

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

Notice is hereby given in accordance with Section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates amendments to its rules to incorporate a new chapter governing Dispatch Service Providers and to amend the rules surrounding dispatching FHV’s through means other than communicating with a dispatcher.

These rules are promulgated pursuant to Sections 1043 and 2303 of the Charter and Section 19-503 and 19-511 of the Administrative Code of the City of New York.

These rules were published on April 24, 2015, for public comment in the City Record. On May 28, 2015, a public hearing was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004. These rules were approved at a TLC Commission Meeting on June 22, 2015. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

The New York City Administrative Code mandates the TLC license the operators of dispatch systems that convey information to drivers of licensed vehicles. For-hire vehicle (“FHV”) bases obtain base licenses from the TLC to operate these dispatch systems, and the TLC promulgated rules governing how bases managed customer interactions and dispatched to drivers and vehicles, usually by phone or two-way radio. However, the rise of new technologies that can be used to dispatch vehicles and connect passengers with drivers has introduced new market entrants that do not fit neatly into the base licensure system. The TLC wants to ensure that companies providing these dispatch services for bases, through whatever technological means, can operate in New York City without having to purchase base license and a base, while still ensuring bases, drivers, and passengers are provided important protections. These rules accomplish this goal by introducing a new license for Dispatch Service Providers and increasing service standards for all bases to ensure that they too can take advantage of new technologies to provide for-hire service.

Under TLC’s current rules, an entity that dispatches FHV’s must either obtain a base license from the TLC or have a contract with an existing FHV base. By creating a new licensing structure for operators of dispatching services that contract with existing FHV bases (“Dispatch Service Providers”), the TLC accomplishes the following goals:

Encourage Innovation

Creating a separate license means Dispatch Service Providers will not need to obtain a base license to dispatch FHV’s in New York City. Dispatch Service Providers do not have the added expenses and burdens of base licensure such as purchasing a base, maintaining parking, paying into a workers’ compensation fund, community board and Commission approval, and affiliating a required number of vehicles. This will allow companies to more easily take advantage of technological advances to offer for-hire services in New York City, while at the same time

ensuring that all players are adhering to important safety, transparency, accountability, and availability principles.

Protect Bases and Drivers

Currently, Dispatch Service Providers offer FHV service through agreements with licensed bases and are not accountable to the TLC. Dispatch Service Providers can cause bases or drivers to unintentionally violate TLC Rules, and TLC's only recourse in those circumstances is to enforce against bases and drivers, who may not have control over or knowledge of the bad behavior. Without the threat of a penalty, Dispatch Service Providers have diminished interest in limiting bases' liability, creating a significant accountability gap. Licensing Dispatch Service Providers closes this gap. Additionally, Dispatch Service Providers based in other states or countries that may choose to operate in NYC will not be able to "disappear", leaving bases and drivers in the lurch. Licensing creates an official relationship between the Dispatch Service Provider and New York City and will ensure they have a stake in keeping drivers and bases in compliance with TLC Rules. Knowing that a licensed Dispatch Service Provider has a stake in their compliance with TLC Rules, all bases and drivers will be able to use Dispatch Service Providers, not just those with the means to negotiate and enforce contracts.

Provide Uniform Standards for Passenger Protection

All passengers are entitled to the same protections and price notifications, regardless of how their vehicles were dispatched to them. Licensing Dispatch Service Providers ensures that they are required to provide the same services that bases are required to provide.

The new Chapter 77 accomplishes these goals by requiring, among other things, that Dispatch Service Providers:

- File passenger data privacy and security policies with the TLC and follow New York State and federal laws for notification in the case of a data breach.
- Maintain working customer service contacts.
- Provide passengers with itemized receipts and notifications of all rates and fees.
- Give passengers the opportunity to request an estimate of the total fare in dollars and cents if a price multiplier or variable pricing policy is in effect.
- Allow and require passengers to affirmatively accept all price multipliers and variable pricing policies.
- Provide passengers with the vehicle, driver, and affiliated base license number.
- Inform passengers complaining about drivers that only TLC can revoke or suspend a driver's license.
- Ensure that driver-facing interfaces operate via one touch or voice activation while the vehicle is in motion.
- Collect and submit trip data.
- Provide an option to request an accessible vehicle.
- Notify the TLC when changing the way in which they comply with requirements that drivers or passengers receive information.

FHV bases are already accountable to the TLC through their base license structure. However, as bases move towards offering passenger a way to book FHV service without speaking directly to

a dispatcher, the TLC needs to ensure that passengers still receive important information about the requested trip, including the rate and vehicle and driver information. Since there is no person on the phone to answer questions such as what rates are in effect for a trip and how much the trip will cost, these rules require that this important information be provided to passengers regardless of how a passenger books a trip. Additionally, as more bases utilize technology that collects large amounts of passenger information, including credit card and geo-location data, passengers need to be sure this information is kept safe and secure. The TLC has also heard complaints that, as technology more quickly connects passengers with drivers, vehicles have been waiting in the passenger pickup areas of the airports, causing congestion and clogging lanes as drivers wait for potential dispatch requests. To address these concerns, the rules require, among other things, that all bases:

- File security and privacy policies with the TLC if they collect private information, as defined by state law, and follow New York State and federal laws for notification in the case of a data breach.
- Have a working e-mail or telephone number for customer service.
- Use their own names on any passenger facing booking tool and inform passengers of their rates in any passenger-facing booking tool that does not involve speaking to a person.
- For black car bases and luxury limousine bases, allow passengers to request an estimate of the total fare in dollars and cents if a price multiplier or variable pricing policy is in effect (livery bases must already provide all passengers with a binding fare quote).
- File accurate and detailed rate schedules with the TLC, inclusive of price multipliers or variable pricing policies.
- Inform passengers complaining about drivers that only TLC can revoke or suspend a driver's license.
- Ensure that driver-facing interfaces used to accept dispatches operate via one touch or voice activation while the vehicle is in motion.
- Dispatch to vehicles at the airport only when those vehicles are in areas other than the passenger pick up locations.
- Only dispatch vehicles equipped with no more than two electronic devices used to accept dispatches.
- Itemize receipts, if provided.

Finally, as the number of ways in which an SHL can receive a dispatch has increased, drivers have grown confused as to the procedures for accepting a dispatch. To address this, these rules specify the procedures for entering an accepted dispatch into an SHL's in-vehicle technology system.

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 “Dispatch Service,” “Dispatch Service Provider,” and “E-Dispatch” are added, in alphabetical order, to read as follows:

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 Dispatch Service Provider.

Dispatch Service is dispatching, reserving, or referring trips to Drivers on behalf of TLC-licensed Bases through a publicly available, Passenger-facing booking tool.

Dispatch Service does not include a Base dispatching through a Passenger-facing booking tool that uses the same public-facing name in its branding, operations, promotions, or advertisements as the trade, business, or operating name the Base has on file with the TLC. Dispatch Service does not include a Base dispatching or managing its fleet under the trade, business, or operating name the Base has on file with the TLC using commercial dispatching software.

Dispatch Service Provider. An entity licensed by the TLC under Chapter 77 to provide Dispatch Services for licensed FHV Bases.

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, 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
-----------	--	-------------------------

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 Dispatch Service Provider, 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
-----------	---	---------------------

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 Dispatch Service Provider. 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 Dispatch Service Provider, 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
-----------	---	---------------------

* * *

- (c) *Airports.* A Driver must not accept a dispatch while parked or otherwise located at Kennedy Airport or 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
-----------	-------------	-------------------------

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 the following electronic device(s) provided that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:

- (1) If the dispatch equipment required by a Driver’s Base is capable of accepting dispatches from other Bases or Dispatch Service Providers, ONE electronic device that is used to accept dispatches from a Base or Dispatch Service Provider.
- (2) If the dispatch equipment required by a Driver’s Base is not capable of accepting dispatches from other Bases or Dispatch Service Providers, TWO electronic devices that are used to accept dispatches from a Base or Dispatch Service Provider.

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
------------	------------	-------------------------

* * *

(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 the following electronic device(s) provided that that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:

- (1) If the dispatch equipment required by the Vehicle’s affiliated Base is capable of accepting dispatches from other Bases or Dispatch Service Providers, ONE electronic device that is used to accept dispatches from a Base or Dispatch Service Provider.
- (2) If the dispatch equipment required by the Vehicle’s affiliated Base is not capable of accepting dispatches from other Bases or Dispatch Service Providers, TWO electronic devices that are used to accept dispatches from a Base or Dispatch Service Providers.

Section 10. 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.

Section 11. 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) and (h) 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, 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.

* * *

(b) *Hours of Operation.* A Base Owner must file with the Chairperson the Base’s hours of operations, including the hours Passengers may book the Base’s affiliated Vehicles

through a Dispatch Service Provider, and must notify the Chairperson of any change in the hours of operation.

§59B-21(b)	Fine: \$50	Appearance NOT REQUIRED
------------	------------	-------------------------

(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, websites, Dispatch Service Providers, 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, websites, email addresses, Dispatch Service Providers, 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
------------	-------------	-------------------------

(g) *Privacy and Security Policies.* If the Base collects and maintains passenger “Private Information,” as defined by New York General Business Law §899-aa(1)(b), of if the Base collects and maintains passenger geo-location data, the Base Owner must file with the Commission current detailed privacy and security policies meeting industry best practices.

(h) *Security Breach:* If the Base is required to make disclosures under New York 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(i)	Penalty: \$1,000 fine per day and suspension until compliance	Appearance REQUIRED
------------	---	---------------------

Section 12. 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 a Dispatch Service Provider 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	Appearance NOT REQUIRED
------------	--	-------------------------

	quote or from schedule of fares required to be filed with the Commission.	
--	---	--

Section 13. Subdivision (c) of 59B-25 of Title 35 of the Rules of the City of New York is amended and new subdivisions (f), (g), (h), (i), (j) and (k) 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 related to a Driver, 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>
-------------------	--------------------	--------------------------------

(g) *Dispatching to Vehicles at Airports.* A Base Owner must not dispatch a Vehicle parked or otherwise located at Kennedy Airport or 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>
-------------------	--------------------	--------------------------------

(h) *Base Name and Rates on Booking Tools.* If a Base allows a Passenger to request a dispatch through its own publicly available Passenger-facing booking tool without speaking to a dispatcher, the Passenger-facing booking tool 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 and must display the Base’s rates or fares within the booking tool.

(i) *For Black Car and Luxury Limousine Bases: Price Multipliers.* If a price multiplier or variable pricing policy is in effect at the time at which a customer requests Black Car service or Luxury Limousine service, the following requirements apply:

- (1) A Base must provide, upon request, an estimate of the total fare in dollars and cents for the specific trip requested, inclusive of all fees and any price multiplier.
- (2) A Base must require the customer to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to dispatching a Vehicle to the customer.

- (j) Receipts. If a Base provides a receipt for a trip, the receipt must contain all of the following information:
- (1) The Dispatching Base License number;
 - (2) Vehicle License number;
 - (3) Vehicle’s affiliated Base License number;
 - (4) Driver’s For-Hire License number;
 - (5) Total amount due;
 - (6) Itemized fees charged (if any) including any price multiplier or variable pricing policy in effect for the trip;
 - (7) The “311” Commission complaint telephone number; and
 - (8) The public access information the Base has on file with the Commission pursuant to §59B-21(c) of these Rules.
- (k) Electronic Dispatch Requests to Drivers. If a Base sends dispatch requests to Drivers through an electronic, Driver-facing interface, that interface must be available to a Driver ONLY when the Vehicle is standing or stopped, except that the Driver-facing interface 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 uses of a Driver-facing interface must be velocity gated to prevent its use while the vehicle is in motion.

Section 14. 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 the number of electronic devices used to accept dispatches from a Base or Dispatch Service Provider allowed under §59A-31(e) of these Rules.

§59B-31(f)	Fine: \$50	Appearance NOT REQUIRED
------------	------------	-------------------------

Section 15. Title 35 of the Rules of the City of New York is amended by adding a new Chapter 77, to read as follows:

Chapter 77

Licensing & Rules for Dispatch Service Providers

Table of Contents

§77-01	Scope of the Chapter.....	<u>1216</u>
§77-02	Penalties	<u>1316</u>
§77-03	Definitions Specific to this Chapter	<u>1518</u>
§77-04	Licensing – General Requirements	<u>1619</u>
§77-05	Licensing – Specific Requirements.....	<u>1821</u>
§77-06	Licensing – Bond Required	<u>2225</u>
§77-07	Licensing – Fees and Term of License	<u>2326</u>
§77-08	Licensing – Cause for Denial, Suspension, or Revocation.....	<u>2427</u>
§77-09	General Requirements – Unlicensed Activity.....	<u>2427</u>
§77-10	General Requirements – Compliance with Applicable Law	<u>2528</u>
§77-11	General Requirements – Indemnification.....	<u>2528</u>
§77-12	General Requirements – Unlawful Activities Prohibited	<u>2528</u>
§77-13	General Requirements – Notice to TLC.....	<u>2629</u>
§77-14	Business Requirements – Mailing and Email Address	<u>2629</u>
§77-15	Business Requirements – Fees Charged by Dispatch Service Provider Licensees.....	<u>2730</u>
§77-16	Business Requirements – Provision of Dispatch Services	<u>2831</u>
§77-17	Business Requirements – Cooperation with the Commission.....	<u>2831</u>
§77-18	Business Requirements – Dispatch Service Provider Liability for Conduct of Employees	<u>2932</u>
§77-19	Comply with Laws – Conduct Rules	<u>2932</u>
§77-20	Technical Requirements – Provision of Dispatch Service	<u>3134</u>

§77-01 Scope of the Chapter

- (a) To establish a formal procedure for the licensing and supervision of businesses that provide Dispatch Services.
- (b) To establish requirements for providing Dispatch Services which must be met in order for Dispatch Service Providers to apply for and obtain a license.
- (c) To establish services to be provided by Dispatch Service Providers for the benefit of individuals and businesses licensed by TLC and for 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 Dispatch Service 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 to provide Dispatch Services.
- (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 Dispatch Service Provider License is not timely renewed, the Dispatch Service Provider must immediately notify each Licensee, including both Bases and Drivers, for whom the Dispatch Service Provider is providing Dispatch Service under the expired License that the License has expired and that the Licensee must terminate usage of the Dispatch Service.
- (ii) Upon expiration of the Dispatch Service Provider License, the Dispatch Service Provider must not provide Dispatch Services for any further Licensees under the expired License.
- (iii) Upon expiration of the Dispatch Service Provider License, the Dispatch Service Provider must immediately cease offering Dispatch Services to any Licensee or to the public in New York City.

(2) Suspension.

- (i) If an Dispatch Service Provider's License has been suspended by the Commission, the Dispatch Service Provider must immediately notify each Licensee for whom the Dispatch Service Provider is providing Dispatch Service under the suspended License:
 - Of the dates during which the License is suspended, and
 - that the Licensee must terminate usage of the Dispatch Service for the duration of such suspension.
- (ii) Upon suspension of the Dispatch Service Provider License, the Dispatch Service Provider must not provide Dispatch Services for any further Licensees under the suspended License for the duration of such suspension, and must immediately, for the duration of such suspension, cease offering Dispatch Services to any already enrolled Licensee or to the public in New York City.

(3) Revocation.

- (i) If an Dispatch Service Provider's License has been revoked by the Commission, the Dispatch Service Provider must immediately notify each Licensee from whom the Dispatch Service Provider is providing Dispatch Service under the revoked License that:
 - its service agreement with the Dispatch Service Provider will be deemed terminated as of the date of License revocation, and
 - the Licensee must not continue to use the Dispatch Service.

- (ii) Upon revocation of the Dispatch Service Provider License, the Dispatch Service Provider must not provide Dispatch Services for any further Licensees under the revoked License.
- (iii) An Dispatch Service Provider whose License has been revoked must cease offering Dispatch Services under the revoked License to any Licensees or to the public for in New York City.

<u>§77-02(d)</u>	<u>Penalty: \$1,000 fine</u>	<u>Appearance NOT REQUIRED</u>
------------------	------------------------------	--------------------------------

§77-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter means an Applicant for an original or renewal Dispatch Service Provider License.
- (b) Credit, Debit, and Prepaid Card Services. Any provision of Dispatch Service 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) Dispatch Service has the same meaning as the same term in §51-03 of these Rules.
- (d) Dispatch Service Provider has the same meaning as the same term in §51-03 of these Rules.
- (e) E-Dispatch has the same meaning as the same term in §51-03 of these Rules.
- (f) E-Dispatch Data. All data required to be collected, transmitted and maintained pursuant to §77-20(b) of these Rules.
- (g) Dispatch Service Provider License is a license issued to a Dispatch Service 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 Dispatch Service Provider License.
- (i) Modification of Dispatch Service. Any change to the manner in which the Dispatch Service Provider complies with the passenger or driver facing requirements contained in §77-20 of these Rules.
- (j) Partner Base. A Base that has entered into an agreement with a Dispatch Service Provider pursuant to §77-15(c) of these Rules for the provision of Dispatch Services and appears on the list of Partner Bases the Dispatch Service 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 Dispatch Service and its components that are described in §§77-17 and 77-20 of these Rules.

§77-04 Licensing – General Requirements

- (a) Applicants for Dispatch Service Provider License. An Applicant for a Dispatch Service Provider License or its renewal may be an individual or a Business Entity.
- (b) License for Each Dispatch Service. An application for a new or renewal Dispatch Service Provider License must be filed for each Dispatch Service for which Commission approval is sought. A separate Dispatch Service Provider License will be issued or renewed for each approved Dispatch Service. All License requirements of this Chapter apply to each License to be issued or renewed.
- (c) Certification. Any new or renewal application for a Dispatch Service 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 a Dispatch Service 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 a Dispatch Service Provider License or its renewal must be at least 18 years of age.
- (f) Fit to Hold a License. An Applicant applying for a Dispatch Service 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 Dispatch Service Provider that the Commission finds to be substantially similar to any name in use by another Dispatch Service 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 manner in which the Applicant's provides Dispatch Services. 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 Dispatch Service Providers -- New License. The Commission will not issue a Dispatch Service Provider License to any Applicant unless the Commission approves the manner in which the Dispatch Service Provider provides Dispatch Service. In determining whether to approve the Dispatch Service Provider License, 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 manner in which the Dispatch Service Provider provides Dispatch Service 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 Dispatch Service Provider Approval. The Applicant must submit with its License application a detailed description of the manner in which the Dispatch Service Provider provides Dispatch Service and its compliance with the requirements set forth in §77-20 of these Rules, as well a list of all third-party designees the Dispatch Service Provider will use in offering Dispatch Services. If the License 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 Dispatch Service 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.
- (e) Security Policy. The Applicant must submit with its License application a current detailed security policy meeting industry best practices.
- (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 Dispatch Service Provider for customer service inquiries.
- (g) Modification of Dispatch Service. If, after a Dispatch Service Provider License is issued pursuant to this Chapter, the Dispatch Service Provider Licensee implements a Modification, the Dispatch Service Provider must notify the Commission upon implementing the Modification.
- (h) Required Insurance. After submission of an application for a new Dispatch Service 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 a Dispatch Service Provider License, the Dispatch Service 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 Dispatch Service 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 Dispatch Service 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 Dispatch Service 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 Dispatch Service Provider Licensee of any liability for indemnification under this Chapter.
- (ii) The Dispatch Service 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 Dispatch Service Provider and/or its subcontractors required to be licensed under this Chapter.
- (iii) If the Dispatch Service 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 Dispatch Service Provider as an additional insured under such insurance, the Dispatch Service 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 Dispatch Service 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>
------------------	--	----------------------------

(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 Dispatch Service Provider License or renewal must deposit or have deposited with the Commission a five thousand dollar (\$5,000) bond, 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 Dispatch Service 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 Dispatch Service Provider License.

(c) *Fines and Judgments.* The Dispatch Service 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 Dispatch Service Provider License must be accompanied by a non-refundable application fee of \$1,000 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 Dispatch Service 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 Dispatch Service Provider must apply for renewal as required in subdivision (h) of this section if the Dispatch Service Provider 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 Dispatch Service Provider no longer meets the requirements for the Dispatch Service 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 Dispatch Service 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) *Dispatch Service Provider License Required.* An individual or Business Entity must not provide Dispatch Services in New York City or enroll any individual or Business Entity for the provision of Dispatch Services without a Valid Dispatch Service Provider License.

<u>§77-09</u>	<u>Penalty: \$10,000</u>	<u>Appearance REQUIRED</u>
---------------	--------------------------	----------------------------

§77-10 General Requirements – Compliance with Applicable Law

- (a) Licenses and Permits. A Dispatch Service Provider must obtain licenses and permits required by applicable local, state or federal law.
- (b) Occupational Safety & Health Administration. A Dispatch Service Provider must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the Dispatch Service 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. A Dispatch Service Provider 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 Dispatch Service Provider 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>
---------------	---	--------------------------------

§77-11 General Requirements – Indemnification

- (a) Infringement Indemnification. A Dispatch Service 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 Dispatch Service 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 Dispatch Service Provider Licensee, the City shall be partially indemnified by the Dispatch Service 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 Dispatch Service Provider Licensee’s obligations to obtain and maintain insurance as provided in §77-05(g) of these Rules.

<u>§77-11(a)-(b)</u>	<u>Penalty: \$1,000 fine and/or suspension until compliance</u>	<u>Appearance REQUIRED</u>
----------------------	---	----------------------------

§77-12 General Requirements – Unlawful Activities Prohibited

- (a) A Dispatch Service 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.

<u>§77-12(a)</u>	<u>Penalty: \$10,000 fine and revocation</u>	<u>Appearance REQUIRED</u>
------------------	--	----------------------------

§77-13 General Requirements – Notice to TLC

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

<u>§77-13(a)</u>	<u>Penalty: \$1,000 fine and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
------------------	--	----------------------------

- (j) Suspension or Revocation of License. A Dispatch Service Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the Dispatch Service 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.

<u>§77-13(b)</u>	<u>Penalty: \$1,000 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
------------------	--	----------------------------

- (k) Security Breach: If the Dispatch Service 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 Dispatch Service Provider Licensee must inform the Commission immediately following such disclosures.

<u>§77-13(c)</u>	<u>Penalty: \$1,000 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
------------------	--	----------------------------

§77-14 Business Requirements – Mailing and Email Address

- (a) Each Dispatch Service Provider must designate and provide to the Commission the street address of its primary Dispatch Service Provider location as its Mailing Address.
- (b) A Dispatch Service Provider must have and provide to the Commission a working Email Address and telephone number at all times.
- (c) A Dispatch Service 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>
----------------------	--------------------	--------------------------------

- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address or Email Address provided by the Dispatch Service 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 Dispatch Service Provider.

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

(a) Fares.

(1) For all E-Dispatches:

- (i) A Dispatch Service Provider must NOT quote or charge a rate or fare that is greater than the rate or fare listed in the Rate Schedule filed with the Commission by its Partner Base(s).
- (ii) A Dispatch Service 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) A Dispatch Service 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: A Dispatch Service Provider must NOT charge a fare above the amount quoted to the Passenger pursuant to §77-20(d)(1) of these Rules.

<u>§77-15(a)</u>	<u>Penalty: \$1000 fine</u>	<u>Appearance NOT REQUIRED</u>
------------------	-----------------------------	--------------------------------

(b) Notice of Fees. The Dispatch Service Provider must provide Passengers and/or Drivers with reasonable notice of all Passenger and Driver fees and rates charged by the Dispatch Service Provider, 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 Dispatch Service to request or accept a trip.

- (1) The amounts of any fees must be disclosed to the Passenger by the Dispatch Service Provider.
- (2) The Dispatch Service Provider is permitted to charge cancellation fees to Passengers and/or Drivers who cancel E-Dispatched trips using the Dispatch

Service 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 Dispatch Service 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 Dispatch Service Provider must enter into a written agreement with each Base for which it provides Dispatch Service and must file with the Commission a sample of the form of agreement of such agreement.
- (d) File User Agreement Terms. The Dispatch Service Provider must file with the Commission all forms of the user agreements, use contracts, and privacy terms it requires Passengers to agree to prior to providing Passengers Dispatch Service. The Dispatch Service Provider must file with the Commission all updates of such documents and/or terms reflecting changes thereto.

§77-16 Business Requirements – Provision of Dispatch Services

All of the following conditions apply with regard to a Dispatch Service Provider’s provision of Dispatch Services:

- (a) The Dispatch Service Provider must not provide Dispatch Services unless the manner in which the Dispatch Service Provider provides Dispatch Service has been approved by the Commission pursuant to this Chapter;
- (b) No modification will be made to any Vehicle to install or mount a device through which the Dispatch Service Provider will provide Dispatch Service 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>
---------------	--	----------------------------

§77-17 Business Requirements – Cooperation with the Commission

Upon request of the Commission, a Dispatch Service Provider must make availavle at no charge a fully operable any device through which the Dispatch Service Provider offers Dispatch Services, to either Passengers or Drivers, and access to any requisite Base, Driver, and Passenger test IDs.

<u>§77-17</u>	<u>Penalty: \$500 fine and suspension until</u>	<u>Appearance REQUIRED</u>
---------------	---	----------------------------

	<u>compliance</u>	
--	-------------------	--

§77-18 Business Requirements – Dispatch Service Provider Liability for Conduct of Employees

- (a) Liability for Employee Conduct. A Dispatch Service 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 Dispatch Service 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. A Dispatch Service 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. A Dispatch Service 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>
----------------------	--	----------------------------

§77-19 Comply with Laws – Conduct Rules

- (a) Acceptance of Gift or Gratuity. A Dispatch Service Provider Licensee, any person acting on his or her behalf, or any of the Dispatch Service 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. A Dispatch Service Provider Licensee, any person acting on the Dispatch Service Provider’s behalf, or any of the Dispatch Service 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. A Dispatch Service Provider Licensee, any person acting on his or her behalf or any of the Dispatch Service 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>
----------------------	--	----------------------------

(d) Reporting Offers of Gift or Gratuity. A Dispatch Service 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. A Dispatch Service Provider Licensee, while performing his or her duties and responsibilities as a Dispatch Service 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>
----------------------	--	----------------------------

(f) Willful Acts of Omission and Commission.

(1) Omission. While performing the duties and responsibilities of a Dispatch Service Provider Licensee, a Dispatch Service 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 a Dispatch Service Provider Licensee, a Dispatch Service 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>
------------------	---	----------------------------

(g) Notice of Criminal Conviction.

(1) A Dispatch Service Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the Dispatch Service Provider Licensee or any of the Dispatch Service 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>
------------------	---	----------------------------

(h) Threats, Harassment, Abuse. A Dispatch Service 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 a Dispatch Service Provider Licensee.

<u>§77-19(h)</u>	<u>Penalty: \$500 and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
------------------	---	----------------------------

- (i) Use or Threat of Physical Force. A Dispatch Service 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 a Dispatch Service Provider Licensee.

§77-19(i)	Penalty: \$500 and/or suspension up to 60 days or revocation	Appearance REQUIRED
-----------	--	---------------------

- (j) Cooperation with Law Enforcement. A Dispatch Service Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

§77-19(j)	Penalty: \$250 fine	Appearance NOT REQUIRED
-----------	---------------------	-------------------------

- (k) Cooperation with the Commission. A Dispatch Service Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. A Dispatch Service Provider Licensee must produce his or her Commission License and other required documents whenever the Commission requires.

§77-19(k)	Penalty: \$250 fine and suspension until compliance	Appearance REQUIRED
-----------	---	---------------------

§77-20 Technical Requirements – Provision of Dispatch Service

No Dispatch Service Provider will be approved by the Commission pursuant to this Chapter unless the manner in which it provides Dispatch Service 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. If the Dispatch Service Provider accepts credit, debit, and prepaid cards for payment of fares, the Dispatch Service Provider:

- (i) must offer the Passenger a receipt in accordance with paragraph (2) of this subdivision; the receipt can be an electronic receipt;
- (ii) can offer pre-set payment options, including tip percentages, provided that the Passenger is permit Passengers 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; and,

- (iii) cannot require a Passenger to pay a tip to the Driver above the fare quoted or charged to the Passenger.
- (2) The Dispatch Service Provider must be able to generate an accurate receipt for payment of fare for fares paid using its Dispatch Service, and the receipt must be offered to the Passenger. Upon the Passenger’s request a receipt must be transmitted to the Passenger. The receipt can either be in hard copy form or in electronic form and 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 Dispatch Service Provider has on file with the TLC.
- (3) A Dispatch Service Provider that accepts 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 must not be stored locally on an electronic device through which the Dispatch Service Provider provides Dispatch Services.

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

- (b) E-Dispatch Data Collection and Transmission. A Dispatch Service Provider and its third party designee, if any, must be capable of automatically collecting and transmitting the following E-Dispatch data for each E-dispatched trip in a format, layout, and frequency prescribed by the Commission:
- (1) The date, time, and location of the Passenger to be picked up;

- (2) The Driver’s For-Hire License number;
- (3) The dispatched Vehicle’s License number;
- (4) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle.

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

(c) Dispatch Service Restrictions. A Dispatch Service Provider must conform to the following service restrictions:

- (1) The Dispatch Service Provider 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, or
 - (iii) is operating a Vehicle that is not affiliated with the Dispatch Service Provider’s Partner Base(s).
- (2) If a Dispatch Service Provider sends dispatch requests to Drivers through an electronic, Driver-facing interface, that interface must be available to a Driver ONLY when the Vehicle is standing or stopped, except that the Driver-facing interface 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 uses of a Driver-facing interface must be velocity gated to prevent its use while the vehicle is in motion.
- (3) The Dispatch Service Provider must provide Dispatch Services 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.
- (4) If the Dispatch Service Providers’ Partner Bases have on file any of the same Public Access Information pursuant to §59B-21(c) of these Rules, the Dispatch Service Provider must clearly specify which Partner Base’s rates will apply for a requested trip if the rate schedules the Partner Bases have on file with the Commission differ from each other.

<u>§77-20(c)</u>	<u>Penalty: \$500 fine and/or suspension up</u>	<u>Appearance REQUIRED</u>
------------------	---	----------------------------

	<u>to 60 days or revocation</u>	
--	---------------------------------	--

(d) Passenger Notifications. A Dispatch Service Provider must conform to the following notification requirements:

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

(i) For E-Dispatches to Black Cars and Luxury Limousines:

- (A) The Dispatch Service Provider must disclose 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.
- (C) If any lawful price multiplier or variable pricing policy is in effect, the Dispatch Service Provider must require the Passenger to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to E-Dispatching a Vehicle.
- (D) The Dispatch Service Provider must provide Passengers, upon request, an estimate of the total fare in dollars and cents for the specific trip requested, inclusive of all fees and any price multiplier or variable pricing policy in effect.

(ii) For E-Dispatches to Livery Vehicles:

- (A) The Dispatch Service Provider 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 Dispatch Service Provider must provide 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 Dispatch Service 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 to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
------------------	--	----------------------------

- (e) Wheelchair Accessibility. The Dispatch Service Provider 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 Dispatch Service Provider. All E-dispatches made pursuant to a request for an accessible vehicle to a Dispatch Service Provider 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>
------------------	--	----------------------------

- (f) Security.

- (1) If the Dispatch Service Provider accepts credit card, debit card, or pre-paid card payment, the Dispatch Service Provider must conform to applicable PCI Standards.
- (2) The Dispatch Service Provider 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>
------------------	--	----------------------------

- (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>
------------------	--	----------------------------

Section 16. 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 Dispatch Service Provider 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.