

Chapter 51

DEFINITIONS

§51-01 Scope of this Chapter.

- (a) Other than words that are capitalized in the normal course (such as “Mayor of the City of New York” or the first word in a sentence) any word (or group of words) in these Rules that has its first letter capitalized will be a “defined term.”
- (b) Most defined terms appear in this Chapter. For ease of reference, certain defined terms may also appear in the “Definitions Applicable to this Chapter” section of Chapters in which the terms are most relevant. Certain general terms (Driver, License, Owner, for example) will have a more specific meaning in individual Chapters (so, Driver in the Chapters governing Taxicabs and their Drivers will mean a Taxicab Driver). In some cases, a defined term in a Chapter can have a meaning different from that in this Chapter (for example, a Broker in Chapter 65 is different). Those different definitions will appear in the relevant Chapters.

§51-02 Penalties.

This Chapter is informational in nature and does not contain penalties.

§51-03 Definitions

Accessible Livery is a For-Hire Vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is equipped with a Taximeter.

Accessible Medallion is a Restricted Medallion valid for use only with an Accessible Taxicab.

Accessible Official Taxicab Vehicle (“Accessible OTV”) is the OTV modified in a manner that is consistent with the City’s contract with Nissan North America.

Accessible Street Hail Livery is a Street Hail Livery that is required to be used with a Commission approved vehicle that is designed to transport persons in wheelchairs or whose design is altered to permit access and enable the transportation of persons in wheelchairs or contains a physical device permitting such access, in accordance with the Americans with Disabilities Act.

Accessible Taxi Dispatcher. The Accessible Taxi Dispatcher is the entity which, under contract with the Commission, will convey dispatches, or requests for accessible service to Drivers of Accessible Taxicabs to provide transportation for a Wheelchair using Passenger or group of Passengers, at least one of whom must be in a wheelchair, for trips that originate in Manhattan.

Accessible Vehicle is a vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is authorized by the Commission to transport passengers for hire, by prearrangement.

Accessible Taxicab is a Vehicle that is licensed by the Commission and that meets the specifications of the Americans with Disabilities Act as described in §67-05.2 of these rules.

Activation Date. The Activation Date is April 1, 2011.

Administrative Code refers to the Administrative Code of the City of New York, including Title 19, "Transportation of Passengers for Hire by Motor Vehicles."

Administrator means the duly appointed administrator, executor, executrix or personal representative of an estate.

Agent is an individual or Business Entity that has been licensed by the Commission to operate or facilitate the operation of one or more Taxicabs on behalf of the Taxicab owner.

Alternative Fuel Medallion is a Restricted Medallion valid for use only with a vehicle powered by compressed natural gas or a hybrid electric vehicle that complies with section 67-05 of these Rules. Provided, that, after the OTV Activation Date, and until such time, if any, as an Official Taxicab Vehicle meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, an Alternative Fuel Medallion must be used with a Taxicab Model meeting the specifications set forth in §67-05.1C of this Title.

Appeal is the request for review of a decision of a Hearing Officer.

Appeals Unit is a unit within the Taxi and Limousine Tribunal at OATH responsible for deciding cases on Appeal, who do not hear cases in the first instance.

Applicant is an individual or Business Entity seeking approval from the Commission for a new or renewed License or authorization, or for a change, transfer or other action requiring Commission approval.

Approved Motor Vehicle Accident Prevention Program is an accident prevention course approved by the New York State Department of Motor Vehicles.

Automatic Vehicle Location System or AVL refers to an electronic device incorporated into a Taxicab Technology System (T-PEP) Street Hail Livery Technology System (LPEP) that accurately determines the geographic location, direction and positioning of a Taxicab or Street Hail Livery and records and transmits such information. An AVL may include, but is not limited to, a global positioning system (GPS). An AVL shall not be capable of being used as an Electronic Communications Device.

Authorization means the Commission’s approval to operate a Commuter Van Service within the geographic boundaries specified by the Commission.

Authorized means that a Commuter Van Service has been given permission to operate by the Commission.

Authorized Taxicab Training refers to a course of training approved by the Commission that contains at least 80 hours of instruction on Commission-required topics such as Commission rules and procedures, geography, map reading, Passenger relations, and courtesy.

Authorized Taxicab Training Refresher Course refers to a four-hour course of training approved by the Commission that is required for renewal of a Probationary License, and that includes topics such as an update of Rule changes, a review of Driver Responsibilities and duties, passenger relations, and an awareness of serving passengers with disabilities.

Authorized T-PEP Provider is an individual or Business Entity authorized by the Commission, pursuant to Chapter 75 of these Rules, to sell, lease, make available for use, install, service, and repair Taxicab Technology Systems in Medallion Taxicabs.

Base Affiliation is a business arrangement by which a Vehicle is affiliated or associated with a Base. Certain Vehicles must be associated with a specific type of Base and work only with the Base with which it is affiliated.

Base (or Base Station) is the Commission licensed business dispatching a particular type of Vehicle. This term is used more specifically in some Chapters.

Bidder means an individual submitting a sealed bid for one or more Lots of Taxicab Medallions or a Business Entity to which an individual Bidder assigns a bid.

Black Car is a Vehicle that affiliates with a Black Car Base.

Black Car Base is a “central dispatch facility” (*as the term is defined in New York Executive Law, §160-cc*) and For-Hire Base that operates as follows:

- (1) All Black Car Vehicles are dispatched on a pre-arranged basis;
- (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and

- (3) More than ninety percent (90%) of the Base's business is on a payment basis other than direct cash payment by a Passenger.

Black Car Fund is the New York Black Car Operators' Injury Compensation Fund, Inc. established under Article 6-F of the NYS Executive Law.

Broker is an individual or Business Entity licensed by the Commission to act as an agent for another person or Business Entity in negotiating either of the following:

- (1) The transfer of any interest in a Medallion
- (2) A loan to be secured by a Medallion or a Taxicab.

Brokerage is the business of being a Broker.

Business Entity is a sole proprietorship, corporation, partnership or limited liability company. A Business Entity can be further limited in a Chapter.

Business Entity Persons may mean:

- (1) The proprietor of a sole proprietorship
- (2) All shareholders of a corporation
- (3) All officers of a corporation
- (4) All partners of a partnership
- (5) All members of a limited liability company.

Certified Taximeter Technician means a technician certified by a Licensed Taximeter Manufacturer to perform work on its Taximeters.

Chairperson shall mean the Chairperson of the Taxi and Limousine Commission or his or her designee.

Chapter refers to a chapter in these Rules.

Chauffeur's License means:

- (1) A Valid NYS driver's license Class A, B, C or E; or
- (2) A Valid license of similar class from another state of which the Licensee is a resident.

Claim Letter is a letter asserting a possible Excess Claim against an Owner of a Taxicab Medallion.

Clean Air Vehicle is a Vehicle that uses a type of fuel which allows the Vehicle to:

- (1) Receive an air pollution score of 9.0 or higher from the U.S. EPA and
- (2) Emit 6.4 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.

Clean Air Vehicle Level I is a vehicle that uses a type of fuel which allows the vehicle to:

- (1) Receive an air pollution score of 9.5 or higher from the U.S. EPA and
- (2) Emit 5.0 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.

Clean Air Vehicle, Level II is any Clean Air Vehicle that does not meet the standards of a Clean Air Vehicle Level I.

Closing Deadline is the date by which a winning Bidder must close on any Lot as established in §65-07(a) of these Rules.

Commission means the New York City Taxi and Limousine Commission.

Commuter Van Driver's License is a License to drive a Commuter Van Vehicle

Commuter Van Service. A service that is Authorized by the Commission to use Commuter Vans to provide transportation into, out of, or within New York City:

- (1) on a prearranged, regular daily basis,
- (2) over non-specified or irregular routes, and
- (3) between a zone in a residential neighborhood and a location which will be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport.

Commuter Van Vehicle. A motor vehicle having a seating capacity of at least nine (9) but not more than twenty (20) passengers that has been licensed by the Commission to carry passengers for hire in an Authorized Commuter Van Service.

Continuing Sex Trafficking Awareness Training refers to written materials developed and approved by the Commission that meet the requirements of subdivision q of Section 19-505 of the Administrative Code.

Core Services. The core services provided by a Taxicab Technology System (T-PEP) or Street Hail Livery Technology System (LPEP) as set forth in the definition thereof and as more fully described in §75-25 and §83-31 of these Rules.

Critical Driver's Program is a Commission program that imposes additional penalties on a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her driver's license within a certain amount of time.

Decal is a sticker issued by the Commission and attached to a For-Hire Vehicle as evidence that it is a Licensed Vehicle.

De-licensed means an individual or Business Entity whose License is suspended or revoked.

Default is a decision against a Respondent after a Respondent fails to appear for a hearing, enter a plea, or make a request to reschedule as required by Chapter 5 of Title 48 of the Rules of the City of New York.

Defensive Driving Course refers to a course in defensive driving given by a school, facility or agency approved by the Commission and certified by the New York State Department of Motor Vehicles.

Digital Wallet Application. An application residing on an electronic device which passes user payment data to a point-of-sale device using Near-Field Communication (“NFC”) technology, does not receive payment amount information regarding the transaction, and does not modify or edit the amount to be paid.

Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation *must* be imposed; Discretionary Revocation can be sought by the Chairperson for *any* Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.

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.

Dispatch Fee is the fee payable to the Driver of an Accessible Taxicab for completing a trip dispatched by the Accessible Taxi Dispatcher. The fee will be determined and paid by the Accessible Taxi Dispatcher to the Taxicab Owner, who must pay the fee to the Driver. The Dispatch Fee will be \$6 for trips under .5 miles; \$10 for trips between .5 miles and 1 mile; and \$15 for all trips over 1 mile. The Dispatch Fee will include tolls to the pickup location and will also include an additional \$5 fee for wait time if the Driver waits for the passenger for more than 10 minutes after the later of either the appointed pickup time or the Driver’s arrival at the pickup location (the \$5 is also payable if no passenger appears).

Distracted Driving Course means a course of training approved by the Commission about the dangers of driving while distracted by Using an Electronic Communication Device and about the rules governing the Using of an Electronic Communication Device. The course must last at least one hour.

DMV means the NYS Department of Motor Vehicles.

Driver is a person licensed by the Commission to drive a Commission-Licensed Vehicle.

Driver Authorization Statement is the document an Owner files with the Commission indicating that a Taxicab will be operated by the Named Drivers listed or by Unspecified Drivers, along with the required additional information.

Drugs mean any drug or other substance defined as a controlled substance in §3306 of the Public Health Law.

E-Hail App. A Software program approved by the TLC residing on a smartphone which performs one or more of the following functions:

- 1) allows a passenger to identify the location(s) of available Taxicabs in a given area and allows a Driver to identify the location of a passenger who is currently ready to travel;
- 2) allows a passenger to hail a Taxicab via the electronic device;
- 3) allows a Driver to receive a hail request from such a passenger if the application provides for connecting a passenger to a Driver; or
- 4) E-Payment.

E-Payment. A feature of an E-Hail App that

- 1) Allows a passengers to pay through the E-Hail App; and
- 2) Is limited to taxi fare, tip, tolls, and any fee charged to the passenger by the E-Hail App;

E-Payment does not include payments through Digital Wallet Applications which pass payment data to T-PEP, do not receive fare information from T-PEP, and do not modify or edit the amount to be paid.

Electronic Communication Device means any portable or hands-free electronic device able to do any of the following:

- (1) Make a telephone call.
- (2) Send or receive a text message.
- (3) Allow a user to speak on the device hands-free or operate the device by voice command, even when allowed by New York State Law.
- (4) Act as a personal digital assistant.
- (5) Send or receive data, voice or images from the internet or from a wireless network.
- (6) Act as a laptop or portable computer.
- (7) Send or receive pages.
- (8) Allow two-way communications between different people or parties.
- (9) Play games.
- (10) Play music, audio, or video.
- (11) Make or display images.
- (12) Transfer images, sound, text or messages.
- (13) Provide a function which can distract a Driver.

Exceptions: Any device specifically authorized to be used while a Driver is driving a Vehicle by a Rule is NOT an Electronic Communication Device. A GPS is NOT an Electronic Communication Device as long as the Vehicle is legally standing or parked while the Driver is inputting or transmitting data.

Electronic Trip Record System is the hardware and software that collects and stores the data that must be recorded for each passenger trip.

Email Address is the email address designated by a Licensee or an Applicant for a License where the Licensee or Applicant will receive notices, appointments, reminders or other correspondence from the Commission. Any communication from the Commission, except notices and summonses for which the manner of service is specified in §18-05 of these Rules, is sufficient if sent by email to the Email Address. The Email address is not the Mailing Address

Escrow Amount is the amount for which an escrow account is required to be established in order to satisfy one or more Excess Claims.

Excess Claim is a tort claim asserted against the Owner of a Taxicab Medallion for more than the amount of insurance covering the Taxicab at the time the claim arose.

Exclusive Listing means that the Broker has been given the right to be the only Broker for a particular transaction. Usually the right will be limited to a specific period of time.

Facilitate Sex Trafficking with a Vehicle means (1) conviction of any of the following crimes set forth in the New York State penal law: promoting prostitution in the third degree; promoting prostitution in the second degree; promoting prostitution in the first degree; sex trafficking; or compelling prostitution, and (2) using a vehicle licensed by the Commission to commit such a crime.

Fair Market Value in reference to the transfer of a Taxicab Medallion is the average value of arms-length transactions for similar Medallions during the prior calendar month, as determined by the Commission.

Finding of Public Need is a determination that a Commuter Van Service being proposed will be required either now or in the future for the convenience and necessity of the public.

Feed Line is the line of Taxicabs that feeds into the specific pick-up location to pick up a Passenger.

Fit to Hold a License or Fit to be an Authorized T-PEP Provider means

- The Applicant, Authorized T-PEP Provider, or Licensee meets and will continue to meet all of the qualifications for the License or Authorization sought or held as established by applicable Rules and laws.
- The Applicant, Authorized T-PEP Provider, or Licensee is of good moral character.

- The Applicant, Authorized T-PEP Provider, or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant, Authorized T-PEP Provider, or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License or Authorization.
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of a TLC License or Authorization, the Applicant shows that he or she will not engage in similar conduct in the future.

Flat Rate is a definite dollar amount that will be charged to a Taxicab passenger for a specific trip, and is fixed before the trip begins (*NOTE: “double the Taximeter” is not a Flat Rate*)

Fleet is a Business Entity organized for the purpose of owning or operating Taxicabs that meets the following requirements:

- (1) Controls a minimum of 25 Taxicabs,
- (2) has a single business location that is adequate for the storage, maintenance, repair and dispatch of the Fleet Taxicabs and the storage and maintenance of records,
- (3) operates with a dispatcher on the premises at least 18 hours every day, who assigns Drivers to Fleet Taxicabs.

For-Hire Base (or “Base”) is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:

- A Black Car Base,
- A Livery Base (or Base Station),
- A Luxury Limousine Base.

For-Hire Driver is the Driver of a For-Hire Vehicle.

For-Hire Vehicle is a motor Vehicle licensed by the Commission to carry Passengers for-hire in the City, which:

- (1) Has a seating capacity of 20 or fewer Passengers;
- (2) Has three or more doors;
- (3) Is not a Taxicab, a Commuter Van, or an authorized bus as defined by NYS law.

GPS means a device using a global positioning navigation system to which all of the following apply:

- (1) The GPS uses a voice function to convey directions.
- (2) The Driver does not input or transmit data unless legally standing or parked.
- (3) The GPS transmits only geographical direction information.

(4) Except for the transmission of geographical direction information, the GPS cannot be used as an Electronic Communication Device in any other way.

(Note: A GPS which a Driver is operating by inputting or transmitting data while the Vehicle is not legally standing or parked is an Electronic Communication Device).

Government means the United States, any state or territory, or any political subdivision of a state or territory.

Group Ride Program is a program established by the Commission for the transportation of more than one Passenger from a common location to destinations within a specified common geographic area.

Hack-up means to outfit a vehicle as a Medallion Taxicab and obtain approval from the Commission for that vehicle to serve as a Taxicab for the first time.

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.

Hardware. Equipment or machinery, together with all associated components, media, firmware and other embedded software and instructions provided, operated or maintained in connection with the functioning of a Taxicab Technology System (T-PEP) or Street Hail Livery Technology System (LPEP).

Hearing is the presentation and consideration of evidence before an Administrative Law Judge.

Hearing Officer is a person designated by the Chief Administrative Law Judge of OATH, or his or her designee, to carry out the adjudicatory powers, duties and responsibilities of the Taxi and Limousine Tribunal..

Hybrid Electric Vehicle is a commercially available, mass-produced vehicle originally equipped by the manufacturer with a combustion engine system and an electric propulsion system that operate in an integrated manner.

Independent Base Station is a Livery Base Station that is designated as an independent livery base under §18-c of the NYS Workers' Compensation Law because it has joined the Livery Fund.

Independent Livery Driver is the Driver of a Livery which is affiliated with an Independent Base Station.

Independent Medallion is a class of Medallion Taxicab License, the owner of which may only own one Medallion.

Initial Street Hail Livery Base Issuance Period. The Initial Street Hail Livery Base Issuance Period will be the one month period beginning on a date posted on the Commission's Web site during which Street Hail Livery Base Licenses will be issued.

Initial Street Hail Livery License Issuance Period is the one-year period beginning on the date of issuance of the first Street Hail Livery License.

Issuing Jurisdiction is a county within New York State contiguous to New York City that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.

Legatee means someone to whom the proceeds of an estate are to be distributed.

License is the formal approval given by the Commission certifying that a Driver, Owner, Vehicle, Base Station or other service, business or equipment has met the relevant criteria and is now qualified to operate under the supervision of the Commission. An Authorization is a License.

Licensed Taxicab. See "Taxicab" (*The terms "Medallion Taxicab," "Licensed Medallion Taxicab," and "Taxicab" mean the same thing, and may be used interchangeably.*)

Licensee is an individual or Business Entity that has been issued a License by the Commission, and shall include Licensees whose Licenses have been suspended unless the context of these rules clearly dictate otherwise.

Limited Business Entity Persons are all Business Entity Persons *except* shareholders holding *less than* 10% of the stock of the Business Entity.

Livery is a For-Hire Vehicle that is affiliated with a Livery Base Station.

Livery Base Station (“Base” or “Base Station”) is a For-Hire Base that operates as follows:

- (1) All Livery Vehicles are dispatched from the Base on a pre-arranged basis.
- (2) All Livery Vehicles are designed to carry fewer than six (6) Passengers.
- (3) Passengers are charged for service on the basis of a flat rate, time, mileage, or zones.

Livery Fund is the independent livery driver benefit fund established under Article 6-G of the NYS Executive Law.

Long-Haul, as used at certain transportation terminals, means that Taxicabs in the Feed Line designated as a “Long Haul” line must only accept customers who are requesting trips of at least a certain distance or time.

Long-Term Driver is a Licensed Medallion Taxicab Driver who meets all of the following conditions:

- (1) Personally drives the Taxicab at an annual rate of at least 160 hours per month;
- (2) Is named on the rate card (is a Named Driver);
- (3) Owns the Medallion or is leasing the Medallion for a term of no less than five months; and
- (4) Is a Long-Term Driver on no more than one Taxicab.

Lot is one or more Medallions being sold in a single unit. *See Chapter 65, Medallion Sales.*

A Luxury Limousine is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.

A Luxury Limousine Base is a For-Hire Base that operates as follows:

- (1) All Luxury Limousines are dispatched from the Base by pre-arrangement;
- (2) Luxury Limousine Vehicles have a seating capacity of 20 or fewer Passengers;
- (3) More than ninety percent (90%) of its business is on a payment basis other than direct cash payment by a Passenger.
- (4) Passengers are charged “garage to garage” service on the basis of a flat rate, time or mileage.

Mailing Address is the address (other than the Email Address) designated by a Licensee or an Applicant for a License where Licensee or Applicant will receive notices, summonses and other communications sent by mail; specific requirements are noted as applicable in Chapter definitions. Any communication from the Commission is sufficient if sent to the Mailing Address.

Mandatory Revocation is the imposition of the penalty of revocation when a Rule specifies that revocation must be imposed.

Manufacturer’s Representative. An individual or Business Entity appointed by a Taximeter Manufacturer to hold a License on behalf of that manufacturer and to carry out that manufacturer’s duties and responsibilities as a Licensee under this chapter.

Market Value in reference to the transfer of a Taxicab Medallion will be the greater of: (i) the actual consideration being paid for the transfer; or (ii) the Fair Market Value.

Maximum Escrow Amount means:

- (1) the Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by the Medallion and the Transfer costs
PLUS
- (2) the value of any proceeds of any refinancing received by the Owner which was not used to reduce any previously existing debt or liens secured by the Medallion following the date of an occurrence of an alleged tort involving the Taxicab which tort gives rise to a potential Excess Claim.

Medallion is the numbered plate originally issued by the Commission and affixed to the outside of a Taxicab as physical evidence that the Taxicab has been licensed to operate as a Medallion Taxicab.

Medallion Taxicab. See “Taxicab”. (*The terms “Medallion Taxicab,” “Licensed Taxicab,” and “Taxicab” mean the same thing, and may be used interchangeably.*)

Merchant means an individual or Business Entity who holds a Commission License and who has agreed to do the following:

- (1) Facilitate contracts between Taxicab Technology Service Providers or Street Hail Livery Technology Providers and for each Provider, one of the ten largest, by volume, merchant banks in the United States or one credit/debit card services processor who meets PCI Standards (as defined in Chapter 83), and
- (2) Enter into a contract to provide for the provision of credit/debit card services for in-vehicle payment of Taxicab or Street Hail Livery fares.

Minifleet is a Business Entity licensed by the Commission to own and operate two or more taxicabs; Minifleets often contract with a Fleet for the daily storage and dispatch of its Taxicabs.

Minifleet Medallion means a Medallion Taxicab License that is classified and must be owned in groups of at least two.

MTA Tax is the 50 cent tax on taxicab trips imposed by Article 29-A of the NYS Tax Law.

Named Drivers is a term indicating that only the Drivers specifically named on the Rate Card are allowed to drive the Taxicab.

New Rules means Title 35 of the Rules of the City of New York and any amendments that become effective on and after the Activation Date.

Notice of Seizure is a document served upon and mailed to an owner of a vehicle that has been seized and removed to a secure facility.

NYC (or “the City”) means New York City.

NYS means New York State.

Official Bus Route means the route, including all stops, traveled upon by a bus line that is operated by:

- (1) The New York City Transit Authority,
- (2) The City of New York, or
- (3) A private bus company that is regulated or franchised by local law or Charter provision in accordance with section 80(4) of the Transportation Law.

OATH is the New York City Office of Administrative Trials and Hearings.

OATH Administrative Law Judge (OATH ALJ) is a person appointed by the Chief Administrative Law Judge of OATH, or his or her designee, pursuant to the Charter of the City of New York paragraph 1049(1)(a), to carry out the adjudicatory powers, duties and responsibilities of the OATH Tribunal.

OATH Tribunal is the New York City Office of Administrative Trials and Hearings tribunal established by Charter subdivision 1048(1) and Chapter 1 of Title 48 of the Rules of the City of New York.

Official Taxicab Vehicle (“OTV”) is the vehicle that meets the standard specifications of Rule 67-05.1B and is the purpose built taxicab for model years 2014 – 2024, manufactured pursuant to the City’s contract with Nissan North America. All references to OTV include Accessible OTV unless otherwise specified.

Official Taxicab Vehicle Activation Date (“OTV Activation Date”) is the date on or after which the Official Taxicab Vehicle is required to be used in the Hack-up of any Unrestricted Medallion. The Commission will post notice of the Official Taxicab Vehicle Activation Date on its Web site at least 120 days prior to such Official Taxicab Vehicle Activation Date.

Old Rules means Title 35 of the Rules of the City of New York as in effect before the Activation Date.

Owner means the legal owner and is further defined in each relevant Chapter.

Owner-Must-Drive Rule is a requirement that an owner of an Independent Medallion must personally drive a minimum number of shifts in every calendar year.

Paratransit Base or Base Station is the facility from which a paratransit service operates a transportation service for Persons with Disabilities, including all ambulette services.

Paratransit Disability is a physical or mental impairment, including a mobility impairment which requires the use of a wheelchair, three-wheeled motorized scooter or other mobility aid, or prevents a person from boarding, riding or disembarking from a vehicle without the assistance of a wheelchair lift or other boarding assistance device.

Paratransit Vehicle (also know as a wheelchair accessible van) is any motor vehicle, equipped with a hydraulic lift or ramp(s) designed for the purpose of transporting persons who use wheelchairs or containing any other physical devices designed to permit access to and the transportation of a person with a Paratransit Disability

Passenger means a person riding in a Vehicle, other than the Driver

Passenger Information Monitor or PIM. The interactive, audio-visual device that is a component of the Taxicab Technology System (T-PEP) and Street Hail Livery Technology System (LPEP) and that has the features described in §75-25(d) or §83-31 (d)(3) of these Rules.

Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.

Penalty Point is a non-monetary penalty assessed against either a Base Owner or the Owner of a For-Hire Vehicle if they are convicted of certain violations of these Rules.

Persistent Violator Program establishes additional penalties for Drivers who repeatedly violate these Commission Rules within a certain amount of time. Persistent Violator penalties are determined based on points accrued as part of the penalties established by these Rules.

Persons with a Disability (or People with Disabilities) means an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a Service Animal, but who can transfer from such a mobility aid to a Taxicab, For-Hire Vehicle or Commuter Van with or without reasonable assistance.

Personal Use—Off Duty is the designation made when a Driver is no longer operating the Taxicab for hire.

Petition is a request or application for the Commission to adopt a rule.

Pre-Arranged Exclusionary Zone the area in which Street Hail Liveries are NOT permitted to begin a Pre-Arranged Trip. The Pre-Arranged Exclusionary Zone is:

- (1) Manhattan south of East 96th St. and West 110th St.

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 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.

Prior Claim Letter is a Claim Letter received by the Commission prior to February 1, 2009.

Qualified Jurisdiction is an Issuing Jurisdiction that meets the requirements for reciprocity described in section 498 of the NYS Vehicle and Traffic Law.

Qualified Vehicle License (or “QVL”) is the license issued by a Qualified Jurisdiction to that jurisdiction’s vehicles authorizing them to provide pre-arranged, for-hire transportation within its boundaries.

Qualified Driver’s License (or “QDL”) is a license issued by a Qualified Jurisdiction to that jurisdiction’s drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its boundaries.

Rate Card is a card issued by the Commission for each Medallion Taxicab, which displays the Taxicab Medallion number, Rates of Fare, and such other data as the Commission may require.

Rate Schedule is the Commission-approved listing of the manner in which and the amount of fare a Commission service is permitted to charge a passenger.

Rates of Fare is a listing of the manner and amount of fares Medallion Taxicab Drivers may charge passengers, as established by the Commission.

Reciprocity (or Reciprocal Recognition) means that:

- (1) New York City For-Hire Vehicles and Drivers can pick up or drop off Passengers in a Qualified Jurisdiction for trips ending or beginning in NYC, and
- (2) Vehicles and drivers that are licensed to perform for-hire transportation by a Qualified Jurisdiction can pick up or drop off Passengers in NYC for trips ending or beginning in a Qualified Jurisdiction.

Recommended Decision. A Recommended Decision is a decision made by an OATH ALJ following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.

Reserve Status Bids are the highest ten percent of the non-winning bids in each category, unless the Chairperson determines that a greater number of non-winning bids will receive Reserve Status and sets a higher qualifying percentage. A bid holding Reserve Status is a Reserve Status Bid and is converted to a winning bid when a winning Bidder fails to comply with the Closing Deadlines established in these Rules.

Respondent is an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being not Fit to Hold a License.

Restricted Medallion is a Medallion restricted to use with a particular type of vehicle, such as either an Accessible Medallion or an Alternative Fuel Medallion;

Roof Light is a light attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying information.

Rule(s) refers to any rule adopted by the Commission, or this set of Rules that comprises Title 35 of the Rules of the City of New York.

Safety and Emissions Inspection means the required vehicle inspections conducted at the Commission's inspection facility.

Scheduled Retirement Date is the date on which a Taxicab must be retired from service, as determined in section 67-18 of these rules, unless extended as provided in section 67-19 of these rules.

Seal means a prophylactic device, approved by the Commission, that is used on a Taximeter, wire, wiring mechanism, gear or other device, so that no adjustment, repair, alteration or replacement can be made without removing or mutilating the Seal or Seals.

Seating Capacity means the maximum number of adult passengers a vehicle is intended to carry according to the manufacturer's specifications.

Second Street Hail Livery Base Issuance Period. The Second Street Hail Livery Base Issuance Period will be the five month period beginning the day

after the Initial Street Hail Livery Base Issuance Period ends and will be the second period during which Street Hail Livery Base Licenses will be issued. .

Second Street Hail Livery License Issuance Period is the one-year period beginning the day after the Initial Street Hail Livery License Issuance Period ends, and ending 12 months later.

Secondary Owner is an individual or Business Entity that has a lien or mortgage or any other type of legal interest in a Vehicle.

Secured Lender Escrow Amount means the Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by Medallion and the Transfer Costs.

Secured Lender Recipient means a secured creditor seeking to repossess or foreclose upon a Taxicab Medallion in order to realize the value of its secured interest, but *not* applying to operate the Taxicab Medallion and not eligible to be considered a Transferee, provided the Secured Lender Recipient places the Medallion in storage as required in §58-46(c) of this Chapter.

Service Animal means a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

Sex Trafficking Awareness Training refers to a training course developed and approved by the Commission that meets the requirements of subdivision q of Section 19-505 of the Administrative Code.

Short Haul, as used at certain transportation terminals, means that Taxicabs in the Feed Line designated as a “Short Haul” line must only accept customers who are requesting trips of less than a certain distance or time.

Software. The object code versions of any applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation in whatever form or media, including the tangible media upon which such applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation are recorded or printed, together with all corrections.

Stand-By Vehicle means any vehicle licensed by the Commission to be used by a Fleet as a replacement for a Licensed Taxicab that is temporarily out of service.

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.

Street Hail Livery Base is a Commission-licensed Base that affiliates and dispatches Street Hail Liveries and For-Hire Vehicles or affiliates and dispatches Street Hail Liveries and Paratransit Vehicles, or affiliates and dispatches only Street Hail Liveries, and the physical location from which Street Hail Liveries or other Vehicles are dispatched.

Street Hail Livery Base License is the Commission issued License which authorizes a Base to act as a Street Hail Livery Base. A Street Hail Livery Base License is not transferrable.

Street Hail Livery Driver is a Driver who is authorized to drive a Street Hail Livery as set forth in Chapter 54 of these Rules.

Street Hail Livery License is the License authorizing a Commission-licensed For-Hire Vehicle or Paratransit Vehicle to act as a Street Hail Livery. A Street Hail Livery License is transferrable in the manner provided by Chapter 82 of these Rules.

Street Hail Livery Licensee is an individual or Business Entity which owns a Street Hail Livery License.

Street Hail Livery License Priority Issuance Period is the three year period beginning on the first day of the Street Hail Livery Initial Issuance Period and ending three years later.

Street Hail Livery Technology System or LPEP is an integrated system of Hardware and Software that complies with the technical requirements set forth in §83-31 of these Rules, and provides the following five Core Services in Street Hail Liveries:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip Data collection and transmission;
- (4) Passenger Information Monitor, screen, or other credit/debit card device; and
- (5) Automatic Vehicle Location System and location services.

Street Hail Livery Technology System Provider or LPEP Provider. An individual or Business Entity licensed by the Commission pursuant to Chapter 83 to sell, lease, make available for use, install, service and repair Street Hail Livery Technology Systems.

Stop-Use Directive is a notice sent to an Owner by the Commission directing the Owner to stop using a designated Agent because that Agent's License has been revoked or suspended or the Agent is not permitted to manage the Owner's Medallion(s).

Substantial Interest in Taxicab Medallions means direct or indirect ownership of four or more Medallions that can result from one or more of the following:

- (1) Ownership of 25 percent or more of the stock in one or more corporations that own Medallions
- (2) Ownership of 25 percent or more of the membership interests in one or more limited liability companies that own Medallions
- (3) A partnership interest in one or more partnerships that own Medallions
- (4) Being an officer in one or more corporations that, in the aggregate, have a direct or indirect equity interest in four or more Medallions.

Summary Suspension means that a Licensee's License is suspended *before* a hearing is held on the violation.

Taxi Accessibility Fee is the fee required by these rules to be paid by Owners as defined by Chapter 58 to the Accessible Taxi Dispatcher to provide accessible service to Wheelchair using Passengers. The Taxi Accessibility Fee shall be set in accordance with the terms of an agreement between the Commission and an approved vendor and will be based on the per medallion cost to the vendor for equipment, administrative expenses associated with operation of the dispatch system, outreach and Dispatch Fees.

Taxi and Limousine Tribunal at OATH or (Taxi and Limousine Tribunal) is the Office of Administrative Trials and Hearings tribunal established under Chapter 5 of Title 48 of the Rules of the City of New York that has, except as otherwise provided in these Rules, jurisdiction over:

- (1) Violations of Title 19, Chapter 5 of the Administrative Code
- (2) Violations of Commission Rules
- (3) Review of the fitness of an Applicant or a Licensee to hold a License.

Taxi Stand is a place where Taxicabs are authorized (either by NYC Department of Transportation or a transportation terminal operator) to line up and wait for customers.

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.*)

Taxicab Candidate is a vehicle being considered for use as a Taxicab Model.

Taxicab Driver's License means the authority granted by the Commission to an individual to drive a Taxicab in the City of New York and includes the authority to drive a Street Hail Livery.

Taxicab Identification Braille Plaque is a plaque required to be attached to the interior of a taxicab that identifies in Braille its medallion number, and contains in Braille the word COMPLAINTS and a telephone number.

Taxicab Identification Raised Lettering Plaque is a plaque required to be attached to the interior of a taxicab that identifies in raised lettering its medallion number, and contains in raised lettering the word COMPLAINTS and a telephone number.

Taxicab License is the authority granted by the Commission for an Applicant to own and operate a designated vehicle as a Taxicab within the Commission's jurisdiction, as evidenced by the Medallion affixed to the hood of the vehicle.

Taxicab Model is

(1) until the Official Taxicab Vehicle Activation Date, a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in §67-05, §67-05.1A, or §67-05.2 of these Rules;

(2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in 67.05; 67.05.1B or 67-05.2.

Taxicab Technology Service Provider (or T-PEP Provider) means a vendor who has been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs.

Taxicab Technology System (or T-PEP) is an integrated system of Hardware and Software that complies with the technical requirements set forth in §75-25 of these Rules and provides the following core services to Taxicabs:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip data collection and transmission;
- (4) Data transmission by means of the passenger information monitor; and
- (5) Automatic Vehicle Location System and location services.

Taximeter is an instrument or device approved by the Commission that automatically calculates and plainly indicates the charge to a passenger for hire of a Taxicab or Street Hail Livery.

Taximeter Business is a business licensed by the Commission that sells new or used Taximeter equipment or installs, repairs, adjusts, tests, seals, or calibrates Taximeters and/or Taxicab Roof Lights.

Taximeter Manufacturer means an entity licensed by the Commission that manufactures Taximeters; only Taximeters made by a licensed Taximeter Manufacturer may be installed or used in Taxicabs.

Taxpayer is a person or Business Entity required to pay the MTA Tax.

Third Street Hail Livery License Issuance Period is the period beginning the day after the Second Street Hail Livery License Issuance Period ends.

Tort Letter is a statement from the insurer of a Taxicab stating whether or not the insurer is aware of any Excess Claims against the Taxicab Medallion or its Owner.

Transfer means the transfer of all or any portion of a Medallion ownership interest, including the transfer of interests in a Business Entity owning Medallions.

Transferee is an Applicant seeking approval from or approved by the Chairperson to own and operate a Medallion Taxicab in which Applicant is acquiring or has acquired an interest, either directly or indirectly, through a transfer described in section 58-43 of these Rules.

Transfer Costs means the administrative costs involved in processing a transfer of ownership of a Taxicab Medallion, including the costs of any foreclosure or similar action and any outstanding fines or fees owed to the Commission or the Parking Violations Bureau.

Transferor is the Owner of an interest in a Taxicab Medallion being transferred.

Trip Data is the data that is required to be collected and transmitted by a (1) Taxicab Technology System including those items described in §75-25(c) of these Rules; and (2) Street Hail Livery Technology System including those items described in §83-31 (c)(2) of these Rules.

Trip Record (or Trip Sheet) refers to the hand-written or electronic collection of data that is required to be kept for each passenger trip.

Unlicensed Activity is the provision or advertising of any Commission-regulated for-hire transportation service by any (i) Licensee whose License is suspended, revoked, or expired and not yet renewed, or by any (ii) person who does not hold a Valid License or Authorization for the vehicle, for the driver of the vehicle and, if applicable, for the service. Unlicensed Activity includes the activities specified in sections 19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of his or her vehicle.

Unrestricted Medallion is

(1) Before the OTV Activation Date a Medallion Taxicab License that is not restricted to use with a particular type of vehicle and is valid for use with any vehicle that complies with §67-05, §67-05.1A, or §67-05.2 of these Rules.

(2) After the OTV Activation Date, a medallion issued prior to January 1, 2012 that was not restricted when issued can be used with an OTV or an AOTV. If at any time after the OTV Activation Date such medallion is restricted by law or rule of the Commission to use with an Accessible Vehicle, the owner of such medallion must purchase an AOTV or lease such medallion for use with an AOTV. Provided, however, that with the Chairperson's approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or lease their medallions for use with such a vehicle.

(3) Any vehicle approved for use with an Unrestricted Medallion and Hacked-up prior to the Official Taxicab Vehicle Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

USPS is the United States Postal Service.

Unspecified Driver is a term that is entered on a Rate Card indicating that the Taxicab can be driven by any Licensed Taxicab Driver whose name (or category) has been filed with the Commission by the Owner of that Taxicab.

Use an Electronic Communication Device (or Using an Electronic Communication Device) means to:

Operate any function of an Electronic Communication Device in any way,
or
Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.

Valid means a license or other document which is not expired, suspended, revoked, conditional or restricted as to its use by the Commission, the New York State Department of Motor Vehicles or an agency of another state which licenses vehicles and drivers of vehicles or issues violations of traffic laws or regulations.

Valid Claim Letter is a Claim Letter which is not a Prior Claim Letter, and which:

- (1) Is dated no more than one year prior to the date documentation is submitted to the Chairperson for a proposed transfer of a Taxicab Medallion;

- (2) Sets forth a minimum claim in an amount sufficient to be an “Excess Claim”;
- (3) Includes a copy of the police report regarding the incident in question; and
- (4) Includes a representation by the sender that the party against which the Excess Claim has been asserted has been provided with a copy of the Claim Letter.

Vehicle is a motor vehicle licensed by the Commission for the purpose of providing for-hire transportation.

Vehicle Owner means the individual or Business Entity in whose name the Vehicle is registered and in whose name the Vehicle License is issued, as further specified in these Rules.

Weapon is any firearm (as defined in the New York State Penal Law) for which a license has not been issued as provided in the New York State Penal Law and the Administrative Code of the City of New York, electronic dartgun, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sandstick, slingshot, pilum ballistic knife, sand bag, sand club, wrist brace type slingshot, shirken, kung fu star, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other instrument or thing whether real or simulated, and capable of inflicting or threatening bodily harm, including but not limited to any other weapons, the possession of which is prohibited pursuant to the New York State Penal Law.

Wheelchair using Passenger is a Passenger using a wheelchair.

Wiring Harness means any wire or collection of wires that is connected in any manner to a Taximeter or that in any way affects the operation of a Taximeter.