

CHAPTER 6**FOR-HIRE VEHICLES**

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§6-01 Definitions.

Accessible vehicle. An accessible vehicle is a wheelchair accessible vehicle that is authorized by the Commission to transport passengers by prearrangement and for-hire and that meets the specifications and requirements for accessible vehicles pursuant to the Americans with Disabilities Act of 1990, as amended, and regulations promulgated pursuant thereto.

Affiliated driver. An affiliated driver is a person who drives a for-hire affiliated vehicle and who is required to be licensed by the Commission.

Affiliated vehicle. An affiliated vehicle is a for-hire vehicle other than a black car or a luxury limousine which a base station is authorized by the Commission to dispatch.

Base station. A base station is a central facility which manages, organizes or dispatches affiliated vehicles licensed under Chapter 5 of Title 19 of the Administrative Code, not including luxury limousines or black cars.

Base station owner. A base station owner is any individual, partnership or corporation licensed by the Commission to own and operate a base station.

Black car. A black car is a for-hire vehicle dispatched from a central facility whose owner holds a franchise from the corporation or other business entity which operates such central facility, or who is a member of a cooperative that operates such central facility, where such central facility has certified to the satisfaction of the Commission that more than ninety percent of the central facility's for-hire business is on a payment basis other than direct cash payment by a passenger.

Black car base. A black car base is a central facility which operates a two-way radio or other communications system used for dispatching or conveying information to drivers of black cars.

Chauffeur's license. A chauffeur's license is a valid chauffeur's license of the State of New York or a valid license of similar class from another state of which the licensee is a resident.

Clean air for-hire vehicle. A clean air for-hire vehicle is a for-hire vehicle licensed by the Commission that receives an air pollution score of 9.0 or higher from the United States Environmental Protection Agency or its successor agency and is estimated to emit 6.4 tons or less of equivalent carbon dioxide per year by the United States Department of Energy or its successor agency; provided that such vehicle is powered by the fuel for which such vehicle meets the above-specified standards.

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

Decal. A decal is a sticker issued by the Commission evidencing licensing of a for-hire vehicle.

Dispatch. A dispatch is a request for a driver by a base to provide transportation to a passenger who has previously arranged for such transportation with the base.

Driver. A driver is a person who drives a for-hire vehicle and who is required to be licensed by the Commission.

For-hire operator's permit. A for-hire operator's permit is a permit issued by the Commission to persons who meet Commission qualifications as for-hire vehicle drivers.

For-hire vehicle. A for-hire vehicle is a motor vehicle carrying passengers for-hire in the City, with a seating capacity of twenty passengers or less, excluding the driver, with three (3) or more doors, other than a taxicab, coach, wheelchair accessible van, commuter van or an authorized bus operating pursuant to applicable provisions of law, and not permitted to accept street hails from prospective passengers in the street and required to be licensed by the Commission.

For-hire vehicle permit. A for-hire vehicle permit is a permit issued by the Commission to a vehicle or base owner to allow an affiliated vehicle to be dispatched by said base.

Issuing jurisdiction. An issuing jurisdiction is a county within New York State contiguous to the City of New York that requires issuance of a license, permit, registration, certification or other approval for a vehicle to perform the pre-arranged pick up or drop off of one or more passengers for compensation in such jurisdiction.

Issuing jurisdiction driver's license. An issuing jurisdiction driver's license shall mean a license, permit, registration, certification or other approval issued by an issuing jurisdiction to operate a vehicle for transportation for hire by pre-arrangement.

Issuing jurisdiction vehicle license. An issuing jurisdiction vehicle license shall mean a license, permit, registration, certification or other approval issued by an issuing jurisdiction to the owner of a vehicle used to provide transportation for hire by pre-arrangement.

Line work. Line work is a type of pre-arranged service provided pursuant to a contract with a black car base in which the dispatch and passenger assignment are completed at the point of pick up by an employee or contractor of either the black car base or the contracting party.

Livery. Livery means a for-hire vehicle designed to carry fewer than six passengers, excluding the driver, which charges for service on the basis of flat rate, time, mileage, or zones.

Luxury limousine. A luxury limousine is a for-hire vehicle with a seating capacity of twenty passengers or less, excluding the driver, which is dispatched by its base from a central facility which has certified to the satisfaction of the Commission that more than ninety percent of its for-hire business is on a payment basis other than direct cash payment by a passenger, and whose passengers are charged on the basis of garage to garage service and on a flat rate basis or per unit of time or mileage, for which there is maintained personal injury insurance coverage of no less than five hundred thousand dollars per accident where one person is injured and one million dollars per accident for all persons injured in that same accident if said vehicle has a seating capacity of fewer than nine passengers, and

which meets the minimum liability insurance requirements set forth in these rules if the vehicle has a seating capacity of ten or more passengers.

Luxury limousine base. A luxury limousine base is a central facility which operates a two-way radio or other communications system used for dispatching or conveying information to drivers of luxury limousines.

Mailing address. Mailing address means the address designated for the mailing of all notices and correspondence from the Commission and for service of summonses. In the case of the base, it shall be the base address. In the case of the driver, it shall be the home address of the driver.

Passenger. A passenger is a person who has engaged a for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched for-hire vehicle.

Person with a disability. A person with a disability is an individual with a physical or mental impairment or incapacity, including any person who uses a wheelchair, three-wheel scooter, crutches, other mobility aid or a service animal, but who can transfer from such a mobility aid to a for-hire vehicle with or without reasonable assistance.

Qualified jurisdiction. A qualified jurisdiction is an issuing jurisdiction which meets the requirements for reciprocity set forth in section 498 of the New York State Vehicle and Traffic Law.

Rooflight. Rooflight means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying any information. In any instance in which Commission rules permit a rooflight, the permitted rooflight shall be of a one-piece solid translucent material; it shall not approximate the shape or appearance of a taxi rooflight; it may bear only the name of the base with which the vehicle is affiliated, alone or with either a telephone number or a car number; and the name shall not include the words "hack," "taxi," "taxicab," "cab," or "coach."

Seating Capacity. Seating capacity shall include any plain view location which is capable of accommodating a normal adult, is part of an overall seat configuration and design and is likely to be used as a seating position while the vehicle is in motion. For the purpose of determining "seating capacity",

the definition of “designated seating position” contained in the United States Department of Transportation Regulations as set forth in the Code of Federal Regulations, as may be amended from time to time, is hereby incorporated by reference.

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

Sponsor. Sponsor is a base owner who is licensed by the Commission and has entered into an agreement with a prospective driver, who, if licensed by the Commission, will be affiliated with said base for a stated period of time.

Vehicle owner. A vehicle owner is an individual, partnership or corporation in whose name a vehicle is titled. For purposes of these rules, the term shall also apply to the lessee of the vehicle from the titled owner. Service shall be deemed proper service on the vehicle owner if sent to the registrant or the lessee of the vehicle.

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

Wheelchair accessible livery. A wheelchair accessible livery shall mean a livery which meets the requirements of section 6-28 (a) of this chapter and the owner of which vehicle has opted to participate in the dispatch program as set forth in chapter 16 of this title.

Wheelchair accessible vehicle. A wheelchair accessible vehicle is a for-hire vehicle which is designed for the purpose of transporting persons in wheelchairs or containing any physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs.

§6-02 Terms of Licenses.

(a) The term of every driver and vehicle owner license issued by the Taxi and Limousine Commission under the For-Hire Vehicle Rules shall be as follows:

(1) A license issued to a new applicant for a for-hire vehicle driver's license shall expire one year subsequent to the date the license was issued as provided in section 6-14.

(2) (A) A license issued to a renewing applicant for a for-hire vehicle driver's license shall expire two years from the date on which the previous license expired. The Commission may, in its discretion, extend the expiration date of such license by up to an additional thirty-one days.

(B) The holder of a renewal license under subparagraph (a)(2)(A) of this paragraph who is in the second year of such license and who has completed the drug test required by section 6-16(v)(1) of this chapter for licensees in the first year of such license, may, upon written request to the Chairperson, advance the expiration date of his or her license to any date prior to the scheduled expiration of such license. One such request may be made during the term of such license. The request must be made on a form to be prescribed by the Chairperson or his or her designee and must be submitted in accordance with instructions on that form.

(C) The holder of a license seeking to renew such license after advancing the expiration date thereof hereunder must comply with all requirements for renewal applicants, including with the requirements imposed by sections 6-02 and 6-16 of this chapter; notwithstanding the provisions of section 6-16(v) of

this chapter, the drug test provided for therein shall be performed no sooner than thirty (30) days prior to, and in any event, no later than, such advanced expiration date. For purposes of section 6-16(v) of this chapter, a licensee who has advanced his or her expiration date shall be treated as a licensee in the second year of a two-year license.

- (D) (i) Notwithstanding the provisions of section 6-02(a)(4) of this chapter, the holder of a renewal license under subparagraph (a)(2)(A) of this paragraph that expires between March 16, 2006, and June 23, 2006, inclusive, may request an extension of the time to submit a license renewal application on the ground that the licensee was unable to submit to license renewal drug testing as required by section 6-16(v)(1) of this chapter due to the licensee's absence from the New York City area during the entire time provided by that section for submission to such drug testing.
- (ii) The request for an extension of time to submit a license renewal application shall be made in writing to the Chairperson or his or her designee and shall include documentation demonstrating that the holder of the license was absent from the New York City area during the entire time provided by section 6-16(v)(1) of this chapter for submission to drug testing for the renewal of such license, and was therefore not reasonably able to submit a license renewal application before the expiration of such license.
- (iii) Any such request for an extension of time must be received by the Chairperson or his or her designee no later than September 15, 2006. If the Chairperson or his or her designee grants the request, the licensee's time to submit an application for renewal of his or her license shall be extended to six months after the expiration of his or her license.

- (iv) A license renewal application submitted by a licensee granted such an extension must comply with all requirements for renewal applications, including payment of the late-filing fee provided by section 6-03(e) of this chapter, except that the drug test required by section 6-16(v) of this chapter shall be taken no sooner than thirty (30) days prior to the completion of such license renewal application.
 - (v) The expiration of a license shall not be affected by the licensee's eligibility for an extension, or request for an extension, of the time to submit a license renewal application under this paragraph, and such license shall remain expired until a renewal license is issued under item (iv) of this subparagraph.
- (3) A license issued to a new applicant for a for-hire vehicle license shall expire two years subsequent to the date the license was issued. A license issued to a renewing applicant for a for-hire vehicle license shall expire two years subsequent to the date on which the previous license expired. The Commission may, in its discretion, extend the expiration date of such license by up to an additional thirty-one days.
- (4) A renewing applicant must file a completed application on or before the expiration date of the license.
- (5) A person who engages in a licensed activity after the expiration date of a license and before the issuance of a renewal license is engaged in unlicensed activity and may be subject to penalties pursuant to applicable statutes and regulations. Nothing contained herein shall prohibit the Commission from taking any action pursuant to §6-14(b) with respect to conduct which occurred during the probationary period of a new applicant's driver's license, either prior or subsequent to the expiration of the probationary period.

- (6) All new applicants must attend and complete a defensive driving course from a school, facility or agency authorized by the Commission and certified by the New York State Department of Motor Vehicles. The course must have been completed within six (6) months prior to the date of application.
 - (7) All renewal applicants are required to attend and complete an authorized defensive driving course as described in subsection (5). A renewal applicant who submits a Certificate of Completion for an authorized defensive driving course completed less than three (3) years from the date of the renewal application shall be exempt from this requirement.
- (b) The term of every base station, black car base and luxury limousine base license issued by the Taxi and Limousine Commission under the For-Hire Vehicle Rules shall be as follows:
- (1) A license issued to a new applicant shall expire two years subsequent to the last day of the month in which the new license is issued. (For example, a new applicant files on October 10, 1997, and is approved by TLC on December 15, 1997. No action is taken by the City Council before March 15, 1998; and TLC issues a license on March 24, 1998. That license would expire on March 30, 2000.)
 - (2) A license issued to a renewing applicant shall expire two years from the date on which the previous license expired. (For example, a renewing applicant whose license expired on May 31, 1997 would receive a license expiring on May 31, 1999. An applicant who did not submit a completed renewal application until June 15, 1997 would still receive a license that expired on May 31, 1999, and may be subject to penalties pursuant to paragraphs (3) and (4) below.)
 - (3) A renewing applicant must file a completed application no less than sixty days before the expiration date of the license.

- (4) A person who engages in a licensed activity after the expiration date of a license and before the issuance of a renewal license is engaged in unlicensed activity and may be subject to penalties pursuant to applicable statutes and regulations, except as provided in paragraph (5).
 - (5) If timely application for renewal of the license has been made pursuant to Rule 6-02(b)(3), the Chairperson shall extend the effectiveness of the license pending the review of the renewal application. If a renewal license is subsequently issued in such case, its term shall expire as provided in paragraph (2) above. If a renewal application is denied, the applicant shall not be considered to have been unlicensed prior to the date of denial of the renewal application.
- (c) The Commission may deny an application for a license or renewal of a license or, after notice and hearing, revoke or suspend any license issued, if it finds that an applicant has made a material misstatement or misrepresentation on an application for such a license or the renewal thereof.

§6-03 License and Administrative Fees.

- (a) Pursuant to section 19-511 of the Administrative Code of the City of New York, the license fee for the operation of a base station is five hundred dollars (\$500) annually. The license fee for the operation of a black car base is five hundred dollars (\$500) annually. The license fee for the operation of a luxury limousine base is five hundred dollars (\$500) annually.
- (b) Pursuant to §19-504(b) of the Administrative Code of the City of New York, the license fee for each for-hire vehicle shall be two hundred seventy five dollars (\$275) annually.
- (c) Pursuant to §19-505(j) of the Administrative Code of the City of New York, the fee for a for-hire vehicle driver's license shall be sixty dollars (\$60) annually.

- (d) The fee for an original license or a renewal thereof shall be paid at the time of filing the application and shall not be refunded in the event of a disapproval of the application.
- (e) There shall be an additional fee of twenty-five dollars (\$25) for late filing of a license renewal application where such filing is permitted by the Commission.
- (f) An additional fee of twenty-five dollars (\$25) shall be paid for each license issued to replace a lost or mutilated license.
- (g) Pursuant to §19-504(h) of the Administrative Code of the City of New York, a vehicle licensee may change the base with which it is affiliated, subject to the approval of the Commission and upon payment of a fee of twenty-five dollars (\$25).
- (h) Pursuant to §19-504(k) of the Administrative Code of the City of New York, the fee for replacement of license plates issued by the New York State Department of Motor Vehicles shall be twenty-five dollars (\$25) per vehicle.

§6-04 License to Operate a Base Station, Black Car Base or Luxury Limousine Base.

- (a) No person shall operate a base station, black car base or luxury limousine base without a license from the Commission. Subdivisions (b) through (g) of this section shall apply only to applicants for a base station license or renewal thereof, or to applicants for a change in base station location pursuant to §6-06(d) of this Chapter, except where otherwise noted.
- (b)
 - (1) An applicant for a license to operate a base station shall demonstrate to the satisfaction of the Commission that the operator of the base station shall provide and utilize lawful off-street facilities for the parking and storage of the licensed for-hire vehicles that are to be dispatched from the base station

equal to not less than one parking space for every two such vehicles or fraction thereof. The maximum permissible distance between the base station and such off-street parking facilities shall be one and one-half miles. The off-street parking facilities shall be in a location zoned for the operation of a parking facility.

- (2) A license for a base station which was valid on September 18, 1996 shall only be renewed upon the condition that within two years of such renewal the licensee shall provide off-street parking facilities as required by paragraph (1) of this subdivision. (Example: Base Station ABC license expires on May 31, 1997. Base Station ABC must have off-street parking by May 31, 1999 in order to renew at that time.)
- (3) Notwithstanding the provisions of paragraphs (1) and (2), the Chairperson may reduce the number of required off-street parking spaces or may waive such requirement in its entirety upon a determination that sufficient lawful off-street parking facilities do not exist within the maximum permissible distance from the base station or an applicant demonstrates to the satisfaction of the Chairperson that complying with the off-street parking requirements set forth in paragraphs (1) and (2) would impose an economic hardship upon the applicant; except that the Chairperson shall not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the applicant, or a predecessor in interest, has violated any provision of section 6-05 of the rules of the Commission or any successor thereto, as such may from time to time be amended. A determination to waive or reduce the off-street parking requirements shall be made in writing, shall contain a detailed statement of the reasons why such determination was made and shall be made a part of the Commission's determination to approve an application for a base station license.
- (4) No base station license shall be renewed where it has been determined after an administrative proceeding that the applicant has failed to comply with the off-street parking requirements set

forth in paragraph (1) of this section or as they may have been modified pursuant to paragraph (3) of this section.

(c)

- (1) An applicant for a license to operate a base station shall demonstrate to the satisfaction of the Commission that he or she is fit to operate a base station. The Commission shall consider the ability of the applicant to adequately manage the base station, the applicant's financial stability and whether the applicant operates or previously operated a licensed base station and the manner in which any such base station was operated. The Commission shall also consider any relevant information maintained in the records of the Department of Motor Vehicles or the Commission.
- (2) No license for a new base station shall be issued for a period of three years subsequent to a determination in a judicial or administrative proceeding that the applicant or any officer, shareholder, director or partner of the applicant operated a base station that had not been licensed by the Commission.
- (3) An applicant for a license to operate a base station, black car base or luxury limousine base shall be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services. The criminal history shall be reviewed in a manner consistent with Article 23-A of the New York State Correction Law. The applicant shall pay any processing fee required by the State. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; the officers, principals, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation. If subsequent to the fingerprinting of the applicant or during the term of the license, one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this subdivision is changed or added, such applicant shall, within five days of such change or addition, file with the

Commission an application for an approval of the change or addition of partners, officers, principals or stockholders on such forms as are prescribed by the Commission, and such new partners, officers principals or stockholders shall be fingerprinted in accordance with this subdivision. Alternatively, an applicant who plans to change or add one or more partners, officers, principals or stockholders who are required to be fingerprinted pursuant to this subdivision may require that such fingerprinting be done prior to the change or addition of such new partner, officer, principal or stockholder.

- (d)
- (1) In reviewing an application for a license to operate a base station, the Chairperson shall examine and consider the adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public, and any adverse impact that the proposed operation may have on those existing services. The Chairperson shall also consider the extent and quality of service provided by existing lawfully operating for-hire vehicles and taxicabs.
 - (2) In its review of an application for a license to operate a new base station and in its review of an application to renew a base station license the Commission shall consider the possible adverse effects of such base station on the quality of life in the vicinity of the base station including, but not limited to, traffic congestion, sidewalk congestion and noise. In its review of an application to renew a base station license the Commission shall consider whether a determination has been made after an administrative proceeding that the operator has violated any applicable rule of the Commission.
- (e) Prior to the issuance of a license for a base station or the renewal of a valid base station license, the applicant shall provide to the Commission a bond in the amount of five thousand dollars with one or more sureties to be approved by the Commission. Such bond shall be for the benefit of New York City and shall be conditioned upon the licensee complying with the requirement that the licensee dispatch only vehicles which are currently licensed by the Commission and

which have a current New York City commercial use motor vehicle tax stamp and upon the payment by the licensee of all civil penalties imposed pursuant to any provision of this chapter.

(f) Upon receiving an application for the issuance of a license for a new base station or for the renewal of a license for a base station pursuant to this section, the Commission shall, within five business days, submit a copy of such application to the City Council and to the district office of the City Council member and the community board for the area in which the base station is or would be located.

(g)

(1) The determination by the Commission to approve an application for a license to operate a new base station or for the renewal of a license to operate a base station shall be made in writing and shall be accompanied by copies of the data, information and other materials relied upon by the Commission in making that determination. Such determination shall be sent to the City Council and to the district office of the Council member within whose district that base station is or would be located within five business days of such determination being made.

(2) Any determination by the Commission to approve an application for a license to operate a new base station or to renew a license to operate a base station shall be subject to review by the City Council, in accordance with section 19-511.1 of the Administrative Code of the City of New York.

(h)

(1) Every black car base and luxury limousine base that is a “central dispatch facility”, as said term is defined in New York Executive Law §160-cc, shall, as a condition of obtaining a license or of continued licensure, become a member of the New York Black Car Operators’ Injury Compensation Fund, Inc. (“Fund”), and shall register with the Department of State as a Member of the Fund. This provision shall not apply to a black

car or luxury limousine base that owns fifty (50%) percent or more of the vehicles it dispatches.

- (2) Each base which is a central dispatch facility under New York State Executive Law §160-cc shall furnish to the Commission a copy of its certificate of registration with the Fund. Every such black car base and luxury limousine base shall, as a condition of licensure, pay to the Department of State all fees due to said Department as required pursuant to State law.
- (3) Every black car base and luxury limousine base subject to the provisions the Fund shall add the surcharge required by State law and established by the Fund, to each invoice and billing for services, and to each credit payment of services performed by a vehicle affiliated with the base where the call originated from a centralized dispatch facility located within the State of New York, or wherein the trip originated from a point within the State of New York.
- (4) In accordance with New York State Executive Law §160-jj, every black car base and luxury limousine base shall remit to the Fund all surcharges due and owing pursuant to subdivision (3) by no later than the fifteenth day of the month following the month in which the surcharge is collected by the black car base or luxury limousine base.
- (5) Every black car base and luxury limousine base shall comply with all applicable provisions of law governing the New York Black Car Operators' Injury Compensation Fund, Inc., and all rules and regulations promulgated thereunder.
 - (i) Every base station shall comply with all provisions of the New York State Workers' Compensation Law and rules and regulations promulgated thereunder with respect to the provision of coverage and benefits to eligible persons.

§6-05 Transfer of Base Station Licenses.

- (a)
- (1) Any base station license or ownership interest in the licensee may be transferred to a proposed transferee who has demonstrated to the satisfaction of the Commission the qualifications to assume the duties and obligations of a base station owner provided that either the transferor or transferee shall have filed a bond to cover all the outstanding tort liabilities of the transferor arising out of the operation of a base station and the for-hire vehicle owners by the transferor which is in excess of the amount covered by any bond or insurance policy in effect pursuant to the New York State Vehicle and Traffic Law, and all outstanding fines, penalties and other liabilities which the transferor owes to the Commission shall have been satisfied. All such transfers and any changes in corporate officers or directors must be approved by the Commission in order to be effective.
 - (2) No voluntary transfer of a base station license may be made if a judgment in favor of the City of New York or any agency thereof or any state or federal agency has been docketed with the clerk of any county within the City of New York against the licensee and remains unsatisfied, except that a transfer may be permitted if an appeal is pending from an unsatisfied judgment and a bond is filed in an amount sufficient to satisfy the judgment. A transfer may also be permitted without filing a bond provided that all the judgment creditors of a licensee file written permission for such a transfer with the Commission or that the proceeds from the transfer are paid into court or held in escrow on terms and conditions approved by the Commission which will have the effect of protecting the rights of all parties who may have an interest therein.
- (b) In reviewing a proposed base station license transfer or transfer of the ownership interest in the license, the Commission shall consider:
- (1) the criminal history of the proposed transferee and of the transferee's officers, shareholders, directors and partners, if any, or the proposed officer or directors, in a manner consistent with Article 23-A of the New York State Correction Law.

- (2) any relevant information maintained in the records of the Department of Motor Vehicles or the Commission.
 - (3) transferee's financial stability.
- (c) A transfer shall not be approved if in the past two years, the proposed transferee or any officer, shareholder, director or partner of the proposed transferee, where appropriate, has been found to have violated any law or rule involving:
- (1) assaultive behavior toward a passenger, official or member of the public in connection with any matter relating to a for-hire vehicle;
 - (2) conviction for giving or offering an unlawful gratuity to a public servant, as defined in section 10.00 of the New York State Penal Law;
 - (3) providing the Commission with false information; or
 - (4) three unexplained failures to respond to an official communication of the Commission or the Department of Investigation which was sent via certified mail, return receipt requested.
- (d) The fee for the transfer of a base station license or ownership interest in the licensee shall be \$500.
- (e) The Commission shall revoke any base station license for nonuse in the event it shall find after a public hearing that the base station has not been in operation for sixty consecutive days, provided that such failure to operate shall not have been caused by strike, riot, war, public catastrophe or other act beyond the control of the licensee. Where the Commission finds that a particular base station cannot be operated due to an act beyond the control of the licensee, a replacement base station license shall be issued to the same licensee for an alternative location, provided that all other requirements for

such license are met and provided further that the unexpired term of the original license is six months or more.

§6-06 Base License Requirements.

A base station owner, black car base owner and luxury limousine base owner shall be responsible for compliance with the following provisions and shall be liable for violations thereof:

- (a) A licensed base owner must at all times:
 - (1) Have at least ten (10) affiliated vehicles on or after January 1, 1988; however, a base that was first licensed prior to January 1, 1988, shall have at least five (5) affiliated vehicles;
 - (2) Maintain a principal place of business in a commercially zoned area, from which affiliated vehicles and drivers may be dispatched;
 - (3) Provide safe and adequate storage at such principal place of business for all business records which are required to be kept;
 - (4) Maintain an operable telephone at the base; and
 - (5) Provide a mechanism for transmitting trip request information to affiliated drivers.

- (b)
 - (1) A base owner shall not hold himself out for business to the public as a for-hire service, which term shall include, but not be limited to, "livery," "car service," or "limousine," without applying for and obtaining a license issued by the Commission for that activity.
 - (2) A base owner shall not hold himself out for business as a "taxi" or "taxicab" service or in any way use the word "taxi," "taxicab," "cab," "hack" or "coach" to describe his business.

- (3) A base owner shall file with the Commission the name, including any trade names, and address of the base from which for-hire vehicles affiliated with such base are dispatched.
- (c) A base owner shall conspicuously state in all print and broadcast advertising that the base is licensed by TLC and shall include the number of the TLC license issued to the base.
- (d) A base owner who seeks to change the address of a base must apply for approval of the new location by the Commission. The proposed location must comply with all of the requirements of §6-04, except that if there has been no change in the ownership of the base, the requirements of §6-04(c) and (e) may be waived by the Commission. A base owner who moves a base to any location without the prior approval of the Commission is operating as an unlicensed base, and is subject to the penalties of §6-04(a).
- (e) A base owner shall not transfer or assign the base owner's license to another without the Commission's written approval.
- (f) A base owner shall not dispatch a for-hire vehicle from any location other than that specified in the base license, except that a wheelchair accessible livery may be dispatched as provided in chapter 16 of this title.
- (g)
 - (1) A base owner shall maintain on file with the Commission a current telephone number (which must be connected to an answering machine or recording device), pager number, answering service telephone number or similar means of telephone contact, so that the owner may be reached by the Commission on a twenty-four hours basis.
 - (2) An owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

§6-07 Operation of the Base.

A base station owner, black car base owner and luxury limousine base owner shall be responsible for compliance with the following provisions and shall be liable for violations thereof:

- (a) A base owner shall be responsible for handling passenger complaints. Complaints about a base or an affiliated driver or vehicle that are registered with the Commission shall be logged in at the Commission, assigned a case number and referred to the appropriate base. Within ten (10) working days from the date of referral, the base shall notify the Commission in writing, making reference to the case number, regarding the satisfactory handling of any such complaint.
- (b) A base owner shall be responsible for overseeing the management of the base to ensure that base personnel or the operators of affiliated vehicles do not, within the area set forth in paragraph (3), engage in any of the following activities:
 - (1) double park, park on the sidewalk, park across a driveway, park by or at a fire hydrant or bus stop, or otherwise park, stop or stand in a manner that violates the Vehicle and Traffic Laws of the State of New York and the New York City Traffic Rules; or
 - (2) engage in mechanical maintenance or repair of any vehicle, except to make such emergency repairs as may be necessary to move a disabled vehicle. A dead battery or a flat tire is an example of a disabling condition.
 - (3) The base owner's responsibilities pursuant to paragraphs (1) and (2) shall extend to the public streets and sidewalks on either side of the street, within the city block front where the base is located.
- (c) A base owner shall maintain and enforce rules governing the conduct of affiliated drivers while performing their duty as for-hire vehicle drivers. Said rules shall be submitted in writing to the Commission when the base is licensed by the Commission, and within seven (7) days, exclusive of holidays and weekends, thereafter whenever said rules are updated or amended.

- (d) Upon filing with the Workers' Compensation Board to end the disbursement of benefits for the driver of an affiliated vehicle who has recovered from a disability and is ready to return to work, a base owner shall provide the driver with documentation that benefits have ceased in order for the Commission to return such driver's license.
- (e) A base owner shall not instruct, authorize or permit an affiliated driver to discriminate unlawfully against people with disabilities. Such discrimination includes, but is not limited to, refusing to serve people with disabilities, refusing to load and unload the mobility aids of people with disabilities, and imposing any charge in addition to the authorized fare for the transportation of people with disabilities, service animals, wheelchairs, or other mobility aids.
- (f) Effective October 31, 2001, a base owner shall be responsible for providing transportation service to persons with disabilities. A base owner may fulfill this requirement either by:
 - (1) dispatching an affiliated accessible vehicle, upon request; or
 - (2) arranging for the dispatch of an accessible vehicle affiliated with another licensed base, upon request, if the base owner has entered into a contractual or other arrangement with such base for the provision of accessible vehicles to persons with disabilities.

The Chairperson may, in his or her discretion, approve vehicles for the provision of accessible service that deviate from the requirements set forth in the Americans with Disabilities Act or the Regulations promulgated thereunder.

Whether a base owner dispatches an affiliated accessible vehicle, or arranges for the dispatch of vehicles affiliated with another base, said base owner shall be responsible for the provision of "equivalent service" to persons with disabilities. This service equivalency requirement shall be met only if the service available to persons with disabilities, when viewed in its entirety, is provided in the most integrated setting to the needs of such individual and is equivalent to

the service provided to other individuals with respect to the following service characteristics:

- (a) Response time to requests for service;
- (b) Fares charged;
- (c) Hours and days of service availability;
- (d) Ability to accept reservations;
- (e) Restrictions based upon trip purpose;
- (f) Other limitations on capacity or service availability.

§6-08 Base Record-Keeping and Notice Requirements.

A base station owner, black car base owner and luxury limousine base owner shall be responsible for compliance with the following provisions and shall be liable for violations thereof:

- (a) Any notice from the Commission shall be deemed sufficient if sent to the last mailing address furnished by such base owner.
- (b) On a quarterly basis, a base owner shall send the Commission a list of all affiliated drivers and affiliated for-hire vehicles. In addition to the quarterly report, a base owner may notify the Commission at any other time when a vehicle is no longer affiliated with his/her base; such notification shall be deemed a defense to any liability attaching to such owner for damage to persons or property caused by such vehicle subsequent to such notification.
- (c) A base owner shall be responsible for filing with the Commission, on an annual basis, or whenever there is a material change, the schedule of the rates of fare charged by such base.
- (d) A base owner shall comply with all record-keeping procedures established and required by the Commission. The operational information required to be maintained, which is set forth in §6-08(e) below, shall be safeguarded and maintained at the base for a period of six (6) months, except inspection records which are to be kept for twelve (12) months. All such records may be inspected by Commission representatives during regular business hours.

- (e) A base owner shall be responsible for ensuring that the following records are kept for all dispatched calls:
 - (1) the date, the time, and location of the passenger to be picked up, the driver's for-hire operator's permit, and the permit number of the for-hire vehicle; and
 - (2) a list of all current affiliated vehicles, which includes information regarding the owner of the vehicle, including, but not limited to the owner's name, mailing address, and home telephone number, the vehicle's registration number, the vehicle's Commission permit number, the license plate number of the vehicle, the name of the vehicle's insurance carrier and the policy number, and the dates of inspection of the vehicle and the outcome of each said inspection.

§6-09 Black Car Vehicle Specifications.

- (a) Beginning on January 1, 2010, no vehicle that is the subject of a new application for a for-hire vehicle permit shall be affiliated with a black car base unless the for-hire vehicle meets either the requirements of an accessible vehicle pursuant to section 6-07(f) of this chapter or section 3-03.2 of this title, or has a minimum city rating of twenty-five (25) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto. For purposes of this subdivision, an application for a for-hire vehicle permit after a previous permit has expired will be considered a new application. For-hire vehicles that are affiliated with luxury limousine or livery bases are not subject to the requirements of this subdivision.
- (b) Beginning on January 1, 2011, no vehicle that is the subject of a new application for a for-hire vehicle permit shall be affiliated with a black car base unless the for-hire vehicle meets either the requirements of an accessible vehicle pursuant to section 6-07(f) of this chapter or section 3-03.2 of this title, or has a minimum city rating of thirty (30) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto. For purposes of this subdivision, an application for a for-hire vehicle permit after a previous permit has expired will be considered a new

application. For-hire vehicles that are affiliated with luxury limousine or livery bases are not subject to the requirements of this subdivision.

- (c) Only black car bases may dispatch vehicles to do line work and only for-hire vehicles that are affiliated with black car bases may perform line work.

§6-10 Affiliation with Black Car Bases.

- (a) All for-hire vehicles affiliated with black car bases that are model year 2001 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, 2010.
- (b) All for-hire vehicles affiliated with black car bases that are model year 2003 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, 2011.
- (c) All for-hire vehicles affiliated with black car bases that are model year 2005 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, 2012.
- (d) All for-hire vehicles affiliated with black car bases that are model year 2006 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, 2013; provided, however, a for-hire vehicle that is six model years old upon its permit expiration on and after January 1, 2013, shall not be affiliated with a black car base after one year following such renewal.
- (e) All for-hire vehicles affiliated with black car bases that are seven (7) model years old or older and are not specified in subdivisions (a), (b), (c) or (d) of this section must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, 2014 and every year thereafter; provided that a for-hire vehicle that is six model years old upon its permit renewal on or after

January 1, 2014 shall not be affiliated with a black car base after one year following such renewal.

- (f) A for-hire vehicle affiliated with a black car base which has reached its retirement date must be retired from black car service, regardless of whether it passes the New York State Department of Motor Vehicle inspection.

§6-11 For-Hire Vehicle Owner Licensing.

- (a) A for-hire vehicle owner shall be responsible for having said for-hire vehicle licensed by the Commission.
- (b) A for-hire vehicle license shall be valid only while the registration of the vehicle remains valid. Operation of a vehicle without a valid registration is operation without a TLC license in violation of §19-506 of the Administrative Code, regardless of whether a TLC license had previously been obtained while a registration was valid. A for-hire vehicle owner shall immediately surrender his for-hire vehicle license to the Commission upon the expiration, restriction, suspension or revocation of his vehicle registration card.
- (c) An owner of a for-hire vehicle shall not dispatch nor permit another person to dispatch such vehicle unless it is affiliated with a licensed base.
- (d)
 - (1) A for-hire vehicle owner shall comply with the New York State Vehicle and Traffic Law and the New York State Insurance Law regarding coverage by bond or policy of liability insurance and all other forms of insurance required by law.
 - (2) A for-hire vehicle owner, who has received notice that his liability insurance is to be terminated, shall surrender his for-hire vehicle permit and decal to the Commission on or before the termination date of the insurance, unless the owner of the vehicle submits proof of new insurance effective on the date of

termination of the old policy before the termination of the policy.

(3) Within seven (7) days,^{*} exclusive of holidays and weekends, a for-hire vehicle owner shall notify the Commission in writing of any change in insurance carrier or coverage, specifying the name and address of the insurance carrier, new and former, and the number of the policy for each affiliated vehicle and submit proof of such coverage.

(4)

(a) Notwithstanding any inconsistent provision of paragraph (d)(1) of this rule, each for-hire vehicle owner, other than the owner of a for-hire vehicle with a seating capacity of nine or more passengers, shall, for each vehicle owned, maintain for purposes of insurance or other financial security, coverage in an amount of not less than \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law, and coverage in an amount of not less than \$100,000 minimum liability, and of not less than \$300,000 maximum liability for bodily injury and death, as said terms are described and defined in section 370(1) of the Vehicle and Traffic Law.

(b) Each owner of a vehicle for hire with a seating capacity of at least nine but not more than fifteen passengers shall, for each vehicle owned, maintain for purposes of insurance or other financial security, coverage in an amount of not less than \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law, and coverage in an amount of not less than \$1,500,000 minimum liability for bodily injury and death, as said terms are described and defined in section 370(1) of the Vehicle and Traffic Law.

(c) Each owner of a vehicle with a seating capacity of at least sixteen passengers shall, for each vehicle owned, maintain

^{*} [As reads in the Official Compilation of the Rules of the City of New York.]

for purposes of insurance or other financial security, coverage in an amount of not less than \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law, and coverage in an amount of not less than \$5,000,000 minimum liability for bodily injury and death, as said terms are described and defined in section 370(1) of the Vehicle and Traffic Law.

- (5) A for-hire vehicle owner shall immediately report to his/her Insurance carrier, in writing all accidents involving his/her for-hire vehicle which are required to be reported to the insurance carrier.
 - (6) A for-hire vehicle owner shall immediately report to the Commission, in writing, all accidents involving his or her vehicle which are required to be reported to the Department of Motor Vehicles pursuant to §605 of the Vehicle and Traffic Law. A copy of any report furnished to the Department of Motor Vehicles pursuant to law shall be furnished to the Commission within ten (10) days of the date by which the owner is required to file such report with the Commissioner of Motor Vehicles.
- (e)
- (1) No unauthorized entry shall be made on either the for-hire vehicle permit or decal, nor shall any entry on either the for-hire vehicle permit or decal be changed or defaced.
 - (2) An unreadable for-hire vehicle permit or decal shall immediately be surrendered to the Commission for replacement.
 - (3) A for-hire vehicle owner shall immediately notify the Commission of the theft, loss or destruction of a for-hire vehicle permit or decal of said vehicle and furnish the Commission with an affidavit or information as may be required, and shall replace same.

(f) A for-hire vehicle owner shall be responsible for ensuring that the replacement of any lost or stolen New York State license plates is reported in writing to the Commission, within forty-eight (48) hours, exclusive of weekends and holidays, after obtaining such plates.

(g) A for-hire vehicle owner shall designate each and every driver who operates said vehicle as his agent for accepting service by Commission personnel of summonses or notices to correct defects in the vehicle. Delivery of such summons or notice to a driver shall be deemed proper service of the summons or notice on the vehicle owner. The Commission shall send a photocopy of any summons or notice to correct to the vehicle owner and the base owner of record. An applicant for a for-hire vehicle permit shall designate the vehicle operator or driver as agent for service of any and all legal process from the Taxi and Limousine Commission which may be issued against the title owner, registered owner, or lessee.

(h) A for-hire vehicle owner shall notify the Commission in person or by first class mail, within seven (7) days, exclusive of holidays and weekends, of any change of mailing address. Any notice from the Commission shall be deemed sufficient if sent to the last mailing address furnished by the for-hire vehicle owner.

(i) No for-hire vehicle shall be a two door vehicle.

(j) A for-hire vehicle owner shall comply with all Commission notices and directives to correct defects in said vehicle.

(k) A for-hire vehicle owner shall not permit said for-hire vehicle to be operated without daily personal inspection and reasonable determination that all equipment, including but not limited to, brakes, lights, signals and passenger seatbelts and shoulder belts are in good working order and meet all the requirements of the New York State Vehicle and Traffic Law and these Rules.

(l)

(1) A for-hire vehicle shall maintain on file with the Commission a current telephone number (which must be connected to an answering machine or recording device), pager number,

answering service telephone number or similar means of telephone contact, so that the owner may be reached by the Commission on a twenty-four hour basis.

- (2) An owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

- (m) The holder of a for-hire vehicle permit issued under this chapter shall satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a qualified jurisdiction or a violation of the regulations of a qualified jurisdiction.

§6-12 Conditions of Operation Relating to For-Hire Vehicles.

A for-hire vehicle base and a for-hire vehicle owner shall be jointly and severally responsible for compliance with the following provisions and liable for any violation thereof. No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless the vehicle is in compliance with the following:

- (a) A valid Commission license decal is affixed to the front right side of the windshield of the vehicle so as to be plainly visible.

- (b) A valid registration sticker from an authorized state motor vehicle department is affixed to the left front windshield so as to be plainly visible.

- (c) A valid New York State Department of Motor Vehicles inspection sticker, which is no fewer than eight (8) months from the month of expiration on the sticker, is affixed to the front left side of the windshield so as to be plainly visible. For-hire vehicles shall be inspected three times a year, and at any other time the Commission has reason to believe that said vehicle is unfit or unsafe for use.

- (d) For vehicles registered with the Department of Motor Vehicles prior to April 30, 1999, a current New York City commercial use motor vehicle tax stamp is affixed to the front right side of the windshield of

the vehicle so as to be plainly visible. For vehicles registered after April 30, 1999, proof that the required commercial use motor vehicle tax for the current tax period has been paid.

(e)

- (1) The license plate number on said motor vehicle tax stamp, state registration and Commission decal each match, and match the license plates affixed to the vehicle.
- (2) The vehicle identification number (VIN) on said state registration and Commission decal each match, and match the VIN of the vehicle.
- (3) A for-hire vehicle that is registered in New York State for which a for-hire vehicle license is issued or renewed on or after May 10, 2006, must have New York State license plates affixed to the vehicle that are embossed with the legend "T & LC."

(f)

- (1) The marking requirements of the Commission, including, but not limited to: Exterior identification of the base name and base vehicle number. Luxury limousines shall be exempt from the requirements of this paragraph.
- (2) An owner may not display any advertising, either on the exterior or the interior of a for-hire vehicle, unless such advertising has been authorized by the Commission, and a permit has been issued to the owner in accordance with the provisions of the Administrative Code. The Commission shall not approve any advertising for the exterior of a for-hire vehicle that consists, in whole or in part, of roof top advertising.
- (3) Any accessible vehicle licensed by the Commission shall display insignia, the design of which shall be provided by the Commission on its website or through means it deems appropriate as set forth on its website, that identify such vehicle as an accessible vehicle. Such insignia shall be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior

of the D-pillars of a minivan, on both sides of such vehicle, and shall be visible to passengers entering the accessible vehicle.

- (4) Any clean air for-hire vehicle licensed by the Commission shall display insignia, the design of which shall be provided by the Commission on its website or through other means it deems appropriate as set forth on its website, that identify such vehicle as a clean air vehicle. Such insignia shall be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such vehicle, and shall be visible to passengers entering the clean air for-hire vehicle.
- (g) A for-hire vehicle shall not be equipped with a rooflight, except for a vehicle that operates primarily in Staten Island and is affiliated with a base located in Staten Island. A rooflight on such a Staten Island vehicle must meet the specifications set forth in the definition of "rooflight" in these rules.
- (h) No for-hire vehicle used in the course of operations of a for-hire vehicle service shall be, in whole or in part, any shade of taxicab yellow.
- (i) No for-hire vehicle shall be equipped with a meter, except a wheelchair accessible livery which is participating in the dispatch program as set forth in chapter 16 of this title.
- (j) No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless the following items are present on the right visor or on top of the right side of the dashboard or in the glove compartment:
 - (1) the certificate of registration or legible photostat thereof;
 - (2) the for-hire vehicle permit or legible photostat thereof; and
 - (3) the insurance card or legible photostat thereof.
- (k)

- (1) Neither a base owner nor a for-hire vehicle owner shall dispatch an affiliated vehicle while the affiliated driver's chauffeur's license is not current and valid. For purposes of these rules, a valid chauffeur's license shall mean a license which is neither expired, suspended, revoked, conditional or restricted as to use by the New York State Department of Motor Vehicles or agency of another state which issued such license for violations of traffic laws or regulations.
 - (2) A base owner and a for-hire vehicle owner shall not dispatch an affiliated vehicle unless the driver possesses a current for-hire operator's permit issued by the Commission. For purposes of these rules, a current operator's permit shall mean a permit issued for the current time period which is neither suspended, revoked nor expired. The Commission shall mail to each licensed base owner a copy of the suspension list(s) prepared by the Commission. There shall be a seventy-two (72) hour grace period, which shall be calculated from the date appearing on the face of the suspension list(s), during which time a licensed base owner and a for-hire vehicle owner shall not be held accountable for knowing the information contained therein.
 - (3) A base owner and a for-hire vehicle owner shall not knowingly allow an affiliated for-hire vehicle to be operated by a driver who is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.
- (l) No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service when the Commission or the New York State Department of Motor Vehicles has determined that the vehicle is unsafe or unfit for use as a for-hire vehicle and the vehicle owner has been directed to remove such vehicle from service.
- (m)
- (1) No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless all seat belts and shoulder belts are clearly visible, accessible and in good working order.

- (2) Each for-hire vehicle commencing with the 1991 model year and for all model years thereafter shall in addition to seat belts for each seating position and shoulder belts for both outside front seat positions be equipped with shoulder belts for both outside passenger rear seat positions.
- (n) No vehicle shall be used to transport passengers for hire in the City of New York if said vehicle has been altered after manufacture to increase its length, width, weight or seating capacity, or to modify its chassis and/or body design, unless said modification has been made in accordance with a program approved in advance by the original vehicle manufacturer, and said alteration has been performed by a coachbuilder or other entity approved and certified by the vehicle manufacturer to perform such alterations. An original, unaltered, approved coachbuilder's or vehicle modifier's certification sticker shall be affixed to the vehicle at a location to be determined by the Commission.
- (o) Any officer or employee of the Commission designated by the Chairperson of the Commission, or any police officer may conduct on-street inspections of a vehicle providing transportation for hire and operating within New York City to assure compliance with New York City regulations or where such inspections are otherwise permitted. The owner of such vehicle must repair or replace such vehicle within ten days if ordered to do so.
- (p)
 - (1) Beginning on January 1, 2010, to be affiliated with a black car base, a vehicle owned or leased by a new applicant must meet the requirements set forth in sections 6-09 and 6-10 of this chapter. For purposes of this paragraph (p)(1), a "new applicant" is the owner or lessee of a vehicle who does not hold a current for-hire vehicle permit for that vehicle.
 - (2) Beginning on January 1, 2011, to be affiliated with a black car base, a vehicle owned or leased by a renewal

applicant must meet the requirements set forth in section 6-10 of this chapter. For purposes of this paragraph (p)(2), a “renewal applicant” is the owner or lessee of a vehicle who holds a current for-hire vehicle permit for that vehicle and is affiliated with a black car base when the application is submitted.

§6-13 Partitions, Cameras and Emergency Lights.

A for-hire vehicle base and a for-hire vehicle owner shall be jointly and severally responsible for compliance with the following provisions and liable for violation thereof. No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless the vehicle is in compliance with the following:

- (a) A for-hire vehicle, except as provided in paragraphs two and three of this subdivision, shall be equipped with a partition which isolates the driver from the rear seat passengers or all passengers of present in such vehicle, as set forth in paragraph one of this subdivision.
 - (1) The partition shall be made of polycarbonate material not less than 0.375 inches thick extending upward from the back of the front seat to the ceiling of the vehicle. There shall be a provision for communication with passengers and for a money slot while the partition is closed. Such partition may be able to be partially opened by the driver, as long as the driver can fully close the partition at any time. A for-hire vehicle owner shall also equip the vehicle with a 0.085 inch thick plate of ballistic steel or its equivalent, installed inside the back rest of the front seat. The plate shall cover the complete back rest area which is exposed to the rear seat compartment. Provided, however, that, notwithstanding any other provision of these rules, all for-hire vehicles, except those that are exempt pursuant to paragraphs two or three of this subdivision, when an existing partition is required to be replaced or when a partition is installed (including, but not limited to, at first licensing), shall be equipped with a partition, the transparent portion of which shall be constructed, at a minimum, of a mar-resistant polycarbonate

and shall be not less than 0.375 inches thick, that will provide passengers and drivers with maximum visibility.

(A) For a flat partition and a partition for a for-hire vehicle with factory installed curtain airbags, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate of the partition.

(B) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate and on the side that extends forward to back between the two front seats, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console between the two front seats.

(C) The protective plate shall join or be overlapped by the transparent portion of the partition and shall extend from the point that the protective plate joins, or if overlapped by the transparent portion of the partition, the point that would be the point of joiner with the transparent portion of the partition, downward to the floor of the for-hire vehicle. The protective plate shall be constructed of a 0.085 inch thick plate of ballistic steel or its equivalent installed in and covering the complete back rest area of the front seat which is exposed to the rear seat compartment and, for an L shaped partition, on the right side of the center console between the two front seats.

(D) No partition shall be installed unless it shall have the following features which do not compromise passenger or driver safety:

(i) a means for passengers and drivers to communicate with each other; and

(ii) the capacity for the passengers to pay fares, either by cash or by credit card if the for-hire vehicle is capable of accepting credit card payments, and for the passengers to receive

receipts for payments and transactions, while the passenger is in the rear passenger compartment.

- (2) A for-hire vehicle shall be exempt from the requirements of paragraph (1) if the vehicle is affiliated only with a black car base or a luxury limousine base.
- (3) A for-hire vehicle shall be exempt from the requirements of paragraph (1) if the vehicle is equipped with at least the following two safety devices:
 - (i) A FCC-licensed commercial two-way radio with an emergency button that would notify the dispatcher that the driver is in trouble or a cellular telephone which has an emergency dialing feature, and
 - (ii) Some other device specifically approved by the Chairperson to satisfy this requirement, in addition to the trouble light required by subdivision (b) of this section; provided, however, that, when an existing in-vehicle camera system is required to be replaced or when such system is installed in compliance with this paragraph, it shall meet the requirements set forth in section 3-03(e)(3)(v) of this title. Such for-hire vehicle shall further be equipped with the trouble light required by subdivision (b) of this section.
- (b) The vehicle shall be equipped with a help or distress signaling light system, unless the owner is exempt pursuant to paragraph (7) of this subdivision. The light system shall be in accordance with the following specifications:
 - (1) The help or distress signaling light system shall consist of two turn signal type "lollipop" lights.
 - (2) One light shall be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light shall be mounted on top of the rear bumper, to the left of the license plate.

- (3) Each light shall be three to four inches in diameter, have a total rated output of thirty-two candle power and shall be the color amber or have an amber colored lens that the light output of the device is the color amber at thirty-two candle power.
 - (4) The activator shall be installed within easy reach of the driver and shall be silent when operating.
 - (5) The lights shall flash between 60 and 120 times per minute.
 - (6) The wiring shall not affect or interfere directly or otherwise with any wiring or circuitry used by a meter for measuring time and distance.
 - (7) A vehicle shall be exempt from the requirements of this subdivision if the vehicle is affiliated only with a black car base or a luxury limousine base.
- (c) Each for-hire vehicle equipped with an in-vehicle camera system shall display decals on each rear passenger window, visible to the outside, that contain the following information, in letters at least one-half inch high: "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED."

§6-14 Probationary Licenses.

- (a) An applicant will be issued a probationary license valid for a period of one-year subsequent to the date the license was issued. The Commission will evaluate the applicant at the conclusion of the one-year probationary period and will determine if renewal of the license is appropriate. In making such determination, the Commission may consider the driving record, any violation of the For-Hire Vehicle Rules, or any other evidence that suggests that the driver no longer meets all requirements for a license.
- (b) Renewal of a probationary license will be automatically barred or the Commission may revoke a probationary license at any time if any of the following occurs during the probationary period:

- (1) The driver is convicted of a crime in any jurisdiction.
 - (2) The driver is convicted of driving while impaired by alcohol or drugs.
 - (3) The driver is convicted of refusing to submit to a breathalyzer or other chemical test.
 - (4) The driver is convicted of leaving the scene of an accident.
 - (5) The driver accumulates eight or more points against his New York State Chauffeur's License or comparable license issued by his State of residence, the total of which shall include points existing on the driver's State license prior to his or her application for a license with the Commission.
 - (6) The driver is convicted of three or more moving violations.
 - (7) The driver is convicted of two speeding violations.
 - (8) The driver accumulated four or more points in accordance with the Commission's persistent violator program described in Rule 6-23.
 - (9) The driver is convicted of two or more violations of Rule 6-16(d), 6-16(f), or 6-16(g).
- (c) For purposes of subdivision (b) of this rule, the Commission will consider the date of occurrence rather than the date of conviction when determining if a violation occurred within the probationary period.

§6-15 Driver License Requirements.

- (a)
 - (1) A driver shall not operate a for-hire vehicle unless he is licensed by the Commission and affiliated with a licensed base.

- (2) A driver shall not operate a for-hire vehicle without a valid New York State chauffeur's license or a valid license of equivalent class of the state of which he is a resident. For the purposes of these rules, a valid chauffeur's license or a license of equivalent class shall mean a license which is neither probationary, suspended, revoked, conditional, nor restricted as to use by the New York State Department of Motor Vehicles or agency of another state which issued such license for violations of traffic laws or regulations.
 - (3) An applicant for a for-hire vehicle driver's license, other than an applicant who is a City of New York Police Officer, shall be tested, at the applicant's expense, for drugs or controlled substances, as set forth in §3306 of the Public Health Law. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health. A positive test shall result in the denial of a new application. Said determination shall be a final agency decision. A renewal applicant must be tested for drugs in accordance with §6-16(v) of this chapter.
- (b) An applicant for a for-hire vehicle driver's permit shall agree that service of any paper, notice, letter, summons, complaint or legal process of any kind or nature may be made by the City of New York, or any department thereof, upon the person to whom the permit is issued by leaving a copy of any such paper, notice, letter, summons, complaint or legal process with any member of his or her family or any other person with whom he or she may reside at the address listed in his or her application.
 - (c) A driver shall immediately surrender his for-hire vehicle operator's permit to the Commission upon the restriction, suspension or revocation of his chauffeur's license.
 - (d)
 - (1) A driver, within twenty-four (24) hours, exclusive of holidays and weekends, shall notify the Commission of the loss or theft

of his for-hire vehicle operator's permit and shall replace said such permit.

- (2) A driver shall not alter, deface, mutilate, or obliterate any portion of his for-hire vehicle operator's permit or the attached photograph.
 - (3) A driver shall immediately surrender to the Commission an unreadable or unrecognizable for-hire vehicle operator's permit and shall replace such permit.
 - (4) A driver shall not permit another person to use his for-hire vehicle operator's permit.
- (e) An applicant for a for-hire operator's permit shall be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services. The criminal history of any applicant, including a renewal applicant, shall be reviewed in a manner consistent with Article 23-A of the New York State Correction Law and the application of any applicant denied, or the for-hire operator's permit of any current holder shall be revoked, after notice and a hearing, following conviction of such applicant or holder for any serious criminal offense as set forth in section 498.1(f) of the New York Vehicle and Traffic Law. The applicant shall pay any processing fee required by the State. A driver shall immediately inform the Commission when convicted of any crime and shall supply the Commission with a certified copy of the Certificate of Disposition issued by the Clerk of the Court with respect to such conviction.
- (f) A driver shall, upon filing for Workers' Compensation benefits because of a disabling work-related injury, submit the driver's for-hire vehicle driver's license to the Commission and cease driving, for so long as the driver claims a disability that prevents the driver from operating a vehicle for hire. Such license shall not be returned until such driver presents to the Commission documentation of cessation of Workers' Compensation benefits due to recovery from such work-related disability, as provided in §6-07(d) of this chapter.

- (g) A driver shall notify the Commission in person or by first class mail, within seven (7) days, exclusive of holidays and weekends, of any change of mailing address. Any notice from the Commission shall be deemed sufficient if sent to the last mailing address furnished by the driver.
- (h) The holder of a for-hire operator's permit issued under this chapter shall satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a qualified jurisdiction or a violation of the regulations of a qualified jurisdiction.

§6-16 Conditions of Operation for For-Hire Vehicle Drivers.

- (a) A driver shall not operate a for-hire vehicle in such a manner or at such a speed which endangers users of other vehicles, pedestrians or such driver's passengers.
- (b) A driver who, knowing or having cause to know that personal injury or damage to property has been caused by the driver's culpability or due to an accident involving the driver's for-hire vehicle, shall, before leaving the place where such damage or injury occurred, exhibit to the person or persons who were injured or whose property was damaged the driver's chauffeur's license, for-hire vehicle operator's permit, and vehicle permit, and give to such other person or persons the driver's name, operator's permit number, and vehicle permit number, as well as the name of the vehicle's insurance carrier and the insurance policy number.
- (c) A driver shall operate his for-hire vehicle at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all rules, regulations and procedures of the Port Authority of New York and New Jersey, the Triboro Bridge and Tunnel Authority, and any regulatory body or governmental agency having jurisdiction over motor vehicles with respect to matters not otherwise specifically covered in these rules. Violations of the foregoing shall be classified as follows for purposes of this subdivision:

- (1) Laws, rules or regulations governing stationary vehicles.
- (2) Laws, rules or regulations governing moving vehicles, other than hazardous moving violations defined by paragraph (3) of this subdivision.
- (3) Laws, rules or regulations governing moving vehicles which involve hazardous moving violations defined as follows:

- (i) speeding;
- (ii) failing to stop for school bus;
- (iii) following too closely;
- (iv) inadequate brakes (own vehicle);
- (v) inadequate brakes (employer's vehicle);
- (vi) failing to yield right of way;
- (vii) traffic signal violation;
- (viii) stop sign violation;
- (ix) yield sign violation;
- (x) railroad crossing violation;
- (xi) improper passing;
- (xii) unsafe lane change;
- (xiii) driving left of center;
- (xiv) driving in wrong direction;
- (xv) leaving scene of an accident involving property damage or injury to animal.

- (d) A driver shall not operate an unlicensed for-hire vehicle.
- (e) A driver shall not operate a for-hire vehicle without a valid for-hire vehicle permit decal issued by the Commission. Said decal shall be affixed to the right front windshield and the following items shall be present in the vehicle:

- (1) the affiliated driver's for-hire vehicle operator's permit;
- (2) the certificate of registration or legible photostat thereof;
- (3) the for-hire vehicle permit or legible photostat thereof;

- (4) the insurance card or legible photostat thereof; and
- (5) if such for-hire vehicle is used for providing pre-arranged transportation for hire between the City of New York and an issuing jurisdiction, a trip log conforming to the requirements of section 6-25 of this chapter.
- (f) A driver shall not solicit or pick up passengers by means other than prearrangement through a licensed base, except that the driver of a wheelchair accessible livery may be dispatched as provided in chapter 16 of this title.
- (g) A driver shall not pick up a passenger at an authorized taxi stand.
- (h) A driver, while operating a for-hire vehicle, shall not, without the Chairperson's written authorization, have in his or her possession or in the vehicle, a weapon as defined by §6-01 of these Rules, or any other instrument which is intended to be used as a weapon.
- (i)
 - (1) A driver, whether in his vehicle or not, shall, at all times at all Port Authority of New York and New Jersey facilities, conduct himself and operate his vehicle in accordance with all rules and regulations and procedures of the Port Authority of New York and New Jersey.
 - (2) A driver shall at all times at all Port Authority of New York and New Jersey facilities remain inside his or her vehicle or within fifteen (15) feet thereof or in areas designated by the Port Authority of New York and New Jersey and shall not solicit or pick up passengers at any Port Authority of New York and New Jersey facility except by prearrangement.
 - (3) A driver shall comply with all Commission rules at all Port Authority of New York and New Jersey facilities.
- (j) A driver shall not smoke in a for-hire vehicle.

- (k) A driver shall not engage in mechanical maintenance or repair of any vehicle on public streets and sidewalks, except to make such emergency repairs as may be necessary to move a disabled vehicle. A dead battery or a flat tire is an example of a disabling condition.
- (l) A driver shall not refuse to transport any person with a disability or any guide dog accompanying such person.
- (m) A driver shall permit a passenger who is unable to enter or ride in the rear passenger part of the vehicle, to occupy the front seat alongside the driver.
- (n) Upon request of a passenger, the driver shall load or unload a passenger's luggage, wheelchair, crutches or other property in or from the vehicle's interior or trunk compartment, and shall secure such compartment.
- (o) A driver shall not charge or attempt to charge a fare above the pre-approved rate quoted by the dispatcher. A driver shall not impose or attempt to impose any additional charge for transporting a person with a disability, a service animal accompanying a person with a disability or a wheelchair or other mobility aid.
- (p) A passenger who is unable to enter or ride in the rear seat of a for-hire vehicle must be permitted to occupy the front seat alongside the driver. If a passenger's luggage, wheelchair, crutches, three-wheeled motorized scooter, other mobility aid or other property occupies the rear seat of the for-hire vehicle, the passenger must be permitted to occupy the front seat alongside the driver.
- (q)
 - (1) A driver shall not refuse by words, gestures or any other means, without justifiable grounds set forth in subdivision (r) or this section, to provide transportation, when dispatched, for a person who has prearranged the trip and the destination is within the City of New York, the counties of Westchester or Nassau or Newark Airport. This includes a person with a disability and any service animal accompanying such person.

- (2) a driver shall not require a person with a disability to be accompanied by an attendant. However, where a person with a disability is accompanied by an attendant, a driver shall not impose or attempt to impose any charge in addition to the authorized rate of fare for transporting the attendant.
 - (3) A driver shall not refuse to transport a passenger's luggage, wheelchair, crutches, other mobility aid or other property.
- (r) Justifiable grounds for the conduct otherwise prohibited by subdivision (q) of this subsection shall be the following:
- (1) the passenger is carrying, or is in possession of any article, package, case or container, other than a wheelchair or other mobility aid, which the driver may reasonably believe will cause damage to the interior of the for-hire vehicle, impair its efficient operation, or cause it to become stained or foul smelling;
 - (2) the passenger is escorted or accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. This provision shall not apply to service animals accompanying people with disabilities;
 - (3) the passenger is disorderly or intoxicated. Provided, however, that a driver shall not refuse to provide service to a person with a disability solely because such person's disability results in an appearance or involuntary behavior which may offend, annoy or inconvenience the driver; or
 - (4) if the passenger has refused a request by the driver to obey the no-smoking requirement of law, the driver may discharge the passenger after asking the passenger to cease smoking in the for-hire vehicle. Provided, however, that, if the driver discharges the passenger, it must be at a safe location.
- (s) If the Commission has reasonable suspicion to believe that a driver has a drug or controlled substance impairment that renders him or her

unfit for the safe operation of a for-hire vehicle, it may direct the driver to be tested or examined for such impairment, at such driver's expense, by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health. If the results of said test(s) or examination(s) are positive, the driver's license may be revoked after a hearing. Failure of a driver to be tested or examined as directed may lead to suspension or revocation of such license in accordance with §8-17 of this title.

- (t) A driver shall not operate a for-hire vehicle while his driving ability is impaired by either intoxicating liquor (regardless of its alcoholic content), drugs or other controlled substances, nor while driving such for-hire vehicle or for six hours prior to driving or occupying such for-hire vehicle shall he consume any intoxicating liquor regardless of its alcoholic content or any drugs or other controlled substances.
- (u) A driver shall not use a telephone while operating a for-hire vehicle, unless such for-hire vehicle shall be lawfully standing or parked.
- (v) (1) Notwithstanding the foregoing, each licensee, other than a licensee who is a City of New York Police Officer, also shall be tested annually, at the licensee's expense, for drugs or controlled substances, as set forth in §3306 of the Public Health Law. For licensees in the first year of a two-year license, such testing must occur no sooner than thirty (30) days prior to, and in any event no later than, the date one year prior to the expiration date of such license. For licensees in the second year of a two-year license, such testing must occur no sooner than thirty (30) days prior to, and in any event no later than the expiration date of such license. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.

(2) If the results of said test are positive, the driver's license may be revoked after a hearing in accordance with §8-15 of this title. A finding that the driver has failed said test will result in revocation of the driver's license.

(3) Failure of a licensee in the first year of a two-year license to be tested no sooner than thirty (30) days prior to, and in any event no later than, the date one year prior to the expiration date of such license shall result in suspension of the driver's license in accordance with §8-17 of this title. If such licensee undergoes the required testing within thirty (30) days after the date one year prior to the expiration date of the current license, the suspension of the driver's license shall be lifted. If such licensee undergoes the required testing more than thirty (30) days after the date one year prior to the expiration date of the current license, such licensee shall also be required to pay a penalty of \$200 to have the suspension of the driver's license lifted.

(4) Failure of a licensee in the second year of a two-year license to be tested by the expiration date of such license shall result in denial of a license renewal application, if any, and expiration of the license.

§6-17 Critical Driver Program.

- (a) The for-hire vehicle driver's license of any driver who, within a period of fifteen months, accumulates six or more points against his license issued by the Department of Motor Vehicles or an equivalent license issued by the driver's state of residence, unless previously revoked, shall be suspended for thirty days.
- (b) The for-hire vehicle driver's license of any driver who, within a period of fifteen months, accumulates ten or more points against his license issued by the Department of Motor Vehicles or an equivalent license issued by the driver's state of residence shall be revoked.
- (c) The Commission may at any time review the fitness of a driver to be licensed by the Commission in view of any moving violation, accident, or other driving related incident. Nothing contained herein shall preclude the imposition by the Commission of additional or more severe penalties, or any other action deemed appropriate, in accordance with the Rules of the Commission.

- (d) For the purpose of this rule, the points assigned by the Department of Motor Vehicles for any violation shall be deemed to have been accumulated as of the date of occurrence of the violation.
- (e) The relevant fifteen month period to be used for calculating any suspension or revocation imposed under subsection (a) or (b) herein shall be calculated from the date of the most recent occurrence which led to a conviction of a violation carrying points; provided however, that no action under subsection (a) or (b) shall be taken with regard to any violation carrying points which occurred prior to February 15, 1999.
- (f) For the purpose of calculating penalties pursuant to subsection (a) or (b), herein, a driver who has accumulated points for multiple violations arising from a single incident shall be deemed to have accumulated points for the single violation with the highest point total.
- (g) Any licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the Department of Motor Vehicles, and who furnishes the Commission with proof that the course was completed, on or before August 31, 1999, shall have two (2) points deducted from the total number of points assessed for the purpose of determining any suspension or revocation pursuant to this Rule. No point reduction shall affect any suspension or revocation action which may be taken pursuant to these Rules prior to the completion of the course; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee.
- (h) Any licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the Department of Motor Vehicles, and who furnishes the Commission with proof that the course was completed on or after September 1, 1999, shall have two (2) points deducted from the total number of points assessed pursuant to this Rule. No point reduction shall affect any suspension or revocation action taken pursuant to these Rules prior to the completion of the course. No person shall receive a point reduction pursuant to this subsection more than once in any eighteen month

period; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee.

§6-18 Personal Conduct of Licensees.

- (a) No licensee shall offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any public servant.
- (b) A licensee shall immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant.
- (c) A licensee shall not offer or give any gift or gratuity or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control or baggage handling whether or not such person or persons is employed by Port Authority of New York and New Jersey, LIRR, Metro-North or any similar entity.
- (d)
 - (1) A licensee, while performing his duties and responsibilities as a licensee, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny against a passenger, Commission representative, public servant or any other person.
 - (2) A licensee, while performing his duties and responsibilities as a licensee, shall not commit or attempt to commit, alone or in concert with another any willful act of omission or commission which is against the best interests of the public, although not specifically mentioned in these Rules.
- (e) A licensee shall cooperate with all law enforcement officers and authorized representatives of the Commission, including but not limited to giving, upon request, his name, license number and other documents required to be in his possession.

- (f) A licensee shall not use or attempt to use any physical force against a passenger, Commission representative, public servant or other person, while performing his duties and responsibilities as a licensee or as a result of actions which occurred in connection with a licensee's performance of his duties as a licensee. A licensee shall not distract, harm or use physical force against or attempt to distract, harm or use physical force against a service animal accompanying a person with a disability.
- (g) A licensee shall be responsible for answering truthfully and complying as directed with all questions, communications, directives, and summonses from the Commission or its representatives, as well as producing any licenses or other documents required to be kept by the Commission whenever the Commission requires him to do so, within ten days of notification. A base owner shall have an affirmative duty to aid the Commission in obtaining information sought by the Commission regarding drivers or vehicles affiliated with such base.
- (h) Except as provided in Rule 6-15(e), a licensee shall be responsible for notifying the Commission within fifteen (15) calendar days after any felony conviction of the licensee, individually, or, in the case of a base, as a member of a partnership or any officer of a corporation. Such notification shall be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court with respect to such conviction.
- (i) A licensee shall not threaten, harass or abuse a passenger, Commission representative, public servant or other person, while performing his duties and responsibilities as a licensee. A licensee shall not harm or use physical force against or attempt to harm or use physical force against a service animal accompanying a person with a disability.
- (j) A licensee shall be courteous to passengers.
- (k) The owner or operator of a vehicle licensed by a qualified jurisdiction operating in the City of New York pursuant to section 498 of the New York State Vehicle and Traffic Law must comply with the provisions

of subdivisions (a) through (g) and (i) through (j) of this section as though such owner or operator was a “licensee” under this section.

§6-19 Franchise Sales Act.

The Commission shall not grant a license to, nor renew the license of, any base owner who is offering and selling franchises as defined by the New York Franchise Sales Act (Act) in violation of said Act, and may suspend or revoke the license of any base owner found to have violated the provisions of said Act. In determining whether a base owner is in violation of the Act, the Commission may rely upon the written advice of the New York State Department of Law certifying to the Commission that the base owner is in violation of the Act.

§6-20 Seizure and Forfeiture of Unlicensed Vehicles for Hire.

- (a) *Seizure.* In accordance with §19-506(h) of the Administrative Code, any officer or employee of TLC designated by the Chairperson of TLC, and any police officer may, upon service of a summons for violation of subdivision b or c of §19-506 of the Administrative Code, seize any vehicle which such officer or employee has probable cause to believe is operated or offered to be operated without an appropriate vehicle license in violation of such subdivision b or c. A vehicle seized in accordance with such §19-506(h) shall be removed to a designated secured facility.

- (b) *Summons and Notice of Seizure.*
 - (1) The officer or employee effecting seizure shall serve a summons for violation of subdivision b or c of §19-506 of the Administrative Code upon the owner of the seized vehicle, by service upon the owner or upon a person who uses or owner^{*}, express or implied.

* [As reads in the Official Compilation of the Rules of the City of New York. Should be: “The officer or employee effecting seizure shall serve a summons for violation of subdivision b or c of §19-506 of the Administrative Code upon the owner of the seized vehicle, by service upon the owner or upon a person who uses or *owns*, express or implied.”] [Emphasis added.]

- (2) An officer or employee of TLC who effects seizure as described in §6-20(a) shall also deliver to the vehicle owner a notice of seizure, including identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. Such notice of seizure may be delivered in the same manner as service of the summons.
 - (3) An officer or employee of TLC shall also mail a notice of seizure and a copy of the summons to the owner of the vehicle. Any defect in delivery or mailing of a notice of seizure or in mailing of a copy of the summons shall not affect the validity of service of a summons upon the owner as described in §6-20(b)(1) herein.
- (c) *Expedited hearing concerning a seized vehicle.* The summons shall set forth a date and time for a hearing in the administrative tribunal of TLC. Such hearing shall be held within fourteen business days after seizure. If the seized vehicle has been released pursuant to §6-20(d), such hearing is not required to be scheduled on an expedited basis.
- (d) *Release of a seized vehicle prior to the scheduled hearing.*
- (1) An owner may obtain the release of the vehicle by appearing at the administrative tribunal with the notice of violation, on or before the scheduled hearing date, either to:
 - (i) Plead Guilty and be assessed a civil penalty by an administrative law judge. TLC staff shall also determine the amount of removal and storage fees. The owner must pay in full the civil penalty and removal and storage fees. Upon such payment, TLC shall issue an order to release the vehicle. The owner or his agent may present the order at the designated secured facility to obtain the vehicle.
 - (ii) Post a bond in the amount of the maximum civil penalty, plus removal and storage fees. Upon the posting of such bond, TLC shall issue an order to release the vehicle. The

owner or his agent may present the order at the designated secured facility to obtain the vehicle.

- (2) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.

(e) *Decisions at the expedited hearing.*

- (1) If the Administrative Law Judge dismisses the summons, the Administrative Law Judge shall issue an order for release of the seized vehicle without removal and storage fees.
- (2) If the Administrative Law Judge finds that the owner was in violation and that this was not the third or subsequent violation by the owner of subdivisions b or c of §19-506 of the Administrative Code committed on or after February 20, 1990 and within a thirty-six month period, the Administrative Law Judge shall assess a civil penalty as provided in §19-506(e) of the Administrative Code, and TLC staff shall assess removal and storage fees. The owner must pay the civil penalty and removal and storage fees in order to obtain from TLC an order for release of the seized vehicle.
- (3) If the Administrative Law Judge finds that the owner was in violation and that this was the third or subsequent violation by the owner of subdivisions b or c of §19-506 of the Administrative Code committed on or after February 20, 1990 and within a thirty-six month period, the Administrative Law Judge shall set a civil penalty, as provided in §19-506(e) of the Administrative Code, and shall issue a notice to the owner and to the Chairperson of TLC or his designee that the vehicle is subject to forfeiture upon a judicial determination.
- (4) *Inquest hearings.* If the owner of the seized vehicle fails to appear for the hearing, an inquest hearing will be held. An administrative law judge shall make a determination pursuant to paragraph (1), (2), or (3) of this subdivision (e). TLC will

inform the respondent of the inquest determination by first class mail. The information mailed to the owner shall include the provisions of §6-20(i) herein concerning abandoned vehicles. The respondent may appear at TLC offices within seven business days of such mailing to comply with the inquest determination or to move in the administrative tribunal to vacate such inquest determination. In the event that such inquest determination is vacated, the respondent shall be entitled to a hearing de novo on the original summons. Such hearing shall be scheduled within fourteen business days of the order vacating the inquest determination.

(f) *Appeals.* If found in violation of subdivisions b or c of §19-506 of the Administrative Code, an owner must pay the civil penalty together with removal and storage fees in order to appeal. However, if the decision to be appealed was made pursuant to §6-20(e)(3), the owner must pay only the civil penalty in order to appeal. If upon appeal the decision is reversed in whole or part, the owner shall receive a refund of the relevant civil penalty and fees.

(g) *Forfeiture.*

(1) In addition to the penalties set forth in §19-506(e) of the Administrative Code, if an owner is convicted in the criminal court or found in the TLC administrative tribunal to be in violation of subdivisions b or c of §19-506 of the Administrative Code three or more times, and all of such violations were committed on or after February 20, 1990 and within a thirty-six month period, the interest of such owner in any vehicle used to commit such third or subsequent violation shall be subject to forfeiture upon notice and judicial determination.

(2) The Chairperson of the TLC or his designee shall determine whether to pursue the remedy of forfeiture. If such person determines not to pursue the remedy of forfeiture, the owner shall be so notified by first class mail. The owner may obtain an order of release of the vehicle by paying the civil penalty

determined pursuant to §6-20(e)(3) together with removal and storage fees.

- (3) A forfeiture proceeding shall be commenced by proper service upon the owner of a summons and other papers pursuant to the provisions of the civil practice law and rules.

(h) *Public sale pursuant to forfeiture.*

- (1) After a judicial determination of forfeiture, but no sooner than thirty days after such determination and upon notice of at least five days, the TLC shall sell such forfeited vehicle at public sale, except as provided in paragraph (2) herein. Such notice of sale shall be published in the City Record or in a newspaper of general circulation, and shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number license plates on the vehicle.

- (2) Any person, other than an owner whose interest is forfeited pursuant to §19-506 of the Administrative Code and these rules, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:

- (i) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;

- (ii) pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and

- (iii) either:

- (A) asserts a claim in the forfeiture proceeding, or

- (B) submits a claim in writing to the Commission within thirty days after judicial determination of forfeiture.

- (3) Notwithstanding paragraphs (1) and (2) of this subdivision (h), establishment of a right of ownership shall not entitle a person to delivery of a vehicle if TLC establishes in the forfeiture proceeding or in a separate administrative adjudication of a claim asserted pursuant to §6-20(h)(2)(iii) herein that the violations of subdivisions (b) or (c) of §19-506 of the Administrative Code upon which the forfeiture is predicated were expressly or impliedly permitted by such person.
- (4) If a person asserts a claim pursuant to §6-20(h)(2)(iii)(B) herein, the TLC shall schedule an adjudication of such claim in its administrative tribunal. Notice of the hearing shall be mailed to the claimant at least ten business days in advance of the hearing. The administrative law judge shall rule as to whether the violations upon which the forfeiture was predicated were expressly or impliedly permitted by the claimant. If the administrative law judge finds that there was such permission by the claimant, the claim shall be denied.

(i) *Abandoned vehicles.*

- (1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subdivision (i), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by the Deputy Commissioner for legal affairs of TLC or his designee, without further hearing.
- (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:
 - (i) has not removed the vehicle from storage within five days of obtaining an order of release pursuant to §6-20(d) or (e) herein; or
 - (ii) has not paid the civil penalty and removal and storage fees within five days of a hearing determination of violation pursuant to §6-20(e)(2) herein, or within seven days after

notice of an inquest determination of violation was mailed to the owner pursuant to §6-20(e)(4) herein; or

- (iii) has not obtained an order vacating inquest determination of violation and setting a hearing de novo, within seven days after notice of such inquest determination was mailed to the owner pursuant to §6-20(e)(4) herein; or
 - (iv) has not paid the civil penalty and removal and storage fees, within seven days after a notice that the TLC shall not pursue the remedy of forfeiture was mailed to the owner pursuant to §6-20(g)(2) herein.
- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subdivision (i), TLC shall mail to the owner a notice that the vehicle has been recovered by TLC as an abandoned vehicle and that, if unclaimed, its ownership shall vest in TLC and it will be sold at public auction or by bid after ten days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten days from the date that the notice described in paragraph (3) of this subdivision (i) was mailed, by paying the removal and storage fees due and, in the case of an owner, the civil penalty claimed as a lien by TLC on such vehicle.
- (5) In the event that an abandoned vehicle is not claimed within ten days after the notice described in paragraph (3) of this subdivision (i) was mailed, ownership of the abandoned vehicle shall vest in TLC. TLC may sell an abandoned vehicle at public auction or by bid. Any proceeds from the sale, less expenses incurred for removal, storage and sale of the vehicle, and less the civil penalty claimed as a lien by TLC, shall be held without interest for the benefit of the former owner of the vehicle for one year. If not claimed within such one year

period, such proceeds shall be paid into the general fund of TLC.

(j) *Removal and storage fees.*

- (1) The removal fee shall be one hundred fifty dollars (\$150).
- (2) The storage fee shall be a rate set by New York City Department of Transportation.

**§6-21 Procedure in the Event of a Violation of Commission Rules.
[Repealed]**

§6-22 Penalties for Violation of For-Hire Vehicle Rules.

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
	All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	
§6-02(a)(3)	\$25	No
§6-02(b)(3)	\$25	No
§6-04(a)	\$200 - 1,500	Yes
§6-04(h)(1)	\$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or base license revocation	Yes
§6-04(h)(2)	\$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or base license revocation	Yes

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-04(h)(3)	\$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or base license revocation.	Yes
§6-04(h)(4)	\$500-\$5,000 for each twenty days said payment is overdue, and suspension until compliance or revocation, together with restitution to the Fund for any unpaid amount, together with interest at the rate of 12 percent per annum.	Yes
§6-04(h)(5)	\$500-\$10,000 and suspension until compliance or revocation	Yes
§6-04(j) *	\$25 for each day of non-compliance, and either suspension until compliance or base license revocation.	Yes
§6-06(a)(1)	Suspension until minimum is met	Yes
§6-06(a)(2)	Suspension until requirement is met	Yes
§6-06(a)(3)	Suspension until requirement is met	Yes
§6-06(a)(4)	Suspension until requirement is met	Yes
§6-06(b)(1)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-06(b)(2)	\$250	No
§6-06(b)(3)	\$100	No
§6-06(c)	\$100	No
§6-06(d)	Suspension of base license	Yes
§6-06(e)	Suspension of base license	Yes

* [As reads in the Official Compilation of the Rules of the City of New York. Should read §6-04(i).]
[Emphasis added.]

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-06(f)	\$250 and suspension until compliance	Yes
§6-06(g)(1)	\$100	No
§6-06(g)(2)	\$500	No
§6-07(a)	\$50 - 250 and/or suspension until a complaint procedure satisfactory to the Commission has been implemented	Yes
§6-07(b)	First occasion - \$50 Second and subsequent occasions - \$100 – 250 A base which has been found in violation of Rule 6-07(b) on six dates within twelve months shall not have its base license renewed	Yes
§6-07(c)	\$25 – 100	Yes
§6-07(d)	\$100 – 250	Yes
§6-07(e)	\$350 – 1,000 and/or suspension up to 30 days or revocation	Yes
§6-07(f)	Suspension of the base license until compliance	Yes
§6-08(b)	\$100	No
§6-08(c)	\$50	No
§6-08(d)	\$25 – 100	Yes
§6-08(e)	\$50	No
§6-09(c)	\$250 – first violation \$500 – second violation within 24 months Revocation – third violation within 24 months	No No Yes
§6-11(a)	\$200 - 1,500	Yes

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-11(b)	\$100 - 350 and/or suspension up to 30 days; summary suspension until compliance pursuant to section 8-17(b) of this title.	Yes
§6-11(c)	\$150	No
§6-11(d)(1)	\$150 - 350 and/or suspension up to 30 days	Yes
§6-11(d)(2)	\$150 - 350 and/or suspension up to 30 days	Yes
§6-11(d)(3)	\$100	No
§6-11(d)(4)(a),(b) or (c)	\$350 and suspension until compliance	Yes
§6-11(d)(5)	\$500 - 1,000	Yes
§6-11(d)(6)	\$150 and \$25 for each day of violation thereafter and suspension until compliance	Yes
§6-11(e)(1)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-11(e)(2)	\$25	No
§6-11(e)(3)	\$50	No
§6-11(f)	\$50	No
§6-11(h)	\$50	No
§6-11(i)	Suspension of the vehicle owner license	Yes
§6-11(j)	\$50 per day until information is supplied	Yes
§6-11(k)	\$25 - 250	Yes
§6-11(l)(1)	\$100	No
§6-11(l)(2)	\$500	No
§6-11(m)	Suspension until satisfaction or payment	No

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-12(a)	\$300 - 500 - for the first offense in 12 months \$600 - 1,000 - for the second offense within a 12-month period. Base license revocation for the third offense within a 12-month period	Yes
§6-12(b)	\$100	No
§6-12(c)	\$350 and suspension of the vehicle owner license until the condition is corrected	Yes
§6-12(d)	\$100	No
§6-12(e)(1)	\$100	No
§6-12(e)(2)	\$100	No
§6-12(e)(3)	\$350 and summary suspension until compliance pursuant to section 8-17(b) of this title	No
§6-12(f)(1)	\$25	No
§6-12(f)(2)	\$50	No
§6-12(f)(3) or (4)	\$75	No
§6-12(g)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-12(h)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-12(i)	\$50	No
§6-12(j)	\$15 for each violation of this rule; however, no fine for a violation of this rule shall exceed \$30	Yes

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
	All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	
§6-12(k)(1)	\$100	No
§6-12(k)(2)	Base: \$100 for the first violation in 12 months \$250 for each subsequent offense within a 12-month period Owner: \$350 for the first violation \$500 for the second* violation in 24 months Revocation for third violation in 36 months	Yes
§6-12(k)(3)	Revocation and \$10,000	Yes
§6-12(l)	\$50 – 500	Yes
§6-12(m)(1)	\$100 – 250	Yes
§6-12(m)(2)	\$100 – 250	Yes
§6-12(n)	\$10,000 and license suspension until compliance if alteration is not approved. \$10,000 and license revocation if certification sticker is altered.	Yes
§6-12(o)	Suspension of for-hire vehicle permit or recognition of issuing jurisdiction vehicle license until compliance.	No
§6-13(a)	\$350 and suspension until the condition is corrected	Yes
§6-13(b)	\$100 and suspension until the condition is corrected	Yes
§6-13(c)	\$50	No

* [As reads in the Official Compilation of the Rules of the City of New York. Should read: “\$500 for the *second* violation in 24 months.”] [Emphasis added.]

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-15(a)(1)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-15(a)(2)	\$100 - 350 and/or suspension up to 30 days; summary suspension until compliance pursuant to section 8-17(b) of this title.	Yes
§6-15(d)(1)	\$25	No
§6-15(d)(2)	\$50	No
§6-15(d)(3)	\$25	No
§6-15(d)(4)	\$250	No
§6-15(e)	\$100	No
§6-15(f)	\$75 – 150	Yes
§6-15(g)	\$50	No
§6-15(h)	Suspension until satisfaction or payment.	No
§6-16(a)	\$350 - 1,000 and/or suspension up to 30 days or revocation if driver is found guilty of having violated this rule more than 3 times within an 18 month period.	Yes
§6-16(b)	\$25 - 250 and/or suspension up to 30 days	Yes
§6-16(c)(1)	\$50	No
§6-16(c)(2)	\$150	No
§6-16(c)(3)	\$250	No
§6-16(d)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-16(e)	\$15 for each violation of this rule; however, no fine for a violation of this rule shall exceed \$30	Yes
§6-16(f)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-16(g)	\$350 - first violation \$500 - second violation in 24 months Revocation for third violation in 36 months	Yes
§6-16(h)	Revocation	Yes
§6-16(i)(1)	\$50 – 100	Yes
§6-16(i)(2)	\$50 – 100	Yes
§6-16(i)(3)	\$50 – 100	Yes
§6-16(j)	For offenses occurring prior to July 26, 1999, \$50 for the first conviction within a 12 month period and \$150 for each subsequent conviction. For offenses occurring on or after July 26, 1999, \$150.	No
§6-16(k)	\$50	No
§6-16(l)	Revocation and \$5,000	Yes
§6-16(m)	\$75	No
§6-16(n)	\$50	No
§6-16(o)	\$100 – 250 and order restitution of any overcharge to the passenger	Yes
§6-16(p)	\$75 for a violation involving a person \$25 for a violation involving luggage	No
§6-16(q)(1)	\$200 - 350 for the first violation \$350 - 500 for a subsequent violation within thirty-six months	Yes

<u>Rule No.</u>	<u>Penalty</u> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	<u>Personal Appearance Required</u>
§6-16(q)(2)	\$100 - 250 and order restitution of any overcharge to the passenger	Yes
§6-16(q)(3)	\$200 – 350	Yes
§6-16(t)	Revocation	Yes
§6-16(u)	\$200	No
§6-16(v)(3)	Suspension until compliance (If compliance after 30 days, \$200 penalty for reinstatement)	N.A.*
§6-18(a)	Revocation and \$10,000	Yes
§6-18(b)	\$1,000 up to revocation	Yes
§6-18(c)	Base and Driver: \$1,000 up to revocation Vehicle Owner: \$250 - 1,000	Yes
§6-18(d)(1)	\$350-1,000 and/or suspension up to 60 days or revocation	Yes
§6-18(d)(2)	\$150-350 and/or suspension up to 30 days or revocation	Yes
§6-18(e)	\$15 – 150	Yes
§6-18(f)	\$500 - 1,500 and/or suspension up to 60 days or revocation	Yes
§6-18(g)	\$200 and suspension until compliance	Yes
§6-18(h)	\$50	No
§6-18(i)	\$350 – 1,000 and suspension up to 30 days or revocation	Yes
§6-18(j)	\$150	No
§6-18(j)	\$150	No
§6-25(a)	\$300	No
§6-25(b)	\$300	No
§6-26(a)(1)	\$300	No
§6-26(a)(2)	\$100	No
§6-26(a)(3)	\$350	No

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
	All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	
§6-26(a)(4)	\$100	No
§6-26(a)(5)	\$300	No
§6-26(a)(6)	Notice to Correct w/10 days N/A	n/a
§6-27(a)(1)	\$350	No
§6-27(a)(2)	\$100	No
§6-27(a)(3)	\$350	No
§6-27(a)(4)	\$300	No
§6-28	See chapter 16 of this title	See chapter 16 of this title

*Not applicable.

§6-23 Program for Persistent Violators of For-Hire Vehicle Rules.

- (a) Any driver who has been found guilty of three or more violations that occurred within a fifteen month period and whose license has not been revoked will accumulate one point on his for-hire vehicle driver's license.
- (b) Any driver who has accumulated six or more points against his for-hire vehicle driver's license within a fifteen month period and whose license has not been revoked shall have his license suspended for thirty days.
- (c) Any driver who has accumulated ten or more points against his for-hire vehicle driver's license within a fifteen month period shall have his license revoked.
- (d) For the purpose of subdivisions (a) through (c) of this section, a driver who has been found guilty of multiple violations arising from a single

incident shall be deemed guilty of the single violation with the highest point total for purposes of this section.

- (e) The penalties set forth herein will be imposed following the hearing where the driver has been found in violation of the rules that bring his accumulated point total to the level described in subdivision (b) and (c). These penalties will be added to those imposed for the underlying rule violations.
- (f) The minimum penalties set forth in subdivision (a) through (c) of this section shall not preclude the imposition by the Commission of additional or more severe penalties in accordance with Rules of the Commission.
- (g) The Schedule of Points is as Follows:

Rule No.	Points	Reference Description
§6-15(a)(1)	2	Driver not Licensed by Commission
§6-15(a)(2)	2	Driver not in possession of valid driver's license
§6-16(a)	4	Dangerous driving
§6-16(b)	4	Leaving scene of accident
		Speeding:
§6-16(c)(3)(i)	3	1 to 10 miles above posted speed limit
	4	11 to 20 miles above posted speed limit
	5	21 to 30 miles above posted speed limit
	6	31 to 40 miles above posted speed limit
	8	41 or more miles above speed limit
§6-16(c)(3)(ii)	5	Failing to stop for school bus
§6-16(c)(3)(iii)	4	Following too closely
§6-16(c)(3)(iv)	4	Inadequate brakes (own vehicle)
§6-16(c)(3)(v)	2	Inadequate brakes (employer's vehicle)
§6-16(c)(3)(vi)	3	Failing to yield right of way
§6-16(c)(3)(vii)	3	Traffic signal violation

Rule No.	Points	Reference Description
§6-16(c)(3)(viii)	3	Stop sign violation
§6-16(c)(3)(ix)	3	Yield sign violation
§6-16(c)(3)(x)	3	Railroad crossing violation
§6-16(c)(3)(xi)	3	Improper passing
§6-16(c)(3)(xii)	3	Unsafe lane change
§6-16(c)(3)(xiii)	3	Driving left of center
§6-16(c)(3)(xiv)	3	Driving in wrong direction
§6-16(c)(3)(xv)	3	Leaving scene of accident involving property damage or injury to animals
§6-16(d)	3	Operating an unlicensed vehicle
§6-16(e)	2	Operating FHV without Permit
§6-16(g)	2	Accepting passengers at taxi stand
§6-16(i)(1)	3	Violation of Port Authority Rules
§6-16(i)(2)	3	Accepting passengers by other than prearrangement
§6-16(i)(3)	2	Violation of TLC rules at Port Authority facilities
§6-16(u)	2	Prohibited telephone use
§6-18(b)	6	Failure to report bribery
§6-18(c)	6	Bribery
§6-18(d)(1)	4	Fraud, larceny
§6-18(d)(2)	3	Action against public interest
§6-18(e)	2	Failure to cooperate with law enforcement
§6-18(f)	4	Threat or physical force
§6-18(g)	2	Failure to comply with TLC directive
§6-18(i)	3	Threatening, harassment, abuse
§6-18(j)	2	Discourtesy

- (h) Any licensee who voluntarily attends and satisfactorily completes a remedial or refresher course approved by the Commission, and who furnishes the Commission with proof that the course was completed on or before August 31, 1999, shall have two (2) points deducted from the total number of points assessed for the purpose of determining any suspension or revocation pursuant to this Rule. No point reduction shall affect any suspension or revocation action which may be taken pursuant to these Rules prior to the completion of the course; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee.

- (i) Any licensee who voluntarily attends and satisfactorily completes a remedial or refresher course approved by the Commission, and who furnishes the Commission with proof that the course was completed on or after September 1, 1999, shall have two (2) points deducted from the total number of points assessed pursuant to this Rule. No point reduction shall affect any suspension or revocation action which may be taken pursuant to these Rules prior to the completion of the course. No person shall receive a point reduction pursuant to this subdivision more than once in any five-year period; and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the licensee.
- (j) It shall be an affirmative defense that the act which formed the basis for the violation was beyond the control and influence of the for-hire vehicle driver.

§6-24 Information sharing with qualified jurisdictions

The Commission shall maintain a dedicated phone line or read-only access to an electronic database to make available to qualified jurisdictions the information required to be shared pursuant to section 498 (3)(e) of the New York State Vehicle and Traffic Law.

§6-25 Log Book

(a) The holder of a for-hire vehicle permit issued by the Commission under this chapter for a vehicle that is used in transportation between New York City and an issuing jurisdiction and the holder of an issuing jurisdiction vehicle license issued by a qualified jurisdiction that is used in transportation between New York City and such qualified jurisdiction shall ensure that a record of each trip between New York City and such issuing jurisdiction is made prior to the commencement of the trip in a log carried in the vehicle. Such record shall be kept for a period of no less than one year after such trip. The record of each such trip shall be written legibly in ink and include the following information:

- (1) passenger's name or other identifier;

- (2) time of scheduled pick up of passenger;
 - (3) location of scheduled pick up of passenger;
 - (4) the locations of any intermediate stops at which the passenger is picked up and/or dropped off;
 - (5) final destination of passenger; and
 - (6) at the completion of the transport, the time of completion of the transport shall be added to the record.
- (b) The log required in subdivision (a) of this section shall be kept in the vehicle during any trip between New York City and an issuing jurisdiction, including a trip through either New York City or an issuing jurisdiction, and shall be presented for inspection on request to any police officer or peace officer acting pursuant to his or her special duties or other person authorized by the Commission or by the issuing jurisdiction. Failure to present such a log maintained in the manner prescribed in subdivision (a) of this section when requested by any such authorized person shall be presumptive evidence of unlicensed operation.

§6-26 Reciprocal recognition of vehicles licensed by qualified jurisdictions.

- (a) A vehicle for which an issuing jurisdiction vehicle license has been issued by a qualified jurisdiction shall be eligible for reciprocity as set forth in subdivision (b) of this section provided that the vehicle meets all of the following requirements:
- (1) Evidence of a current, valid issuing jurisdiction vehicle license from the qualified jurisdiction must be attached to the windshield of the vehicle;
 - (2) Such vehicle must be operated by a driver who holds a valid New York State chauffeur's license or a valid license of equivalent class of the state of which the driver is a resident, and such license must be neither probationary, suspended, revoked, conditional nor restricted as to use;

(3) Such vehicle must be operated by a driver who (i) holds a valid, current issuing jurisdiction driver's license issued by the qualified jurisdiction and such driver is carrying proof of such valid license or permit while operating within New York City which will be displayed on request or is posted within the vehicle and (ii) otherwise meets the requirements of section 6-27 of this chapter;

(4) Such vehicle must be validly registered in New York State or the state of the vehicle owner's residence, and evidence of such registration in the form of the certificate or a legible photostat thereof must be carried in the vehicle;

(5) Such vehicle must contain a trip log meeting the requirements of section 6-25 of this chapter which log must demonstrate that any trip including travel within New York City was established by pre-arrangement and show that either the origin or final destination of such travel is outside New York City and which record must be maintained for a year following the trip;

(6) Such vehicle must carry a valid inspection sticker indicating the date of last inspection and/or expiration date of such inspection issued pursuant to the laws of New York State or the state of the vehicle's registration; and

(7) Recognition of such vehicle's authority to operate within New York City has not been suspended pursuant to section 6-12(o) of this chapter.

(b) A vehicle meeting the requirements subdivision (a) of this section and providing pre-arranged transportation shall be eligible for reciprocity and shall be allowed, without any license or permit issued by or any fee paid to the Commission, to:

(1) pick up passengers in the vehicle's qualified jurisdiction for travel to or through New York City;

(2) pick up passengers in New York City for travel to the vehicle's qualified jurisdiction;

(3) in the course of transportation provided to passengers that meets the requirements of subdivisions (b)(1) or (2) of this section, temporarily discharge and temporarily pick up such passengers within New York City

provided that all such stops must occur within 24 hours of the initial pick up of the passengers; and

(4) transit through New York City for travel beginning and ending outside New York City.

(c) The owner of a vehicle who does not hold a for-hire vehicle permit issued by the Commission and whose vehicle provides transportation for hire other than through pre-arrangement or which provides transportation for hire between two points within New York City shall be subject to all penalties applicable under this chapter for unlicensed operation.

§6-27 Reciprocal recognition of drivers licensed by qualified jurisdictions.

(a) A driver holding a current, valid issuing jurisdiction driver's license issued by a qualified jurisdiction shall be eligible for reciprocity as set forth in subdivision (b) of this section provided that the driver meets all of the following requirements:

(1) Such driver is operating a vehicle meeting the requirements of section 6-26(a) of this chapter;

(2) Such driver holds a valid New York State chauffeur's license or a valid license of equivalent class of the state of which the driver is a resident, and such license must be neither probationary, suspended, revoked, conditional nor restricted as to use;

(3) Such driver's issuing jurisdiction driver's license is neither suspended nor revoked and such driver is carrying proof of such valid license or permit while operating within New York City which will be displayed on request or is posted within the vehicle; and

(4) Such driver maintains and completes the trip log required by section 6-25 of this chapter for transportation provided into, out of, or through New York City.

(b) A driver meeting the requirements of subdivision (a) of this section is eligible for reciprocity and may operate such vehicle in providing transportation as set forth in section 6-26(b) of this chapter without any license or permit issued by or fee paid to the Commission.

(c) A driver providing pre-arranged transportation for hire in New York City pursuant to this section 6-27 shall comply with the provisions of sections 6-16 (a) through (d), (g) through (r) and (t) through (u) of this chapter while operating within New York City as if such driver were licensed by the Commission.

(d) A driver who does not hold a for-hire vehicle operator's permit issued by the Commission and who provides transportation for hire other than through pre-arrangement or who provides transportation for hire between two points within New York City shall be subject to all penalties applicable under this chapter for unlicensed operation.

(e) Notwithstanding any other provision of this chapter, a driver who does not hold a for-hire vehicle operator's permit issued by the Commission and who provides transportation for hire within New York City and who does not meet the requirements set forth in either or both of subdivisions (a)(2) or (a)(3) of this of this section shall be subject to all penalties applicable under Section 19-506 of the Administrative Code of the City of New York for unlicensed operation.

§6-28 Wheelchair accessible liveries.

(a) A wheelchair accessible livery must be

(i) a livery; and

(ii) either an accessible vehicle as defined in section 6-01 of this chapter, or a vehicle that meets the requirements of an accessible taxicab pursuant to section 3-03.2 (a) – (d) of this title; and

(iii) equipped with a taximeter meeting the requirements of section 3-04 of this title. Such taximeter may be used only during rides subject to chapter 16 of this title.

(b) The owner of any livery that meets the requirements of subdivision (a) of this section may opt to participate in the dispatch program for wheelchair accessible vehicles as set forth in chapter 16 of this title. Any wheelchair accessible livery whose owner has opted into the dispatch program must remain in such program as long as such vehicle continues in service, or while the program continues, whichever is shorter. The owner may opt into the program by providing a written request to the Commission and providing proof that the vehicle which is the subject of such request meets the requirements of subdivision (a) of this section. Any livery meeting the requirements of subdivision (a) of this section will be accepted for participation upon the option of its owner.

(c) An owner of a wheelchair accessible livery must comply with chapter 16 of this title, and with the taximeter requirements of sections 1-20, 1-21, 1-22 and 1-23 of this title.

(d) A driver of a wheelchair accessible livery must comply with chapter 16 of this title. Such a driver of a wheelchair accessible livery must also, while operating pursuant to a dispatch as provided in chapter 16 of this title, comply with the requirements of sections 2-30, 2-31, 2-32, 2-33, 2-34 and 2-35 of this title.

(e) A base station with an affiliated wheelchair accessible livery must comply with the provisions of chapter 16 of this title.

§6-29 [Reserved]

§6-30 [Reserved]

§6-31 [Reserved]

§6-32 [Reserved]

§6-33 [Reserved]

§6-34 [Reserved]

§6-35 [Reserved]

§6-36 [Reserved]

§6-37 [Reserved]

§6-38 [Reserved]

§6-39 [Reserved]

§6-40 [Reserved]

§6-41 [Reserved]

§6-42 [Reserved]

§6-43 [Reserved]

§6-44 [Reserved]

§6-45 [Reserved]

§6-46 [Reserved]

§6-47 [Reserved]

§6-48 [Reserved]

§6-49 [Reserved]

§6-50 [Reserved]

§6-51 [Reserved]

§6-52 [Reserved]

§6-53 [Reserved]

§6-54 [Reserved]

§6-55 [Reserved]

§6-56 [Reserved]

§6-57 [Reserved]

§6-58 [Reserved]

§6-59 [Reserved]