NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The change would create a new TLC Rule chapter governing the licensure of E-Hail Applications and amend the rules to set requirements for the use of licensed E-Hail Applications by Taxicab and Street Hail Livery drivers.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on January 29, 2015. The hearing will be in the hearing room at 33 Beaver Street – 19th Floor, New York, NY 10004.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.

- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.

- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.

- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.

- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by Thursday, January 29, 2015.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Friday, January 23, 2015.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

TLC has been exploring options to establish regulations for E-Hail and E-Payment that will encourage innovation, provide desired services to taxi passengers, promote safety and consumer protection, and create income opportunities for drivers. This process has included ongoing dialog with drivers, owners, and app companies, along with app testing by TLC staff. Perhaps most importantly, to experience how E-Hail and E-Payment work in the field before proposing new regulations, TLC conducted an E-Hail Pilot that began on April 26, 2013 and is currently operating.

Data collected during the Pilot show that E-Hail Apps makes it easier for passengers and drivers to connect without reducing the availability of the hallmark New York City hand-hail for other passengers. Between June 2013 and May 2014, a pool of over 7,500 E-Hail using drivers was sent an average of about 7,000 E-Hail requests each day resulting in 652,590 total pick-ups. E-Hail was particularly helpful for matching drivers and passengers in areas of the City where hail service is not readily available. Sixty-six percent of all E-Hailed taxi trips were in Northern Manhattan or the outer boroughs, which account for only 6.4 percent of all taxi pickups. While E-Hail assisted many passengers to get rides and some drivers to get additional fares, the total number of daily E-Hail rides accounted for only 0.37 percent of all taxi trips.

TLC also evaluated the impact of E-Hail on safety and customer service. There was concern that E-Hailing might increase service refusals for hand-hailing passengers. The pilot data, however, does not support this concern: during the pilot service refusal complaints were at similar levels to those in the same prior-year period. Complaints regarding unsafe driving and cell phone use while driving did not increase during the pilot, but instead dropped 10.5 percent. Collision data revealed that 3.7 percent of taxi drivers who participated in the E-Hail pilot program were involved in reported collisions during the one-year period, compared to 5.2 percent of taxi drivers who did not participate, suggesting no decline in safety resulting from E-Hail. Based on the best evaluation methods and on the pilot data, there is no evidence to suggest that E-Hail results in either unsafe driving or increases in service refusals. The results of the pilot suggest that TLC should continue to allow E-Hails beyond the pilot period. To continue E-Hail and E-Payment services, TLC and the City must establish rules for E-Hails.

The proposed rules, which apply to medallion owners, application developers, taxicab drivers, and Street Hail Livery drivers who may accept E-Hails, will allow passengers to summon taxicabs and Street Hail Liveries in New York City by E-Hail and to make E-Payments, subject to certain restrictions.

The goal of these rules is to accommodate new technology into the taxi industry while taking into account the needs of E-Hail application developers, drivers, vehicle owners and passengers. The TLC will continue to monitor the performance of E-Hail technology and analyze its impact on the taxi industry, including how it affects the experience of drivers and passengers.

The proposed rules:

- Define terms relating to E-Hail.

- Modify requirements which must be met by drivers who want to use E-Hail Applications and E-Payment.
- Require drivers and owners to use only E-Hail Applications licensed and approved by TLC.
- Require that the taximeter be used to calculate time and distance charges for all E-Hail trips.
- Prohibit a driver from charging a passenger any fee above TLC-approved rates for an E-Hail trip.
- Require E-Hail Applications that also provide E-Payment to be integrated with TPEP or LPEP and Trip Record information to be collected by TPEP or LPEP for E-Hail trips.
- Require Taxicab Owners to pay Drivers in cash for all E-payments processed through the TPEP.
- Establish when and where a driver may use an E-Hail Application and set forth restrictions on the use of E-Hail Applications by a driver. This includes locations where E-Hail Applications may not be used. In addition to the DIM, a single driver may not use more than one electronic device with E-Hail Applications.
- Modify TPEP and LPEP requirements to specify the required integration between TPEP and LPEP and E-Hail Applications.
- Require that the driver's E-Hail device be mounted in the vehicle.

In addition, these proposed rules provide for the licensing of E-Hail application providers. The proposed rules also establish standards for usage, security and other features to ensure that application usage does not interfere with the ability of the TPEP or LPEP technology to collect and accurately record trip data. Specifically, these rules:

- Establish licensing standards and requirements for E-Hail application providers.
- Establish a three year license term.
- Require E-Hail applications that also provide E-Payment to integrate with TPEP and LPEP.
- Set forth technical requirements for E-Hail applications.
- Require that drivers be able to accept a trip using a single touch or voice activation.
- Set forth security standards for E-Hail applications that process payments.

The Commission's authority for these rules is found in section 2303 of the New York City Charter and sections 19-503 and 19-511 of the New York City Administrative Code.

New material is underlined.
[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The definitions of the terms "E-Hail App" and "E-Payment" as set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, and new definitions of the terms "Hail" and "E-Hail" are added, in alphabetical order, to read as follows:

E-Hail is a Hail requested through an E-Hail Application.

E-Hail Application or E-Hail App. A Software program [approved] licensed by the TLC under Chapter 78 residing on a smartphone or other electronic device and integrated with the TPEP or LPEP which performs one or more of the following functions:

1) allows a passenger to identify the location(s) of available Taxicabs or Street Hail Liveries in a given area and allows a Taxicab or Street Hail Livery Driver to identify the location of a passenger who is currently ready to travel;
2) allows a passenger to hail a Taxicab or Street Hail Livery via the electronic device;
3) allows a Taxicab or Street Hail Livery Driver to receive a hail request from such a passenger if the application provides for connecting a passenger to a Taxicab or Street Hail Livery Driver; or
4) E-Payment.

E-Payment. A feature of a[n] licensed E-Hail App that

1) Allows [a] passengers to pay for Taxicab or Street Hail Livery fares through the E-Hail App; [and]
2) Is limited to [taxi] fare, tip, tolls, and any fee charged to the passenger by the E-Hail App; and
3) Integrates with the TPEP or LPEP and meets all security standards as established in §75-25, §78-21, and §83-31 of these Rules.

E-Payment does not include payments through Digital Wallet Applications which pass payment data to the T[-]PEP or LPEP, do not receive fare information from T[-]PEP or LPEP, and do not modify or edit the amount to be paid.

Hail. A request, either through a verbal (audio) action such as calling out, yelling, or whistling, and/or a visible physical action such as raising one's hand or arm, or through an electronic method such as an E-Hail App, for on-demand Taxicab or Street Hail Livery service at the metered rate of fare as set forth in §58-26 and §82-26 of these Rules by a person who is currently ready to travel.

§2. Paragraph (1) of subdivision (f) of section 54-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) Street Hail Livery Operation.

(1) A Driver of a Street Hail Livery can accept passengers by hail from the street or by E-Hail App only in the Hail Zone

§3. Section 54-15 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (q) to read as follows:

(q) *Unavailable Procedures for a Street Hail Livery.*

(1) Upon accepting a Pre-Arranged Trip or a Hail Trip from an approved E-Hail App, a Driver must enter the appropriate on-duty unavailable code into the LPEP.

§54-15(q)(1)	Fine: $100 if plead guilty before a hearing; $150 if found guilty following a hearing.	Appearance NOT REQUIRED

§4. Paragraph (1) of subdivision (a) of section 54-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *No Overcharges.*

(1) A Driver must not charge or attempt to charge a fare above the Commission-approved rates. This includes a fare in a Street Hail Livery for a Hail Trip or a fare for any trip initiated or accepted through an E-Hail Application.

§5. Section 54-17 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (m) to read as follows:

(m) *E-Payments.*

(1) The payment for the fare for any trip paid for using an E-Payment must not exceed Commission-approved rates.

(2) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Payment. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method.

(3) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the TPEP, the LPEP, or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the TPEP or

LPEP. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.

(4) A violation of paragraphs (1) or (2) above that results in a fare in excess of the Commission-approved rates is an overcharge under sections 54-17(a)(1) and 54-17(i) and a Driver will be subject to the penalties for an overcharge under Section 54-02.

§54-17(m)(1)-(2)	Mandatory penalties as set forth in §54-02	Appearance NOT REQUIRED

(5) A Driver must not accept credit card payment from a Passenger by any E-Hail Application that does not integrate with the TPEP or LPEP.

§54-17(m)(5)	Fine: $350 if plead guilty before a hearing; $500 if found guilty following a hearing.	Appearance NOT REQUIRED

(6) A Driver must not accept payment for a trip from an E-Hail Application that exceeds the total fare for the trip as calculated by the Taximeter, plus an optional tip.

§54-17(m)(6)	Fine: $350 if plead guilty before a hearing; $500 if found guilty following a hearing.	Appearance NOT REQUIRED

§6. Paragraph (1) of subdivision (a) of section 54-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) A Driver of a Taxicab must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or an Accessible Taxicab dispatcher, to solicit Passengers, however a Driver can use a licensed E-Hail Application. Use of any licensed E-Hail Application by the Driver is optional. A Driver may use only one electronic device with an E-Hail Application, separate from the Driver Information Monitor supplied as part of the TPEP and/or a device provided for the Accessible Dispatch program.

§7. Paragraph (4) of subdivision (a) of section 54-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) A Driver of a Taxicab must not solicit or cruise for the purpose of soliciting Passengers or accept Passengers for transportation with the use of an E-Hail Application:

(i) At Kennedy, La Guardia or Newark Airports

(ii) Within 100 feet of any authorized Taxi Stand

(iii) Within the private streets of Lincoln Center

(iv) In any area of the City of New York where Taxicab cruising is prohibited

§54-19(a)(4)	Fine: $100 if plead guilty before a hearing; $150 if found guilty following a hearing.	Appearance NOT REQUIRED

§8. Paragraph (5) of subdivision (a) and paragraphs (15) and (16) of subdivision (b) of section 54-20 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) *Must Not Refuse to Transport Passengers.* Unless the Driver has justifiable grounds, the Driver must not refuse to transport in any of the following circumstances:

* * *

(5) *E-Hail Application*: A Driver must not refuse to transport a Passenger after accepting a Hail from that Passenger by means of an E-Hail Application.

* * *

(b) *Justifications for Refusing Passenger.* The following are permitted reasons for refusing to transport:

* * *

(15) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip from the Street Hail Livery Base with which the Vehicle is affiliated and has entered the appropriate on-duty unavailable code into the LPEP.

(16) The Driver has accepted a trip from the accessible dispatch program pursuant to section 53-08 of these Rules or an approved E-Hail App and has entered the appropriate on-duty unavailable code into the TPEP or LPEP.

§9. Subdivision (f) of section 54-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) *No Unauthorized Equipment*. A Driver must not operate a Taxicab or Street Hail Livery that uses or has installed any equipment or mechanical devices not specifically listed in these rules, unless authorized in writing by the Commission. A Driver may use a device with an E-Hail Application installed that allows the Driver to accept Hails electronically, but the Driver, when using this device, must comply with the Electronic Communication Device requirements set forth in section 54-14(e) of this Chapter except that a Driver may accept an E-Hail request with a

single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. The device and the installation or mounting of such a device in a Taxicab or Street Hail Livery is subject to Commission approval, and the installation or mounting must not obstruct the Driver's view of the road, or the Driver or Passenger's view of the Taximeter. Use of such device by a Driver is optional. A Driver may use no more than one electronic device with an E-Hail Application, separate from the Driver Information Monitor supplied as part of the TPEP and/or a device provided for the Accessible Dispatch program.
Note: A Street Hail Livery is permitted to have the dispatch equipment required by its Street Hail Livery Base.

§54-22(f)	Fine: $50-$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED

§10. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (b) of section 54-24 of Title 35 of the Rules of the City of New York are amended to read as follows:

(i) A Driver is required to log in and operate T[-]PEP in order to obtain the Trip Record data for each trip in a Taxicab, including those trips that begin with the use of an E-Hail Application.

(ii) A Driver is required to log in and operate LPEP in order to obtain the Trip Record data for each trip in a Street Hail Livery, including those trips that begin with the use of an E-Hail Application.

§11. Paragraph (4) of subdivision (d) of section 54-25 of Title 35 of the Rules of the City of New York is renumbered paragraph (5), and a new paragraph (4) is added, to read as follows:

(4) A Driver may only use a licensed E-Hail Application.

§12. The heading and paragraphs (1) and (2) of subdivision (f) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

(f) [*Credit Card Charges*] *Non-Cash Payments.*

(1) For any lease of a Taxicab (vehicle and Medallion) under paragraph 58-21(c)(1) or 58-21(c)(2), an Owner (or Owner's Agent) must pay a Driver in cash, on a daily basis, the total amount of all [credit card] non-cash payments, including E-Payments through TPEP (if any), made during the Driver's shift, less the $.06 per trip driver health surcharge described in [subdivision] paragraph 58-21(f)(5) and, on and after January 1, 2015, the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 58-16;

(2) For any lease not described in [subparagraph] paragraph (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] non-cash payments, including E-Payments through TPEP (if any), made during that period, less the $.06 per trip driver health surcharge described in [subdivision] paragraph 58-21(f)(5)) and, on and after January 1, 2015, the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 58-16.

§58-21(f)(1)& (2)	Fine: $100	Appearance NOT REQUIRED

§13. Section 58-26 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (j) to read as follows:

(j) *E-Payments.*

(1) The payment for the fare for any trip paid for using an E-Payment must not exceed Commission-approved rates, plus an optional tip.

(2) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Payment. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method.

(3) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the TPEP or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the TPEP. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.

§14. Section 58-34 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

(g) *E-Hail Application Devices.*

(1) A Taxicab may be equipped with or the Driver may utilize a device with an E-Hail Application installed. A Driver's use of an E-Hail Application is subject to the requirements of subdivision 54-14(e) of these Rules except that a Driver may accept an E-Hail request with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. Use of such device by a Driver is optional and an Owner cannot require a Driver to use an E-Hail Application. A Driver may use no more than one electronic device with an E-Hail Application, separate from the Driver Information Monitor supplied as part of the TPEP and/or a device provided for the Accessible Dispatch program.

(2) An Owner must not permit a Taxicab to be equipped with a device that allows a Driver to accept payment electronically other than:

(i) TPEP, or

(ii) A device with a licensed E-Hail Application installed, which may only be used to process payment through the licensed E-Hail Application.

(3) The installation or mounting of any device with an E-Hail Application installed is subject to Commission approval. The installation or mounting of such device must not obstruct the Driver's view of the road, or the Driver or Passenger's view of the Taximeter. If an owner permanently installs or mounts a device with an E-Hail Application installed, that device must be capable of running every E-Hail Application licensed by the Commission.

§58-34(g)	Fine: $350 if plead guilty before a hearing; $500 if found guilty following a hearing.	Appearance NOT REQUIRED

§15. Section 58-40 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c) to read as follows:

(c) *E-Hail Application.* Any licensed E-Hail Application that provides for E-Payment must integrate with the TPEP system or Taximeter. No E-Hail Application shall be used to process any payment that is not a licensed E-Hail Application.

§58-40(c)	Fine: $350 if plead guilty before a hearing; $500 if found guilty following a hearing.	Appearance NOT REQUIRED

§16. Subdivision (c) of section 67-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Trip Data Collection and Transmission.* Unless exempt under §58-41(c), every Taxicab must be equipped with a T[-]PEP that permits the collection and transmission of data, including data regarding all trips that begin with the use of an E-Hail Application, to the Commission in accordance with the following requirements:

§17. Subdivision (n) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

(n) [*Smartphone*] *E-Hail Application Integration*. TPEP Providers must integrate with E-Hail Apps [that provide for E-Payment and Digital Wallet Applications] as follows:

(1) TPEP Providers must develop and maintain an application programming interface (API) enabling developers of E-Hail Apps [that provides for E-Payment and Digital Wallet Applications] to integrate their apps directly into the TPEP data collection, and credit card transaction processing systems. Integration into the TPEP data collection, and credit card transaction processing systems includes but is not limited to:

(i) Providing access for E-Hail Apps [that provide for E-payment and Digital Wallets Applications] to itemized fare data including time-and-distance fare, tolls, surcharges, extras, the Taxicab Improvement Surcharge and taxes from the TPEP and Taximeter, in real time, when the trip has been completed and the Taxicab Driver has disengaged the Taximeter;

(ii) Ability of TPEP to receive either a confirmation from E-Hail Apps that provide for E-Payment or their third party designees that electronic credit card payment for the total fare amount has been successfully processed, or to receive the credit card and payment information from the E-Hail App that provides for E-Payment, their third party designee, or a Digital Wallet Application in order for the TPEP Provider to process the payment through their own payment gateway;

(iii) Ability of TPEP to receive relevant payment information from an E-Hail App that provides for E-Payment, or their third party designee, or Digital Wallet Application that processed the payment itself to the extent necessary to display the total charges including E-Hail service fee and tip (if applicable) on the PIM and on the printed receipt in accordance with paragraph (a)(2) of this section, and collect and transmit Trip Data in accordance with subdivision (c) of this section; and

(iv) Any other functionality agreed to by the Commission, the Commission approved smartphone application developer, and the TPEP Provider.

(2) Integration into the TPEP's data collection and transaction processing systems as described above must be provided by the TPEP Provider to all [Commission approved] licensed E-Hail Apps that provide for E-Payment [when those applications provide] or their third party designees, subject to the payment of fees to the TPEP Provider by the E-Hail App as set forth in

paragraph (3) of this subdivision. For trips where the Passenger uses [a] an E-Hail App that provides for E-Payment or Digital Wallet Application:

(i) the TPEP must display the total charges including E-Hail service fee and tip (if applicable) on the PIM and on the printed receipt in accordance with paragraph (a)(2) of this section;

(ii) the TPEP must collect and provide Trip Data as described in subdivision (c) of this section; and

(iii) the TPEP must provide an indication to the Driver through the DIM when payment for the total fare has been completed as described in subdivision (a) of this section.

(3) A TPEP Provider may require E-Hail Apps that provide for E-Payment and process the payment through their own or their third party designee's payment gateway to pay a fee of not more than $0.05 per trip for any trip for which the E-Hail App or their third party designee processes the payment.

(4) A TPEP Provider may not charge a fee when the Passenger is using a Digital Wallet Application for payment, or when the Passenger uses an E-Hail App that provides for E-Payment which either through the E-Hail App itself or through its third party designee provides the Passenger credit, debit or prepaid card and payment information to the TPEP Provider for payment processing through the TPEP Provider's payment gateway.

§18. Title 35 of the Rules of the City of New York is amended by adding a new Chapter 78, to read as follows:

Chapter 78 — Licensing & Rules for Providers of E-Hail Applications

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§78-01 Scope of the Chapter

(a) To establish a formal procedure for the licensing and supervision of businesses that sell, lease, or make available for use, software programs which are E-Hail Applications that reside on smartphones or other electronic devices.

(b) To establish technical requirements for the E-Hail Applications which must be met in order for E-Hail Application Providers to apply for and obtain a license.

(c) To establish services to be provided by E-Hail Application Providers for the benefit of individuals and businesses licensed by TLC and the public.

(d) To establish appropriate penalties for the violation of these rules.

§78-02 Penalties

(a) *Unlicensed Activity.*

(1) Unlicensed Activity is the act of providing or advertising the provision of any service regulated by this chapter by:

(i) Any E-Hail Application Provider Licensee whose License is suspended, revoked, or expired and not yet renewed, or

(ii) Any entity that does not hold a Valid License from the Commission for an E-Hail Application.

(2) Unlicensed Activity specifically includes the activities listed in §78-09 of these Rules and can result in License suspension, revocation, and other penalties.

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

(c) *Payment of Fines.*

(1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

(i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred 30 days after the date of the appeal decision.

(2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

(d) *Non-Renewal of License; Suspension; Revocation.*

(1) Non-Renewal of License.

(i) If an E-Hail Application Provider License is not timely renewed, the E-Hail Application Provider must immediately notify each Licensee who is using the E-Hail Application approved under the expired License that the License has expired and that the Licensee must terminate usage of the E-Hail Application.

(ii) Upon expiration of the E-Hail Application Provider License, the E-Hail Application Provider must not enroll any further Licensees into the previously licensed E-Hail Application approved under the expired License.

(iii) Upon expiration of the E-Hail Application Provider License, the E-Hail Application Provider must immediately cease offering the E-Hail Application for use to any Licensee or to the public for pickup requests in New York City.

(2) Suspension.

(i) If an E-Hail Application Provider's License has been suspended by the Commission, the E-Hail Application Provider must immediately notify each Licensee who is using the E-Hail Application approved under the suspended License:

- Of the dates during which the License is suspended, and
- that the Licensee must terminate usage of the E-Hail Application for the duration of such suspension.

(ii) Upon suspension of the E-Hail Application Provider License, the Provider must not enroll any further Licensees into the E-Hail Application approved under the suspended License for the duration of such suspension, and must immediately, for the duration of such suspension, cease offering the E-Hail Application for use to any already enrolled Licensee or to the public for pickup requests in New York City.

(3) Revocation.

(i) If an E-Hail Application Provider's License has been revoked by the Commission, the E-Hail Application Provider must immediately notify each Licensee who is using the E-Hail Application approved under the revoked License that:

- its service agreement with the E-Hail Application Provider will be deemed terminated as of the date of License revocation, and
- the Licensee must not continue to use the E-Hail Application.

(ii) Upon revocation of the E-Hail Application Provider's License, the Provider must not enroll any further Licensees into the E-Hail Application approved under the revoked License.

(iii) An E-Hail Application Provider whose License has been revoked must cease offering use of the E-Hail Application approved under the revoked License to any Licensees or to the public for pickup requests in New York City.

§78-02(d)	Penalty: $1,000 fine	Appearance NOT REQUIRED

§78-03 Definitions Specific to this Chapter

(a) *Applicant* in this Chapter means an Applicant for an original or renewal E-Hail Application Provider License.

(b) *Credit, Debit, and Prepaid Card Services.* The portion of the E-Hail Application used to process Passenger payment of fare in a Vehicle by credit, debit, or prepaid card as described in §78-21(a) of these Rules.

(c) *Database Management System.* A software package with computer programs that control the creation, maintenance and use of a database.

(d) *E-Hail* has the same meaning as the same term in §51-03 of these Rules.

(e) *E-Hail App Data*. All data required to be collected, transmitted and maintained pursuant to this Agreement. E-Hail App Data includes, but is not limited to, Trip

Data as described in §78-21 of Commission Rules, data related to credit, debit, and prepaid card transactions, and data relating to E-Hail App usage. Any data that is transferred to the E-Hail App by TPEPs or LPEPs become E-Hail App Data once received by the E-Hail App.

(f) *E-Hail Application* has the same meaning as the same term in §51-03 of these Rules.

(g) *E-Hail Application Provider* is a person or entity licensed by these Rules to offer an E-Hail Application.

(h) *E-Hail Application Provider License* is a license issued to a E-Hail Application Provider pursuant to this Chapter.

(i) *E-Payment* has the same meaning as the same term in §51-03 of these Rules.

(j) *Hail* has the same meaning as the same term in §51-03 of these Rules.

(k) *Information System*. An interconnected set of information resources under the same direct management control that shares common functionality.

(l) *License*. When the term "License" is used by itself in this Chapter—and in this Chapter ONLY—it refers to an E-Hail Application Provider License.

(m) *LPEP Data*. All data required to be collected, transmitted and maintained pursuant to §83-31 of Commission Rules and other information assets related to the LPEP Data. LPEP Data includes, but is not limited to, Trip Data, data related to credit, debit and prepaid card transactions, and text messages and the date and time such messages were sent and received. Any data that is transferred to the LPEP by E-Hail Apps that provide E-Payment become LPEP Data once received by the LPEP.

(n) *Modification of E-Hail Application.* Any modification to the E-Hail Application or related services after the Commission has issued a License for such E-Hail Application that would materially alter any of the following:

(1) functionality, performance characteristics, security measures, or technical environment of the E-Hail Application or related services;

(2) interfaces to T-PEP or LPEP, or to the Software, Hardware, network, or other E-Hail Application components;

(3) the manner in which the E-Hail Application or related services are provided.

The addition or modification of a component allowing payment through the E-Hail Application constitutes a Modification.

A Modification of E-Hail Application does not include:

(4) fixes and/or maintenance patches necessary to conform the E-Hail Application or any of its components or related services to the requirements set forth in §78-21 of these Rules; and

(5) security patches to the extent such fixes or patches are necessary in the E-Hail Application Provider's good faith judgment to maintain the continuity of the E-Hail Application or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the E-Hail Application or related services.

(o) *Non-consumer User*. Any individual, excluding a cardholder, who accesses Database Management System components, including, but not limited to employees, administrators and third parties.

(p) *PCI Standards*. The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org

(q) *Service Levels*. The standards of performance of the E-Hail Application and its components that are described in §§78-17 and 78-21 of these Rules.

(r) *Security Incident or Incident* means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an Information System.

(s) *TPEP Data*. All data required to be collected, transmitted and maintained pursuant to §75-25 of Commission Rules and other information assets related to the TPEP Data. TPEP Data includes, but is not limited to, Trip Data, data related to credit, debit and prepaid card transactions, and text messages and the date and time such messages were sent and received. Any data that is transferred to the TPEP by E-Hail Apps that provide E-Payment become TPEP Data once received by the TPEP.

§78-04 Licensing – General Requirements

(a) *E-Hail Application Licensees*. An Applicant for an E-Hail Application Provider License or its renewal may be an individual or a Business Entity.

(b) *License for Each E-Hail Application*. An application for a new or renewal E-Hail Application Provider License must be filed for each E-Hail Application for which

Commission approval is sought. A separate E-Hail Application Provider License will be issued or renewed for each approved E-Hail Application. All License requirements of this Chapter apply to each License to be issued or renewed. An application for an E-Hail Application License must include (and the License for the E-Hail Application must include) any payment feature linked to the E-Hail Application whether or not the E-Hail Application Provider provides the feature. The E-Hail Application, combined with the feature, must meet all requirements for E-Payment.

(c) *Certification.* Any new or renewal application for an E-Hail Application Provider License must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the application is true, under penalty of perjury.

(d) *Proof of Identity.* The individual or Business Entity Person submitting the application for an E-Hail Application Provider License must provide to the Commission proof of identity in the form of a valid photo identification issued by the United States, a state or territory of the United States, or any political subdivision of a state or territory of the United States.

(e) *Age.* The individual or Business Entity Person submitting an application for an E-Hail Application Provider License or its renewal must be at least 18 years of age.

(f) *Fit to Hold a License.* An Applicant applying for an E-Hail Application Provider License or its renewal must demonstrate that they are Fit to Hold a License.

(g) *Partnership Filings.* When the Applicant is a partnership, it must file with its License application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located.

(h) *Corporate or LLC Filings.* When the Applicant is a corporation, it must file with its License application all of the following:

(1) One of the following certificates:

(i) A certified copy of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application

(ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application

(iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation

(2) *Limited Liability Companies (LLCs).* When the Applicant is a limited liability company, it must file with its application the following:

(i) A copy of its articles of organization

(i) *Uniqueness of Name.* The Commission has the right to reject the proposed name of any E-Hail Application Provider that the Commission finds to be substantially similar to any name in use by another E-Hail Application Provider Licensee.

(j) *Payment of Fines and Fees.*

(1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to

(i) the Commission,

(ii) NYC Department of Finance,

(iii) NYC Department of Consumer Affairs,

(iv) NYS DMV's Traffic Violations Bureau, and

(v) any of their successor agencies.

(2) This requirement includes payment of fines and fees owed as of the date of the application by

(i) any Business Entity Persons of the Applicant

(ii) any Business Entity of which the Applicant is a Business Entity Person, and

(iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.

(k) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §78-14 of these Rules.

§78-05 Licensing – Specific Requirements

(a) *E-Hail Application Approval for New License.* The Commission will not issue an E-Hail Application Provider License to any Applicant unless the Commission approves the E-Hail Application proposed for sale, lease or use by the Applicant. In determining whether to approve the E-Hail Application, the Commission will

consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to subdivision (b) of this section adequately demonstrates that the E-Hail Application complies with all of the requirements set forth in §78-21 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (f) of this section.

(b) *Documentation for E-Hail Application Approval*. The Applicant must submit with its License application a detailed description of its E-Hail Application's functionality and its compliance with the requirements set forth in §78-21 and §78-22 of these Rules, as well a list of all third-party designees the E-Hail Provider will use in offering E-Hail or E-Payment services. If the Application includes E-Payment, the Applicant must submit with its License application the documentation described in paragraphs (1) through (4) of this subdivision. All documentation pertaining to an independent third party must be accompanied by a signed authorization from the Applicant authorizing the Commission to contact the independent third party directly and authorizing the independent third party to respond to inquiries from the Commission.

(1) An acceptance test plan that uses information technology industry testing tools, techniques and methodologies designed to comprehensively test whether the E-Hail Application and related services comply with all of the requirements set forth in §78-21 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (f) of this section;

(2) Documentation demonstrating that an independent third party that is accredited by the American National Standards Institute-American Society of Quality National Accreditation Board ("ANAB") to perform International Organization for Standardization ("ISO") 9001 certifications has performed acceptance testing consistent with the acceptance test plan, and the successful results of the acceptance testing;

(3) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating that an independent third party that is a Qualified Security Assessor ("QSA") company has performed security testing of the E-Hail Application and related services to determine compliance with the security standards set forth in §78-21(f) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (f) of this section, and the successful results of the security testing; and

(4) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating that an independent third party that is either a QSA company or a company accredited by ANAB to certify ISO 27001 has performed security testing of the E-Hail Application and related services to determine compliance with the security standards set

forth in §78-22 of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (f) of this section, and the successful results of the security testing;

(c) *Privacy Policy*. The Applicant must submit with its License application a detailed privacy policy meeting industry best practices that describes the specific privacy risks associated with the Applicant's E-Hail Application and mitigations the Applicant has developed to address those risks.

(d) *Modification of E-Hail Application.* If after the E-Hail Application Provider License is issued pursuant to this Chapter, the E-Hail Application Provider Licensee wants to implement a Modification, the E-Hail Application Provider Licensee must submit an application for approval of a Modification of E-Hail Application by submitting all documentation required by subdivision (b) of this section and the fee required in §78-07(b) of these Rules. The Commission will treat the submission as an application for a new E-Hail Application Provider License. If the Commission approves the Modification, the existing E-Hail Application Provider License will apply to the modified E-Hail Application.

(e) *Required Insurance.* After submission of an application for a new E-Hail Application Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision when the Commission requests it. Upon submission of an application to renew an E-Hail Application Provider License, the E-Hail Application Provider Licensee must provide to the Commission proof of the insurance required in this subdivision.

(1) Commercial General Liability Insurance.

(i) The Applicant must maintain Commercial General Liability ("CGL") Insurance covering the Applicant as Named Insured and the City as an Additional Insured in the amount of at least Five Million Dollars ($5,000,000) per occurrence. The insurance must protect the City and the Applicant from claims for property damage and/or bodily injury, including death that may arise from any of the operations performed or to be performed by or on behalf of the Applicant in connection with any of the activities licensed under this Chapter. Coverage under this insurance must be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and must be "occurrence" based rather than "claims-made."

(ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's CGL Insurance under subparagraph (i) of this paragraph must cover the subcontractor(s)

or such subcontractor(s) must maintain its/their own CGL Insurance subject to all other requirements herein.

(iii) The CGL Insurance must name the City, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recently issued ISO Form CG20 10.

(2) Professional Liability Insurance.

(i) In the Commission's discretion, if professional services will be performed by the Applicant in connection with any of the activities licensed under this Chapter, the Applicant must maintain and submit evidence of Professional Liability ("PL") Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars ($1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error, omission or negligent act of the Applicant or anyone employed by the Applicant.

(ii) If the Applicant's subcontractor(s) is/are performing or will perform professional services in connection with any of the activities licensed under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant's PL Insurance under subparagraph (i) of this paragraph must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.

(iii) Claims-made policies will be accepted for Professional Liability Insurance. The policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of the insurance unless a new policy is secured with a retroactive date, including at least the last policy year.

(3) Crime Insurance.

(i) The Applicant must maintain crime insurance to protect against employee dishonesty, covering tangible property or moneys against loss, damage or destruction resulting from larceny, theft, embezzlement, forgery, robbery, misappropriation, willful misapplication or other fraudulent or dishonest acts committed by the Applicant's employees or agents. The liability limits under the policy must be at least One Million Dollars ($1,000,000) per occurrence.

(ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's crime insurance under item (i) above must cover the subcontractor(s) employees or agents or such subcontractor(s) must maintain its/their own crime insurance subject to all other requirements herein.

(4) General Requirements for Insurance Coverage and Policies.

(i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Commission.

(ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.

(iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which the policies are subject, whether or not the City is an insured under the policy.

(iv) There must be no self-insurance program with regard to any insurance required under this subdivision unless approved in writing by the Commission. Any self-insurance program must provide the City with all rights that would be provided by traditional insurance required under this subdivision, including but not limited to the defense obligations that insurers are required to undertake in liability policies.

(v) The City's limits of coverage for all types of insurance required under this subdivision must be the greater of:

(A) the minimum limits set forth in this subdivision; or

(B) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(5) Proof of Insurance.

(i) For each policy required under this subdivision, the Applicant must file with the Commission a Declarations Page issued by the insurer. All Declaration Pages must be:

(A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits;

(B) accompanied by the endorsement in the Applicant's Commercial General Liability Insurance policy by which the City has been made an Additional Insured pursuant to subparagraph (iii) of paragraph (1) of this subdivision; and

(C) accompanied by either a duly executed "Certification by Insurer" in the form provided by the Commission or copies of all policies referenced in the Declarations Page. If complete policies have not yet been issued, binders are acceptable, until the complete policies have been issued, at which time such policies must be submitted.

(ii) The Applicant must provide the Commission with a copy of any policy required under this subdivision upon demand by the Commission or the New York City Law Department.

(iii) Acceptance by the Commission of a Declarations Page or a policy does not excuse the E-Hail Application Provider from maintaining policies consistent with all provisions of this subdivision (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.

(iv) If the E-Hail Application Provider receives notice, from an insurance company or other person, that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the E-Hail Application Provider must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

NYC Taxi and Limousine Commission
Attn: General Counsel
33 Beaver Street 22nd Floor
New York, New York 10004

New York City Comptroller
Attn: Office of Contract Administration
Municipal Building, One Centre Street, Room 1005
New York, New York 10007.

(6) Miscellaneous Insurance Provisions.

(i) Whenever notice of loss, damage, occurrence, accident, claim or suit is required under a Commercial General Liability policy maintained in accordance with this subdivision, the E-Hail Application Provider must provide the insurer with timely notice thereof on behalf of the City. Notice must be given even where the E-Hail Application Provider may not have coverage under such policy (for example, where one of the E-Hail Application Provider's employees was injured). Notice must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured" and contain the following information:

- the number of the insurance policy;
- the name of the named insured;
- the date and location of the damage, occurrence, or accident;
- the identity of the persons or things injured, damaged, or lost; and
- the title of the claim or suit, if applicable.

The E-Hail Application Provider must simultaneously send a copy of the notice to:

The City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division,

New York City Law Department,

100 Church Street, New York, New York 10007.

If the E-Hail Application Provider fails to comply with the requirements of this subparagraph, the E-Hail Application Provider must indemnify the City for all losses, judgments, settlements and expenses, including reasonable attorneys' fees, arising from an insurer's disclaimer of coverage citing late notice by or on behalf of the City.

(ii) Insurance coverage in the minimum amounts required in this subdivision shall not relieve the E-Hail Application Provider Licensee of any liability for indemnification under this Chapter.

(iii) The E-Hail Application Provider waives all rights against the City, including its officers and employees, for any damages or losses that are covered under any insurance required under this subdivision (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the E-Hail Application Provider

and/or its subcontractors required to be licensed under this Chapter.

(iv) If the E-Hail Application Provider requires any subcontractor to procure insurance in connection with any of the activities licensed under this Chapter and requires the subcontractor to name the E-Hail Application Provider as an additional insured under such insurance, the E-Hail Application Provider must ensure that such entity also names the City, including its officials and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

(f) *Renewals of Required Insurance Policies.* The E-Hail Application Provider must submit to the Commission Certificates of Insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (d) of this section expires. Certificates of Insurance must comply with the requirements of subparagraph (d)(5)(i) above.

§78-05(e)	Penalty: $1,500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(g) *Waivers or Modifications.* Except where expressly prohibited by law, the Chairperson may, in his or her discretion, waive or modify any requirements for licensing under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Chairperson.

§78-06 Licensing – Bond Required

(a) *Amount of Bond.* An Applicant for an E-Hail Application Provider License or renewal must deposit or have deposited with the Commission a fifty thousand dollar ($50,000) bond per E-Hail Application, payable to the City of New York. The bond must be provided by one or more sureties approved by the Commission.

(b) *Bond Guarantees*. The bond must guarantee that the Applicant or licensed E-Hail Application Provider will:

- comply with all applicable provisions of law and rules of the Commission,
- pay all fines imposed by the Commission, and
- pay all judgments or settlements arising from any action connected in any way with the E-Hail Application Provider License.

(c) *Fines and Judgments.* The E-Hail Application Provider is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal. If the fine is not paid as required by § 78-02(c) of these Rules, the Commission may draw upon the bond.

§78-07 Licensing – Fees and Term of License

(a) *Fee*. Every application for a new or renewal E-Hail Application Provider License must be accompanied by a non-refundable application fee of $500 for each License to be issued or renewed for the term as provided in subdivision (g) of this section.

(b) *Modification of E-Hail Application Fee*. Every application for approval of a Modification of E-Hail Application must be accompanied by a non-refundable application fee of $500 for each E-Hail Application for which a Modification of E-Hail Application is sought.

(c) *Form of Payment.* All application fees must be paid in the form authorized by §52-40 of these Rules.

(d) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.

(e) *License Replacement Fee*. The fee to replace any lost, damaged or destroyed License is $25.

(f) *Late Filing Fee.* If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of $25.

(g) *Term of License.* The term of an E-Hail Application Provider License will be three years or less and each License will expire on October 31st.

(h) *When to File for Renewal*.

(1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.

(2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a "late application". The fee for the late application will be $25.

(3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.

(4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(i) *Suspended Licenses*.

(1) If a License is suspended and it is also due to be renewed, the E-Hail Application Provider Licensee must apply for renewal as required in subdivision (h) above if

the E-Hail Application Provider Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

(2) A License that is suspended is not Valid and cannot be used until the suspension ends. This applies even if the Applicant has filed an application for a renewal.

§78-08 Licensing – Cause for Denial

(a) *Failure to Continuously Comply.* Whenever the Commission determines that the E-Hail Application Provider no longer meets the requirements for the E-Hail Application Provider License, the Commission may suspend or revoke the License and deny any application for renewal.

(b) *Summary Suspension.* Nothing in this section limits the authority of the Commission to summarily suspend any E-Hail Application Provider License when a threat to public health, safety, or welfare exists.

(c) *Failure to Complete Application Requirements*

(1) The Chairperson may deny an application for a new License if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.

(2) The Chairperson may deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(d) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within a reasonable period as requested or failure to appear at a scheduled interview will result in a denial of the application.

§78-09 General Requirements – Unlicensed Activity

(a) *E-Hail Application Provider License Required.* An individual or Business Entity must not sell, lease, or make available for use in New York City an E-Hail Application or enroll any individual or Business Entity into an E-Hail Application without a Valid E-Hail Application Provider License.

(b) An E-Hail Application Provider must not permit the use of a non-TPEP or non-LPEP electronic credit card payment system unless that system uses:

(i) E-Payment that is contained within a licensed E-Hail Application and that meets all the requirements of this Chapter, or

(ii) E-Payment that is linked to a licensed E-Hail Application, whether or not provided by the E-Hail Application Provider, that meets all requirements of this Chapter.

§78-09	Penalty: $10,000	Appearance REQUIRED

§78-10 General Requirements – Compliance with Applicable Law

(a) *Licenses and Permits.* An E-Hail Application Provider Licensee must obtain licenses and permits required by applicable local, state or federal law.

(b) *Occupational Safety & Health Administration.* An E-Hail Application Provider Licensee must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the E-Hail Application Provider Licensee's place of business, as well as all other federal, state, and local laws governing its business.

(c) *Payment of All Fines and Fees*. An E-Hail Application Provider Licensee must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.

(d) *Workers' Compensation Laws.* An E-Hail Application Provider Licensee must comply with all laws regarding workers' compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§78-10	Penalty: $1,000 fine and/or suspension until compliance	Appearance NOT REQUIRED

§78-11 General Requirements – Indemnification

(a) *General Indemnification.* An E-Hail Application Provider Licensee must defend, indemnify and hold the City, its officers and employees harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of any operations of the E-Hail Application Provider Licensee and/or its employees, agents or subcontractors in connection with any of the activities licensed under this Chapter to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this Chapter. Insofar as the facts or law relating to any third-party claim would preclude the

City from being completely indemnified by the E-Hail Application Provider Licensee, the City shall be partially indemnified by the E-Hail Application Provider Licensee to the fullest extent permitted by law.

(b) *Infringement Indemnification.* An E-Hail Application Provider Licensee must defend, indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the E-Hail Application Provider Licensee, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the E-Hail Application Provider Licensee, the City shall be partially indemnified by the E-Hail Application Provider Licensee to the fullest extent permitted by law.

(c) *Not Limited by Insurance.* The indemnification obligations set forth in this section shall not be limited in any way by the E-Hail Application Provider Licensee's obligations to obtain and maintain insurance as provided in §78-05(d) of these Rules.

§78-11(a)-(b)	Penalty: $1,000 fine and/or suspension until compliance	Appearance REQUIRED

§78-12 General Requirements – Unlawful Activities Prohibited

(a) An E-Hail Application Provider Licensee must not file with the Commission any statement that he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

§78-12 (a)	Penalty: $10,000 fine and revocation	Appearance REQUIRED

§78-13 General Requirements – Notice to TLC

(a) *Material Change in Information.* An E-Hail Application Provider Licensee must notify the Commission of any material change in the information contained in its current E-Hail Application Provider License application or renewal.

§78-13(a)	Penalty: $1,000 fine and/or suspension up to 30 days	Appearance REQUIRED

(b) *Suspension or Revocation of License.* An E-Hail Application Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the E-Hail Application Provider Licensee, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.

§78-13(b)	Penalty: $1,000 fine and suspension until compliance	Appearance REQUIRED

(c) *Security Breach:* The E-Hail Application Provider Licensee must inform the Commission if it is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa).

§78-13(c)	Penalty: $1,000 fine and suspension until compliance	Appearance REQUIRED

§78-14 Business Requirements – Mailing and Email Address

(a) Each E-Hail Application Provider must designate and provide the Commission the street address of its primary E-Hail Application Provider location as its Mailing Address.

(b) An E-Hail Application Provider must have and provide the Commission a working Email Address and telephone number at all times.

(c) An E-Hail Application Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail within ten days.

§78-14(a)-(c)	Fine: $100	Appearance NOT REQUIRED

(d) Any communication from the Commission is sufficient if sent to the last Mailing Address or E-Mail Address provided by the E-Hail Application Provider.

(e) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the E-Hail Application Provider.

§78-15 Business Requirements – Fees Charged by E-Hail Application Provider Licensees

(a) *Tips and Gratuities.*

(1) An E-Hail Application Provider cannot charge a Passenger a tip or gratuity unless

(i) The Driver receives the full amount of such tip or gratuity, without any withholding or sharing, and

(ii) The Passenger can elect to change or withhold payment of such tip or gratuity at any time prior to completion of the trip and payment of the fare.

(2) An E-Hail Application Provider must not charge as a tip or gratuity (or using the words "tip" or "gratuity" or something similar) any fee that the Provider will retain.

§78-15(a)	Penalty: $200 fine	Appearance NOT REQUIRED

(b) *Fares.* An E-Hail Application and an E-Hail Application Provider must NOT charge any Passenger a fare for a trip that exceeds the fare as calculated by the Taximeter, permitted in §58-26 and §82-26 of these Rules. The E-Hail App and the E-Hail App Provider may however charge additional fees to a Passenger above the fare for the trip in accordance with subdivision (c) below so long as such fees are clearly delineated and not called a fare or tip or gratuity.

NOTE: If an E-Hail App Provider charges a per-trip fee for use of the E-Hail App and if the fee is assessed on a per-trip basis and bundled into the same credit card transaction as the payment of the fare, the Provider is required to have an agreement with either the merchant of record, or if processed through the TPEP or LPEP, the TPEP or LPEP Provider, as to how the fee will be remitted to the E-Hail App Provider. The agreement must be outlined in the E-Hail App Provider's application documentation and must ensure that the per-trip fee is remitted in its entirety to the E-Hail App Provider and is not retained by the Driver.

§78-15(b)	Penalty: $1000 fine	Appearance NOT REQUIRED

(c) *Notice of Fees.* The E-Hail App Provider must provide Passengers and/or Drivers with reasonable notice of all Passenger and Driver fees and rates charged by the E-Hail App Provider for use of the E-Hail App, as applicable, including but not limited to any variable or surge pricing policies applicable to the fees charged by the E-Hail App Provider, cancellation fees, and no-show fees, prior to Drivers' or Passengers' use of the E-Hail App for request of a trip.

(1) The amounts of any fees must be viewable within the E-Hail Application;

(2) The E-Hail App Provider is permitted to charge cancellation fees to Passengers and/or Drivers who cancel E-Hailed trips using the E-Hail App if the cancellation fees comply with the notification requirements outlined in this subdivision and appear on the fee schedule described in subdivision (d) of this section.

(3) The E-Hail App Provider must provide Drivers and/or Passengers with reasonable notice of any modifications of such fees or rates, as applicable, prior to the effective date of the modifications.

(d) *File Fee Schedule.* The E-Hail App Provider must file with the Commission a complete schedule of fees and rates charged to Passengers and/or Drivers for use of the E-Hail App, including but not limited to, any variable or surge pricing policies applicable to the fees charged by the E-Hail App Provider, cancellation fees, and no-show fees, and the fee structure (such as whether it is based on per-trip usage, a subscription fee, or some other manner). The fee schedule must clearly delineate to which party (the Passenger or Driver) each fee is assessed. The E-Hail App Provider must also file with the Commission all schedule updates.

(e) *File User Agreement Terms.* The E-Hail App Provider must file with the Commission all forms of the user agreements, use contracts, and privacy terms it requires for use, sale, and lease of the E-Hail App, both as to Passengers and Drivers. The E-Hail App Provider must file with the Commission all updates of such documents and/or terms reflecting changes thereto.

§78-16 Business Requirements – Use of E-Hail Application

All of the following conditions apply with regard to an E-Hail Application Provider's making an E-Hail Application available for use:

(a) The E-Hail Application Provider must not make an E-Hail Application available for use unless the E-Hail Application has been approved by the Commission pursuant to this Chapter and the E-Hail Application to be used is identical to the E-Hail Application that was approved;

(b) No modification will be made to any Vehicle to install or mount a device on which the E-Hail Application is to be used without the permission of the Chairperson and the approval of the device and its installation and/or mounting in the Vehicle.

§78-16	Penalty: $500-$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated	Appearance REQUIRED

§78-17 Business Requirements – Compliance with E-Hail Application Requirements and Service Levels

(a) *Credit, Debit, and Prepaid Card Payment.*

(1) An E-Hail Application Provider must ensure that an E-Hail Application that includes E-Payment provides Credit, Debit, and Prepaid Card Services complies with the requirements of §78-21(a) of these Rules.

(2) An E-Hail Application Provider must ensure, for an E-Hail Application that includes E-Payment, that when Passengers pay by credit, debit, or prepaid card, the Driver receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the E-Hail Application, except for incidents when there is a fraud investigation.

(3) An E-Hail Application must not provide a Driver compensation for a trip that exceeds the fare for the trip plus tolls and tip if any.

§78-17 (a)	Penalty: $500 fine and/or suspension up to 60 days or revocation for each paragraph violated	Appearance REQUIRED

(4) An E-Hail Application may permit Passengers to split a fare if this feature is provided by the party processing the fare payment.

(b) *Trip Data Collection and Transmission.* An E-Hail Application Provider must ensure that an E-Hail Application collects and stores relevant trip information to obtain a complete trip record, and transmits such data to TPEP, LPEP, or the Commission in compliance with the requirements in §78-21(c) of these Rules.

§78-17(b)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(c) *Fees to T-PEP.* An E-Hail Application Provider must ensure that an E-Hail Application provides payment to the TPEP Provider as provided in §75-25(n)(3).

§78-17(c)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(d) *Use Restrictions.* An E-Hail Application Provider must ensure that an E-Hail Application restricts usage of the Application in compliance with the use restrictions in §78-21(d) of these Rules.

§78-17(d)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(e) *Security.* An E-Hail Application Provider must ensure that with respect to an E-Hail Application, the E-Hail Application Provider is in compliance with the security requirements in §78-21(f) of these Rules.

§78-17(e)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(f) *Data Retention.* An E-Hail Application Provider must ensure that, with respect to an E-Hail Application, all data required to be maintained pursuant to §78-21 of these Rules is maintained for the period required in §78-21(g).

§78-17(f)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(g) *Inspection by TLC.* An E-Hail Application Provider must ensure that an E-Hail Application can be inspected and accessed by Commission personnel at any time. This requirement includes providing access to the E-Hail Application with requisite Driver and Passenger test IDs and access to the Driver and Passenger versions of the E-Hail App to facilitate testing.

§78-17(g)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

(h) *Commission Ordered Testing.* In any proceeding where the E-Hail Application Provider has been found guilty of a violation of any of the provisions of this section, the Commission may order the E-Hail Application Provider to provide, within sixty (60) days of the final decision on the violation:

- documentation demonstrating that subsequent to the violation an independent third party certified by ISO 9001 or other certification body acceptable to the Commission, has performed testing of the E-Hail Application and related services to determine that the condition giving rise to the violation has been corrected, and
- certification by such third party of the successful results of such testing.

§78-18 Business Requirements – Cooperation with the Commission

(a) Upon request of the Commission, an E-Hail Application Provider must provide at no charge a fully operable device on which the Commission can access the E-Hail Application, and access to the E-Hail Application with requisite Driver and Passenger test IDs.

§78-18(a)	Penalty: $500 fine and suspension until compliance for each subdivision violated	Appearance REQUIRED

§78-19 Business Requirements – E-Hail Application Provider Liability for Conduct of Employees

(a) *Liability for Employee Conduct.* An E-Hail Application Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. For clarity, this subdivision and subdivision (b) of this section shall not be applicable to Drivers, or to individuals or business entities performing work for any E-Hail Application Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.

(b) *Familiarizing Employees with Rules and Regulations.* An E-Hail Application Provider must ensure that all of its employees, contractors, and agents are fully familiar with all relevant regulatory agency rules and regulations.

(c) *Compliance with Laws.* An E-Hail Application Provider must ensure that all of its employees, contractors, and agents perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

§78-19(a)-(c)	Penalty: $500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED

§78-20 Comply with Laws – Conduct Rules

(a) *Acceptance of Gift or Gratuity.* An E-Hail Application Provider Licensee or any person acting on his or her behalf must not accept any gift, gratuity, or thing of value from an Owner or Driver of any vehicle licensed by the Commission or from anyone acting on behalf of an Owner or Driver for the purpose of violating any of these rules through acts of commission or omission.

(b) *Reporting Requests for Gift or Gratuity.* An E-Hail Application Provider Licensee, any person acting on the E-Hail Application Provider's behalf, or any of the E-Hail Application Provider's employees 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 by any public servant.

(c) *Offer of Gifts and Gratuities.* An E-Hail Application Provider Licensee or any person acting on his or her behalf must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

§78-20(a)-(c)	Penalty: $10,000 fine and revocation	Appearance REQUIRED

(d) *Reporting Offers of Gift or Gratuity.* An E-Hail Application Provider Licensee must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) above.

(e) *Fraud, Misrepresentation and Larceny.* An E-Hail Application Provider Licensee, while performing his or her duties and responsibilities as an E-Hail Application Provider Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny, or misrepresentation include, but are not limited to:

- calibration of a fare other than that set by the Commission;
- falsification of Trip Data.

§78-20(d)-(e)	Penalty: $10,000 fine and revocation	Appearance REQUIRED

(f) *Willful Acts of Omission and Commission.*

(1) *Omission.* While performing the duties and responsibilities of an E-Hail Application Provider Licensee, an E-Hail Application Provider Licensee 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.

(2) *Commission.* While performing the duties and responsibilities of an E-Hail Application Provider Licensee, an E-Hail Application Provider Licensee must not deliberately perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§78-20(f)	Penalty: $350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(g) *Notice of Criminal Conviction.*

(1) An E-Hail Application Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the E-Hail

Application Provider Licensee or any of the E-Hail Application Provider Licensee's Business Entity Persons.

(2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.

§78-20(g)	Penalty: $500 and/or suspension up to 30 days	Appearance REQUIRED

(h) *Threats, Harassment, Abuse.* An E-Hail Application Provider Licensee must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing his or her duties and responsibilities as an E-Hail Application Provider Licensee.

§78-20(h)	Penalty: $500 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(i) *Use or Threat of Physical Force.* An E-Hail Application Provider Licensee must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing his or her duties and responsibilities as an E-Hail Application Provider Licensee.

§78-20(i)	Penalty: $500 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(j) *Failure to Cooperate with Law Enforcement.* An E-Hail Application Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

§78-20(j)	Penalty: $250 fine	Appearance NOT REQUIRED

(k) *Failure to Cooperate with the Commission.* An E-Hail Application Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. An E-Hail Application Provider Licensee must produce his or her Commission License and other required documents whenever the Commission requires.

§78-20(k)	Penalty: $250 fine and suspension until	Appearance REQUIRED

	compliance	

§78-21 Technical Requirements – E-Hail Application

No E-Hail Application will be approved by the Commission pursuant to this Chapter unless it complies with the all of the requirements set forth in this section or as such requirements may be waived or modified by the Commission pursuant to §78-05(f) of these Rules.

(a) *Payment*

(1) *Credit, Debit, and Prepaid Card Payment.* An E-Hail Application can be capable of accepting credit, debit, and prepaid cards for payment of fares through E-Payment. An E-Hail Application that is capable of accepting credit, debit, and prepaid cards for payment of fares must conform to the following specifications:

(i) The E-Hail Application must offer the Passenger a receipt in accordance with paragraph (2) of this subdivision; the receipt can be an electronic receipt.

(ii) Payment can be initiated at the beginning or made at the end of the trip, in accordance with §75-25(a)(2)(iv) of these Rules.

(iii) An E-Hail Application can offer pre-set payment options, including tip percentages, provided that the Passenger is permitted to change the pre-set payment options for a given trip at any time prior to the completion of a trip and payment of fare, including changes to the tip amount.

(iv) An E-Hail Application cannot require a Passenger to pay a tip to the Driver.

(2) The E-Hail Application must be able to generate an accurate receipt for payment of fare for fares paid using E-Payment, and the receipt must be offered to the Passenger. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain all the following information:

(i) All items required by §75-25(a)(2)(v) of these Rules; and

(ii) Any fee paid by the Passenger to the E-Hail Application Provider if paid directly to such Provider, clearly identified. NOTE: §78-15(a) of these Rules governs the payment of tips or gratuities

(3) Any E-Payment technology used with any E-Hail Application must be integrated into the TPEP or LPEP used by any Driver using the E-Hail Application.

(4) An E-Hail Application which includes E-Payment must comply with all applicable PCI Standards. Credit, debit, and prepaid card information for electronic payments made through an E-Hail Application must not be stored locally on the electronic device on which the E-Hail Application being used resides, or locally on the TPEP or LPEP (if applicable) after the E-Payment utilizing such credit, debit, or pre-paid card has been authorized or declined.

(5) An E-Hail Application which includes E-Payment must be capable of generating the following data, regardless of the means of payment:

(i) reasonably detailed data of individual and cumulative payment transactions (including sufficient detail to support daily and monthly reconciliations and to perform problem resolution);

(ii) if the payment is by credit, debit, or prepaid card, in addition to the information in subparagraph (i) above, the name of the credit, debit, or prepaid card, and the name of the credit card merchant engaged by the E-Hail Application Provider; and

(iii) data summarizing the number of fares, the total fare amount, and as applicable, the number of credit, debit and prepaid card transactions and the total fares of such transactions;

(6) The data described in paragraph (5) of this subdivision and its component elements must be stored, maintained and accessible to the Commission and any designee as follows:

(i) in a standardized format and layout prescribed by the Commission that is open and non-proprietary; and

(ii) by secure file transfer protocol, transfer according to a format, layout, procedure, and frequency prescribed by the Commission.

(b) *TPEP and LPEP Integration.* An E-Hail Application which includes E-Payment must be integrated with TPEP and LPEP.

(1) The E-Hail Application, or its third party designee, must receive the fare and Trip Data automatically from TPEP, LPEP, or Taximeter and must not permit a Driver or anybody else to enter any fare information manually. The E-Hail App also must provide the TPEP or LPEP Provider with the following:

(i) The credit card information necessary to process the transaction through the TPEP or LPEP Providers' payment gateway and the amount to be charged for the transaction, including any tip and E-Hail service fee, if included in the amount to be charged; and

(ii) Credit, debit, or prepaid card and payment information necessary to allow TPEP or LPEP Providers to display total charges, including time-and-distance fares, tips, extras, surcharges, taxes, and any fees charged by the E-Hail Provider for use of the E-Hail Application on the Passenger Information Monitor and on printed receipts, and allow submission to the Chair of a complete electronic trip record for the fare as further described in subdivision (c) of this section.

(iii) Any other functionality, but only if agreed to by the Commission, the E-Hail App Provider, and the TPEP or LPEP Provider.

(2) All fares must be calculated by the Taximeter and in accordance with the Rules of the Commission. An E-Hail Application is NOT permitted to make a fare calculation independent of the Taximeter. If an E-Hail Application charges or attempts to charge more than the approved rate of fare calculated by the Taximeter, the Commission will seek revocation of the E-Hail Provider's License and may require the E-Hail Provider to return any overpayment to the Passenger.

(3) The Chair, in his or her sole discretion, may waive, in whole or in part, the requirement of this subdivision that an E-Hail App which includes E-Payment be integrated with TPEP or LPEP. To apply for such a waiver, the E-Hail App Provider must submit documentation demonstrating:

(i) the TPEP or LPEP cannot adequately support integration; and

(ii) the E-Hail App Provider has developed means to:

(A) Protect Passengers against overcharging;

(B) Ensure that all trip related data is reported to the TLC;

(C) Ensure that all trip based taxes and fees are collected and remitted to the appropriate parties;

(D) If the E-Hail Application would process electronic payment itself or through a third party designee under the terms of the requested waiver, confirm to the Driver that electronic payment for the total fare amount has been successfully processed;

(E) If the E-Hail Application would process electronic payment itself or through a third party designee under the terms of the requested waiver, remit to the TPEP or LPEP Provider a fee of no more than $0.05 per trip paid for by means of E-payment through the E-Hail Application; and,

(F) If the E-Hail Application would process electronic payment itself or through a third party designee under the terms of the requested waiver, pay the Driver in cash, pursuant to the terms of Section 58-21(f) of these Rules, the entirety of all fares paid for by means of E-payment through the E-Hail Application without withholding any credit card processing fees or surcharges from the Driver.

(4) After receipt of a completed request for a waiver pursuant to §78-21(b)(3), the Commission will give any TPEP Provider or LPEP Provider specified in the waiver request a reasonable opportunity to respond to the claims and documents submitted pursuant to §78-21(b)(3)(i) prior to granting a waiver.

(c) *Trip Data Collection and Transmission.* An E-Hail Application and its third party designee, if any, must be capable of automatically collecting and transmitting E-Hail request data and Trip Data as described below.

(1) The E-Hail Application and its third part designee, if any, must be capable of automatically collecting and transmitting to the Commission data on all E-Hail requests and the outcome of those requests (including pickup and drop-off locations specified by latitude and longitude), in a format and layout prescribed by the Commission.

(2) The E-Hail Application and its third party designee, if any, must be capable of automatically collecting and transmitting to TPEP or LPEP the Trip Data required below for all trips using E-Payment made during a shift.

(i) E-Hail Application License number;

(ii) Credit, debit, or pre-paid card type;

(iii) first two and last four digits of the credit, debit, or prepaid card used for paying fares;

(iv) E-Hail service fee collected by the E-Hail Application Provider, if applicable

(v) itemized fare;

(vi) tip amount;

(vii) E-Hail account holder identifier (uniquely identifying the Driver in the E-Hail Application's system); and

(viii) the number of Passengers that payment of the fare was split among if the E-Hail Application permits the fare to be split.

(d) *Use Restrictions*. An E-Hail Application must conform to the following use restrictions or other specifications:

(1) The E-Hail Application must not operate:
(i) At John F. Kennedy International Airport; and
(ii) At LaGuardia Airport;

(2) The E-Hail Application must not transmit requests for transportation or Hails to any Driver who is not validly licensed to drive a Taxicab or Street Hail Livery or who is operating a Vehicle that does not have a Valid Taxicab License, per the listings on TLC's Current Licensees webpage.

§78-21(d)(1) and (2)	Penalty: $400 fine and/or suspension up to 30 days	Appearance REQUIRED

(3) The E-Hail Application must be available to a Driver *ONLY* when the Vehicle is standing or stopped, except that an E-Hail App can permit a Driver to accept an E-Hail request with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. All other use of the E-Hail Application must be velocity gated by the E-Hail App Provider to prevent its use while the vehicle is in motion.

(4) The E-Hail Application must NOT disclose to a Driver any information about a potential Passenger except the Passenger's pickup location, except that a Passenger's trip identification number or E-Hail App user name may be transmitted to the Driver after the Driver has accepted the Passenger's E-Hail request.

(5) A Driver must have to affirmatively opt in to use the E-Hail Application and must be able to opt out of receiving E-Hail requests from Passengers while on duty.

(e) *Wheelchair Accessibility*. The E-Hail Application must make a wheelchair accessible option available to allow requesting Passengers to indicate that they would like a wheelchair accessible vehicle.

(1) E-Hail App Providers must not charge more for a wheelchair accessible E-Hail than for a non-wheelchair accessible E-Hail.

(2) The E-Hail Application must check the Driver's training status before allowing a Driver to log into the E-Hail App using an Accessible Taxicab medallion number or Accessible Street Hail Livery permit number (per the listings on TLC's Current Licensees webpage). Drivers that have not completed the appropriate training specified by the Commission must not be able to log into the E-Hail App using an Accessible Taxicab medallion number or Accessible Street Hail Livery permit number.

(3) The E-Hail Application must be able to provide reporting to the TLC as to whether a particular request was for a wheelchair accessible vehicle.

(f) *Security.*

(1) If the E-Hail Application provides for E-Payment, all features of the E-Hail Application related to E-Payment required by this section, including the collection, transmission and maintenance of data by the E-Hail Application Provider, must conform to applicable PCI Standards.

(g) *Data Retention.* All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

§78-22 Information Security Requirements

(a) *Information Security Policy.*

(1) *Establish Information Security Policy (Security Policy).* The E-Hail App Provider must establish, maintain, and disseminate to its employees and relevant third parties such as agents and subcontractors, their information security policy and procedures that comply with all of the requirements in this section. The E-Hail App Provider must require employees to acknowledge in writing they have read and understood the Security Policy.

(2) *Responsibilities of E-Hail App Providers and Employees*. The Security Policy must clearly define the information security responsibilities of the

E-Hail App Provider, its employees, and related third parties such as agents and subcontractors.

(3) *Management Responsibilities*. The E-Hail App Provider must assign to an individual or team the following information security management responsibilities:

(i) Establish, document, and distribute the Security Policy;

(ii) Monitor and analyze security alerts and information, and distribute to appropriate personnel;

(iii) Establish, document, and distribute Security Incident response and escalation procedures to ensure timely and effective handling of all situations;

(iv) Administer user accounts, including additions, deletions, and modifications; and

(v) Monitor and control all access to data.

(4) *Screen Employees*. The E-Hail App Provider must screen potential employees to minimize the risk of attacks from internal sources.

(5) *Requirements for Third Party Access.* The E-Hail App Provider must require all third parties, such as agents and subcontractors (other than individuals who are solely users of the E-Hail App), with access to the E-Hail App, TPEP, LPEP, Information System Components, E-Hail App Data, or TPEP or LPEP Data, or who are involved in any related services provided by the E-Hail App Provider in carrying out the activities authorized under this Agreement, to agree in writing and demonstrate compliance with the Security Policy and all security requirements in this section.

(6) *Incident Response Plan.* The E-Hail App Provider must implement a Security Incident response plan that, at a minimum, requires the E-Hail App Provider to respond immediately to a system breach. The plan must:

(i) Contain specific Incident response procedures, business recovery and continuity procedures, data backup processes, roles and responsibilities, and communication and contact strategies;

(ii) Be tested at least annually;

(iii) Designate specific personnel to be available on a 24/7 basis to respond to alerts;

(iv) Provide appropriate training to staff with Security Incident response responsibilities;

(v) Include alerts from intrusion detection, intrusion prevention, system logs, and file integrity monitoring systems;

(vi) Contain a process to modify and evolve the Incident response plan according to lessons learned and to incorporate industry developments; and

(vii) Require notification to the Commission of Security Incidents within 2 hours of occurrence.

(b) *Authentication.* The E-Hail App Provider must provide a process that verifies a user's identity to ensure that the person requesting access to a system is the person to whom entry is authorized.

(c) *Copyright Compliance.* The E-Hail App Provider must comply with the terms of all software licenses and may not use any software in any form that has not been legally purchased or otherwise legitimately obtained.

(d) *Database Management Systems*. The E-Hail App Provider must develop and implement appropriate controls and procedures to ensure that the Database Management Systems are adequately protected.

(e) *Access to E-Hail App Data, TPEP and LPEP Data, and Computing Resources.*

(1) *Limit Access.* The E-Hail App Provider must limit access to E-Hail App Data and TPEP Data, and LPEP Data and related computing resources to only those individuals and processes (i) whose responsibilities are described by the Commission, and (ii) required to have access by the E-Hail App Provider.

(2) *Restrict Access.* The E-Hail App Provider must establish a mechanism for systems with multiple users that restricts access based on a user's need to know, and is set to "deny all" unless specifically allowed.

(3) *Account Management.* To ensure proper user authentication and password management for Non-consumer Users and administrators on all system components, the E-Hail App Provider must:

(i) Control the addition, deletion, and modification of user IDs, credentials, and other identifier objects;

(ii) Immediately revoke accesses of terminated users;

(iii) Remove inactive user accounts at least every ninety (90) days;

(iv) Enable accounts used by vendors for remote maintenance only during the time needed;

(v) Distribute and enforce password procedures and policies to all users who have access to E-Hail App Data, TPEP Data, or LPEP Data and related computing resources;

(vi) Authenticate all access to any database containing E-Hail App Data, TPEP Data, or LPEP Data, including access by applications, administrators, and all other users.

(4) *Restrict Physical Access.* The E-Hail App Provider must restrict physical access to E-Hail App Data, TPEP Data, and LPEP Data and related computing resources as follows:

(i) Any physical access to data or systems that house E-Hail App Data, TPEP Data, or LPEP Data allows, the opportunity to access devices or data, and/or removes systems or hardcopies, must be appropriately restricted.

(ii) The E-Hail App Provider must ensure that employees and visitors are authorized before entering areas where E-Hail App Data, TPEP Data, or LPEP Data is collected, transmitted, processed, maintained or stored.

(iii) The E-Hail App Provider must use a visitor log to retain a physical audit trail of visitor activity, and retain this log for a minimum of three (3) months, unless otherwise restricted by law.

(iv) The E-Hail App Provider and any subcontractor(s) who is/are performing or will perform services in connection with any of the activities required under this Chapter must physically secure all paper and electronic media (e.g., computers, electronic media, networking and communications hardware, telecommunication lines, paper receipts, paper reports, and faxes) that contain E-Hail App Data, TPEP Data, or LPEP Data.

(v) The E-Hail App Provider must maintain strict control over the internal or external distribution of any kind of media that contains E-Hail App Data, TPEP Data, or LPEP Data including:

(A) Labeling the media so it can be identified as confidential; and

(B) Sending the media via secured courier or a delivery mechanism that can be accurately tracked and is not accessible during transit.

(vi) The E-Hail App Provider must maintain strict control over the storage and accessibility of media that contains E-Hail App Data, TPEP Data, or LPEP Data including properly inventorying all media and making sure it is securely stored.

(vii) The E-Hail App Provider must destroy media containing E-Hail App Data, TPEP Data, or LPEP Data when it is no longer needed for business or legal reasons including:

(A) Cross-cut shredding, incinerating, or pulping hardcopy materials; and

(B) Purging, degaussing, shredding, or otherwise destroying electronic media so that E-Hail App Data, TPEP Data, or LPEP Data cannot be reconstructed.

(f) *Firewalls.*

(1) *Firewall Configuration*. A firewall must control access between internal networks and external networks. All firewalls used in the E-Hail App Provider's systems must be configured by the E-Hail App Provider to:

(i) Block all data traffic (subject to the protocol limitations of the firewall) except that traffic which is explicitly allowed; direct incoming traffic to trusted internal systems; and protect vulnerable systems;

(ii) Prevent disclosure of information such as system names, network topology, and network device types; and

(iii) Support network layer authentication, with both the firewall and the network layer authentication to be used in conjunction with standard application authentication methods.

(2) *External Firewall Connections and Changes*. The E-Hail App Provider must establish a formal process for approving and testing all external network connections and changes to the firewall configuration.

(3) The E-Hail App Provider must conduct a periodic review of firewall/router rule sets.

(4) *Exceptions to Denial of Untrusted Networks/Hosts*. The E-Hail App Provider must build a firewall configuration that denies all traffic from "untrusted" networks/hosts, except for:

(i) Web protocols - Secure Sockets Layer (SSL) (port 443);

(ii) System administration protocols (e.g., Secure Shell (SSH) or Virtual Private Network); and

(iii) Other protocols required by the business (e.g., for ISO 8583).

(5) *Restricting Connections between Publicly Accessible Servers and E-Hail App Data, TPEP Data, or LPEP Data*. The E-Hail App Provider must build a firewall configuration that restricts connections between publicly accessible servers and any system component storing E-Hail App Data, TPEP Data, or LPEP Data including any connections from wireless networks. This firewall configuration must include:

(i) Restricting inbound and outbound Internet traffic to ports 22 and 443;

(ii) Securing and synchronizing router configuration files (e.g., running configuration files which are used for normal running of the routers, and start-up configuration files which are used when machines are re-booted, must have the same, secure configuration);

(iii) Denying all other inbound and outbound traffic not specifically allowed;

(iv) Installation of personal firewall software on any mobile and/or employee-owned computers with direct connectivity to the Internet (e.g., laptops used by employees), which are used to access the organization's network;

(v) Prohibiting direct public access between external networks and any system component that stores E-Hail App Data, TPEP Data, or LPEP Data (e.g., databases);

(vi) Filtering and screening all traffic to prohibit direct routes for inbound and outbound Internet traffic;

(vii) Restricting outbound traffic from sensitive applications to authorized IP addresses; and

(viii) Implementing IP masquerading to prevent internal addresses from being translated and revealed on the Internet. The E-Hail App

Provider must use technologies that implement RFC 1918 address space, such as Port Address Translation or Network Address Translation.

(g) *Host and Server Systems.* The E-Hail App Provider must configure host and server systems with sufficient security features to ensure that E-Hail App Data, TPEP Data, and LPEP Data are adequately protected from unauthorized use, disclosure, modification, destruction, and denial of service.

(h) *Local Area Networks.* The E-Hail App Provider must configure local area networks ("LANs") with sufficient security features to ensure that E-Hail App Data, TPEP Data, and LPEP Data are adequately protected from unauthorized use, disclosure, modification, destruction, and denial of service.

(i) *Network Management.*

(1) *Appropriate Access*. The E-Hail App Provider must implement controls over all such devices and platforms so that only appropriate resources, agents, and individuals may access the network. The E-Hail App Provider must also implement appropriate architectures, procedures, management assignments, and back-up and recovery plans to provide such controls.

(2) The E-Hail App Provider must track and monitor all access to network resources and E-Hail App Data, TPEP Data, and LPEP Data.

(3) The E-Hail App Provider must establish a process for linking all access to system components (especially those done with administrative privileges such as root) to an individual user.

(4) *Automated Audit Trails.* The E-Hail App Provider must implement automated audit trails to reconstruct the following events for all system components:

(i) All individual user access to E-Hail App Data, TPEP Data, or LPEP Data;

(ii) All actions taken by any individual with root or administrative privileges;

(iii) Access to all audit trails;

(iv) Invalid logical access attempts;

(v) Use of identification and authentication mechanisms;

(vi) Initialization of the audit logs; and

(vii) Creation and deletion of system-level objects.

(5) The E-Hail App Provider must synchronize all critical system clocks and times.

(6) The E-Hail App Provider must secure audit trails so they cannot be altered.

(7) The E-Hail App Provider must review logs for all system components. Log reviews must include those servers that perform security functions (like intrusion detection systems) and authentication, authorization and accounting servers (e.g., Diameter).

(8) The E-Hail App Provider must retain audit trail history for a period that is consistent with its effective use, as well as all applicable law, rules and regulations.

(j) *Wireless Networks.* At a minimum, dynamic Wi-Fi Protected Access must be used by the E-Hail App Provider for any portion of the network or system that includes 802.11x, or similar technology.

(k) *Personal Information.* All E-Hail App Provider employees, agents or subcontractors or employees of such agents or subcontractors with access to Personal Information are required to maintain the confidentiality of Personal Information. Personal Information:

(1) Must only be used for the stated purpose for which it was gathered, and

(2) May not be shared or disclosed, except for lawful purposes as specified in these Rules.

(l) *Fraud Prevention*. The E-Hail App Provider must ensure that controls are developed and implemented into the E-Hail App, Information System Components and any software contained therein to prevent the possibility of fraud, and to ensure that the E-Hail App Data, TPEP Data, and LPEP Data are adequately protected. This protection must address and prevent both malicious and inadvertent damage by the general user community, as well as authorized users.

(m) *Security Incident Management*.

(1) *Reporting Security Incidents*. The E-Hail App Provider must develop a procedure for reporting observed or suspected Security Incidents, threats, weaknesses, or malfunctions that may have an impact on the security of the E-Hail App, Information System Components and any software contained therein, and E-Hail App Data, TPEP Data, and LPEP Data. All observed or

suspected Security Incidents, threats, weaknesses, or malfunctions must be reported to the Commission within two (2) hours of when the E-Hail App Provider knows of or should have known of such Security Incidents, threats, weaknesses or malfunctions.

(2) *Security Incident Management Procedures*. The E-Hail App Provider's Security Incident management responsibilities and procedures must be clearly defined and documented to ensure an immediate, effective, and orderly response to Incidents. At a minimum, these procedures must address:

(i) Information system failures and loss of service;

(ii) Denial of service;

(iii) Errors resulting from incomplete or inaccurate data;

(iv) Breaches of confidentiality; and

(v) Loss of integrity of the E-Hail App, E-Hail App Data, TPEP Data, LPEP Data, Information System Components, or any software contained therein.

(3) *Security Incident Response Procedures*. In addition to normal contingency plans designed to recover systems or services, the Security Incident response procedures must also cover:

(i) Analysis and identification of the cause of the Incident;

(ii) Planning and implementation of corrective actions to prevent reoccurrence;

(iii) Collection of audit log information;

(iv) Communication with those affected by or involved in the recovery from the Incident; and

(v) Reporting and escalation (as appropriate) of Incidents.

(n) *Security Staffing*. The E-Hail App Providers and their agents or subcontractors must employ staff familiar with generally accepted baseline security practices and methodologies in connection with their performance under this section. These resources must have oversight responsibilities for compliance with this section and be able to articulate and direct secure solutions to protect the infrastructure and the underlying data.

(o) Criminal Activity. The E-Hail App Provider must report all instances of suspected criminal activity to the Commission and the Agency Inspector General Office at the New York City Department of Investigation within twelve (12) hours of when the E-Hail App Provider knows of or should have known of such instances of suspected criminal activity.

(p) *Logging and Administration*. All E-Hail Apps, Information System Components and any software contained therein provided by or for the E-Hail App Provider must enable appropriate logging and auditing capabilities.

(q) *Anti-Virus Security Policy*.

(1) Servers, desktops, and laptops must have current commercial anti-virus software installed, properly configured and running at all times.

(2) Anti-virus software must be configured to automatically remove the virus.

(3) Users must not disable automatic virus scanning on their local machines.

(4) Server administrators must not disable anti-virus software on server machines.

(5) When possible, signature updates must be installed without user intervention.

(6) New versions of the virus signature files must be loaded within forty-eight (48) hours.

(7) All virus alerts must be followed by an immediate full scan of affected devices performed by appropriate IT personnel.

(8) The E-Hail App Provider's administrators must perform a root cause investigation when a virus is identified to ensure proper containment.

(r) *Application Development Security Policy*.

(1) A comprehensive security requirements analysis must be performed for all new systems and for significant upgrades to existing systems.

(2) System security requirements and specifications must be compliant with industry best practice standards for technologies and system configuration.

(3) System security requirements and specifications must ensure secure interoperability with all information sources and services with which they must interface.

(4) System security requirements and specifications must ensure integration with existing security services where applicable.

(5) The production environment must not be used for development or testing activities.

(6) All security functionality must be operational during formal acceptance and operational testing.

(7) Prior to production release of any new application, testing must be done to ensure the new application will not adversely affect any existing systems.

(8) Each application must have a defined back out plan in the unlikely event that its migration to the production environment causes service degradation.

(9) Each new application must create a business continuity and disaster recovery program in accordance with the business significance of the application.

(s) *Digital Media Re-use and Disposal Policy.*

(1) *Rendering Information Permanently Unreadable.* Where any equipment containing digital media is to be discarded, donated, sold or otherwise transferred to an external person, organization or vendor (e.g. at the end of a lease or as an RMA (returned merchandise), the E-Hail App Provider must use one of the following approved methods appropriate for rendering all information on the media permanently unreadable:

(i) A data wiping program that will securely delete all data by methods that irreversibly wipe the physical area of storage (rather than simply removing the disk-directory reference to that information). The program must overwrite all addressable locations with a character, its complement, then a random character;

(ii) Any full disk encryption method which is compliant with the DOITT Standards and in which it can be reasonably expected that no unauthorized person has the ability to decrypt the data; or

(iii) Degaussing and/or physical media shredding technology which meets NIST standard 800-88 (or its successor). See http://csrc.nist.gov/publications/nistpubs/800-88/NISTSP800-88_rev1.pdf

(2) *Transfer of Asset for Disposal*. An asset can be securely transferred for disposal to a vendor who has contractually committed to following one or more of the above methods.

(t) *Encryption Policy*.

(1) Only approved cryptographic algorithms and supporting processes as described in the DOITT Standards found at http://www.nyc.gov/html/doitt/html/business/security.shtml must be used to protect business critical information.

(2) Where technology permits, private or confidential data at rest must be protected by encryption. The use of password protection instead of encryption is not an acceptable alternative to protecting sensitive information.

(3) Data categorized as private or confidential must not be transitioned to removable media without Commission approval.

(4) Removable media including CDs, backup tapes, and USB memory drives that contain private or confidential data must be encrypted and stored in a secure location.

(5) When transferring removable media, the receiver must be identified to ensure the person requesting the data is a valid recipient.

(6) All emails containing data classified as private or confidential must be encrypted.

(7) Unencrypted transmission of private or confidential data in any way (e.g. through the use of web applications or File Transfer Protocol) is not allowed.

(8) Wireless networks must be encrypted in accordance with DOITT Standards.

(9) Private or confidential data may only be stored on portable devices such as laptops, smart phones and personal digital assistants (PDAs) when encrypted.

(10) Portable devices must not be used for long-term storage of private or confidential data.

(11) Where it is technologically feasible, portable devices must have the capability to be remotely wiped in the event of theft or accidental loss.

(12) Portable devices must have proper protections in place.

(13) Approved encryption algorithms must be a minimum key length of 128 bits.

(14) Private keys must be kept confidential.

(15) Key lifecycle management must be implemented.

(16) Keys in storage and transit must be encrypted.

(17) Keys must be chosen randomly from the entire key space, and weak keys must never be used.

(18) Encryption keys must allow for retrieval for administrative or forensic use.

(u) *Password Policy*.

(1) Passwords and PINs:

(i) Must never be shared or displayed on screen;

(ii) Must be classified; and

(iii) Must be changed when there is any indication of system or password compromise.

(2) *Encryption of Passwords and PINs*. Passwords and PINs must comply with all DOITT Standards and:

(i) Must be encrypted when transmitted electronically with a protocol which complies with the DOITT Standards; and

(ii) Must be encrypted or hashed when held in storage. When embedded in configuration files, source code or scripts, passwords and PINs must be either encrypted or secured with compensating controls which provide a comparable level of protection.

(3) *Change Password*. A user wishing to change his or her password/PIN must be positively identified by demonstrating knowledge of the current password/PIN or by other comparable methods. Passwords must be changed every ninety (90) days. Passwords cannot be changed more than once a day.

(4) *Password Delivery*. Passwords must be delivered securely to the recipient (authorized user) with an approved transmission method. Although passwords and PINS must never be shared, initial passwords may be

delivered to the recipient's manager. In all cases, the recipient or manager must be positively identified before the password is delivered.

(5) *Use of PINS*. PINs may only be used where a numeric method for authentication is required, such as a telephone keypad. In all other cases, passwords or pass-phrases must be used for authentication.

(v) *Access Policy*.

(1) *Authenticated Users*. Users must be positively and individually identified and authenticated prior to being permitted access to any E-Hail App Data, TPEP Data, or LPEP Data or related networking and computing resource.

(2) *Disconnect from Remote Access*. Users must disconnect from the remote access connection when not actively in use.

(3) *Confidentiality of Passwords and Authentication Mechanisms*. Users are responsible for maintaining the confidentiality of passwords or other authentication mechanisms that are assigned in conjunction with the remote access service. A user's credentials must be classified as restricted information. Individual passwords must never be shared.

(4) *Confidentiality of Data Remotely Accessed*. Users must protect the confidentiality and integrity of data that is accessed remotely. This includes, but is not limited to ensuring that E-Hail App Data, TPEP Data, and LPEP Data is either erased from the remote device after use or appropriately protected based on the level of sensitivity of the information.

(w) *User Responsibilities Policy*.

(1) The E-Hail App Provider is responsible and accountable for safeguarding E-Hail App Data, TPEP Data, and LPEP Data from unauthorized modification, disclosure, and destruction.

(2) Critical data and removable data services (USB drives, CDs, external drivers, etc.) must be protected by appropriate physical means from modification, theft, or unauthorized access.

§19. Section 82-26 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (j) to read as follows:

(j) *E-Payments.*

(1) The payment for the fare for any trip paid for using an E-Payment must not exceed Commission-approved rates.

(2) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Payment. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method.

(3) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the LPEP or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the LPEP. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.

(4) A violation of paragraphs (1) and (2) is an overcharge under sections 54-17(a)(1) and 54-17(i) and a Driver can be subject to the penalties for an overcharge under Section 54-02.

§82-26(j)	Fine: $350 if plead guilty before a hearing; $500 if found guilty following a hearing.	Appearance NOT REQUIRED

§20. Section 82-41 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c) to read as follows:

(c) *E-Hail Application.* Any licensed E-Hail Application that provides for E-Payment must integrate with the LPEP or Taximeter. No E-Hail Application shall be used to process any payment that is not a licensed E-Hail Application.

§21. Paragraph (5) of subdivision (b) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

(5) The DIM must enable the Street Hail Livery Driver to enter the following off-duty and on-duty unavailable codes, and other codes designated by the Commission, by selection of one or two push-buttons:

(i) Off-duty codes

- 01, Going Home;
- 02, Relief Time;
- 03, Off-duty;
- 04, Defective Equipment;
- 05, No Charge; and
- 06, Dispute.

(ii) On-duty unavailable codes

- 07, Unavailable – En Route E-Hail; and,
- 08, Unavailable – En Route Dispatch

§22. Section 83-31 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (o) to read as follows:

(o) *E-Hail Application Integration*. LPEP Providers must integrate with E-Hail Apps as follows:

(1) LPEP Providers must develop and maintain an application programming interface (API) enabling developers of E-Hail Apps to integrate their apps directly into the LPEP data collection, and credit card transaction processing systems. Integration into the LPEP data collection, and credit card transaction processing systems includes but is not limited to:

(i) Providing access for E-Hail Apps to itemized fare data including time-and-distance fare, tolls, surcharges, extras, the SHL Improvement Surcharge and taxes from the LPEP and Taximeter, in real time, when the trip has been completed and the Driver has disengaged the Taximeter;

(ii) Ability of LPEP to receive either a confirmation from E-Hail Apps that provide for E-Payment or their third party designees that electronic credit card payment for the total fare amount has been successfully processed, or to receive the credit card and payment information from the E-Hail App that provides for E-Payment, their third party designee, or a Digital Wallet Application in order for the LPEP Provider to process the payment through their own payment gateway;

(iii) Ability of LPEP to receive relevant payment information from an E-Hail App that provides for E-Payment, or their third party designee, or Digital Wallet Application that processed the payment itself to the extent necessary to display the total charges including E-Hail service fee and tip (if applicable) on the PIM and on the printed receipt in accordance with paragraph (a)(2) of this section, and collect and transmit Trip Data in accordance with subdivision (c) of this section; and

(iv) Any other functionality agreed to by the Commission, the Commission approved smartphone application developer, and the LPEP Provider.

(2) Integration into the LPEP's data collection and transaction processing systems as described above must be provided by the LPEP Provider to all licensed E-Hail Apps that provide for E-Payment or their third party designees, subject to the payment of fees to the LPEP Provider by the E-Hail App as set forth in paragraph (3) of this subdivision. For trips where the Passenger uses an E-Hail App that provides for E-Payment or Digital Wallet Application:

(i) the LPEP must display the total charges including E-Hail service fee and tip (if applicable) on the PIM and on the printed receipt in accordance with paragraph (a)(2) of this section;

(ii) the LPEP must collect and provide Trip Data as described in subdivision (c) of this section; and

(iii) the LPEP must provide an indication to the Driver through the DIM when payment for the total fare has been completed as described in subdivision (a) of this section.

(3) A LPEP Provider may require E-Hail Apps that provide for E-Payment and process the payment through their own or their third party designee's payment gateway to pay a fee of not more than $0.05 per trip for any trip for which the E-Hail App or their third party designee processes the payment.

(4) A LPEP Provider may not charge a fee when the Passenger is using a Digital Wallet Application for payment, or when the Passenger uses an E-Hail App that provides for E-Payment which either through the E-Hail App itself or through its third party designee provides the Passenger credit, debit or prepaid card and payment information to the LPEP Provider for payment processing through the LPEP Provider's payment gateway.

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CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of E-Hail Application Rules

REFERENCE NUMBER: TLC-72

RULEMAKING AGENCY: TLC

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

(i) Is understandable and written in plain language for the discrete regulated community or communities;

(ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and

(iii) Does not provide a cure period because a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro — *December 29, 2014*
Mayor's Office of Operations — Date

NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Amendment of E-Hail Application Rules

REFERENCE NUMBER: 2014 RG 101

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

(i) is drafted so as to accomplish the purpose of the authorizing provisions of law;

(ii) is not in conflict with other applicable rules;

(iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and

(iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: December 29, 2014
Acting Corporation Counsel