

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”) promulgates rules governing commuter van decals and in-vehicle information.

These rules are promulgated pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2008 because they were not contemplated at the time of the making of the agenda.

These rules were published for comment in the City Record on December 7, 2007. A public hearing on these rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on January 10, 2008, at 9:30 a.m. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days following publication in the City Record.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 9-01 of chapter 9 of Title 35 of the Rules of the City of New York is amended to add a new definition of “operator,” as follows:

Operator. An “operator” is any person, partnership or corporation, other than a lien holder, who is authorized by the Commission to operate a commuter van service.

Section 2. The introductory paragraph and subdivisions (a) and (i) of Section 9-11 of Chapter 9 of Title 35 of the Rules of the City of New York are amended to read as follows:

§9-11 Conditions of Operation Relating to Commuter Vans.

[A commuter van service] An operator and an owner [of a commuter van] shall be responsible for compliance with the following provisions and shall be liable for violations thereof[.]:

(a) [No commuter van shall be used in the course of operations of a commuter van service unless a valid Commission decal is affixed to the front right side of the windshield of the vehicle so as to be plainly visible.] Upon the issuance and upon each renewal or transfer of a commuter van license, the commuter van shall be presented to the Commission at its inspection facility where the Commission shall affix four decals to the commuter van. The four decals shall be placed on the lower right corner of the windshield, each rear-most side window, and the center of the rear of the vehicle. Licensure of the commuter van is not complete until such decals are affixed.

(i) No commuter van shall be used in the course of operations of a commuter van service unless the van shall have the following information conspicuously painted on each longitudinal side of the exterior of the vehicle in letters of at least 3 inches in height: the exact name and address of the [van service] operator and the word OPERATOR adjacent thereto; the [van] owner’s exact name and the word OWNER adjacent thereto; and a permit number. In addition, a placard with the same information required above shall be placed in the interior of the commuter van [in an easily readable location] clearly visible from all passenger seats of the commuter van. Such placard shall include [the] a statement that any complaints regarding the commuter van may be submitted to the Taxi and Limousine Commission [at its complaint telephone number] by telephone to 311 or via the Commission’s website, <http://nyc.gov/taxi>.

Section 3. Section 9-17(a) of Chapter 9 of Title 35 of the Rules of the City of New York is amended with regard to the penalty labeled §9-11(a), to read as follows:

§9-17 Penalties for Violations of Rules Governing Commuter Vans.

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
• • • •		
§9-11(a)	<u>For failure to have decals affixed or</u> <u>For operating a commuter van with damaged</u> <u>or missing decal(s):</u> <u>[\$100] \$500-for the first offense in 12 months;</u> <u>\$1000-for the second offense and subsequent</u> <u>offenses within a 12-month period, and</u> <u>suspension of the commuter van license until</u> <u>compliance.</u> <u>Operator authorization revocation for the third</u> <u>offense within a 12-month period.</u>	<u>No, except for</u> <u>operator</u> <u>authorization</u> <u>revocation</u>

STATEMENT OF BASIS AND PURPOSE OF RULE

The rule implements three changes to the TLC rules.

First, the rule implements Local Law 48/2007, codified as section 19-529.4(b) of the Administrative Code of the City of New York. In compliance with that legislation, the rule amends existing TLC rules to increase from one to four the number of decals owners of commuter vans and operators of commuter van services would be required to have affixed to TLC-licensed commuter vans, one on the lower right corner of the windshield, one on each rear side window of the commuter van, and one centered on the rear of the commuter van.

When a commuter van license is first granted and each time it is renewed or transferred, the operator of the commuter van service and the owner of the commuter van is responsible for bringing the commuter van to the TLC's inspection facility where TLC staff will affix the commuter van decals to the commuter van.

The purpose of this aspect of the rule is to enhance the ability of the riding public, as well as law enforcement officers, to identify legitimate, licensed commuter vans, and to better distinguish those commuter vans from illegal, unlicensed vans.

Second, the rule modifies existing rules requiring the placement of a placard inside each commuter van. Specifically, the rule updates the notice to the passengers on the placards posted inside commuter vans, to incorporate the current passenger complaint mechanisms: a telephone call to the City's government services line at 311, and the TLC website, <http://nyc.gov/taxi>.

The purpose of this amendment is to facilitate the receipt of passenger questions, feedback or complaints.

Third, the rule modifies the penalty for a violation of Section 9-11(a), the commuter van decal rule, for failure to have the decals affixed to the commuter van at the Commission inspection facility (which would mean no commuter van license has been issued), to increase the penalty from \$100 to \$500 for a first offense within twelve months; and \$1,000 for a second offense and subsequent offenses within a twelve-month period; and, for a commuter van operator, to provide for revocation of the operator's authorization in the event of a third offense within a twelve month period; and suspension of the commuter van license until compliance. Personal appearance is not required except for proceedings to revoke an operator's authorization. These penalties accord with the penalties for a violation of 35 RCNY Section 6-12(a), the for-hire vehicle decal rule, which is comparable to this commuter van decal rule.