

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 Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes rules altering license application requirements for taxicab drivers whose licenses expire because they are unable to file timely renewal applications due to active military service; and allowing licensed taxicabs and for-hire vehicle drivers to advance the dates of expiration of their non-probationary licenses one time during the second year of any renewal period.

These rules are proposed pursuant to section 1043 of the Charter and sections 19-503 and 19-505 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 2006 because the need for the rule changes was not anticipated at the time the agenda was submitted.

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 May 11, 2006, at 9:30 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, by telephone, or by TTY/TDD no later than May 4, 2006.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than May 8, 2006 to:

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: 212-676-1117
Fax: 212-676-1102
TTY/TDD: 212-341-9596

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

Statement of Basis and Purpose of Proposed Rules

The proposed rules would amend existing Taxi and Limousine Commission (“TLC”) rules in two respects.

First, the proposed rules would alter license application requirements for taxicab drivers whose licenses expire because they are unable to file renewal applications due to active military service.

Existing rules require a new applicant for a taxicab driver’s license to complete 80 hours of instruction in taxi-related subjects and pass an examination as a pre-requisite to obtaining a taxicab driver’s license. The proposed rules would waive this requirement for a taxicab driver who is unable to renew his or her driver’s license due to active military service, provided that the driver files an application for a driver’s license within 90 days of discharge from active military service, and within three years of expiration of his or her previous driver’s license. The purpose of this change is to allow taxicab drivers to resume taxicab service with a minimum of delay upon return from military duty.

Second, the proposed rules would amend existing TLC rules to permit a licensed taxicab driver or for-hire vehicle driver to advance the date of expiration of his or her non-probationary license one time during the second year of any renewal period.

Existing rules provide that a licensed taxicab or for-hire vehicle driver must submit a completed renewal application by the expiration date of the license to be renewed, and that such application must include drug testing performed no earlier than 30 days before the expiration date of the license to be renewed. Failure to take a drug test by the license expiration date or to renew within the prescribed time period results in expiration of the license; thereafter, in order to obtain a license, the applicant must complete the requirements for a new license, which are more extensive than the requirements for a renewal license.

Experience has demonstrated that a significant number of taxicab and for-hire vehicle drivers are periodically absent from the New York City area for personal reasons, for extended periods of time. In some cases, those absences extend through the entire 30-day period during which the licensee must submit to drug testing and apply for license renewal, resulting in substantial inconvenience or even hardship to the licensee.

The proposed rules would permit a driver (other than a driver still in his or her probationary period) who is in the second year of a license and who might not be able to timely file a completed renewal application because of such an extended absence to advance his or her expiration date and complete the renewal application prior to the period of absence.

The proposed rules would allow the licensee, upon submission of the prescribed form, to advance his or her license expiration date as of right one time during the second year of any renewal period, provided that the licensee has completed the drug test required for

licensees in the first year of a two year license. The licensee's 30-day drug test window would be advanced to correspond to the advanced expiration date, and all other requirements of a license renewal application would be retained. The renewal license then issued would be valid for two years from the advanced expiration date of the previous license.

Section 1. It is hereby proposed that title 35, section 2-03 (a) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

(a) Except as set forth in subdivisions (c) and (d) of this section, all applicants for a taxicab driver's license are required to attend and pass an authorized course of training in taxi-related subjects. This course shall contain eighty (80) hours of instruction. The course shall include, but not be limited to, instruction on Commission rules and procedures, geography, map reading skills, driver/passenger relations and courtesy, as well as any other material deemed appropriate or relevant by the Commission. An applicant must successfully complete such course, and pass an examination administered by the Commission on mandatory subjects, as well as proficiency in the English language, as a prerequisite to obtaining a taxicab driver's license.

Section 2. It is hereby proposed that title 35, section 2-03 of the Rules of the City of New York be amended by the addition of paragraph (d) thereto, to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

(d) Any applicant for a license under this chapter who previously held a taxicab driver's license pursuant to this chapter and who had previously met the requirements of section 2-03(a) of this chapter shall not be required to meet such requirements again and shall be deemed to have fulfilled the pre-requisite to obtaining a taxicab driver's license as specified in section 2-03(a) of this chapter, provided that

- (1) Such applicant's prior taxicab driver's license expired solely because the applicant was not available to timely renew such license because the applicant was on active military service, and not as a result of any action taken or commenced by the Commission to suspend, revoke, or otherwise terminate such license;
- (2) Such applicant's military service commenced prior to the expiration date of his or her prior license and such applicant applies for a new taxicab driver's license under these rules within ninety (90) days of completing active military service, and in no event later than three (3) years following expiration of the prior license, and applicant provides proof of the dates of active military service; and
- (3) Such applicant meets all other requirements for obtaining a new taxicab driver's license.

Section 3. It is hereby proposed that title 35, section 2-10 (a) (2) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

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§2-10 Term of a License.

- (a) (2) (A) A license issued to a renewing applicant shall expire two years from the date on which the previous license expired. The Commission may, in its discretion, extend the expiration date of such license by up to an additional thirty-one days.

(B) The holder of a renewal license under paragraph (a)(2)(A) of this section who is in the second year of such license and who has completed the drug test required by section 2-19 (b)(1) of this chapter for licensees in the first year of such license, may, upon written request to the Chairperson, advance the expiration date of his or her license to any date prior to the scheduled expiration of such license. One such request may be made during the term for such license. The request must be made on a form to be prescribed by the Chairperson or his or her designee and must be submitted in accordance with instructions on that form.

(C) The holder of a license seeking to renew such license after advancing the expiration date thereof hereunder must comply with all requirements for renewal applicants, including with the requirements imposed by sections 2-02, 2-11 and 2-19 of this chapter; notwithstanding the provisions of section 2-19(b) of this chapter, the drug test provided for therein shall be performed no sooner than thirty (30) days prior to, and in any event no later than, such advanced expiration date. For purposes of section 2-19(b) of this chapter, a licensee who has advanced his or her expiration date shall be treated as being a licensee in the second year of a two-year license.

Section 4. It is hereby proposed that title 35, section 6-02(a) (2) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

§6-02 Terms of Licenses.

- (a) (2) (A) A license issued to a renewing applicant for a for-hire vehicle driver's license shall expire two years from the date on which the previous license expired. The Commission may, in its discretion, extend the expiration date of such license by up to an additional thirty-one days.

(B) The holder of a renewal license under paragraph (a)(2)(A) of this section who is in the second year of such license and who has completed the drug test required by section 6-16(v)(1) of this chapter for licensees in the first year of such license, may, upon written request to the Chairperson, advance the expiration date of his or her license to any date prior to the scheduled expiration of such license. One such request may be made during the term of such license. The request must be made on a form to be prescribed by the Chairperson or his or her designee and must be submitted in accordance with instructions on that form.

(C) The holder of a license seeking to renew such license after advancing the expiration date thereof hereunder must comply with all requirements for renewal applicants, including with the requirements imposed by sections 6-02 and 6-16 of this chapter; notwithstanding the provisions of section 6-16(v) of this chapter, the drug test provided for therein shall be performed no sooner than thirty (30) days prior to, and in any event, no later than, such advanced expiration date. For purposes of section 6-16(v) of this chapter, a licensee who has advanced his or her expiration date shall be treated as a licensee in the second year of a two-year license.