

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission (“TLC”) is considering changing its taxicab medallion owner rules, agent rules and taximeter business and manufacturers rules to require the posting of a Driver’s Bill of Rights sign at the business premises.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, November 17, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at www.nyc.gov/nycrules.
- **By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on November 17, 2011 at 10:00 a.m. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by November 14, 2011.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, November 10, 2011.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY 10004.

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

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

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

Statement of Basis and Purpose of Proposed Rules

The purpose of the proposed rule is to inform taxicab drivers who lease vehicles and/or medallions from taxicab fleets and agents what rights they have under TLC rules. Specifically, TLC wants drivers to know the rules about:

- Maximum lease rates
- Permitted extra charges
- Right to a written lease
- Prohibition against dispatcher requests for tips
- Right to an itemized receipt
- Service and maintenance responsibilities
- Prohibition against retaliation against a complaining driver

The proposed rulemaking amends

- the taxicab medallion owners rules,
- the agent rules and
- the taximeter business and manufacturers rules.

The Commission will determine the text of the sign and state the form and format of the sign. The sign is to be posted in a location where drivers are certain to see it.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend section 58-17(b) of Title 35 of the Rules of the City of New York by adding a new subdivision (3), to read as follows:

§58-17 Operations – Business Premises

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

* * *

- (1) “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.
- (i) The Commission will post the proper form and format on its Web site.
- (ii) The “Driver’s Bill of Rights” sign must be:
- conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
 - free of other signage in the immediate area.

<u>§58-17(b)(3)</u>	<u>Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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Section 2. It is proposed to amend section 63-10 of Title 35 of the Rules of the City of New York by adding a new paragraph (e), to read as follows:

§63-10 Agent’s Business Premises

An Agent who operates one or more Taxicabs that are returned at the end of a shift must maintain business premises in an appropriately-zoned location. The location must allow or provide for, and the Agent must provide or maintain, all of the following:

* * *

- (e) “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.
- (i) The Commission will post the proper form and format on its Web site.
- (ii) The “Driver’s Bill of Rights” sign must be:
- conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
 - free of other signage in the immediate area.,

§63-10(e)	Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 3. It is proposed to amend section 64-14(a) of Title 35 of the Rules of the City of New York to read as follows:

§64-14 Business Requirements – Premises and Equipment

(a) A Taximeter Business and a Taximeter Manufacturer (but not an appointed Manufacturer’s Representative) must ensure that its business premises meet the following conditions at all times:

- (1) Location within an area zoned for this business activity
- (2) Sufficient size to simultaneously accommodate at least three (3) vehicles of the type(s) and model(s) licensed by the Commission
- (3) Sufficient illumination and space in the areas used for inspection, testing, and calibration to enable proper inspections and tests required by these regulations
- (4) Sufficient waiting area and restroom facilities for customers

§64-14(a)(1-4)	Penalty: \$500-\$1,000 fine and suspension until compliance	Appearance REQUIRED
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(5) All signs required by law and these rules displayed, including “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.

- (i) The Commission will post the proper form and format on its Web site.
- (ii) The “Driver’s Bill of Rights” sign must be:
 - conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
 - free of other signage in the immediate area.

<u>§64-14(a)(5)</u>	<u>Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Posting of Driver's Rights Signs

REFERENCE NUMBER: 2011 RG 085

RULEMAKING AGENCY: Taxi and Limousine Commission

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

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 5, 2011

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Posting of Driver's Rights Signs

REFERENCE NUMBER: TLC-14

RULEMAKING AGENCY: TLC

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the requirement for a cure period is mitigated by the extensive engagement, outreach, and guidance on compliance to the regulated individuals and communities.

/s/ Francisco Navarro
Mayor's Office of Operations

October 6, 2011
Date