

The New FHV Rules: Your Rights and Responsibilities

We have created this summary of the proposed FHV Rules package to help base owners, vehicle owners, and drivers understand them. These Rules focus on base owners and vehicle owners. The purpose of them is to make sure drivers, vehicle owners and base owners are providing safe rides to the public. You will find that the penalties for some of these Rules are new. The most important change to penalties is the new penalty point system. The points are explained at the end of this guide. When a base or vehicle owner gets too many points, his or her license can be revoked.

When a rule says **(new) in front of it, it is a new rule. The new section ends where you see the next *** symbol.**

Please note that this summary does not include all of the Rules that are being proposed. If you want to see all of the Rules, please read the entire package that is posted at www.nyc.gov/tlc under "TLC News/Proposed Rules".

Base Licenses and Renewals

(new) Starting July 1, 2009, all base licenses will last for 3 years. New and renewal base licenses will last for 3 years on and after that date.* (6-02(b)(1))

Before a base is given its license, it must give the Commission a bond for \$5,000. ***(new)*** Black car and luxury limousine bases will need to provide the bond for the first time when they renew. If any base receives penalties and does not pay its fines, the Commission will notify the base owner 30 days before drawing on the bond. Drawing on the bond means the Commission will take the amount owed for fines from the bond. The base will receive one penalty point if TLC has to draw on the bond.* (6-04(e))

(new) If you are renewing a base license, you will need to file a complete application to TLC sixty days (60) before the expiration date. You will be allowed to submit a complete application in the 60 day period before the license expires as long as you pay a \$25 late fee. Once your expiration date has passed you cannot renew. If your license expires, you have to apply as a new base and cannot operate until your application is approved.* (6-02(b)(4))

If you are a new or renewing base applicant or are relocating or changing ownership of your base, you have to submit an application to the agency. If you have a livery/community car base, the application will have to include a business plan. Some of the requirements of the plan are below: (6-04(j))

- Business name, address, telephone number and contact information
- How affiliated vehicles will use off street parking location
- Number of vehicles affiliated with your base (or that will be affiliated if new)
- Business operating plan
- Rates of fare

- Number of trips dispatched a day (or how many expected if new)

Off Street Parking Regulations

Livery/community car bases will continue to be required to maintain Off Street Parking (OSP) as part of their new application, relocation or renewal process. OSP is mandated by New York City law through the New York City Council. (6-04(b)1))

If you are a Base Owner

You must:

- Get and keep a current license with TLC. (6-04(a))
- Ask TLC’s permission to move your base location. (6-06(d)) If you don’t - or if you move to a new location without being approved, you may be fined, padlocked and/*(new)*or get 1 penalty point.* (6-22))
- You must not operate your base while it is suspended. *(new)*Before you are suspended, TLC will give you notice by certified mail or will deliver a notice to you in person. If you need to pay a fine, you will have 10 days to pay the fine before being suspended. If TLC delivers the notice to you in person and it is not for paying a fine, your suspension goes into effect immediately.* (6-04(a)(i) and (ii))
- *(new)*Use only one business name for your base. A base can add an additional word to this name if they offer the option of a higher class of service such as “premium” or “select”.* (6-06 (b)(3))
- Give TLC correct and up to date contact information (*(new)*including office hours*).(6-06(b)(6)) This information has to match what TLC has on file and use the same name you use for your base. (6-06(b)(3))
- Keep a record of all your dispatches. You can keep these records *(new)*on paper or electronically*. (6-08(f))
- *(new)* Livery/Community Car bases must tell all passengers what their fare will be before their ride. Once you tell them the fare, you cannot change it unless the passenger changes the destination or number of stops.* (6-07)(a))
- Keep a list of fares in your base for passengers to see. (6-06(a)(6))
- Keep both sides of the street your base is located on clean at all times. (6-07(b)(3))
- *(new)* Make sure your affiliated vehicles do not loiter or park illegally on the street your base is on.* (6-07(b)(4) and ((5))
- Make sure all of your affiliated vehicles and their drivers have current, valid DMV and TLC licenses. If TLC is does not provide you with DMV data on its website, you will not be penalized for not knowing the DMV status.(6-12(e)(4) (6-12.1(a))

- Make sure drivers of your affiliated vehicles do not drive under the influence of drugs or alcohol. (6-12.1)(a)(3))
- ***(new)*** Make sure all of your affiliated vehicles pick up passengers through pre-arrangement only for each and every ride.* (6-07(g))
- Make sure all of your affiliated vehicles and their drivers follow New York State traffic and parking laws when visiting the base. (6-07(b)(1))
- ***(new)***All of your affiliated vehicles must have 3 new TLC vehicle permit stickers starting September 1, 2009 – on the windshield and on both rear quarter windows. (Vehicles affiliated with luxury limousine bases only need to have the 1 permit on their windshields.(6-12(a)(4))) You will get these permit stickers from TLC in the mail. (6-12(a)(2) When your affiliated cars renew or change affiliations, they will get these permit stickers from the TLC at our Woodside, Queens location and TLC will put them on the car.* (6-12(a)(3))
- ***(new)***Starting July 1, 2009, if you own a livery/community car base, all of your affiliated vehicles must have stickers on the outside of the car (either on both sides of the vehicle or on the back of the car) that have your base name, base station license number and base telephone number.* (6-12(f)(1)(i))
- ***(new)***You can only dispatch vehicles that are affiliated with your base. There is an exception to this rule when you provide wheelchair accessible service- see TLC Rule 6-07(f) – or when you dispatch a vehicle from another base and tell the passenger the car is coming from another base and its affiliated base’s name. *(6-07(j))
- ***(new)***All of your affiliated cars have to show these things inside the car so that passengers can see them: (6-12)(j)(2) and (3) and 6-12(k))
 - TLC Driver’s License of the person driving
 - TLC Vehicle License (this is a new license TLC will give vehicle owners)
 - FHV Passenger Bill of Rights (livery/community cars only)*

Affiliations and De-affiliations

(new)Vehicles can only affiliate with one base at a time.* (6-11)(t))

(new)If a base is suspended for more than thirty days (30), its license has expired, or its license is revoked, all vehicle affiliations to that base will automatically terminate. Vehicles will need to re-affiliate with a different base that has a current license.* (6-07(i))

(new)If you are a base owner and would like to disaffiliate a vehicle, you have to submit a form that both you and the vehicle owner have signed. If you can’t get the vehicle owner to sign, you must give the vehicle owner notice in writing. A letter must be sent to the vehicle owner, using certified mail, to the address that matches the address of the vehicle owner we have on file.

You will need to show proof you sent the letter when you request the disaffiliation. The de-affiliation will be effective immediately.* (6-07)(h))

FHV License Applications and Renewals

FHV licenses are good for 2 years. (6-02(a)(3)(A))

(new)If your license is revoked, surrendered, or if the vehicle plates are surrendered before the expiration date, your license has expired and cannot be renewed.* (6-02(a)(3)(B))

(new)If you are renewing a FHV license, you will need to submit a complete application to TLC thirty days (30) before the expiration date of the license. You will be allowed to submit a complete application in the 30 day period before the license expires as long as you pay a \$25 late fee. Once your expiration date has passed you cannot renew.* (6-02(a)(4)(B))

(new)Vehicles can only have one current FHV license at a time. If you submit an application for a license and the vehicle already has a current and valid vehicle license, the original license holder will be brought in for a hearing and his license may be revoked. * (6-11(n) and (o))

(new)If you submit an application for a new license and you had a TLC vehicle license that was revoked in the past, you will be brought in for a fitness hearing.* (6-11(q))

If you own a vehicle

- ***(new)***Your vehicle can only affiliate to one base at a time.* (6-11(t))
- You have to make sure that everyone who drives your car has a valid and current license with the TLC and DMV. (6-12.1(a)(1) and (2))
- Your car needs to have valid and current DMV registration and TLC license. (6-12(e)(4))
- You can't let anyone drive your car when they are under the influence of drugs or alcohol. (6-12.1(a)(3))
- ***(new)***Your car must be dispatched through your affiliated base for all trips. You have to make sure your drivers only accept trips by dispatch from your vehicle's affiliated base.* (6-11(c) and 6-12.1(f))
- ***(new)***You have to make sure anyone driving your car is not accepting street hails.* (6-12.1(f))
- Your vehicle must be inspected 3 times a year. (6-12(c)(2))
- ***(new)***You must bring your car to TLC in Woodside, Queens to be inspected every time you renew or apply for a license.* (6-12(c)(3) and (4))
- Your vehicle must have proper insurance coverage at all times.(6-11(d))

- ***(new)***Your license will be revoked if: (6-11(r))
 - Your car is not affiliated with any base for 60 days.
 - Your car does not have insurance for 60 days.
 - You do not pass your inspection or re-inspection in 60 days.
 - Your vehicle receives 3 or more penalty points during the 2 year license term.*

(new)Beginning September 1, 2009, vehicles will need to have 3 TLC permit stickers on them. (Vehicles affiliated with luxury limousine bases only need to have the 1 permit on their windshields. (6-12(a)(4))) Your base will receive these new stickers from TLC and you will need to put them on yourself. The stickers will show your base affiliation and VIN. These stickers are the vehicle permits and will replace the diamond. One will be on the windshield where the diamond is now; the other two will be on both sides of the car on the rear quarter windows.* (6-12(a)(2))

(new)Any time you do a transfer (base transfer, plate transfer, vehicle transfer) and submit a transfer application, you will need to visit TLC in Woodside, Queens for new stickers. TLC will put the stickers on your car at Woodside.* (6-12(a)(3))

(new)Inside your car, you must have three items placed in the vehicle for passengers to see: (6-12(j)(2),(3) and (4))

- FHV Passenger Bill of Rights (for livery/community car vehicles only) in a protective holder behind the front passenger seat
- The driver's TLC license and vehicle's TLC license. TLC will give you this new vehicle license. Livery/community cars must place these in a protective holder behind the driver's seat. *

(new)Starting July 1, 2009, if you are affiliated with a livery/community car base, your car must have base markings on the outside of the car (either on the both sides of the vehicle or on the back of the car) that have its affiliated base name, base station license number and base telephone number.* (6-12(f)(1)(i))

Vehicle Inspections

For-Hire Vehicles (FHVs) have to get inspected six times in two years. This means you have to get an inspection at least every four months. (6-12(c)(2))

(new)Starting September 1, 2009, if you are a new applicant, you will have to get your vehicle inspected at TLC's Woodside facility within 10 days of getting your TLC license plates from DMV. The TLC inspection at Woodside will count as one of your DMV inspections. If your car is model year 1995 or older, the TLC inspection does not count as a DMV inspection because TLC does not have the equipment to do a DMV inspection for these older cars. If your car has less than 500 miles on it, it will not need a DMV inspection and will have a visual inspection only.* (6-12(c)(3))

(new)Starting February 10, 2010, if you are a renewing applicant you will have to get your vehicle inspected at TLC's Woodside facility. The inspection at Woodside will count as one of

your DMV inspections. If your car is model year 1995 or older, the TLC inspection does not count as a DMV inspection because TLC does not have the equipment to do a DMV inspection for these older cars.* (6-12(c)(4))

Vehicle Markings

*(new)*Starting July 1, 2009, all livery/community car vehicles must have the base name, the base license number, and the base telephone number on the outside of the car.* (6-12(f)(1)(i))

*(new)*Livery/community car vehicles will put the markings on both sides or the back of the car. For the sides, the letters and numbers must be at least 1 ½ inches tall. On the back, letters and numbers must be at least 1 inch tall. Vehicles may choose to put markings on both the sides and the back. *(6-12(f)(1)(i))

*(new)*Starting July 1, 2009, inside the car, the vehicle must have on display, at all times, the FHV vehicle license, TLC driver’s license, and for livery/community cars (starting June 26, 2009), the FHV Passenger Bill of Rights.* (6-12(j)(2) and (3) and 6-12(k))

Information TLC Will Provide

A list of current licensees is available on our website for your review. We list current licensees to allow bases, vehicle owners and drivers to check the TLC license status. (6-11(a))

*(new)*Every time an affiliated vehicle is convicted of a violation and gets a penalty point, the base will get a letter to tell them. (6-29a)) We are sending you a letter to keep you aware of your affiliated vehicle’s activity. When any affiliated vehicle gets 4 penalty points for violations, the base will get 1 penalty point.* (6-29(c))

PENALTY POINTS

*(new)*Penalty point: a point given against a base owner or vehicle owner after being convicted of a violation. Base licenses may be revoked if they get 6 points during the 3 year period of their licenses. (6-29(d))Vehicle licenses can be revoked if the vehicle gets 4 points during the 2 year period of its license. (6-29(b)) When the base or vehicle license is renewed, they start their licenses at 0 points again for the new license period.*

List of Violations With 1 Point Penalty	
BASES OWNERS	VEHICLES
Will be revoked if gets 6 points during 3 years of license (6-29 (d))	Will be revoked if gets 4 points during 2 years of license (6-29(b))
Affiliated vehicle has license revoked for getting 3 points (6-29(c))	Unlicensed vehicle picking up passengers (6-11(a))
Base is operating while suspended or expired (6-04(a))	Unregistered vehicle picking up passengers (6-11(b))
TLC has to draw on base’s bond for base not paying fines (6-04(e))	Vehicle has not met inspection requirements (6-12(c))
Base is operating from unlicensed location (6-06(d))	Vehicle has driver without current DMV license doing service (6-12.1(a)(1))

Base dispatches unlicensed vehicle (6-12(e)(4))	Vehicle has driver without TLC license doing service (6-12.1(a)(2))
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DATES TO REMEMBER

<u>New rule/requirement</u>	<u>Starting on</u>	<u>New rule/requirement</u>	<u>Starting on</u>
All base licenses, including renewals, will last for 3 years.	July 1st, 2009	Vehicles will have 3 TLC permit stickers	September 1st, 2009
External base markings for <u>livery/community cars</u>	July 1st, 2009	New applicant inspections at Woodside.	September 1st, 2009
Interior vehicle markings	July 1st, 2009	Renewal applicant inspections at Woodside	February 10th, 2010

This document is intended only to summarize and highlight certain proposed rules governing the for hire vehicle industries and to advise licensees and applicants that significant changes to rules governing the for-hire industry [are being proposed/have been recently enacted]. As a summary, this document does not include every new or different requirement, standard, or obligation set forth in the [new/proposed] rules. This document is not, and should not be relied upon as, a full and complete statement of the rules, the changes to the rules, or of the requirements, standards, duties or obligations applicable to applicants for licenses or holders of licenses under the rules of the TLC. Applicants for licenses and holders of licenses are responsible for knowing and complying with the rules of the TLC. All persons are encouraged to consult the full text of the rules for a complete statement of applicable duties, standards, requirements and obligations. The rules are available at www.nyc.gov/taxi.