

## 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 Chapters 7 and 11 of Title 35 of the Rules of the City of New York to require commuter vans to have passenger bills of rights.

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 2010.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on Monday, December 6, 2010 at 2:30 p.m. The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. 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 November 24, 2010.

Written comments in connection with these proposed rules must be received no later than December 6, 2010. Comments may be submitted through the NYC Rules website at [www.nyc.gov/nycrules](http://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, 5<sup>th</sup> Floor  
New York, New York 10006  
Telephone: 212-676-1135  
Fax: 212-676-1102  
Email: [tlcrules@tlc.nyc.gov](mailto: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 hereby proposed to amend Section 7-04 of Title 35 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(f) [**Reserved.**] Familiar with Geography. An Applicant must demonstrate to the satisfaction of the Commission that he or she is familiar with the geography and streets of the area in which he or she intends to operate a Commuter Van.

**Section 2.** It is hereby proposed to amend Section 7-12 of Title 35 of the Rules of the City of New York to add a new subdivision (h) to read as follows:

(h) Courtesy. A Licensee will be courteous to Passengers.

<u>§7-12(h)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
-----------------	-------------------	--------------------------------

**Section 3.** It is hereby proposed to amend Section 7-13 of Title 35 of the Rules of the City of New York to add new subdivision (c) to read as follows:

(c) Compliance with Traffic Laws. A Commuter Van Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose fines and penalties in addition to any fines and penalties imposed by the underlying law.

<u>§7-13(c)</u>	<u>Fine: \$25-250 and/or suspension up to 30 days. If Driver is found guilty of having violated this rule more than 3 times in a 12 month period, the Commuter Van Driver's License will be revoked.</u>	<u>Appearance REQUIRED</u>
-----------------	--	----------------------------

**Section 4.** It is hereby proposed to amend Section 7-15 of Title 35 of the Rules of the City of New York to add a new subdivision (c) to read as follows:

(c) [**Reserved.**] No smoking. A Driver must not smoke in a Commuter Van.

<u>§7-15(c)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
-----------------	-------------------	------------------------------------

**Section 5.** It is proposed to amend Section 7-15(g) of Title 35 of the Rules of the City of New York to add a new paragraph (3) to read as follows:

(3) No Driver is permitted to ask or require a Passenger to tip.

<u>§7-15(g)(3)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
--------------------	-------------------	------------------------------------

**Section 6.** It is proposed to amend Section 7-15 of Title 35 of the Rules of the City of New York to add a new subdivision (o) to read as follows:

(o) A Commuter Van Driver must not engage in horn-honking that violates traffic rules and regulations.

<u>§7-15(o)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
-----------------	-------------------	------------------------------------

**Section 7.** It is proposed to amend Title 35 of the rules of the City of New York to add a new section 7-16 to read as follows:

**§7-16 Operations – Comply with Reasonable Passenger Requests**

- (a) Reserved. Shortest Route Absent Reasonable Passenger Request.
- (b) Reserved. Request to Change Destination or Terminate.
- (c) Reserved. Request for Driver’s Name, License Number.
- (d) Reserved. Request for Receipt.
- (e) Passenger Requests on Audio.

(1) All audio equipment controlled by the Driver must be turned on or off at the request of the Passengers.

(2) The Passengers have the right to select what is played on the audio equipment.

(3) The audio equipment must not be played if any Passenger objects.

(4) Whether or not the Vehicle is in use, an audio device must be played at normal volume only, and must comply with all noise laws and regulations.

<u>§7-16(e)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
-----------------	-------------------	--------------------------------

(f) *Passenger Requests on Air Conditioning.* A Driver must turn on or off heating or air-conditioning equipment at the request of the Passengers.

<u>§7-16(f)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
-----------------	-------------------	--------------------------------

**Section 8.** It is hereby proposed to amend Title 35 of the Rules of the City of New York to add new Section 7-22 to read as follows:

**§7-22 Vehicle – Operation and Condition**

(a) *Reserved. 3-Minute Idle.*

(b) *Reserved. Inspect Condition.*

(c) *Reserved. No On-street Maintenance Other than Emergency.*

(d) *Clean Interior.* A Driver during his or her work shift must keep the Vehicle’s interior clean and scent free.

<u>§7-22(d)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
-----------------	-------------------	--------------------------------

(e) **Reserved.** Exterior Clean and Identification Visible.

(f) **Reserved.** No Unauthorized Equipment.

(g) **Reserved.** No Unauthorized Signing.

**Section 9.** It is hereby proposed to amend Section 7-23(a)(2) of Title 35 of the Rules of the City of New York to read as follows:

(2) The Driver's Commuter Van Driver's License (this must be mounted in a protective holder behind the Driver's seat);

**Section 10.** It is hereby proposed to amend Section 11A-16 of Title 35 of the Rules of the City of New York to add a new subdivision (e) to read as follows:

(e) **Clean Vehicle.** A Commuter-Van Vehicle Owner must keep the Vehicle clean inside and out.

<u>§11A-16(e)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
-------------------	-------------------	------------------------------------

**Section 11.** It is hereby proposed to amend Section 11A-26 of Title 35 of the Rules of the City of New York to add new subdivisions (b) through (e) to read as follows:

(b) **Seat Belts** Each Commuter-Van Vehicle must have seat belts that are clearly visible, accessible, and in good working order.

<u>§11A-26(b)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
-------------------	--------------------	------------------------------------

(c) **Reserved** (Shoulder Belts Required).

(d) **Reserved** (Correct Defect Directives).

(e) **Reserved** (Daily Personal Inspection by Owner).

**Section 12.** It is hereby proposed to amend Section 11A-27(a) of Title 35 of the Rules of the City of New York to add a new subdivision (4) to read as follows:

(4) The required information must be in English. The information can also be in another language.

**Section 13.** It is hereby proposed to amend Section 11A-27(b) of Title 35 of the Rules of the City of New York to add a new subdivision (3) to read as follows:

(3) The required information must be in English. The information can also be in another language.

**Section 14.** It is hereby proposed to amend Section 11A-28(a)(2) of Title 35 of the Rules of the City of New York to read as follows:

(2) The Driver's Commuter-Van Driver's License (this must be mounted in a protective holder behind the Driver's seat);

**Section 15.** It is hereby proposed to amend Section 11A-28 of Title 35 of the Rules of the City of New York to add a new subdivision (b) to read as follows:

(b) Commuter-Van Passengers' Bill of Rights.

(1) Every Vehicle Owner must post a Commuter-Van Passengers' Bill of Rights in a form and format prescribed by the Commission.

(2) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

(3) The Commuter-Van Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

<u>§11A-28(b)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
-------------------	--------------------	------------------------------------

**Section 16.** It is hereby proposed to amend Section 11A-29 of Title 35 of the Rules of the City of New York to add a new subdivision (b) to read as follows:

(b) Heating and Air Conditioning. A Commuter-Van Vehicle must be equipped with functioning heating and air conditioning equipment.

<u>§11A-29(b)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
-------------------	-------------------	------------------------------------

## **Statement of Basis and Purpose**

These rules amend the provisions of the Taxi & Limousine Commission's recently promulgated new rule book, which will take effect on April 1, 2011, to impose the requirement that owners of commuter vans post passenger bills of rights in their vehicles for the benefit of the riding public. These rules implement the requirements of local law 73 of 2009 which amends section 19-537 of the New York City Administrative Code.

The bill of rights requirement resulting from the statute was previously the subject of rule-making amending the TLC's current rule book. Amendments to the old rule book were approved by the TLC at a meeting held on July 15, 2010 and take effect on August 26, 2010. This rule-making is necessary to update the new rule book to account for the new rules passed, based on the legislative requirement, after the new commuter van rules chapters were proposed and approved but which become effective before the new rules take effect on April 1, 2011.