NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed 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") proposes amending the provisions of Title 35 of the Rules of the City of New York to increase certain license and inspection fees.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2011 because the need for them was not anticipated at the time the agenda was prepared.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on Thursday, February 17, 2011 at 10:00 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than February 10, 2011.

Written comments in connection with these proposed rules must be received no later than February 2, 2011. Comments may be submitted through the NYC Rules website at www.nyc.gov/nycrules, or may be submitted to the Office of Legal Affairs at:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a transcript of all comments received at the hearing will be available for public inspection at that office.

New Material is underlined.
[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend Section 54-07(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) *Fee for License*. The fee for a Taxicab Driver's License will be $[60]84 annually.

Section 2. It is proposed to amend Section 55-07(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) *Fee for License.* The fee for a For-Hire Driver's License will be $[60]84 annually.

Section 3. It is proposed to amend Section 56-07(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) *Fee for License*. The fee for a Paratransit Vehicle Driver's License will be $[60]84 annually.

Section 4. It is proposed to amend Section 57-07(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) *Fee for License*. The fee for a Commuter Van Driver's License will be $[60]84 annually.

Section 5. It is proposed to amend Section 58-07(d) of Title 35 of the Rules of the City of New York to read as follows:

(d) *Inspection Fee.* The Commission's fee for a required Taxicab Safety and Emissions inspection is [fifty dollars ($50)]$90; this fee includes the certificate of inspection issued when the Taxicab passes the inspection. Inspection fees must be prepaid [for] with each application and renewal application[period as part of the renewal].

Section 5. It is proposed to amend Section 59A-07(e)(7) of Title 35 of the Rules of the City of New York to read as follows:

(7) The Commission's fee for a required Commission inspection[s will be the fee prescribed by regulation of the DMV for inspections under section 305 of the Vehicle and Traffic Law] is $75; this fee includes the certificate of inspection issued when the vehicle passes inspection. Inspection fees must be prepaid with each application and renewal application.

Section 6. It is proposed to amend Section 59A-07(e) of Title 35 of the Rules of the City of New York to add a new subdivision (8) to read as follows:

(8) *Reinspection Fee.* A reinspection fee can be required if a vehicle must be reinspected. There is a reinspection fee only if reinspection is required because the vehicle failed a component of the inspection required by Section 301 of the NYS Vehicle and Traffic Law. In that case, the reinspection fee is the maximum fee allowed by DMV regulation for any component that must be reinspected. If reinspection is required because the vehicle failed any other component of the inspection, there is no reinspection fee.

Statement of Basis and Purpose

These rules increase fees for Taxi and Limousine Commission-issued drivers' licenses and initial inspections of taxicabs, to be authorized by Local Law. Driver's license fees were last changed in 1984, and initial inspection fees for taxi inspections were apparently last changed in 1990. These fees no longer adequately reflect the Commission's costs.

In addition, these rules increase the initial inspection fee for for-hire vehicles. FHV inspections at Commission facilities were first required in 2009, and the fee imposed at that time covered only the State-mandated portion of the inspection and not the additional inspection items involved in determining compliance with the Commission's rules. Accordingly, the current fee for such inspections is the amount permitted to be charged by the State DMV for a State-mandated vehicle inspection. These proposed rules raise the fee for the initial inspection to cover both the State-mandated and the Commission-mandated components of the inspection. The fee for the State-mandated portion of the inspection continues subject to State DMV limits. The Commission intends to charge the increased inspection fee for each inspection conducted on and after the date these rules become effective.

Finally, these rules clarify that FHVs are subject to re-inspection fees only if they fail the State-mandated portion of the initial inspection. As with taxicabs, re-inspections required solely for Commission-mandated items remain free of charge.

This rule amends the version of the Commission's rules that becomes effective April 1, 2011.