

## 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 Title 35 of the Rules of the City of New York to require that all licensees keep current mailing addresses on file with the TLC, to require that certain licensees keep current email addresses on file, and to permit the TLC to make most communications to certain licensees via email.

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 included in the TLC’s regulatory agenda for Fiscal Year 2011.

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 Thursday, January 20, 2011, at 10:00 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 or by telephone no later than January 13, 2011.

Written comments in connection with these proposed rules must be received no later than January 6, 2011. 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:

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*Deputy Commissioner for Legal Affairs/General Counsel*  
Taxi and Limousine Commission  
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Written comments and a transcript of 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 proposed to amend Chapter 1 of Title 35 of the Rules of the City of New York to add the definition of “Email Address” and amend the definition of “Mailing address” to read as follows:

**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.

**Mailing Address** is the address (other than the Email Address) designated by [the]a Licensee or an Applicant for a License where Licensee or Applicant will receive [all notices, correspondence and service of summons sent by the Commission ] 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.

**Section 2.** It is proposed to amend Section 4-04 of Title 35 of the Rules of the City of New York to add a new subdivision (p) to read as follows:

(p) Address. An Applicant must give the Commission the Applicant’s current Mailing Address.

**Section 3.** It is proposed to amend Section 4-12(i) of Title 35 of the Rules of the City of New York to read as follows:

(i) *Cooperate with the Commission.*

(1) A Driver must truthfully answer all questions and promptly comply with all communications, directives, and summonses issued by the Commission or its representatives, including the NYC Department of Investigation.

(2) Upon request of the Commission, a Driver must produce any license, Rate Card, Trip Record or other documents Licensee is required to have or be reasonably able to obtain, whenever the Commission requires it.

<u>§4-12(i)(1)-(2)</u>	<u>Fine: \$200 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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	<u>Points: 2</u>	
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(3)[A Driver must report any change of Mailing Address to the Commission in person or by registered or certified mail within seven days (exclusive of weekends and holidays). [NOTE: Any notice from the Commission shall be deemed sufficient if sent to the Mailing Address furnished by the Driver.]](i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§4-12(i)(1)- ](3)(i)	Fine: [\$200 and suspension until compliance Points: 2]\$100	Appearance <u>NOT</u> REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

**Section 4.** It is proposed to amend Section 5-04 of Title 35 of the Rules of the City of New York to add a new subdivision (l) to read as follows:

(l) Address. An Applicant must give the Commission the Applicant’s current Mailing Address.

**Section 5.** It is proposed to amend Section 5-12(i)(3) of Title 35 of the Rules of the City of New York to read as follows

(3) [A Driver must notify the Commission in person or by USPS within seven days (other than holidays and weekends) of any change of Mailing Address.]

(i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§5-12(i)(3)(i)	Fine: \$[50] <u>100</u>	Appearance NOT REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

**Section 6.** It is proposed to amend Section 6-04 of Title 35 of the Rules of the City of New York to add a new subdivision (o) to read as follows:

(o) Address. An Applicant must give the Commission the Applicant’s current Mailing Address.

**Section 7.** It is proposed to amend Section 6-12(g)(3) of Title 35 of the Rules of the City of New York to read as follows:

(3) [A Driver must notify the Commission of any change in mailing address (or any other information provided on his or her License application) within 72 hours (not including weekends and holidays). (NOTE: Any notice sent by the Commission will be considered adequate notice if sent to the last mailing address provided by the Driver.) ]

(i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§6-12(g)(3)(i)	Fine: \$[50]100	Appearance NOT REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

**Section 8.** It is proposed to amend Section 7-04 of Title 35 of the Rules of the City of New York to add a new subdivision (m) to read as follows:

(m) Address. An Applicant must give the Commission the Applicant’s current Mailing Address.

**Section 9.** It is proposed to amend Section 7-12(e) of Title 35 of the Rules of the City of New York to add a new paragraph (4) to read as follows:

(4) (i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§7-12(e)(4)(i)	Fine: \$100	Appearance NOT REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

**Section 10.** It is proposed to amend Section 8-04 of Title 35 of the Rules of the City of New York to add a new subdivision (i) to read as follows:

(i) Address. An Applicant must give the Commission the Applicant’s current Mailing Address.

**Section 11.** It is proposed to amend Section 8-22(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) *Mailing Addresses.*

(1) Each Owner must designate a Mailing Address; this can be the Agent’s address but cannot be a post office box number.

(2) [Any notice from the Commission will be sufficient if sent to the Mailing Address.] Any communication from the Commission is sufficient if sent to the Mailing Address furnished by the Owner.

(3) Each individual Owner must also file and maintain with the Commission the Owner's personal address and a telephone number where the Owner can be reached directly.

(4) Each Business Entity Owner must also file and maintain with the Commission the personal addresses and telephone numbers of each of Owner's Business Entity Persons.

§8-22(a)(1) – (4)	Fine: \$100	Appearance NOT REQUIRED
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(5) The Commission is not required to send any communication to the Owner's personal address, except when notifying Owner that the License of the Agent designated by Owner has been revoked. Other communications sent to the Owner's personal address are at the discretion of the Commission.

(6) An Owner must report any change of Mailing Address to the Commission in person or by registered or certified mail within ten days.

<u>§8-22(a)(6)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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**Section 12.** It is proposed to amend Section 9A-04 of Title 35 of the Rules of the City of New York to add a new subdivision (n) to read as follows:

(n) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

**Section 13.** It is proposed to amend Section 9A-20(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) *Mailing Address.*

(1) A Vehicle Owner must [notify the Commission in person or by first class mail of any change in Owner's Mailing Address, within seven days of the change, not including holidays and weekends] report any change of Mailing Address to the Commission in person or by mail within ten days.

§9A-20(a)(1)	Vehicle Owner Fine: \$[50]100	Appearance NOT REQUIRED
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(2) Any [notice]communication from the Commission [will be deemed] is sufficient if sent to the last Mailing Address provided by the For-Hire Vehicle Owner.

**Section 14.** It is proposed to amend Section 9B-04 of Title 35 of the Rules of the City of New York to add a new subdivision (h) to read as follows:

(h) Address. An Applicant must give the Commission the Applicant’s current Mailing Address and Email Address.

**Section 15.** It is proposed to amend Section 9B-20(b) of Title 35 of the Rules of the City of New York to read as follows:

(b) Mailing and Email Address.

(1) A For-Hire Base Owner must file the address of its Base with the Commission.

(2) A For-Hire Base Owner must have a working Email Address at all times.

(3) A For-Hire Base Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§9B-20(b)(1)-(3)	Fine: \$100	Appearance NOT REQUIRED
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~~(2)~~(4) Any [notice]communication from the Commission [will be deemed]is sufficient if sent to the last Mailing Address provided by the For-Hire Base Owner.

(5) 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 last Email Address provided by the For-Hire Base Owner.

**Section 16.** It is proposed to amend Section 10A-04 of Title 35 of the Rules of the City of New York to add a new subdivision (m) to read as follows:

(m) Address. An Applicant must give the Commission the Applicant’s current Mailing Address.

**Section 17.** It is proposed to amend Section 10A-19(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) Current Mailing Address.

(1) The Mailing Address for a Paratransit Vehicle Owner must be either a designated post office box, or one of the following:

- (i) The home address for an individual Vehicle Owner
- (ii) A partner's home address for a partnership Licensee
- (iii) The address of the secretary of the corporation for a corporate Licensee.

(2) [The Commission will consider any notice or summons sent to the last address given by the Vehicle Owner as sufficient notice.] A Paratransit Vehicle Owner must report any change of Mailing Address to the Commission in person or by mail within ten days.

<u>§10A-19(a)(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Paratransit Vehicle Owner.

**Section 18.** It is proposed to amend Section 10B-04 of Title 35 of the Rules of the City of New York to add a new subdivision (h) to read as follows:

(h) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

**Section 19.** It is proposed to amend Section 10B-19(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) Current Mailing and Email Address.

(1) The Mailing Address for a Paratransit Base Station must be either the address of the Base Station or a designated post office box. [The Commission will consider any notice or summons sent to the last address given by the Base Owner as sufficient notice. ]

(2) A Paratransit Base Station must have a working Email Address at all times.

(3) A Paratransit Base Station must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

<u>§10B-19(a)(2)- (3)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Paratransit Base Station.

(5) 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 last Email Address provided by the Paratransit Base Station.

**Section 20.** It is proposed to amend Section 11A-04 of Title 35 of the Rules of the City of New York to add a new subdivision (j) to read as follows:

(j) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

**Section 21.** It is proposed to amend Section 11A-19 of Title 35 of the Rules of the City of New York to add a new subdivision (b) to read as follows:

(b) Mailing Address.

(1) A Commuter-Van Vehicle Owner must report any change of Mailing Address to the Commission in person or by mail within ten days.

<u>§11A-19(b)(1)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(2) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Commuter-Van Vehicle Owner.

**Section 22.** It is proposed to amend Section 11B-04 of Title 35 of the Rules of the City of New York to add a new subdivision (l) to read as follows:

(l) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

**Section 23.** It is proposed to amend Section 11B-19 of Title 35 of the Rules of the City of New York to add a new subdivision (b) to read as follows:

(b) Mailing and Email Address.

(1) A Commuter-Van Service Owner must have a working Email Address at all times.

(2) A Commuter-Van Service Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.



<u>§11B-19(b)(1)-(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Commuter-Van Service Owner.

(4) 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 last Email Address provided by the Commuter-Van Service Owner.

**Section 24.** It is proposed to amend Section 12-04 of Title 35 of the Rules of the City of New York to add a new subdivision (i) to read as follows:

(i) Address. An Applicant must give the Commission the Applicant’s current Mailing Address and Email Address.

**Section 25.** It is proposed to amend Section 12-16 of Title 35 of the Rules of the City of New York to read as follows:

**§ 12-16 Business Procedures – Mailing and Email Address**

(a) *Required Mailing Address.* A Broker must provide to the Commission the street address of his or her primary business location whether or not this is the Mailing Address.[for the mailing of all notices and correspondence, as well as for the service of summonses].

(b) *Additional Mailing Address.* A Broker may also designate a post office box number as a [m]Mailing [a]Address.

[(c) *Report of Changes in Mailing Address.* A Broker must report to the Commission any change in his or her mailing address and in the address of any other office where the Taxicab Brokerage business is conducted. The report must be filed in person or by registered or certified mail, with return receipt requested, within seventy-two (72) hours of the change, not including weekends and holidays.]

<u>§12-16(a)-(c)b</u>	<u>Fine: \$50-\$500 and/or suspension</u>	<u>Appearance REQUIRED</u>
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(c) *Mailing and Email Address.*

(1) A Broker must have a working Email Address at all times.

(2) A Broker must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§12-16(c)(1)-(2)	Fine: \$100	Appearance NOT REQUIRED
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(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Broker.

(4) 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 last Email Address provided by the Broker.

**Section 26.** It is proposed to amend Section 13-04 of Title 35 of the Rules of the City of New York to add a new subdivision (h) to read as follows:

(h) Address. An Applicant must give the Commission the Applicant’s current Mailing Address and Email Address.

**Section 27.** It is proposed to amend Section 13-08 of Title 35 of the Rules of the City of New York to add a new subdivision (i) to read as follows:

(i) Mailing and Email Address.

(1) An Agent must have a working Email Address at all times.

(2) An Agent must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§13-08(i)(1)-(2)	Fine: \$100	Appearance NOT REQUIRED
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(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Agent.

(4) 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 last Email Address provided by the Agent.

**Section 28.** It is proposed to amend Section 14-04 of Title 35 of the Rules of the City of New York to add a new subdivision (l) to read as follows:

(l) Address. An Applicant must give the Commission the Applicant’s current Mailing Address and Email Address.

**Section 29.** It is proposed to amend Section 14-17 of Title 35 of the Rules of the City of New York to read as follows:

**§14-17 Business Requirements – Mailing and Email Address**

(a) Each Taximeter Business must designate the street address of its primary Taximeter Business location as its [official] [m]Mailing [a]Address [for receipt of notices from the Commission, unless otherwise approved in advance by the Commission].

(b) A Taximeter Business must have a working Email Address at all times.

(c) A Taximeter Business must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

<u>§14-17(a)-(c)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Taximeter Business.

(5) 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 last Email Address provided by the Taximeter Business.

## **Statement of Basis and Purpose**

The proposed rules amend the rules of the New York City Taxi and Limousine Commission to require all TLC licensees to have and maintain mailing addresses and to keep such information up to date. In addition, licensed businesses (bases, agents, brokers, and taximeter businesses) will be required to have and maintain email addresses.

The proposed rules further provide that the TLC can use the required email address to give licensees notices, communications, reminders (including reminders about appointments and renewals) and other matters. However, as provided in the proposed rules, the TLC cannot use email alone to serve summonses or notices violation. The rules, as proposed, include penalties for failure to maintain a working email address and also standardize penalties for failure to update mail and email addresses.

The purpose of these rules is to help the TLC make certain it has a working mailing address that is kept updated for each licensee. A current mailing address is needed to assure effective communication with licensees. In addition the TLC believes that licensed businesses, such as agents, brokers, and bases, have access to and familiarity with email and the TLC believes that in many respects it can communicate with such licensees by email as effectively as it can by mail.

These rules amend the version of the Commission's rules that becomes effective April 1, 2011.