by the Commission can perform these tests.

(3) These two inspections must be completed and the results of the tests indicated on the Rate Card in each of the following circumstances:

(i) At least once every 12 months.

§8-38(e) (3)(i)	Fine: $100	Appearance NOT REQUIRED

(ii) Whenever a Taximeter is installed in a vehicle

§8-38(e) (3)(ii)	Fine: $100	Appearance NOT REQUIRED

(iii) When the transmission or differential is altered, repaired or replaced

§8-38(e) (3)(iii)	Fine: $50	Appearance NOT REQUIRED

(iv) When a change is made in any other part of the Taxicab that can affect the Taximeter reading

§8-38(e) (3)(iv)	Fine: $50	Appearance NOT REQUIRED

(v) At any other time required by the Commission

§8-38(e)(3)(v)	Fine: $100	Appearance NOT REQUIRED

§8-39 Vehicle Equipment – Taxicab Technology System (T-PEP) Installation

(a) *Taxicab Technology System*. The T-PEP is a system of hardware and software that electronically provides the following four Core Services in the Taxicab vehicle:

(1) The ability for passengers to pay using a debit, credit or prepayment card

(2) The ability for Drivers to send and receive text messages

(3) The ability to record, collect and transmit Trip Record data

(4) The ability to provide passengers with information through a rear seat monitor screen (a Passenger Information Monitor or PIM) including:

(i) A map of the route being traveled

(ii) Public service announcements, including information about the Taxicab fares and passenger Bill of Rights

(iii) Limited commercial advertising and sponsorships

(iv) Directions on how to turn off all audio and visual presentations

(b) *Required Installation.* Owners must ensure that all of their Taxicabs are equipped with the T-PEP and otherwise meet the requirements of these provisions.

§8-39(b)	Fine: $1,000 and suspension until compliance	Appearance REQUIRED

§8-40 Vehicle Equipment – Taxicab Technology System (T-PEP) Operation

(a) *Good Working Order.* Owners must ensure that the Taxicab Technology System equipment is constantly maintained, is in good working order, and that each of the four core services functions properly.

§8-40(a)	Fine: $250 and suspension until compliance	Appearance REQUIRED

(b) *Failure to Operate.*

(1) If the T-PEP malfunctions or fails to operate, an incident report must be filed with the authorized T-PEP Provider within two hours following the discovery of the malfunction or at such time as the Owner reasonably should have known of the malfunction.

(2) If the Driver or Owner's Agent filed the incident report, the Owner will not be required to file a separate incident report but must verify the filing by obtaining the incident report number.

(3) The Owner or Owner's Agent must meet the appointment for repair scheduled by the T-PEP Provider following the incident report.

(c) *48-Hour Repair Deadline.* A Taxicab in which any of the Four Core Services of the Taxicab Technology System or any material feature of a Core Service is not functioning must not operate more than 48 hours following the timely filing of an incident report.

§8-40(c)	Fine: $250 and suspension until compliance	Appearance REQUIRED

(d) *Inspection upon Multiple T-PEP Malfunctions.* The Owner of any Taxicab requiring six or more repairs of the Taxicab Technology System in any 30 day period must promptly take the vehicle for inspection to, or schedule an inspection with, the Commission's Safety and Emissions Facility. This requirement will not apply to the Owner if compliance is made by the Driver or Agent of the vehicle.

§8-40(d)	Fine: $250	Appearance REQUIRED

§8-41 Vehicles – Use of Stand-by Vehicles (SBV)

(a) *Who Can Use.* Only a Fleet can maintain and use Stand-By Vehicles.

(b) *When Used.* A Stand-by Vehicle can be used in place of a currently Licensed Taxicab only in the following circumstances and for the length of time indicated below:

(1) When the currently Licensed Taxicab is out of service for repairs or for required inspection, until the repairs or inspection have been completed

(2) When a Vehicle has been stolen, for no more than 30 days after the date stolen

(3) When a vehicle has been permanently retired from service, for no more than 30 days from the date of retirement

(c) *Maximum Number of Stand-By Vehicles.* A Fleet can maintain Stand-by Vehicles equal to 10% of the total number of current Medallion Taxicabs owned or operated by the Fleet.

(d) *Medallion to be Transferred to Stand-By Vehicle.* When a Stand-by Vehicle is Dispatched, the Medallion and Medallion number in the Roof light of the out-of-service Taxicab must be transferred to the Stand-by Vehicle.

(e) *Required in the Stand-By Vehicle.* A Stand-by Vehicle must not be Dispatched unless the SBV transfer form and the SBV Rate Card are present in the vehicle.

§8-41(a)-(e)	Fine: $50 – 350 and/or suspension up to 30 days.	Appearance REQUIRED

§8-42 Medallion Transfers – Overview

(a) *Applicability of the "Medallion Transfer" Sections.*

(1) The "Medallion Transfers" sections of this Chapter, along with "Licensing" §8-04 and §8-05, establish the rules for all Transfers of a Taxicab Medallions between/among private parties, either by:

(i) Purchase

(ii) Gift

(iii) Bequest, or

(iv) Operation of law

(2) These provisions do *not* apply to the sale or resale of Medallions by the Commission, as described in Chapter 15.

(3) Except where the provisions specifically reference Secured Lenders, these provisions do not apply to Secured Lender Recipients.

(b) *Overview of Requirements to Complete and Effect Transfer*. The transfer of an interest in a Taxicab Medallion will be complete and effective upon all of the following:

(1) *Commission Approval*. Commission approval of the Transferee's application

(2) *Proper Appearances.* All persons described in §8-43(a) below must appear before the Commission.

(3) *Transfer Tax Payment*. A Transferee of a Taxicab Medallion must satisfy his or her transfer tax liability as determined by the NYC Department of Finance, prior to or at the time of transfer.

(4) *Fulfillment of the Licensing Requirements.* The parties to the transfer must fulfill the Licensing requirements set forth in §8-04 and §8-05 of this Chapter.

(5) *Fulfillment of Tort Liability Requirements.* The parties to the transfer must fulfill the Tort Claim liability requirements set forth in §8-46, below.

(6) *Fulfillment of the Medallion Clearance Requirements.* The parties to the transfer must fulfill the applicable Medallion Clearance Requirements set forth in §8-45 below.

(7) *Medallion Put into Service*. Each Transferee, as well as any Administrator seeking to operate a Medallion under §8-47 below, must place the Medallion in service with a Hacked-up Taxicab vehicle within seven days of approval of the approval of the application.

§8-42(b)(7)	Fine: $250	Appearance NOT REQUIRED

(c) *Comply with Transfer Provisions.*

(1) No person or entity is permitted to attempt to transfer or participate in the transfer of an interest in any Taxicab Medallion without fulfilling the requirements of subdivision (b) above, as applicable.

(2) The mere act of submitting a transfer application to the Chairperson will not be considered as a violation of this subdivision.

§8-42(c)	Fine: $10,000 per entity, per Medallion and attempted transfer invalid, applicable to any person or persons (transferor, transferee or both) whose actions constituted a violation; Revocation may be ordered.	Appearance NOT REQUIRED

§8-43 Medallion Transfers – Special Requirements

(a) *Personal Appearance.*

(1) All Transferees or Administrator applicants seeking to operate a transferred Medallion must appear in person as directed by the Chairperson.

(2) If the Transferee applicant is a Business Entity, the following Business Entity Persons must appear in person before the Commission:

(i) All individual shareholders of a corporate entity

(ii) All general partners of a partnership entity

(iii) All members of a Limited Liability Company

(3) *Exception to Personal Appearance Requirement.* A power of attorney can appear and represent any Applicant or Business Entity Person of a Business Entity Applicant who:

(i) Holds an existing, continuing License from the Commission, and

(ii) Has an electronic fingerprint record on file with the Commission, made not earlier than one year prior to the date of the transfer

(b) *Transfers During and After Pending Judgment.*

(1) No voluntary transfer or sale of an interest in a Taxicab License can be made if a judgment docketed with the clerk of court of any county within the City of New York remains unsatisfied against the Licensee and in favor of any state, federal or New York City government agency unless:

(i) A bond is filed in an amount sufficient to satisfy the judgment,

(ii) All the judgment creditors of a Licensee file written permission for the transfer, or

(iii) The proceeds from the transfer are paid into court or held in escrow, on terms and conditions approved by the Commission, to protect the rights of all parties that can have a legitimate interest.

(2) An Owner's interest a Taxicab License can be transferred involuntarily and disposed of by public or private sale in the same manner as personal property. In that event:

(i) Owner's License will be immediately cancelled,

(ii) A new License will be issued to the new owner when the Transfer is properly approved and the transfer is effective, and

(iii) If the transfer is by reason of a tort judgment against the involuntary Transferor, no bond need be provided with respect to that judgment.

(c) *Voluntary Transfer During Revocation Proceedings.*

(1) The Owner must not transfer his Taxicab License after the commencement of revocation proceedings without the written permission of the Chairperson.

(2) The Chairperson can also require that no relative of the Medallion Owner or any other person or entity affiliated with the Owner receive the Taxicab License.

(3) The Chairperson can also require an escrow be held in an amount to be determined by the Chairperson after an approved closing in order to satisfy any fines subsequently levied against the Owner.

(d) *Preserve Medallion Category*

(1) A transfer of an Independent Medallion will be made only to an approved individual or Business Entity that does not own any interest in any other Medallion; similarly, the transfer of a Minifleet Medallion will be made only to a Transferee approved to own and operate a Fleet or Minifleet.

(2) An Independent Medallion Owner must not have a financial interest in any other Taxicab.

(3) A Minifleet Medallion Owner must not have a financial interest in any Independent Medallion Taxicab.

(4) For the purpose of this subdivision (d), "financial interest" will mean an ownership interest or an interest received as a pledge or security or subject to a security agreement to secure financing.

(e) *Additional Requirements for Transfers Made by Conditional Sales Agreements.* Where an interest in a Medallion is acquired through a conditional sales agreement, the following requirements apply:

(1) The parties must provide the Commission with a disclosure statement indicating the terms of the agreement.

(2) The seller must remain liable for any fines or penalties imposed against the Taxicab License for violations occurring during the term of the agreement, unless they are paid by the purchaser.

(3) The seller must notify the Commission in writing if the seller repossesses the Taxicab within 72 hours of the sale (exclusive of weekends and holidays).

(4) The parties to a conditional sales agreement are subject to the Lease Cap provisions in §8-20.1 of this Chapter.

(5) No conditional transfer shall be effective until the parties have completed all the requirements for transfer required by this Chapter.

§8-44 Medallion Transfers – Application Documentation and Requirements.

(a) *Application.* An Applicant/Transferee must file a completed application in the form prescribed by the Chairperson.

(b) *Payment of Fees.* An Applicant/Transferee must pay the following fees:

(1) A transfer fee of Fifty Dollars ($50).

(2) An administrative charge of $160.

(3) The licensing and inspection fees required under §8-07 of this Chapter.

(c) *Proof of Identity.* An individual Transferee and all Business Entity Persons of a Business Entity Transferee must:

(1) Provide proof of identity in the form specified in §8-04(a) of this Chapter, and

(2) Disclose any trade name under which the Transferee intends to operate.

(d) *Owner-Must-Drive Proof.* If the Transferee is acquiring an interest in a Medallion from an Independent Taxicab Owner, Transferee must provide the Valid License number of the person who will fulfill the service requirements of the Owner-Must-Drive Rule in §8-05(d).

(e) *Proof of Vehicle Ownership.* Transferee must provide proof that Transferee has or will have an appropriate vehicle, by providing either:

(i) A bill of sale of a vehicle eligible to be used as a Taxicab (*see Chapter 17, Taxicab Hack-Up)*, or

(ii) An affidavit specifying that the Transferee will have a vehicle to be used as a Taxicab within the seven days following the effective date of the transfer (*see §8-42(b)(7), above*).

(f) *Payment of Fines and Fees*. An Applicant/Transferee must provide proof of payment of any outstanding fines or fees owed to the Commission, the Parking Violations Bureau (or their successors) by the Transferee or any Business Entity Persons of a Business Entity Transferee.

(g) *Source of Funds.*

(1) An Applicant/Transferee must provide documentation in a form satisfactory to the Chairperson detailing the sources of the funds, if any, Transferee is using to purchase the Medallion, including:

(i) Copies of bank account passbooks or bank statements;

(ii) Affidavit explaining cash sums and deposits over $10,000 paid to or by the Transferee within six months prior to the date of submission of this documentation;

(iii) Affidavits from donors of any gifts;

(iv) Statements from secured and/or unsecured lenders detailing amounts lent, security if any, and terms of payment; and

(v) Copies of IRS Form 8300 filed by any Broker in connection with funds received in the context of the transaction.

(2) If the transfer is by gift or is for less than Market Value, the Transferee must produce a waiver letter from the NYC Department of Finance along with any documentation referred to in the waiver.

(h) *Additional Documents Required from Corporate Transferee Applicants.* Any corporate Applicant/Transferee or any Applicant seeking to purchase an interest in a corporation must provide, for that corporation:

(1) All newly formed corporations must include a copy of the certificate of incorporation and the filing receipt of the certificate of incorporation.

(2) Established corporations can include the documents described in (i) above alternatively, they can include a certified copy of the certificate of incorporation.

(3) All corporations must include a copy of the resolution or action by the incorporators, shareholders or directors electing officers of the corporation.

(4) All corporations must include a list of stockholders, with the number of shares owned by each.

(i) *Additional Documents Required for Partnerships.* Any partnership Transferee Applicant or any Applicant seeking to purchase an interest in a partnership must provide for that partnership:

(1) A copy of the certificate of partnership

(2) A list of the partners, including the percentage owned by each

(j) *Additional Documents Required for Limited Liability Companies.* Any LLC Transferee Applicant or any Applicant seeking to purchase an interest in an LLC must provide for that LLC:

(1) A copy of the articles of organization

(2) A copy of the operating agreement

(3) A list of the members, with the percentage owned by each.

(k) *Additional Document Required from a Foreign Business Entity.* Any Business Entity not organized under the laws of the State of New York must also provide proof of authorization to operate in New York.

(l) *Documents Required from a Secured Lender Recipient.* If the transfer is the result of a foreclosure or similar action by a creditor, the following documents must be provided:

(1) A hypothecation agreement, stock pledge or stock pledge agreement if the transfer is occurring by transfer of, or foreclosure upon, stock;

(2) A UCC Article 9 Foreclosure "Affidavit of Disbursements" showing that all claims have been satisfied or will be satisfied or acceptable documentation regarding any claims not satisfied;

(3) Copies of UCC-1 filings (including file stamp or file number) filed against the former Owner or Owner's interest in the Medallion;

(4) Copies of all security agreements involved in the transfer in respect of the lenders' interests in the Medallion;

(5) A bill of sale, if any, or proof of other transfer in connection with any security agreement;

(6) If the Medallion was sold in an auction, proof of advertisement of the auction together with the attendance sheet;

(7) If the Medallion was sold outright, a copy of the Notice of Sale.

(m) *Affidavits Required by the Commission.* Transferees must provide:

(1) An affidavit or affirmation under penalty of perjury, in a form approved by the Chairperson, that the Applicant does not rely upon the actions or determination of the Commission with respect to the Medallion; and

(2) Any other affidavit or affirmation regarding documentation required by the Chairperson.

(n) *Lien Searches*. An Applicant/Transferee must submit with the application:

(1) Copies of a NYS UCC lien search of the Transferor/Owner,

(2) Copies of a lawsuit and judgment search for all counties in which the transferor has been domiciled for the shorter of (i) five years, or (ii) length of time the transferor has owned the Medallion being transferred,

(3) Copies of all active records found in the search, and

(4) An affidavit or affirmation, under penalty of perjury, from the Applicant/Transferee and the transferor warranting that:

(i) They have reviewed and are familiar with the contents of all of the searches

(ii) All disclosed liens and judgments will be:

A. Satisfied prior to or from the proceeds of the transfer

B. Included in the escrow amount, or

C. Assumed by the Applicant

(o) *Tort Letters to Establish Escrow Amount.* The application of any Transferee subject to the Tort Liabilities rules in §8-46 below (and except as excused in §8-46(d)) must include all of the following:

(1) All Tort Letters from the transferor's insurer(s) during the shorter of

(i) Six years, or

(ii) The length of time the transferor has owned the Medallion up to and including the date the Medallion is put into storage or the date prior to the effective date of transfer

(2) Any documentation that may be required regarding any potential Excess Claims that the Tort Letters may disclose.

(3) Any information held by the Applicant/Transferee or transferor regarding any potential Excess Claims.

(4) Any other information held by the Applicant/Transferee or Transferor that might be necessary to determine the Escrow Amount.

(p) *Transferring T-PEP.* The application must include the following information regarding T-PEP:

(1) *Proof of Notice to T-PEP Provider*

(i) The Transferor must provide proof that notice of the transfer has been sent to the T-PEP provider that holds the contract to provide the T-PEP for the Medallion being transferred.

(ii) The notice must be:

A. Sent at least 30 days prior to the proposed date of transfer (NOTE: The TPEP Provider can waive the 30-day requirement by signing the form)

B. Sent by certified mail, return receipt requested, and

C. Sent to the address specified in the contract

(iii) Proof of notice will be:

A. A copy of the Notice

B. A copy of the certified mail receipt, and

C. An affidavit or affirmation under penalty of perjury verifying the mailing

(2) *Transferor's Statement of Intent.* The Transferor must use a form approved by the Chairperson to:

(i) Provide a statement of Transferor's intent to

A. Cancel the contract with the T-PEP Provider or

B. Assign the contract to the Transferee

(ii) Provide a statement of Transferor's intent to:

A. Return the T-PEP equipment to the T-PEP Provider,

B. Retain the T-PEP equipment, or

C. Transfer the equipment to the Transferee

(3) *Transferee's Statement of Intent.* The Transferee must use a form approved by the Chairperson to provide a statement of Transferee's intent to:

(i) Assume the Transferor's contract with the T-PEP Provider, or

(ii) Identify the approved T-PEP Provided with which the Transferee intends to use to provide T-PEP.

(q) *Other Documentation.* The Applicant must provide any other documentation required by the Chairperson in order to assist in the Chairman in determining whether the proposed Transferee meets the criteria for licensing and ownership of a Taxicab Medallion.

§8-45 Medallion Transfers – Transferor Must Clear the Medallion.

(a) *Place in Storage.* Before a Medallion can be transferred, it must be placed in storage for at least seven days not counting the day it is put in storage or the day the clearance is given. (*Exception:* A Medallion owned by a corporation or LLC need not be placed in storage if the transfer is to be accomplished by a transfer of stock or membership interests in the company.)

(b) *Clear All Open Items.* All open items against the Medallion Owner/Transferor (including any Business Entity Person of the Owner) must be cleared, including but not limited to summons issued by the Commission, outstanding fines and penalties owed to the Commission or the Parking Violations Bureau (or their successors), incomplete License renewal requirements, and violations against the Taxicab Drivers License.

(c) *Requirements of Secured Lenders.* Any secured lender that obtains possession of a Medallion through foreclosure, repossession or in any similar manner, must place the Medallion in storage with the Chairperson.

§8-46 Medallion Transfers – Tort Claims

(a) *Applicability.*

(1) This §8-46 applies:

(i) To all Transferees other than Administrators and Legatees.

(ii) To all Transferors other than an Administrator/operator making a distribution to a Legatee.

(2) This §8-46 does *not* apply to Secured Lender Recipients.

(b) *Provisions for Satisfaction of Tort Liabilities.*

(1) The parties to any applicable transfer must prove that provisions have been made to satisfy all outstanding tort claims against the Transferor of the Taxicab Medallion.

(2) This can be accomplished either by:

(i) Posting a bond with the Chairperson to cover all outstanding tort liabilities; or

(ii) Establishing an escrow account in the Escrow Amount (not exceeding the Maximum Escrow Amount), determined as described in subdivision (c) below.

(3) No transfer of the Taxicab Medallion(s) can occur until:

(i) The bond is posted

(ii) The Escrow Amount is established and the escrow agent has given an undertaking to the Chairperson to establish and hold the escrow account on the terms required by this §8-46 and to notify the Chairperson within five days after the escrow account has been established, or

(iii) It is determined by the Chairperson that neither a bond nor an escrow account is required.

(4) Secured Lender Recipients must create an escrow account in the amount of the Secured Lender Escrow Amount.

(c) *Determining the Amount of the Escrow Account.*

(1) *Identify Potential Claimants*. The Transferor must identify the holders of all potential Excess Claims, by obtaining and reviewing the following sources of information:

(i) All Valid Claim Letters held in Commission files

(ii) Prior Claim Letters held in Commission files

(iii) Tort Letters

(iv) Potential claims revealed through the lien, judgment and lawsuit searches required under §8-44(n), above.

(2) *Notify Potential Claimants.*

(i) The Transferor must provide adequate mail notice, as described in subdivision (3) below, to the holder of each potential Excess Claim. The notice must state the following:

A. Whether the Transferor believes the holder's claim is a potential Excess Claim and the dollar amount (including $0) that Transferor proposes to establish for that claimant's claim.

B. That the claimant has 30 days from the date of the notice to object to the amount by sending a written response to the Transferor (with a copy to the Commission, attention Legal Department Transfer Division); the response must state the basis for claimant's objection to the proposed Escrow Amount.

C. That if the Commission does not receive the claimant's objection within the 30 day period, the Commission will consider the claimant to have accepted the Transferor's proposal regarding the Escrow Amount to be established for the claim.

D. That claimant's acceptance of or failure to object to the Transferor's proposed Escrow Amount will not affect any rights, claims or remedies the claimant has directly against the Transferor.

(ii) If the Commission does not receive the claimant's objection within 30 days from the date of the notice, the Commission will consider the claimant to have accepted the Transferor's proposal regarding the Escrow Amount to be established for the claim.

(3) *Adequate Mail Notice to Potential Claimants.* Transferor's notice to potential claimants must be sent by certified mail, return receipt requested, with a copy also sent by regular mail and a copy sent to the Commission, attention "Legal Department Transfer Division," as follows:

(i) For potential claimants disclosed by the lien, judgment and lawsuit searches required under §8-44(n) above, adequate notice will be considered given if the following steps are taken:

A. Notice is sent to the address for the claimant disclosed by the search

B. If this mailing is returned as non-deliverable, the notice is sent to any other address for the claimant or claimant's attorney of record disclosed by the search

(ii) For potential claimants disclosed by a Prior Claim Letter or a Valid Claim Letter, adequate notice will be considered given if the following steps are taken:

A. Notice is sent to the sender of the letter and

i. To the claimant at the address disclosed in the letter, or

ii. If no address for the claimant is disclosed, to whatever address the sender provides in the letter

B. If these mailings are returned as non-deliverable, notice must be sent to any subsequent address provide for claimant by:

i. The sender of the letter, or

ii. The recipient of the notice at the subsequent address of a further address for claimant

(iii) For potential claimants disclosed by a Tort Letter, adequate notice will be considered given if the following steps are taken, as necessary:

A. Notice is sent to the address disclosed in, by or through the Tort Letter or to any counsel of record disclosed in, by or through the Tort Letter

B. If neither the claimant's address nor counsel of record is disclosed by the Tort Letter, Transferor must consult with the insurers providing the Tort Letter to ascertain an address for claimant or for claimant's counsel of record and notice must be sent to any address provided by the insurer

C. If a recipient of the notice at this address (or any subsequent recipient who is neither the claimant or claimant's counsel) provides a subsequent address for claimant or claimant's counsel, notice must be mailed to all subsequently provided addresses

D. If no address can be obtained for the claimant or claimant's counsel or representative, public notice of the contents of

the notice must be placed in the *New York Times* and *The New York Law Journal* as a public notice for one business day.

(iv) The Transferor must provide the Chairperson with proof of all mailings by providing:

A. A copy of the mailing receipts

B. An affidavit or affirmation under penalty of perjury verifying the mailings.

(4) *Response to Claimant's Objection*. If a claimant sends a timely objection, the Chairperson will refer the matter to OATH to determine the amount of claimant's claim to be included in the Escrow Amount.

(i) OATH's rules of practice will govern the proceedings and OATH will apply principles of tort law.

(ii) For the purposes the this proceeding, the OATH terminology will apply as follows:

A. The claimant will be considered to be the "Petitioner"

B. The response sent by claimant objecting to the proposed Escrow Amount will be considered to be the "Petition"

C. Transferor will be considered the "Respondent"

D. Transferor's original notice to claimant will be considered to be the "Answer."

(5) *Settling the Escrow Amount by Agreement.*

(i) At any time, the Transferor and claimant can agree on the amount of the claim to be used in establishing the Escrow Amount for the claim.

(ii) If the parties reach an agreement, it must be verified in writing and signed by both parties with a copy provided to the Chairperson.

(6) *Finalizing the Escrow Amount.* If the parties have not reached agreement:

(i) The Chairperson will make a final determination of the required Escrow Amount for each claim, as follows:

A. Any Escrow Amount determined by OATH will be the Escrow Amount for that claim;

B. When the claimant has not objected, the Chairperson's determination will be based on the Transferor's proposed Escrow Amount for the claim;

C. If the claimant and the Transferor have come to a written agreement, the Chairperson's determination will be based on that agreement.

(ii) The Chairperson's determination will be a final agency determination regarding Escrow Amount(s) for the purpose of transferring the Medallion, but is not and is not intended to determine the actual merits of the claim(s).

(d) *When the Escrow Amount Cannot Be Reasonably Determined.*

(1) If Tort Letters cannot be obtained for all or any part of the period for which they are required to be provided (*see §8-44(o) above)* the Escrow Amount will be as follows:

(i) When a Secured Lender Recipient is foreclosing on a Taxicab License and the transfer is occurring as a result of that action, the escrow account will be established in the amount of the Secured Lender Escrow Amount;

(ii) For all other applicable Transferors, the escrow account will be established in the Maximum Escrow Amount.

(2) An escrow account created with either a Secured Lender or Maximum Escrow Amount must be maintained for the shorter of:

(i) Six years following the date of transfer, or

(ii) As required by subdivision (e) below, provided that all Tort Letters have been obtained and Transferor has determined the appropriate Escrow Amount under subdivision (c) above.

(e) *The Escrow Account When Amount Is Determinable*

(1) *Creating the Escrow Account*

(i) Once the Escrow Amount has been determined, an escrow account in that amount will be established from the proceeds of the transfer or other resources of the Transferor and maintained until all claims represented in the account are satisfied or released, as described subdivision (2) below.

(ii) The Escrow Account can be held by either:

A. Counsel for the claimant,

B. Counsel for the Transferor, or

C. Otherwise as the claimant and Transferor agree

(iii) The parties must notify the Chairperson as to who is holding the account

(2) *Releasing Funds from the Escrow Account*

(i) Any person or entity seeking a release of funds from the escrow account must show that the claim is no longer outstanding by providing one of the following forms of evidence:

A. Proof of release of the claim

B. Proof of satisfaction of the claim

C. Proof of dismissal of the underlying claim

D. Agreement of the parties settling the claim

E. A court judgment directing payment of all or part of the Escrow Amount to a party

(ii) If the evidence is a court order, it must be a final order, fully executed and, if necessary, filed or entered.

(iii) No funds will be released from the escrow account without the prior written approval of the Chairperson.

§8-46(e)	Fine: $10,000	Appearance NOT REQUIRED

§8-47 Medallion Transfers – Special Provisions Regarding Estates and Incompetency

(a) *Notice.* Notice of the death or the declaration of incompetency of a Medallion Owner must be given to the Chairperson promptly upon the occurrence. A Medallion Owner which is a Business Entity must also give prompt notice upon the death or the declaration of incompetency of a shareholder, partner, or member of a Business Entity.

§8-47(a)	Fine: $250 for failure to notify.	Appearance NOT REQUIRED

(b) *Distribution of Interest in Medallion to Legatee.*

(1) *To A Legatee.* When a Medallion(s) or an interest in a company or corporation that owns a Medallion(s) is distributed from an estate, the Legatee recipient must qualify as a Transferee under the applicable rules in this Chapter 8, and must submit the following additional documents to the Commission:

(i) A certified copy of the death certificate of the former Owner listed with the Commission;

(ii) A certified copy of letters testamentary or letters of administration and for an estate not in New York, a certified copy of ancillary letters testamentary or letters of administration covering the estate's New York property, which letters:

A. Must have been issued no earlier than six months prior to the date of submission

B. Must be unqualified as to the amount of estate assets that the Executor is authorized to administer and distribute or, if the amount is qualified, it must be in excess of the value of the Medallion(s) to be operated or transferred

(iii) A certified copy of the will, if any.

(2) *Additional Requirements for Distribution to a Legatee in Trust.*

(i) An interest in a Medallion Taxicab can only be distributed to a Trust if the distribution is made to a trust for the benefit of a minor and:

A. The ownership interest is in the stock of a corporation, or

B. The interest is in membership of an LLC that owns one or more Medallions.

(ii) The ownership interest in the Taxicab Medallion must be distributed out of the trust within 60 days after the date on which the beneficiary reaches the age for ownership of a Taxicab Medallion (*see §8-04(b)*).

(iii) The beneficiary must apply and be approved as a Transferee under these Medallion Transfer rules before the transfer will be effective.

(iv) Notice must be given to the Chairperson promptly upon the beneficiary reaching the age for ownership of a Taxicab Medallion.

(c) *Additional Requirements for Temporary Operation of Medallion Taxicab*

(1) If an Owner of an interest in a Taxicab Medallion dies or is declared incompetent by a court of competent jurisdiction, the Medallion can continue to be operated by an Agent for a period of up to 120 days following the date of death or declaration of incompetency.

(2) If, during the 120-day period, an Administrator is appointed, the administrator will have 60 days from the date of appointment to apply and be approved under the applicable Medallion Transfer rules to operate the Medallion; an Agent can continue to operate the Medallion during this 60-day period.

(3) If the decedent or incompetent Owner was an Independent Medallion Owner, the Owner-Must-Drive Rule (*see §8-05(d)*) will be waived for the 120-day period as well as during the 60-day period following the appointment of an Administrator, if the appointment occurs during the 120-day period; the Owner-Must-Drive rule *will* apply to an Administrator who is approved to operate the Taxicab.

(4) If no one has been approved by the Commission to operate the Medallion by the end of the 120-day period, the Medallion must be placed in storage until an Administrator or new person has qualified to operate the Medallion.

(5) If no Administrator, Legatee or other new owner associated with the estate has qualified to operate the Medallion by the end of the 180-day period from the date of the death or declaration of incompetency of the Owner:

(i) The interest in the Medallion must be transferred to a Transferee who has applied and been approved as a Transferee by the Commission.

(ii) The Medallion must remain in storage until the transfer is effective.

§8-47(c)	Revocation may be ordered if medallion operated beyond, or not transferred by, the periods specified.	Appearance NOT REQUIRED

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 2, Taxicab Owners Rules	Chapter 8, Medallion Taxicab Service

The promulgated rules make several substantive changes to the provisions of current rules governing taxicab owners. Specifically, the promulgated rules:

- Correct the mis-numbering of the penalty applicable to failure to report loss or theft of licenses plates.
- Eliminate references to pinion gears, which are obsolete.
- Eliminate obsolete transition provisions phasing in now well-established requirements regarding medallion renewal dates, TPEP phase-in, and the requirement that only one agent may manage an owner's medallions.

- Provide that the TLC will reject an agent designation if the agent is the subject of a stop-use directive (the prior rule provides only that no owner may use an agent subject to such a directive, but not that the TLC will reject the designation).
- Eliminate a reference to an "association" which was used in the prior rule as a type of owner to which ownership standards apply. This change was made to make the rule consistent with existing requirements for owners. Medallions may be owned by persons, corporations, partnerships, and limited liability companies.
- Clarify the medallion transfer provisions requiring 30 days notice of transfer to a taxicab technology system vendor to permit the vendor to waive the 30 day notice, which is consistent with existing practice.
- Delete as obsolete the provisions permitting a taxicab to contain a cell phone for use by the passenger.
- Clarify that a camera is the only device, together with a cell phone with an emergency dialing feature, that has been approved by the Commission for taxicabs that are not required to have a partition.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

Supplemental Statement

A public hearing on these rules was held on February 19, 2010. Following that hearing, the TLC voted at a public meeting on March 18, 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 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, 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.
- Technical changes were made to clarify lease charge pass-throughs based on 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.
- Provisions regarding advertising permits, including fees for such permits, were added based on staff comment to reflect provisions of the Administrative Code.
- Provisions regarding costs for new models of medallions as opposed to the cost to replace lost or stolen medallions were clarified, based on staff comment.

- Provisions were added specifying the fees for stand-by vehicles, consistent with existing practice, based on staff comment.
- The provisions of section 8-15 regarding acts of commission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment on these provisions.
- 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.
- The markings provisions of section 8-31 were updated to accommodate the revised cell phone and electronic device rules passed by the TLC.
- Owners of Accessible Taxicabs are required to assure that the drivers of such taxicabs have been trained in certain accessible topics, to maintain a standard from the Accessible Dispatch program based upon a staff comment from a public comment.