

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The change would create a new TLC Rule chapter governing the licensure of FHV Dispatch Applications and amend the rules to enhance existing requirements for FHV bases that use their own smartphone application to dispatch vehicles.

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 May 28, 2015. The hearing will be in the hearing room at 33 Beaver Street – 19th Floor, New York, NY 10004.

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

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

Is there a deadline to submit written comments? Yes, you must submit written comments by May 25, 2015.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by May 22, 2015.

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

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make

this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

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

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

Statement of Basis and Purpose of Proposed Rule

The growth in the use of smartphones and apps has created new ways of obtaining for-hire transportation. This development, which came to TLC's attention first in the For-Hire Vehicle (FHV) industry and later in the medallion taxi industry, has resulted in unanticipated problems, described below. TLC is proposing a new rule and rule amendments to address these problems and ensure that passengers, drivers and bases all benefit fairly from this new technology.

Uniform Standards for Smartphone Apps

As use of smartphones and apps has become more common, booking of FHV service through apps continues to increase among passengers, bases, and drivers. Today, as many as 42 percent of all FHV's can be booked through smartphone apps. Passengers getting service this way have access to up to 75 different apps. This wide array of options has resulted in varying levels of compliance with safety, accessibility, and price transparency requirements by bases, drivers, and app companies. For example, the ability to specify a request for an accessible vehicle and to receive important fare and driver information varies from app to app. The proposed rules will impose uniform standards on all current and future apps used by FHV's, whether they are offered by a base or by a licensed independent app company utilized by a base.

Licensing All Apps

Under current TLC rules, an app must either obtain an FHV base license from the TLC or have a contract with an existing FHV licensed base. An app that contracts with licensed bases can only dispatch vehicles affiliated with those bases and must obey all TLC rules governing them, including but not limited to dispatching only to licensed drivers and vehicles, charging rates in compliance with the rates that each base it is dispatching through has on file with the TLC, and disclosing all pertinent base, vehicle, and driver license numbers to passengers in a conspicuous manner. Use of these apps must not result in violation of TLC rules by bases, vehicles, or drivers.

Apps that do not have their own base license, but have contracts with licensed bases, in effect dispatch or refer jobs on behalf of those bases. An app with agreements with multiple bases may violate TLC rules in dispatching vehicles on behalf of one of those bases. If that one base is penalized for the violations, currently the TLC can stop the app from working with the penalized base but not with the other bases with which it may have contracts. These third party apps are not currently licensed by the TLC, and therefore liability for any rule violations falls on the licensed base, exposing the base to serious penalties for actions over which it may have no control or knowledge. To deter future rule violations by these apps, the TLC must be able to stop an app from working with any base with which it is affiliated, even if the violation in question did not occur in working for the other bases. To accomplish this, the proposed rules will require third party apps, or apps that do not possess a base license, to be licensed by the TLC and, as such, will require the apps to follow all TLC regulations for which they will be held responsible.

Provision of Important Trip Information

Apps that operate in the FHV sector with a base license, and licensed bases that allow passengers to book FHV service through their own app or website are already accountable to the TLC; they do not need an additional license to offer such booking options. However, other problems have arisen as a result of the use of these apps. Specifically, when passengers booking FHV service use an app or

website operated by a base, they do so without speaking directly to a person who can provide information about the requested trip, including the rate quote, and vehicle and driver information, when necessary. A person can also answer any questions about the requested trip. Since they cannot speak to a person, passengers that book FHV service through an app or website need all of the important information upfront on the app. The proposed rules would require a base's booking app or website to prominently display rates, including any lawful price multiplier, and provide receipts with the TLC license numbers for the dispatched vehicle, dispatched driver, and the name and license number of the dispatching and affiliated base.

Protection of Private Information

As bases collect more information about passengers through websites and apps, including credit card numbers and other personal information, it is important that they safeguard this information and inform TLC of any security breaches. The proposed rules would require all bases and licensed apps that collect and maintain customer information to create a privacy policy for that information and to file the privacy policy with the TLC. Additionally, the proposed rules would require bases to notify the TLC if there is a security breach, as defined by New York State law.

Use of Same Business Names by Multiple Bases

Many licensed bases that allow passengers to book FHV service through a website or app operate as consortia, using one public-facing business name. As with apps that operate through agreements with multiple bases, these bases can funnel their liability for violations of TLC rules onto one of the bases in the consortium. To ensure that this does not occur, the proposed rules would require all bases to file any trade, business, or operating names they use in addition to their official base name. Additionally, if a group of bases uses the same business, trade, or operating name, if any one of those bases is suspended or revoked, all of the bases using that business, trade, or operating name will be suspended or revoked.

Street Hail Liveries

The increased use of third party and base-owned apps to dispatch cars has also raised questions about how they affect Street Hail Livery drivers and dispatches. The proposed rules clarify that Street Hail Liveries may accept all types of dispatches, including by app.

These proposed rules also:

- Restrict the locations at the airports where a vehicle can accept a dispatch
- Allow FHVs to have an electronic device that accepts dispatches
- Require FHV bases to submit more detailed rate schedules
- Require bases to have a way for passengers to contact them for customer service related issues
- Require bases to inform passengers who want to complain about a driver to do so directly to the TLC who can, if appropriate, suspend or revoke a Driver's TLC license

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definition of the terms “Dispatch,” “Hail Exclusionary Zone,” “Hail Trip,” “Hail Zone,” “Pre-Arranged Trip,” “Street Hail Livery,” and “Taxicab” as set forth in section 51-03 of Title 35 of the Rules of the City of New York is amended, and new definitions of the terms “Associated Base,” “FHV Dispatch Application,” and “E-Dispatch” are added, in alphabetical order, to read as follows:

Associated Base is a For-Hire Base using the same name or trade, business, or operating name as another For-Hire Base.

Dispatch is a request made from a Base Station to a Driver [of an affiliated Vehicle], directing the Driver to provide transportation to a passenger who has previously arranged for such transportation.

E-Dispatch is a Dispatch arranged through a licensed FHV Dispatch Application.

FHV Dispatch Application or FHV Dispatch App. A Software program licensed by the TLC under Chapter 77 that resides on a smartphone or other electronic device and:

- 1) Is sold, leased, or made available for use to TLC-licensed Livery, Black Car, or Luxury Limousine Bases,
- 2) Is used to dispatch, reserve, or refer trips on behalf of Bases that purchase, lease, or use the Software program to TLC-licensed Vehicles affiliated with those Bases,
- 3) Has a Passenger facing interface that Passengers can use to book FHV service; and,
- 4) Uses a different public facing name in its branding, operations, promotions, or advertisements than any of the trade, business, or operating names that the licensed Bases that purchased, leased, or used the App have on file with the TLC.

An FHV Dispatch Application does not include a website, smartphone application, or other electronic means through which a Passenger may book FHV service that uses the same public-facing name in branding, operations, promotions, or advertisements as the trade, business, or operating name the Base has on file with the TLC. An FHV Dispatch Application does not include the commercial dispatching software used by a Base for dispatching or fleet management under the trade, business, or operating name the Base has on file with the TLC.

Hail Exclusionary Zone is the area in which Street Hail Liveries are NOT permitted to accept a passenger by hail [in the street]. The Hail Exclusionary Zone is: (1) Manhattan south of East 96th St. and West 110th St. (2) The New York City Airports.

Hail Trip, for a Street Hail Livery, is a trip commenced by the Street Hail Livery Driver accepting a passenger by hail [in the Street].

Hail Zone is the area in which Street Hail Liveries are permitted to accept passengers by hail [in the street]. The Hail Zone is all areas of New York City except: (1) Manhattan south of East 96th St. and West 110th St. (2) The New York City Airports.

Pre-Arranged Trip. A Pre-Arranged Trip, for a Street Hail Livery, is a trip commenced by a Passenger pre-arranging a trip through a Base, by telephone, FHV Dispatch Application, smartphone application, website, or other method. Note that a Street Hail Livery cannot accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone. A Pre-Arranged Trip does NOT include a trip that is regular paratransit service or is service provided to individuals with disabilities by or on behalf of the Metropolitan Transportation Authority.

Street Hail Livery is a Commission-licensed For-Hire Vehicle, or, for purposes of being a Street Hail Livery, a Commission-licensed Paratransit Vehicle, that is authorized to accept persons by hail [in the street] in the Hail [Service] Zone. A Street Hail Livery must be affiliated with a Street Hail Livery Base.

Taxicab means a motor vehicle, yellow in color, bearing a Medallion indicating that it is licensed by the Commission to carry up to five passengers for hire and authorized to accept hails [from persons in the street]. (The terms “Medallion Taxicab,” “Licensed Taxicab,” and “Taxicab” mean the same thing, and may be used interchangeably.)

Section 2. Subdivision (i) of section 54-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) Pre-Arranged Trips in a Street Hail Livery. For a Pre-Arranged Trip in a Street Hail Livery, the following rules apply:

- (1) A Driver of a Street Hail Livery in a Pre-Arranged Trip [dispatched through the Vehicle’s Base] must not charge or attempt to charge a fare above the pre-approved rate quoted by the [Base’s dispatcher] dispatching Base.
- (2) A Driver of a Street Hail Livery, immediately after accepting a Pre-Arranged Trip, must enter the appropriate on-duty unavailable code into the LPEP.
- (3) A Driver of a Street Hail Livery in a Pre-Arranged trip must place the Taximeter in a recording position at the beginning of the trip and allow it to continue recording for the duration of the trip.
- (4) A Driver of a Street Hail Livery must enter the total fare for the Pre-Arranged Trip into the Taximeter as a flat rate trip charge using Rate Code 5 at the beginning of the Trip.

§54-17(i)	Mandatory penalties as set forth in §54-02	Appearance NOT REQUIRED
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Section 3. The Note set forth in subdivision (f) of subdivision (f) of section 54-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

Note: [A] In addition to the Driver Information Monitor and/or a device provided for the Accessible Dispatch Program, a Street Hail Livery is permitted to have:

- the dispatch equipment required by its Street Hail Livery Base; and
- one electronic device that is used to accept E-Hails from a licensed E-Hail Application and/or dispatches from a Base or FHV Dispatch Application provided that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion.

§54-22(f)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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Section 4. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 54-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

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

Section 5. Paragraph (1) of subdivision (g) of section 55-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(g) *No Overcharging Passenger.*

- (1) A Driver must not charge or attempt to charge a fare above the pre-approved rate quoted by the dispatcher or FHV Dispatch Application. A Driver must 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.

Section 6. Subdivision (a) of section 55-19 of Title 35 of the Rules of the City of New York is amended and a new subdivision (c) is added, to read as follows:

- (a) *Limitations on Driver Solicitation of Passengers.* A Driver must not solicit or pick up Passengers other than by prearrangement through a licensed Base or FHV Dispatch Application, or dispatch of an Accessible Vehicle.

§55-19(a)	Fine: First Violation: \$500 Second Violation in 24 months: \$1500 Third Violation in 36 months: Revocation	Appearance REQUIRED
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- (c) *Airports.* A Driver must not accept a dispatch while parked or otherwise located at Kennedy Airport unless the Driver is parked within Kennedy Airport’s designated FHV Holding Lot and must not accept a dispatch while parked or otherwise located at La

Guardia Airport unless the Driver is parked in an area other than the airport's designated passenger pick up locations.

§55-19(c)	Fine: \$250	Appearance NOT REQUIRED
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Section 7. Paragraph (1) of subdivision (a) of section 55-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Must Not Refuse Passengers.*
 - (1) A Driver who has been dispatched must not refuse, by words, gestures, cancellation of such dispatch, or any other means to provide transportation to a person who has prearranged the trip with a destination within the City of New York, the counties of Westchester or Nassau or Newark Airport.

Section 8. Subdivision (f) of section 55-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) **[Reserved.]** *No Unauthorized Equipment.* In addition to the dispatch equipment required by a Driver's Base, a Driver is permitted to use one electronic device that is used to accept dispatches from a Base or FHV Dispatch Application, provided that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion.

Section 9. Subdivision (c) of section 59A-31 of Title 35 of the Rules of the City of New York is amended and a new subdivision (e) is added to read as follows:

- (c) *[Meter] Taximeter.* No For-Hire Vehicle can be equipped with a Taximeter except a wheelchair accessible Livery which is participating in the dispatch program as described in Chapter 3 of this title or a Street Hail Livery pursuant to Section 59B-51 of this Chapter.

§59A-31(c)	Fine: \$50	Appearance NOT REQUIRED
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- (e) *Electronic Dispatching Device.* In addition to the dispatch equipment required by the Vehicle's affiliated Base pursuant to §59B-15(d)(1) of these Rules, a For-Hire Vehicle may be equipped with one electronic device that is used to accept dispatches from a Base or FHV Dispatch Application, provided that that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion.

Section 10. Section 59B-02 of Title 35 of the Rules of the City of New York is amended to add new subdivision (d) to read as follows:

- (d) Associated Base Suspension and Revocation. For purposes of this Sub-chapter *ONLY*, any suspension or revocation imposed on a Base will also be imposed on all of the Base's Associated Bases.

Section 11. Subdivisions (a) through (u) of section 59B-03 of Title 35 of the Rules of the City of New York are relettered subdivisions (b) through (v), and a new subdivision (a) is added, to read as follows:

- (a) Associated Base has the same meaning as the same term in §51-03 of these Rules.

Section 12. Subdivision (a) of section 59B-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Base Name.*

- (1) *File with Commission.* A For-Hire Base Owner must file with the Commission [the] a Base name [it uses (including) and any public facing name it uses in its branding, operations, promotions or advertising as its trade, business or operating [names) it uses in the operation of the base or in promotions or advertising] names.
- (2) *No “Substantially Similar” Names.* The Chairperson can reject any such Base name or trade, business or operating name if, in the judgment of the Chairperson, such name is substantially similar to the trade, business or operating name of another Base.
- (3) *Only One Name and One Trade, Business, or Operating Name per Base.*
 - (i) A Base must use only one Base name and only one trade, business or operating name in its operations, including in its public communications, advertising, promotional activities, and Passenger solicitation activities.
 - (ii) A Base can add words such as “premium” or “select” to its approved trade name to promote a different level of service, if the Base offers multiple levels of service.
- (4) *Only One Base per Name.* Any trade, business or operating name approved by the Chairperson for one Base cannot be used by any other Base, unless both Bases seeking to use the same trade, business or operating name share identical Owners and file with the Commission a list of all Associated Bases.

Section 13. Subdivisions (b) through (h) of section 59B-07 of Title 35 of the Rules of the City of New York are relettered subdivisions (c) through (i), and a new subdivision (b) is added, to read as follows:

- (b) Technology Fee. The Commission will charge an additional fee of \$1000, due at the beginning of each Base License term, to any Base that lists a smartphone application in its contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, filed with the Chairperson pursuant to Section 59B-21(c)(1) of these Rules.

Section 14. Paragraph (1) of subdivision (a) and subdivisions (b), and (c) of section 59B-21 of Title 35 of the Rules of the City of New York are amended, and new subdivisions (g), (h), (i) and (j) are added, to read as follows:

- (a) *Maintenance of Current Rate Schedule.*

- (1) A Base Owner must file a Rate Schedule with the Commission, in a form approved by the Chairperson. This Rate Schedule must include any lawful price multipliers or variable pricing policies and the circumstances under which they become effective, any and all fees associated with E-Dispatching Vehicles, and the Base’s rates for rides dispatched by the Base for Pre-Arranged Trips provided by Street Hail Liveries, if the Base dispatches Street Hail Liveries.

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- (b) *Hours of Operation.* A Base Owner must file with the Chairperson the Base’s hours of operations, including the hours of operation any FHV Dispatch Application is available for use by the Base’s affiliated Vehicles, and must notify the Chairperson of any change in the hours of operation.

§59B-21(b)	Fine: \$50	Appearance NOT REQUIRED
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- (c) *Public Access Information.*

- (1) A Base Owner must file with the Chairperson all contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, including but not limited to telephone numbers, [Websites] smartphone applications, FHV Dispatch Applications, websites and email addresses.
- (2) If the contact information made available to or offered to the public for purposes of pre-arranging transportation for hire cannot be used to contact the Base for trip-related customer service, a Base Owner must file with the Chairperson a working customer service telephone number and/or email address.
- (3) These telephone numbers, [Websites] smartphone applications, FHV Dispatch Applications, websites, email addresses and other contact information and methods can be used only with the name of the Base or the Base’s trade, business or operating name approved under §59B-20(a) of this Chapter.

§59B-21(c)	Fine: \$100	Appearance NOT REQUIRED
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- (g) User Agreement Terms. If the Base lists a smartphone application in its contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, filed with the Chairperson pursuant to section 59B-21(c)(1) of these Rules, the Base Owner must file with the Commission all forms of the user agreements, use contracts, and privacy terms it requires for use of the smartphone application by or to Passengers. The Base Owner must file with the Commission all updates of such documents and/or terms reflecting changes thereto.
- (h) Security Policy. If the Base lists a smartphone application in its contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, filed with the Chairperson pursuant to Section 59B-21(c)(1) of these Rules, the Base Owner must file with the Commission a current detailed security policy meeting industry best practices that describes the specific security risks associated with the Base Owner's smartphone application and mitigations the Base Owner has developed to address those risks.
- (i) Privacy Policy. If the Base collects and maintains information about a customer, including but not limited to user account data and associated credit card data and GPS data, the Base Owner must file with the Commission a detailed privacy policy meeting industry best practices that describes the specific privacy risks associated with the Base's data collection, and mitigations the Base has developed to address those risks.
- (j) Security Breach: If the Base is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa), the Base Owner must inform the Commission immediately following such disclosure(s).

§59B-21(h)	Penalty: \$1,000 fine per day and suspension until compliance	Appearance REQUIRED
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Section 15. Subdivision (a) of section 59B-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) Rates Must Not Exceed Scheduled Rates. A Base Owner must not quote or charge a fare, or allow an FHV Dispatch Application to quote or charge a fare, that is more than the fare listed in the Rate Schedule filed with the Commission.

§59B-23(a)	Fine: \$200 for Passenger overcharge, whether from any quote or from schedule of fares required to be filed with the Commission.	Appearance NOT REQUIRED
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Section 16. Subdivision (c) of 59B-25 of Title 35 of the Rules of the City of New York is amended and new subdivisions (f), (g), and (h) are added, to read as follows:

(c) *Advertising of Commission License.*

- (1) A Base Owner must clearly state that the Base is licensed by the Commission in all Passenger-facing advertising, whether print, broadcast, electronic or Internet, and in all handbills, fliers, websites, smartphone applications, or other promotional materials and on all business cards and receipts.
- (2) All of the advertising and materials listed in (1) above must include the For-Hire Base License number.

(f) *Passenger Complaint Notification:* Upon receipt of a Passenger complaint, a Base Owner must provide the Passenger with the “311” Commission complaint telephone number and inform the Passenger that only the TLC can suspend or revoke a Driver’s TLC License.

<u>§59B-25(f)</u>	<u>Fine: \$250</u>	<u>Appearance NOT REQUIRED</u>
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(g) *Dispatching to Vehicles at Airports.* A Base Owner must not dispatch a Vehicle parked or otherwise located at Kennedy Airport unless the Vehicle is parked within Kennedy Airport’s designated FHV Holding Lot, and must not dispatch a Vehicle parked or otherwise located at La Guardia Airport unless the Vehicle is parked in an area other than the airport’s designated passenger pick up locations.

<u>§59B-25(g)</u>	<u>Fine: \$250</u>	<u>Appearance NOT REQUIRED</u>
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(h) *Requesting FHV Service through a Website and/or Smartphone Application.* If a Base allows Passengers to request FHV service through a website and/or smartphone application other than an FHV Dispatch Application, the Base Owner must ensure that the website and/or smartphone application adheres to the following:

- (1) The website and/or smartphone application must use only the Base Name or the trade, business, or operating name the Base has on file with the Commission pursuant to §59B-20(a)(1) of these Rules. Any other use of smartphone application or software program to allow Passengers to request FHV service must be done through a licensed FHV Dispatch Application pursuant to the terms of Chapter 77 of these Rules.
- (2) Prior to allowing a Passenger to request FHV service through a website and/or smartphone application, the website and/or smartphone application must require a Passenger to create a password protected user account. The website and/or smartphone application must not allow a Passenger to request FHV service without first logging into his or her user account.

- (3) The Base's rates must be prominently posted on the website and/or smartphone application, including any price multiplier or variable pricing policy in effect. Any price multiplier or variable pricing policy in effect must be incorporated into the rate or fare displayed to the Passenger and must not be displayed only as a standalone price multiplier or variable pricing policy. If a price multiplier or variable pricing policy is in effect for the time at which a Passenger requests FHV service, the website and/or smartphone application must require the Passenger to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to allowing the Passenger to request FHV service through the website and/or smartphone application.
- (4) The website and/or smartphone application must provide Passengers, upon request, with an estimate of the total fare, inclusive of all fees and any price multiplier or variable pricing policy in effect, for the ride.
- (5) The website and/or smartphone application must be able to generate an accurate receipt for payment of fare for fares that are paid using the website and/or smartphone application. Upon the Passenger's request, a receipt, either in hard copy form or in electronic form, must be transmitted to the Passenger. The receipt must contain all of the following information:
- (i) The Dispatching Base License number;
 - (ii) Vehicle License number;
 - (iii) Vehicle's affiliated Base License number;
 - (iv) Driver's For-Hire License number;
 - (v) Total amount due;
 - (vi) Itemized fees charged (if any) including any price multiplier or variable pricing policy in effect for the trip;
 - (vii) The "311" Commission complaint telephone number; and
 - (viii) The public access information the Base has on file with the Commission pursuant to §59B-21(c) of these Rules.
- (6) The Base Owner must own the rights to or hold licenses to all the intellectual property associated with the website and/or smartphone application. If the Base allows Passengers to request FHV service through a website and/or smartphone application, the Base Owner must indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or

incur allegedly arising out of or in connection with any infringement by the Base, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities.

- (7) Any smartphone application through which a Passenger can request FHV service must be available to a Driver ONLY when the Vehicle is standing or stopped, except that a smartphone application can permit a Driver to accept a dispatch with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. All other use of the smartphone application must be velocity gated to prevent its use while the vehicle is in motion.
- (8) Any smartphone application through which a Passenger can request FHV service must not transmit requests for transportation to a Driver when the Driver is currently located in a location where acceptance of dispatches is prohibited by §55-19 of these Rules.
- (9) Any smartphone application through which a Passenger can request FHV service that is jointly owned and/or operated by Associated Bases must adhere to the following additional requirements:
 - (i) If the rate schedules the Associated Bases have on file with the Commission differ from each other, the smartphone application must clearly specify which Associated Base's rates will apply for the requested trip prior to a Passenger's acceptance of the trip.
 - (ii) If the Associated Bases do not hold the same class of Base License (e.g. a Black Car Base License or a Livery Base License), the smartphone application must provide Passengers with a separate option for requesting trips for each class of Base License.

Section 17. Subdivision (b) of section 59B-31 of Title 35 of the Rules of the City of New York is amended and a new subdivision (d) is added, to read as follows:

- (b) [Meter] Taximeter. A Base Owner must not dispatch a For-Hire Vehicle that is equipped with a Taximeter. *Exception:* A Street Hail Livery must be equipped with a taximeter. See Section 59B-51 of this Chapter.
- (d) Electronic Dispatching Device. A Base Owner must not dispatch a For-Hire Vehicle that is equipped with more than one electronic device in addition to the dispatch equipment required by the Vehicle's affiliated Base pursuant to §59B-15(d)(1) of these Rules that is used to accept dispatches from a Base or FHV Dispatch Application.

<u>§59B-31(f)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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Section 18. Subdivision (a) of section 59B-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Accumulation of Points.* A Base will accumulate Penalty Points as penalties for violation of certain Rules and upon certain violations by the Base’s affiliated Vehicles, as specified below. Points will accumulate collectively for all Associated Bases.

Section 19. Title 35 of the Rules of the City of New York is amended by adding a new Chapter 77, to read as follows:

<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <h2 style="margin: 0;"><u>Chapter 77</u></h2> </div> <div style="text-align: center;"> <h3 style="margin: 0;"><u>Licensing & Rules for Providers of FHV Dispatch Applications</u></h3> </div> </div>

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§77-01 Scope of the Chapter

- (a) To establish a formal procedure for the licensing and supervision of businesses that sell, lease, or otherwise make available for use to licensed FHV Bases software programs which are FHV Dispatch Applications that reside on smartphones or other electronic devices.
- (b) To establish technical requirements for the FHV Dispatch Applications which must be met in order for FHV Dispatch Application Providers to apply for and obtain a license.
- (c) To establish services to be provided by FHV Dispatch Application Providers for the benefit of individuals and businesses licensed by TLC and the public.
- (d) To establish appropriate penalties for the violation of these rules.

§77-02 Penalties

- (a) Unlicensed Activity. Unlicensed Activity is the act of providing or advertising the provision of any service regulated by this chapter by:
 - (1) Any FHV Dispatch Application Provider Licensee whose License is suspended, revoked, or expired and not yet renewed, or
 - (2) Any entity that does not hold a Valid License from the Commission for an FHV Dispatch Application.
- (b) Specific Penalties. If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section will also state whether the violator must attend a Hearing.
- (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:
 - (i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of

the Rules of the City of New York, in which case the payment of the fines will be deferred 30 days after the date of the appeal decision.

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

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

(1) Non-Renewal of License.

(i) If an FHV Dispatch Application Provider License is not timely renewed, the FHV Dispatch Application Provider must immediately notify each Licensee, including both Bases and Drivers, who is using the FHV Dispatch Application approved under the expired License that the License has expired and that the Licensee must terminate usage of the FHV Dispatch Application.

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

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

(2) Suspension.

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

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

(ii) Upon suspension of the FHV Dispatch Application Provider License, the Provider must not enroll any further Licensees into the FHV Dispatch Application approved under the suspended License for the duration of such suspension, and must immediately, for the duration of such

suspension, cease offering the FHV Dispatch Application for use to any already enrolled Licensee or to the public for pickup requests in New York City.

(3) Revocation.

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

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

(ii) Upon revocation of the FHV Dispatch Application Provider’s License, the Provider must not enroll any further Licensees into the FHV Dispatch Application approved under the revoked License.

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

<u>§77-02(d)</u>	<u>Penalty: \$1,000 fine</u>	<u>Appearance NOT REQUIRED</u>
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§77-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter means an Applicant for an original or renewal FHV Dispatch Application Provider License.
- (b) Credit, Debit, and Prepaid Card Services. The portion of the FHV Dispatch Application used to process Passenger payment of fare in a Vehicle by credit, debit, or prepaid card as described in §77-20(a) of these Rules.
- (c) E-Dispatch has the same meaning as the same term in §51-03 of these Rules.
- (d) E-Dispatch Data. All data required to be collected, transmitted and maintained pursuant to §77-20(b) of these Rules.
- (e) FHV Dispatch Application has the same meaning as the same term in §51-03 of these Rules.

- (f) FHV Dispatch Application Provider is a person or entity licensed by these Rules to offer an FHV Dispatch Application.
- (g) FHV Dispatch Application Provider License is a license issued to a FHV Dispatch Application Provider pursuant to this Chapter.
- (h) License. When the term “License” is used by itself in this Chapter—and in this Chapter ONLY—it refers to an FHV Dispatch Application Provider License.
- (i) Modification of FHV Dispatch Application. Any modification to the FHV Dispatch Application after the Commission has issued a License for such FHV Dispatch Application that would materially alter any of the following:
 - (1) functionality, performance characteristics, security measures, or technical environment of the FHV Dispatch Application or related services;
 - (2) interfaces to the Software, Hardware, network, or other FHV Dispatch Application components;
 - (3) the manner in which the FHV Dispatch Application or related services are provided.

The addition or modification of a component allowing payment through the FHV Dispatch Application constitutes a Modification.

A Modification of FHV Dispatch Application does not include:

- (4) fixes and/or maintenance patches necessary to conform the FHV Dispatch Application or any of its components or related services to the requirements set forth in §77-20 of these Rules;
 - (5) security patches to the extent such fixes or patches are necessary in the FHV Dispatch Application Provider’s good faith judgment to maintain the continuity of the FHV Dispatch Application or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the FHV Dispatch Application or related services; and
 - (6) modifications to the user interfaces that do not materially alter the FHV Dispatch Application’s functionality or the manner in which FHV Dispatch Application services are provided.
- (j) Partner Base. A Base that has entered into an agreement with an FHV Dispatch Application Provider pursuant to §77-15(c) of these Rules for the purchase, lease, or use of an FHV Dispatch Application and appears on the list of Partner Bases the FHV Dispatch Application Provider files with the Commission pursuant to §77-05(c) of these Rules.

- (k) PCI Standards. The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org
- (l) Service Levels. The standards of performance of the FHV Dispatch Application and its components that are described in §§77-17 and 77-20 of these Rules.

§77-04 Licensing – General Requirements

- (a) Applicants for FHV Dispatch Application Provider License. An Applicant for an FHV Dispatch Application Provider License or its renewal may be an individual or a Business Entity.
- (b) License for Each FHV Dispatch Application. An application for a new or renewal FHV Dispatch Application Provider License must be filed for each FHV Dispatch Application for which Commission approval is sought. A separate FHV Dispatch Application Provider License will be issued or renewed for each approved FHV Dispatch Application. All License requirements of this Chapter apply to each License to be issued or renewed.
- (c) Certification. Any new or renewal application for an FHV Dispatch Application Provider License must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the application is true, under penalty of perjury.
- (d) Proof of Identity. The individual or Business Entity Person submitting the application for an FHV Dispatch Application Provider License must provide to the Commission proof of identity in the form of a valid photo identification issued by the United States, a state or territory of the United States, or any political subdivision of a state or territory of the United States.
- (e) Age. The individual or Business Entity Person submitting an application for an FHV Dispatch Application Provider License or its renewal must be at least 18 years of age.
- (f) Fit to Hold a License. An Applicant applying for an FHV Dispatch Application Provider License or its renewal must demonstrate that they are Fit to Hold a License.
- (g) Partnership Filings. When the Applicant is a partnership, it must file with its License application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located.
- (h) Corporate or LLC Filings. When the Applicant is a corporation, it must file with its License application all of the following:
 - (1) One of the following certificates:

- (i) A certified copy of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application;
 - (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application; or
 - (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation.
- (2) Limited Liability Companies (LLCs). When the Applicant is a limited liability company, it must file with its application the following:
- (i) A copy of its articles of organization
- (i) Uniqueness of Name. The Commission has the right to reject the proposed name of any FHV Dispatch Application Provider that the Commission finds to be substantially similar to any name in use by another FHV Dispatch Application Provider Licensee, or any name that contains the word(s) “hack,” “taxi,” “taxicab,” “cab,” “coach,” or other designation of similar import.
- (j) Payment of Fines and Fees.
- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
 - (i) the Commission,
 - (ii) NYC Department of Finance,
 - (iii) NYC Department of Consumer Affairs,
 - (iv) NYS DMV’s Traffic Violations Bureau, and
 - (v) any of their successor agencies.
 - (2) This requirement includes payment of fines and fees owed as of the date of the application by
 - (i) any Business Entity Persons of the Applicant,
 - (ii) any Business Entity of which the Applicant is a Business Entity Person, and

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

(k) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §77-14 of these Rules.

(l) Intellectual Property. An Applicant must own the rights to or hold licenses to all the intellectual property associated with the Applicant's proposed FHV Dispatch Application. The Commission reserves the right to request proof of such rights or licenses at any time during the term of the License.

§77-05 Licensing – Specific Requirements

(a) Approval of FHV Dispatch Application Providers -- New License. The Commission will not issue an FHV Dispatch Application Provider License to any Applicant unless the Commission approves the FHV Dispatch Application proposed for sale, lease or use by the Applicant. In determining whether to approve the FHV Dispatch Application, the Commission will consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to subdivision (b) of this section adequately demonstrates that the FHV Dispatch Application complies with all of the requirements set forth in §77-20 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (f) of this section.

(b) Documentation for FHV Dispatch Application Approval. The Applicant must submit with its License application a detailed description of its FHV Dispatch Application's functionality and its compliance with the requirements set forth in §77-20 of these Rules, as well a list of all third-party designees the FHV Dispatch Application Provider will use in offering FHV Dispatch services. If the Application includes a payment option the Applicant must submit with its License application Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating compliance with the security standards set forth in §77-20(f) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (f) of this section, and the successful results of the security testing.

(c) Partner Bases List. The Applicant must submit with its License application a list of all its Partner Bases. The FHV Dispatch App Provider must file with the Commission all updates to its list of Partner Bases within 5 business days of entering into a new Base agreement or terminating an existing Base agreement.

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

(e) Security Policy. The Applicant must submit with its License application a current detailed security policy meeting industry best practices that describes the specific security

risks associated with the Applicant's FHV Dispatch Application and mitigations the Applicant has developed to address those risks.

- (f) Customer Service Contact Information. The Applicant must submit with its License application a working email address and/or phone number which Passengers can use to contact the FHV Dispatch Application for customer service inquiries.
- (g) Modification of FHV Dispatch Application. If, after an FHV Dispatch Application Provider License is issued pursuant to this Chapter, the FHV Dispatch Application Provider Licensee wants to implement a Modification, the FHV Dispatch Application Provider Licensee must apply for approval of a Modification of FHV Dispatch Application prior to implementing the Modification by submitting all documentation required by subdivision (b) of this section and the fee required in §77-07(b) of these Rules. The Commission will treat the submission as an application for a new FHV Dispatch Application Provider License. If the Commission approves the Modification, the existing FHV Dispatch Application Provider License will apply to the modified FHV Dispatch Application.
- (h) Required Insurance. After submission of an application for a new FHV Dispatch Application Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision when the Commission requests it. Upon submission of an application to renew an FHV Dispatch Application Provider License, the FHV Dispatch Application Provider Licensee must provide to the Commission proof of the insurance required in this subdivision.

(1) Professional Liability Insurance.

- (i) In the Commission’s discretion, if professional services will be performed by the Applicant in connection with any of the activities licensed under this Chapter, the Applicant must maintain and submit evidence of Professional Liability (“PL”) Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars (\$1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error, omission or negligent act of the Applicant or any employee or agent of the Applicant.
- (ii) If the Applicant’s subcontractor(s) is/are performing or will perform professional services in connection with any of the activities licensed under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant’s PL Insurance under subparagraph (i) of this paragraph must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.
- (iii) Claims-made policies will be accepted for Professional Liability Insurance. The policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of the insurance unless a new policy is secured with a retroactive date, including at least the last policy year.

(2) General Requirements for Insurance Coverage and Policies.

- (i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / “VII” or a Standard and Poor’s rating of at least A, unless prior written approval is obtained from the Commission.
- (ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.
- (iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which the policies are subject, whether or not the City is an insured under the policy.
- (iv) There must be no self-insurance program with regard to any insurance required under this subdivision unless approved in writing by the

Commission. Any self-insurance program must provide the City with all rights that would be provided by insurance otherwise required under this subdivision, including but not limited to the defense obligations that insurers are required to undertake in liability policies.

- (v) The City's limits of coverage for all types of insurance required under this subdivision must be the greater of:
 - (A) the minimum limits set forth in this subdivision; or
 - (B) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(3) Proof of Insurance.

- (i) For each policy required under this subdivision, the Applicant must file with the Commission a Declarations Page issued by the insurer. All Declaration Pages must be:
 - (A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits; and,
 - (B) accompanied by either a duly executed "Certification by Insurer" in the form provided by the Commission or copies of all policies referenced in the Declarations Page. If complete policies have not yet been issued, binders are acceptable, until the complete policies have been issued, at which time such policies must be submitted.
- (ii) The Applicant must provide the Commission with a copy of any policy required under this subdivision upon demand by the Commission or the New York City Law Department.
- (iii) Acceptance by the Commission of a declarations page or a policy does not excuse the FHV Dispatch Application Provider from maintaining policies consistent with all provisions of this subdivision (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.
- (iv) If the FHV Dispatch Application Provider receives notice, from an insurance company or other person, that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the FHV Dispatch Application Provider must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

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

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

(4) Miscellaneous Insurance Provisions.

- (i) Insurance coverage in the minimum amounts required in this subdivision shall not relieve the FHV Dispatch Application Provider Licensee of any liability for indemnification under this Chapter.
- (ii) The FHV Dispatch Application Provider waives all rights against the City, including its officers and employees, for any damages or losses that are covered under any insurance required under this subdivision (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the FHV Dispatch Application Provider and/or its subcontractors required to be licensed under this Chapter.
- (iii) If the FHV Dispatch Application Provider requires any subcontractor to procure insurance in connection with any of the activities licensed under this Chapter and requires the subcontractor to name the FHV Dispatch Application Provider as an additional insured under such insurance, the FHV Dispatch Application Provider must ensure that such entity also names the City, including its officers and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

(i) Renewals of Required Insurance Policies. The FHV Dispatch Application Provider must submit to the Commission certificates of insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (h) of this section expires. Certificates of Insurance must comply with the requirements of subparagraph (h)(3)(i) above.

<u>§77-05(i)</u>	<u>Penalty: \$1,500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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(j) Waivers or Modifications. Except where expressly prohibited by law, the Chairperson may, in his or her discretion, waive or modify any requirements for licensing under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Chairperson.

§77-06 Licensing – Bond Required

(a) Amount of Bond. An Applicant for an FHV Dispatch Application Provider License or renewal must deposit or have deposited with the Commission a fifty thousand dollar

(\$50,000) bond for each FHV Dispatch Application, payable to the City of New York. The bond must be provided by one or more sureties approved by the Commission.

- (b) *Bond Guarantees.* The bond must guarantee that the Applicant or licensed FHV Dispatch Application Provider will:
- comply with all applicable provisions of law and rules of the Commission,
 - pay all fines imposed by the Commission, and
 - pay all judgments or settlements arising from any action connected in any way with the FHV Dispatch Application Provider License.
- (c) *Fines and Judgments.* The FHV Dispatch Application Provider is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal. If the fine is not paid as required by § 77-02(c) of these Rules, the Commission may draw upon the bond.

§77-07 Licensing – Fees and Term of License

- (a) *Fee.* Every application for a new or renewal FHV Dispatch Application Provider License must be accompanied by a non-refundable application fee of \$1000 for each License to be issued or renewed.
- (b) *Form of Payment.* All application fees must be paid in the form authorized by §52-40 of these Rules.
- (c) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (d) *License Replacement Fee.* The fee to replace any lost, damaged or destroyed License is \$25.
- (e) *Late Filing Fee.* If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.
- (f) *Term of License.* The term of an FHV Dispatch Application Provider License will be three years or less and each License will expire on October 31st.
- (g) *When to File for Renewal.*
- (1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.
 - (2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a “late application”. The fee for the late application will be \$25.
 - (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person or electronically.

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

(h) *Suspended Licenses.*

(1) If a License is suspended and is due to be renewed during the suspension, the FHV Dispatch Application Provider Licensee must apply for renewal as required in subdivision (h) of this section if the FHV Dispatch Application Provider Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

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

§77-08 Licensing – Cause for Denial, Suspension, or Revocation

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

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

(c) *Failure to Complete Application Requirements*

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

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

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

§77-09 General Requirements – Unlicensed Activity

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

<u>§77-09</u>	<u>Penalty: \$10,000</u>	<u>Appearance REQUIRED</u>
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§77-10 General Requirements – Compliance with Applicable Law

- (a) Licenses and Permits. An FHV Dispatch Application Provider Licensee must obtain licenses and permits required by applicable local, state or federal law.
- (b) Occupational Safety & Health Administration. An FHV Dispatch Application Provider Licensee must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the FHV Dispatch Application Provider Licensee’s place of business, as well as all other federal, state, and local laws governing its business.
- (c) Payment of All Fines and Fees. An FHV Dispatch Application Provider Licensee must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.
- (d) Workers’ Compensation Laws. An FHV Dispatch Application Provider Licensee must comply with all laws regarding workers’ compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

<u>§77-10</u>	<u>Penalty: \$1,000 fine and/or suspension until compliance</u>	<u>Appearance NOT REQUIRED</u>
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§77-11 General Requirements – Indemnification

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

- (b) Not Limited by Insurance. The indemnification obligations set forth in this section shall not be limited in any way by the FHV Dispatch Application Provider Licensee’s obligations to obtain and maintain insurance as provided in §77-05(g) of these Rules.

§77-11(a)-(b)	Penalty: \$1,000 fine and/or suspension until compliance	Appearance REQUIRED
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§77-12 General Requirements – Unlawful Activities Prohibited

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

§77-12 (a)	Penalty: \$10,000 fine and revocation	Appearance REQUIRED
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§77-13 General Requirements – Notice to TLC

- (k) Material Change in Information. An FHV Dispatch Application Provider Licensee must notify the Commission of any material change in the information contained in its current FHV Dispatch Application Provider License application or renewal prior to implementing the change.

§77-13(a)	Penalty: \$1,000 fine and/or suspension up to 30 days	Appearance REQUIRED
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- (l) Suspension or Revocation of License. An FHV Dispatch Application Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the FHV Dispatch Application Provider Licensee, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.

§77-13(b)	Penalty: \$1,000 fine and suspension until compliance	Appearance REQUIRED
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- (m) Security Breach: If the FHV Dispatch Application Provider is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa), the FHV Dispatch Application Provider Licensee must inform the Commission immediately following such disclosures.

§77-13(c)	Penalty: \$1,000 fine and suspension until compliance	Appearance REQUIRED
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§77-14 Business Requirements – Mailing and Email Address

- (a) Each FHV Dispatch Application Provider must designate and provide to the Commission the street address of its primary FHV Dispatch Application Provider location as its Mailing Address.
- (b) An FHV Dispatch Application Provider must have and provide to the Commission a working Email Address and telephone number at all times.
- (c) An FHV Dispatch Application Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail within ten days.

<u>§77-14(a)-(c)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address or Email Address provided by the FHV Dispatch Application Provider.
- (e) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the FHV Dispatch Application Provider.

§77-15 Business Requirements – Fees Charged by FHV Dispatch Application Provider Licensees

- (a) Fares.
 - (1) For all E-Dispatches:
 - (i) An FHV Dispatch Application and an FHV Dispatch Application Provider must NOT quote or charge a fare that is greater than the fare listed in the Rate Schedule filed with the Commission by its Partner Base(s).
 - (ii) An FHV Dispatch Application and an FHV Dispatch Application Provider must NOT charge Passengers any fee, including but not limited to the fees listed in subdivision (b) of this section, unless such fee is specifically listed in the Rate Schedule filed with the Commission by its Partner Base(s).
 - (iii) An FHV Dispatch Application and an FHV Dispatch Application Provider must NOT charge a rate or fare, inclusive of all fees, that is greater than the rate or fare provided to the Passenger pursuant to §77-20(d)(1) of these Rules.
 - (2) For E-Dispatches to Livery Partner Bases: An FHV Dispatch Application and an FHV Dispatch Application Provider must NOT charge a fare above the amount

quoted to the Passenger by the FHV Dispatch Application pursuant to §77-20(d)(1) of these Rules.

<u>§77-15(a)</u>	<u>Penalty: \$1000 fine</u>	<u>Appearance NOT REQUIRED</u>
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(b) Notice of Fees. The FHV Dispatch Application Provider must provide Passengers and/or Drivers with reasonable notice of all Passenger and Driver fees and rates charged by the FHV Dispatch Application Provider for use of the FHV Dispatch Application, as applicable, including but not limited to any lawful price multipliers or variable pricing fees, cancellation fees, and no-show fees, prior to Drivers’ or Passengers’ use of the FHV Dispatch Application for request or acceptance of a trip.

- (1) The amounts of any fees must be viewable within the FHV Dispatch Application.
- (2) The FHV Dispatch Application Provider is permitted to charge cancellation fees to Passengers and/or Drivers who cancel E-Dispatched trips using the FHV Dispatch Application if the cancellation fees comply with the notification requirements set forth in this subdivision and appear on the Rate Schedule filed with the Commission by its Partner Base(s).
- (3) The FHV Dispatch Application Provider must provide Drivers and/or Passengers with reasonable notice of any modifications of such fees or rates prior to the effective date of the modifications.

(c) File Partner Base Agreement Terms. The FHV Dispatch Application Provider must enter into a written agreement with each Base that purchases, leases or uses the FHV Dispatch Application and must file with the Commission a sample of the form of agreement of such agreement.

(d) File User Agreement Terms. The FHV Dispatch Application Provider must file with the Commission all forms of the user agreements, use contracts, and privacy terms it requires for use, sale, and lease of the FHV Dispatch Application to Passengers. The FHV Dispatch Application Provider must file with the Commission all updates of such documents and/or terms reflecting changes thereto.

§77-16 Business Requirements – Use of FHV Dispatch Application

All of the following conditions apply with regard to an FHV Dispatch Application Provider’s making an FHV Dispatch Application available for use:

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

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

<u>§77-16</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated</u>	<u>Appearance REQUIRED</u>
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§77-17 Business Requirements – Cooperation with the Commission

Upon request of the Commission, an FHV Dispatch Application Provider must provide at no charge a fully operable device on which the Commission can access the FHV Dispatch Application, and access to the FHV Dispatch Application with requisite Base, Driver, and Passenger test IDs.

<u>§77-17</u>	<u>Penalty: \$500 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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§77-18 Business Requirements – FHV Dispatch Application Provider Liability for Conduct of Employees

- (a) Liability for Employee Conduct. An FHV Dispatch Application Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. This subdivision and subdivisions (b) and (c) of this section shall not be applicable to Drivers, or to individuals or business entities performing work for any FHV Dispatch Application Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.
- (b) Familiarizing Employees with Rules and Regulations. An FHV Dispatch Application Provider must ensure that all of its employees, contractors, and agents are fully familiar with all relevant regulatory agency rules and regulations.
- (c) Compliance with Laws. An FHV Dispatch Application Provider must ensure that all of its employees, contractors, and agents perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

<u>§77-18(a)-(c)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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§77-19 Comply with Laws – Conduct Rules

- (a) Acceptance of Gift or Gratuity. An FHV Dispatch Application Provider Licensee, any person acting on his or her behalf, or any of the FHV Dispatch Application Provider's employees must not accept any gift, gratuity, or thing of value from an Owner or Driver of any vehicle licensed by the Commission or from anyone acting on behalf of an Owner or Driver for the purpose of violating any of these rules through acts of commission or omission.
- (b) Reporting Requests for Gift or Gratuity. An FHV Dispatch Application Provider Licensee, any person acting on the FHV Dispatch Application Provider's behalf, or any of the FHV Dispatch Application Provider's employees must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity, or thing of value by any employee, representative, or member of the Commission or by any public servant.
- (c) Offer of Gifts and Gratuities. An FHV Dispatch Application Provider Licensee, any person acting on his or her behalf or any of the FHV Dispatch Application Provider's employees must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

<u>§77-19(a)-(c)</u>	<u>Penalty: \$10,000 fine and revocation</u>	<u>Appearance REQUIRED</u>
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- (d) Reporting Offers of Gift or Gratuity. An FHV Dispatch Application Provider Licensee must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) above.
- (e) Fraud, Misrepresentation and Larceny. An FHV Dispatch Application Provider Licensee, while performing his or her duties and responsibilities as an FHV Dispatch Application Provider Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny.

<u>§77-19(d)-(e)</u>	<u>Penalty: \$10,000 fine and revocation</u>	<u>Appearance REQUIRED</u>
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- (f) Willful Acts of Omission and Commission.

- (1) Omission. While performing the duties and responsibilities of an FHV Dispatch Application Provider Licensee, an FHV Dispatch Application Provider Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.
- (2) Commission. While performing the duties and responsibilities of an FHV Dispatch Application Provider Licensee, an FHV Dispatch Application Provider Licensee must not deliberately perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

<u>§77-19(f)</u>	<u>Penalty: \$350 and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
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(g) Notice of Criminal Conviction.

- (1) An FHV Dispatch Application Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the FHV Dispatch Application Provider Licensee or any of the FHV Dispatch Application Provider Licensee's Business Entity Persons.
- (2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.

<u>§77-19(g)</u>	<u>Penalty: \$500 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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(h) Threats, Harassment, Abuse. An FHV Dispatch Application Provider Licensee must not threaten, harass, or abuse any Commission or other governmental representative, public servant, or other person while performing his or her duties and responsibilities as an FHV Dispatch Application Provider Licensee.

<u>§77-19(h)</u>	<u>Penalty: \$500 and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
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(i) Use or Threat of Physical Force. An FHV Dispatch Application Provider Licensee must not use or attempt to use any physical force against a Commission or other governmental representative, public servant, or other person while performing his or her duties and responsibilities as an FHV Dispatch Application Provider Licensee.

<u>§77-19(i)</u>	<u>Penalty: \$500 and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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(j) Cooperation with Law Enforcement. An FHV Dispatch Application Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

<u>§77-19(j)</u>	<u>Penalty: \$250 fine</u>	<u>Appearance NOT REQUIRED</u>
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(k) Cooperation with the Commission. An FHV Dispatch Application Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. An FHV Dispatch Application Provider Licensee must produce his or her Commission License and other required documents whenever the Commission requires.

<u>§77-19(k)</u>	<u>Penalty: \$250 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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§77-20 Technical Requirements – FHV Dispatch Application

No FHV Dispatch Application will be approved by the Commission pursuant to this Chapter unless it complies with the all of the requirements set forth in this section or as such requirements may be waived or modified by the Commission pursuant to §77-05(j) of these Rules.

(a) Payment

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

- (i)** The FHV Dispatch Application must offer the Passenger a receipt in accordance with paragraph (2) of this subdivision; the receipt can be an electronic receipt.
- (ii)** An FHV Dispatch Application can offer pre-set payment options, including tip percentages, provided that the Passenger is permitted to change the pre-set payment options for a given trip at any time prior to the completion of a trip and payment of fare, including changes to the tip amount.
- (iii)** An FHV Dispatch Application cannot require a Passenger to pay a tip to the Driver above the fare quoted or charged to the Passenger.

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

- (i)** Vehicle License number;
- (ii)** Vehicle’s affiliated Base License number;
- (iii)** Driver’s For-Hire License number;
- (iv)** Total amount due;
- (v)** Itemized tolls (if applicable) by toll name and amount;
- (vi)** Itemized fees charged (if any) including any lawful price multiplier or variable pricing policy in effect at the time of the trip;

- (vii) The “311” Commission complaint telephone number; and
 - (viii) The public access information the Partner Base has on file with the TLC pursuant to §59B-21(c) of these Rules.
 - (ix) The customer service contact information the FHV Dispatch Application has on file with the TLC.
- (3) An FHV Dispatch Application that is capable of accepting credit, debit, and prepaid cards for payment of fares must comply with all applicable PCI Standards. Credit, debit, and prepaid card information for electronic payments made through an FHV Dispatch Application must not be stored locally on the electronic device on which the FHV Dispatch Application being used resides.

<u>§77-20(a)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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(b) *E-Dispatch Data Collection and Transmission.* An FHV Dispatch Application and its third party designee, if any, must be capable of automatically collecting and transmitting the following E-Dispatch request data for each E-dispatch request by a Passenger in a format, layout, and frequency prescribed by the Commission:

- (1) The requested pick-up date, time, and location;
- (2) Whether the request was for a wheelchair accessible vehicle;
- (3) Whether the request was accepted; and,
- (4) If the request was accepted, the following information concerning the Driver, Vehicle, and Base that serviced the request:
 - (i) The Driver’s For-Hire License number;
 - (ii) The dispatched Vehicle’s License number;
 - (iii) The License number of the For-Hire Base with which the dispatched Vehicle is affiliated.

<u>§77-20(b)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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(c) *Use Restrictions.* An FHV Dispatch Application must conform to the following use restrictions:

- (1) Prior to allowing a Passenger to request FHV service through the FHV Dispatch Application, the FHV Dispatch Application Provider must require a Passenger to

create a password protected user account. The FHV Dispatch Application must not allow a Passenger to request FHV service without first logging into his or her user account.

- (2) The FHV Dispatch Application must not transmit requests for transportation or E-Dispatches to any Driver who
 - (i) does not have a Valid FHV license, according to the listings on TLC’s Current Licensees webpage,
 - (ii) is operating a Vehicle that does not have a Valid Black Car Vehicle, Livery Vehicle, or Luxury Limousine Vehicle License, according to the listings on TLC’s Current Licensees webpage,
 - (iii) is operating a Vehicle that is not affiliated with the FHV Dispatch Application Provider’s Partner Base(s), or
 - (iv) is currently located in a location where acceptance of dispatches is prohibited by §55-19 of these Rules.

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

- (4) The FHV Dispatch Application must be available to a Driver ONLY during the hours of operation its Partner Base(s) have on file with the Commission pursuant to §59B-21(b) of these Rules.

- (5) If the FHV Dispatch Application has Partner Bases with differing classes of Base Licenses (e.g. a Black Car Base License and a Livery Base License), the FHV Dispatch Application must provide Passengers with a separate option for requesting trips for each class of Base License.

<u>§77-20(c)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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(d) Passenger Notifications. An FHV Dispatch Application must conform to the following notification requirements:

- (1) Price Notification. The FHV Dispatch Application must clearly state the rate or fare for all trips requested by a Passenger through the FHV Dispatch Application and must conform to the following specifications:

(i) For All E-Dispatches:

- (A) The FHV Dispatch Application must display to the Passenger the rate or fare for a requested E-Dispatch.
- (B) The rate or fare displayed to the Passenger must include all applicable fees or surcharges, including any lawful price multiplier or variable pricing policy in effect. Any lawful price multiplier or variable pricing policy in effect must be incorporated into the rate or fare displayed to the Passenger and must not be displayed only as a standalone price multiplier or variable pricing policy.
- (C) If any lawful price multiplier or variable pricing policy is in effect, the FHV Dispatch Application must require the Passenger to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to E-Dispatching a Vehicle.
- (D) The FHV Dispatch Application must provide Passengers an estimate of the total fare, inclusive of all fees and any price multiplier or variable pricing policy in effect, for the ride upon request.

(ii) For E-Dispatches to Livery Vehicles:

- (A) The FHV Dispatch Application must provide a binding fare quote to any prospective Passenger requesting an E-Dispatch to a specified destination and intermediate stop(s) prior to acceptance of the trip pursuant to §59B-23(b)(1) of these Rules.

(2) License Notification: The FHV Dispatch Application must display the following information at the time a Passenger's trip request is accepted:

- (i) The name and TLC License number of the Base from which the Vehicle is being dispatched.
- (ii) The dispatched Vehicle's License number.
- (iii) The dispatched Driver's For-Hire License number.

(3) Passenger Complaint Notification: Upon receipt of a Passenger complaint, the FHV Dispatch Application Provider must provide the Passenger with the "311" Commission complaint telephone number and inform the Passenger that only the TLC can suspend or revoke a Driver's TLC License.

<u>§77-20(d)</u>	<u>Penalty: \$500 fine and/or suspension up</u>	<u>Appearance REQUIRED</u>
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	<u>to 60 days or revocation</u>	
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- (e) Wheelchair Accessibility. The FHV Dispatch Application must make a wheelchair accessible option available to allow Passengers to indicate that they would like a wheelchair accessible vehicle when requesting a trip through the FHV Dispatch Application. All E-dispatches made pursuant to a request for an accessible vehicle through the FHV Dispatch Application must meet the “Equivalent Service” requirements set forth in §59B-17(c)(2) of these Rules.

<u>§77-20(e)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (f) Security.

- (1) If the FHV Dispatch Application provides credit card, debit card, or pre-paid card payment, all features of the FHV Dispatch Application related to payment required by this section, including the collection, transmission and maintenance of data by the FHV Dispatch Application Provider, must conform to applicable PCI Standards.

- (2) The FHV Dispatch Application must comply with the security standards outlined in the Security Policy filed with the TLC pursuant to §77-05(e) of these Rules.

<u>§77-20(f)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (g) Data Retention. All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

<u>§77-20(g)</u>	<u>Penalty: \$500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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Section 20. Section 82-35 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (e), to read as follows:

- (e) Electronic Dispatching and E-Hail Device. In addition to the required LPEP equipment and the dispatch equipment required by the Licensee’s affiliated Base pursuant to §59B-15(d)(1) of these Rules, a Licensee may equip a Street Hail Livery with one electronic device that is used to accepted dispatches from a Base or FHV Dispatch Application and/or E-Hails from a licensed E-Hail application, provided that that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Street Hail Livery is in motion.

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

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

RULE TITLE: Licensing of For-Hire Vehicle Dispatch Applications

REFERENCE NUMBER: 2015 RG 044

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: April 20, 2015

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Licensing of For-Hire Vehicle Dispatch Applications

REFERENCE NUMBER: TLC-79

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 rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro
Mayor's Office of Operations

April 20, 2015
Date