

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates rules increasing taxicab reinspection fees in accordance with Administrative Code section 19-504 (f), and notifying that for-hire vehicles with maximum gross weight (MGW) of more than 8,500 pounds cannot undergo emissions testing at the TLC’s vehicle inspection facility.

These rules are promulgated pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York.

These rules were published on August 13, 2010, for public comment in The City Record. On September 16, 2010, a public hearing was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will go into effect 30 days following publication in The City Record.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivision (c) of Section 1-05 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

§1-05 Inspection Fees.

(c) If any taxicab fails to pass any of the inspections required by § 1-10(b)[,] for any reason relating to the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law (VTL), it shall be reinspected for [no additional fee] the fee of thirty five dollars (\$35). If any taxicab fails to pass such reinspection or subsequent reinspections for any reason relating to the vehicle inspection requirements set forth in section 301 of the VTL, it shall be reinspected [a second time for an additional] for the fee of thirty-five dollars (\$35). [If any taxicab fails to pass such second reinspection, it shall be reinspected a third time. No additional fee shall be charged for third or subsequent reinspections.]

Section 2. Subdivision (a) of Section 1-10 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

§1-10 Taxicab Inspections.

(a) No new or replacement taxicab shall operate for hire unless it has been inspected and approved by the Commission. Such inspection consists of safety and emissions vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law (VTL) and visual inspections of the interior and exterior of taxicabs for compliance with Commission rules.

Section 3. Subparagraph (ii) of paragraph (3) and subparagraph (ii) of paragraph (4) of subdivision (c) of section 6-12 of Chapter 6 of Title 35 of the Rules of the City of New York are amended to read as follows:

(3) (ii) New Applications for For-Hire Vehicles That Are Model Year 1995 or Earlier or That Have Maximum Gross Weight (MGW) of 8,501 Pounds or More. Beginning on September 1, 2009, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for issuance of a new for-hire vehicle permit or approval as a replacement vehicle, vehicles that are model year 1995 and earlier and vehicles of any model year for which the registration cards state the maximum gross weight (MGW) of 8,501 pounds or more must be inspected at the Commission's Safety and Emissions Division within ten (10) days after the issuance of T&LC plates by DMV, or after the Commission's acceptance of the application for vehicles registered outside New York State, and in either case, must pass such inspection within sixty (60) days after the date of the first scheduled inspection of such vehicle and before issuance of a new for-hire vehicle permit. The maximum number of inspections allowed in such sixty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 60 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally

submitted for licensure and of all replacement vehicles to pass an inspection four times within 60 days will result in denial of the application. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the owner and vehicle requirements set forth in this chapter, except that such inspections shall not include emissions testing and shall not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. The fee for such TLC inspections shall be the safety inspection fee prescribed by regulation of the DMV for inspections pursuant to section 305 of the Vehicle and Traffic Law.

(4) (ii) Renewals for New Applications for For-Hire Vehicles That Are Model Year 1995 or Earlier or That Have MGW of 8,501 Pounds or More. Beginning on February 1, 2010, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for renewal of a for-hire vehicle permit, vehicles that are model year 1995 and earlier and vehicles of any model year for which the registration cards state the MGW of 8,501 pounds or more must have been inspected at the Commission's Safety and Emissions Division and pass such inspection within thirty (30) days after the date of the first scheduled inspection of such vehicle and before a renewal permit will be issued. The maximum number of inspections allowed in such thirty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 30 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 30 days will result in denial of the application. If a vehicle has not passed inspection by the permit expiration date, the vehicle shall not operate until it passes inspection. If a vehicle does not pass inspection within the thirty-day period, the vehicle shall not operate and the application shall be denied. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the vehicle owner and for-hire vehicle requirements set forth in this chapter, except that such inspections shall not include emissions testing and shall not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. The fee for such TLC inspections shall be the safety inspection fee prescribed by regulation of the DMV as set forth in paragraph (3)(ii) of this subdivision.

Statement of Basis and Purpose of Rules

This promulgated rule amends existing rules governing vehicle inspections in three respects.

First, the rule amends existing rules relating to taxicab reinspection fees. Local Law 31 for the year 2010 permitted the imposition of reinspection fees up to \$50 for each taxicab reinspection, revising the previous statutory provision that permitted no fee for the first reinspection, a fee of \$35 for the second reinspection, and no fees for all subsequent reinspections. As authorized by Local Law 31, these rules impose a fee of \$35 for each reinspection.

Second, the rule specifies that taxicab inspections consist of multiple components: the safety and emissions component mandated by the state Vehicle and Traffic Law (VTL), as well as Commission-specific components for verification of compliance with other applicable laws and rules, and Commission contracts. The reinspection fee will be applicable only if the reinspection is required to verify compliance with the VTL-mandated component of the inspection. Failure of any of the Commission-specific components of the inspection will result in the issuance of a directive to correct the failure, and correction of the failure will be verified without imposition of any fee.

Third, the rule publicizes the Department of Motor Vehicle (DMV) exemption of vehicles weighing more than 8,500 pounds from emissions testing by means of On-Board Diagnostic testing equipment (OBD-II). The state Department of Motor Vehicles (DMV) has promulgated regulations requiring that these vehicles be emissions-tested using High-Enhanced (Dynamometer or Idle Test) equipment rather than using OBDII testing. The Commission's Safety and Emissions inspection facility is not equipped with High-Enhanced equipment. Therefore, this rule notifies for-hire vehicle owners that vehicles weighing more than 8,500 pounds cannot undergo emissions testing at the Commission's facility, and requires owners of these vehicles to obtain their state-mandated emissions inspections at another DMV-certified facility.

This issue relates only to inspection of for-hire vehicles, because no approved taxicab vehicle model exceeds 8,500 pounds. However, Ford Excursions have recently been licensed as for-hire vehicles, which makes this amendment necessary.