

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would amend the TLC's Taxicab Drivers' Rules to create rules for Taxicab Drivers and other drivers operating Street Hail Liveries.

**When and where are the Hearings?** The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 9:00 a.m. on March 22, 2012. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19<sup>th</sup> Floor.

The Commission will also hold a public hearing on the proposed rules as required by the City Administrative Procedures Act. The public and interested parties can also submit testimony at this hearing. The public hearing will take place at 9:00 a.m. on April 19, 2012. The hearing will be held at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22<sup>nd</sup> Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearings.** Anyone who wants to comment on the proposed rule at the public hearings must sign up to speak. You can sign up before either hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on March 22, 2012. You can also sign up at the hearing room before the public hearing begins on April 19, 2012. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by April 9, 2012.

**Do you need assistance to participate in the Hearings?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by

telephone at 212-676-1135. You must tell us by Thursday, March 15, 2012 for the March 22 session and by Thursday, April 12, 2012 for the April 19 public hearing.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These proposed rules will implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the proposed rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The proposed rule changes are organized as follows:

1. Amendment to *Definitions* (Chapter 51) to incorporate Street Hail Liveries
2. Amendment to *For-Hire Service* (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
3. New chapter on *Street Hail Livery Service* outlining licensing, service and vehicle requirements
4. Amendments to *Medallion Taxicab Drivers* (Chapter 54) to incorporate requirements for drivers of Street Hail Liveries
5. New chapter on *Technology Vendors* creating a new licensee type for vendors of taxicab technology for Street Hail Liveries.

This statement first provides some background on existing street hail service availability and passenger demand for this service, and explains the rationale for the Street Hail Livery program. It then discusses the purpose of some of the more specific rules being proposed to implement the program.

#### **Background: Brooklyn, the Bronx, Queens, Staten Island, & Northern Manhattan Lack Street Hail Service**

Currently, yellow taxis with medallions issued by the TLC are the only vehicles authorized to pick up passengers by street hail anywhere in the city. However, according to recent GPS data collected by TLC, 95% of all yellow taxi street hail pickups are in Manhattan's Central Business District (CBD) and at La Guardia or JFK airports. The demand for street hail service in Northern Manhattan, Brooklyn, Bronx, Queens and Staten Island neighborhoods, where 80% of the City's population lives, but where yellow taxis choose not to go, is met (illegally) by livery vehicles, which are licensed to pick up passengers only by prearrangement. TLC staff who recently observed passengers hailing rides at various locations outside Manhattan counted 65 street hails per hour at Mermaid and Stillwell Avenues in Brooklyn, 39 per hour at Jamaica Avenue and Parsons Boulevard in Queens, and 19 per hour at Grand Concourse and 149<sup>th</sup> Street in the Bronx. All street-hails observed by TLC were picked up by livery vehicles.

The current licensing and street hail regulations mean that:

- Livery drivers who pick passengers up from the street by hail to meet the existing demand, but do so without notification from the base, are put in the position of routinely violating the law.
- Business districts outside of the Manhattan CBD are at a competitive disadvantage because their clients and customers do not have access to safe, legal and convenient street hail service for travel between meetings or home from shopping trips.
- Residents who use the street-hail service from liveries are not protected by nor benefit from key features of yellow taxicab service:
  - **Set Fares:** Fares, determined in a livery street-hail pickup by haggling between the driver and the passenger (who is often uncomfortable with this arrangement), are not metered or otherwise regulated and leave passengers vulnerable to over-charging.
  - **Safety and Security:** Licensed livery vehicles can be difficult for street hail passengers to distinguish from unlicensed vehicles. Many passengers seeking to hail a livery on the street are exposed, without their knowledge, to uninsured and possibly unsafe vehicles and to drivers with unknown safety records.
  - **Convenience and Customer Service:** Most livery vehicles have no GPS locator, which can make it hard to help street-hail passengers recover lost property. Most livery vehicles do not offer passengers the convenience of paying by debit or credit card, an extremely popular feature among yellow taxi passengers.
  - **Wheelchair Access:** Only a minute fraction of existing livery vehicles are accessible to wheelchair users. Although there are currently TLC rules in place that require the for-hire industry to provide service to wheelchair users, the service currently available is insufficient to meet wheelchair users' mobility needs.

#### Purpose of Proposed Rules

The legislation enacted in Albany, which these proposed rules implement, addresses the problems described above by authorizing the City to issue transferable Street Hail Livery licenses. Vehicles with these licenses will be permitted to pick up street hail passengers anywhere in Brooklyn, the Bronx, Staten Island, Northern Manhattan (north of W. 110th St. and north of E. 96th St.), and Queens (excluding airports). They can also pick up passengers by prearrangement anywhere except Manhattan south of W. 110th St. and E. 96th St. This will ensure that these new Street Hail Livery Vehicles serve the neighborhoods that are currently underserved by yellow taxis and protect yellow taxis from competition in the areas of the city they typically serve.

*Vehicle Requirements.* Street Hail Liveries will have a variety of features, as described in these rules, to make them safer and more convenient for passengers. These features include:

1. Meters calculating a uniform fare for street-hail trips (to provide predictability for passengers, build trust between drivers and passengers, and prevent price gouging)
2. Credit and debit card readers (to make it easier for passengers to pay their fares and reduce the amount of cash drivers carry)
3. GPS locators (to assist with locating lost property and to assist TLC enforcement with preventing Street Hail Liveries from making illegal pickups)

4. Distinguishing markings (a uniform color scheme, text markings, and roof light) so passengers know they are entering a legal car with a licensed driver

*Accessibility.* The Street Hail Livery program also expands transportation options for individuals who use wheelchairs. As per the state legislation, 20 percent of Street Hail Liveries will be required to be accessible to individuals who use wheelchairs. Individuals who purchase Street Hail Livery licenses that are part of this accessibility initiative will be eligible for a City subsidy to cover costs of upgrading their vehicles or purchasing new accessible vehicles. This will significantly expand access to both prearranged and hail service for wheelchair users, expanding these individuals' ability to travel around the city.

*Driver Requirements.* To ensure that Street Hail Livery drivers can safely and effectively operate a Street Hail Livery and provide excellent customer service, these proposed rules require that new Street Hail Livery drivers be licensed by the Commission and be either (1) existing licensed for-hire vehicle drivers, (2) existing licensed yellow taxi ("hack") drivers, or (3) existing licensed paratransit drivers (for accessible vehicles). Individuals who do not fall into any of the three categories above will be required to obtain a yellow taxi hack license to operate a Street Hail Livery.

*Service Requirements.* To ensure that the public receives good customer service in Street Hail Liveries, these rules outline the service Street Hail Livery drivers must provide. This includes many requirements that are found in the yellow taxi industry, such as rules surrounding service refusals, compliance with reasonable passenger requests, and rates charged.

*Service Options.* Street Hail Liveries will be permitted to provide both prearranged and street hail service. This gives drivers flexibility to adapt to fluctuations in customers' demand for each of these types of service (e.g., prearranged airport drop-offs in the early morning and street hail rides late-night). This enables drivers to maximize revenue earned and gives bases flexibility to respond to spikes and troughs in demand.

*Enforcement.* To protect yellow taxis in areas where they are the only vehicles authorized to pick up street hails, these rules clearly define the areas where Street Hail Liveries are not allowed to make pickups and the penalties for violating these rules. Vehicle requirements will include GPS technology that will enable TLC to detect and penalize Street Hail Liveries that make illegal pickups, putting violators' licenses in jeopardy.

*Base Requirements.* State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. These proposed rules outline the process for bases to become licensed to affiliate a Street Hail Livery, along with these bases' responsibilities. These responsibilities include ensuring their Street Hail Livery vehicles and drivers comply with TLC rules and transmitting the 50 cent MTA surcharge on each hail ride to the MTA.

*Technology Vendor Requirements.* State legislation authorizes the TLC to license vendors of credit card and customer enhancements technology to Street Hail Liveries. The TLC intends to regulate these vendors because it believes that licensure is preferable to the procurement and contract approach used in the taxicab industry. Under a regulatory approach, any vendor who can meet TLC requirements can apply for a license. This will maintain vendor competition and allow the TLC to create and enforce

consistent service standards for all licensees. In addition, the TLC believes that a regulatory approach will enable it to revisit and revise standards as technology and other factors advance. Accordingly, the TLC believes that the competition permitted by a regulatory approach is key to both keeping prices affordable and improving service quality. Allowing multiple taxicab technology vendors to develop and provide taxicab technology is important for fostering innovation and giving the for-hire industries choices. Moreover, the TLC believes that the benefits of competition in the for-hire industries may ultimately feed into the taxi industry by permitting advances in technology that may benefit passengers in all the industries the TLC regulates. In order to maintain the ability for multiple vendors to provide taxicab technology--while maintaining TLC oversight and quality control-- these proposed rules outline the process and standards for becoming a TLC-licensed technology vendor.

In addition to providing a service to the public, the Street Hail Livery program provides opportunities for the industries TLC regulates:

- Livery drivers and bases that choose to enter the Street Hail Livery business (which is completely optional for both vehicle owners and bases) will expand the ways in which they may legally serve the communities they have been serving for years by providing not only high-quality prearranged service, but also safe, convenient and legal street hail service.
- The street hail business that already exists in many neighborhoods outside the Manhattan CBD will be brought out of the shadows, bringing legitimacy and pride to those providing this service.
- Income-generating opportunities for drivers will increase as more customers will be enticed to take advantage of the predictability and quality of this new street hail service.

#### Proposed Rule Governing Driver Requirements

The Commission proposes these rules to implement the legislation authorizing Street Hail Liveries. The proposed rule governing driver requirements amends Chapter 54, *Medallion Taxicab Drivers*, to provide special requirements that will apply only to drivers of Street Hail Livery Vehicles. State Legislation grants TLC the authority to designate who is eligible to drive a Street Hail Livery Vehicle. This proposed rule sets forth TLC's driver eligibility requirements and driver responsibilities while operating a Street Hail Livery. Specifically, the proposed rule provides the following:

- Eligibility requirements for driving a Street Hail Livery:
  - Taxicab Drivers are authorized to drive Street Hail Liveries
  - Paratransit Drivers are authorized to drive Accessible Street Hail Liveries
  - For-Hire Drivers are authorized to drive Street Hail Liveries for a limited period.
- Wheelchair passenger assistance training, for certain drivers of Accessible Street Hail Liveries.
- Conduct requirements for Street Hail Livery Drivers.
- Restrictions on Street Hail Livery operation.
- Fare requirements for trips in Street Hail Liveries that are begun when a driver accepts a hail from a passenger in the street (a Hail Trip), including requirement of MTA surcharge of 50 cents per Hail Trip.
- Requirements for and limitations on prearranged trips provided by Street Hail Liveries.
- Restrictions on passenger solicitation and engagement.
- Requirements for vehicle operation and maintenance.

- Requirement for Street Hail Livery Drivers to maintain accurate prearranged trip and Hail Trip records, including requirements for recording Hail Trips and prearranged trips in the Street Hail Livery Technology System (“LPEP”)<sup>1</sup>.
- Requirements for Street Hail Livery Drivers to accurately use and keep in good working order the meter, the LPEP and the roof light, and prohibitions on tampering with this equipment.

In addition, this proposed rule makes some changes to existing requirements for Taxicab Drivers, principally in terms of passenger solicitation, to better align the rules with actual conditions of operation and also to correct penalties to better align them with other Chapters of these Rules.

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<sup>1</sup> “LPEP” is an acronym for Livery Passenger Enhancements Program and the short form term for Street Hail Livery Technology System.

Section 1. The definition of Taxicab Driver's License in Section 51-03(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

**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

Section 2. The title of Chapter 54 of Title 35 of the Rules of the City of New York is amended to read as follows:

[Medallion Taxicab] Drivers of Taxicabs and Street Hail Liveries

Section 3. Section 54-02 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (f) and (g) to read as follows;

(f) Livery Driver Authorization Period. (i) During the Livery Driver Authorization Period, as provided in section 54-04.2 of this chapter, when a For-Hire Driver is authorized to drive a Street Hail Livery, the requirements of this Chapter as to the operation of a Street Hail Livery apply to such For-Hire Drivers driving Street Hail Liveries, even if such drivers are not Taxicab Drivers.

(ii) A For-Hire Driver can be issued a summons for a violation of the requirements of this Chapter relating to the operation of a Street Hail Livery during the Livery Driver Authorization Period just as if the Driver was a Taxicab Driver licensed under this Chapter. It will not be a defense to any such summons that the driver is not licensed as a Taxicab Driver.

(g) Paratransit Drivers operating Accessible Street Hail Liveries.

(i) When a Paratransit Driver is operating an Accessible Street Hail Livery, as provided in section 54-04.1 of this chapter, the requirements of this Chapter as to the operation of a Street Hail Livery apply to such Paratransit Drivers driving Accessible Street Hail Liveries even if such drivers are not Taxicab Drivers.

(ii) A Paratransit Driver can be issued a summons for a violation of the requirements of this Chapter relating to the operation of a Street Hail Livery just as if the Driver was a Taxicab Driver licensed under this Chapter. It will not be a defense to any such summons that the driver is not licensed as a Taxicab Driver.

Section 4 Section 54-03(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(b) General Terms are Specific to "Taxicabs" in this Chapter.*

(i) When used in this Chapter, capitalized terms such as Driver, Vehicle, License, etc., will mean Taxicab Driver, Taxicab Vehicle, Taxicab Driver's License, etc. Vehicle, when used in this Chapter, can mean either a Taxicab or a Street Hail Livery. When the use of the word Driver in



this Chapter refers to a Driver of a Street Hail Livery, the term will mean any driver authorized to drive a Street Hail Livery, as provided in this Chapter.

(ii) The term Driver can mean a Paratransit Driver operating an Accessible Street Hail Livery. The requirements of this Chapter applicable to Taxicab Drivers will also apply to Paratransit Drivers when such drivers are driving Street Hail Liveries.

(iii) During the Livery Driver Authorization Period, the term Driver, when applied to a person driving Street Hail Livery, can also mean a licensed For-Hire Driver.

(iv) During the Livery Driver Authorization Period, the requirements of this Chapter applicable to Taxicab Drivers will also apply to For-Hire Drivers when such drivers are driving Street Hail Liveries.

Section 5. The chart of mandatory penalties set forth in section 54-02(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

<b>VIOLATION Description</b>	<b>Rule</b>	<b>Mandatory Penalty/Fine - ALL</b>
1. Overcharging Passengers	§54-17(a)(1) & (2), 54-17(i)	First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.
2. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties	§54-20(a)(1)	Second violation (any combination of violations) w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible suspension of License for up to 30 days if found guilty following a hearing.
3. Refusal of service – Requiring assistant for disabled Passengers, or seeking to charge additional fares for such an assistant	§54-20(a)(2)	
4. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for disabled Passengers	§54-20(a)(3)	
5. Refusal of service – Seeking destination before Passenger is seated inside vehicle	§54-20(a)(4)	Third violation (any combination of violations) w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing.

Section 6. Section 54-03(c) (10) of Title 35 of the Rules of the City of New York is amended to read as follows:

(10) *MTA Tax* is the 50 cent tax on taxicab and certain Street Hail Livery trips imposed by Article 29-A of the NYS Tax Law.

Section 7. Section 54-03(c) of Title 35 of the Rules of the City of New York is amended by renumbering paragraphs (17) and (18) as paragraphs (18) and (19) and adding a new paragraph (17), to read as follows:

(17) Use an Electronic Communication Device (or Using an Electronic Communication Device), in this Chapter, means to

- (1) Operate any function of an Electronic Communication Device in any way, or
- (2) Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.
- (3) Exception: In a Street Hail Livery, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:
  - (i) The communication is about a Dispatch; and
  - (ii) The communication occurs using either an FCC-licensed commercial two-way radio or a device, including a smart phone, which is mounted in a fixed position and not hand-held; and
  - (iii) The communication occurs using either voice or one-touch pre-programmed buttons or keys.

Section 8. Section 54-04(n) of Title 35 of the Rules of the City of New York is amended to read as follows:

(n) *Wheelchair Passenger Assistance Training.*

- (1) *Training Must be Approved by Commission.* In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance (Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery).
- (2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
  - (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
  - (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including

familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures

- (iii) Training with an actual person using a wheelchair
- (iv) Sensitivity awareness, including customer service and conflict resolution policies.

- (3) *Proof of Completion Required.* No Driver may operate an Accessible Taxicab or an Accessible Street Hail Livery unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above. *(Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery).*
- (4) *Proof must be Kept in Vehicle.* Each Driver subject to the requirement of this subdivision must keep a copy of the certificate of completion in the Accessible Taxicab or Accessible Street Hail Livery and available for inspection.

§54-04(n) (3)-(4)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing	Appearance NOT Required
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Section 9. Chapter 54 of Title 35 of the Rules of the City of New York is amended to add new sections 54-04.1 and 54-04.2 to read as follows:

**§54-04.1 Licensing—Authorization to drive a Street Hail Livery**

The following are authorized to drive a Street Hail Livery for hire, subject to the provisions and requirements of this chapter, including that they meet the eligibility requirements of this Chapter and that they comply with all requirements in this Chapter while operating a Street Hail Livery:

(a) The holder of a Valid Taxicab Driver's License.

(b) The holder of a Valid Paratransit Driver's License, BUT

(1) The holder of a Valid Paratransit Driver's License is authorized ONLY to drive an Accessible Street Hail Livery and

(2) The holder of a Valid Paratransit Driver's License must comply with all requirements of this Chapter while operating an Accessible Street Hail Livery.

**§54-04.2 Licensing—FHV Driver Authorization to drive a Street Hail Livery**

(a) The holder of a Valid For-Hire Driver's License on July 2, 2012 is authorized to drive a Street Hail Livery subject to all the requirements of this Section.

(b) Livery Driver Authorization Period. The holder of a Valid For-Hire Driver's License on July 2, 2012 is authorized to drive a Street Hail Livery during the Livery Driver Authorization Period. The Livery Driver Authorization Period for any For-Hire Driver expires and cannot be renewed after the earlier to occur of

(i) surrender, revocation, or non-renewal of the For-Hire Driver's License, or

(ii) the expiration of the first renewal of the For-Hire Driver's License occurring *after* the Street Hail Livery License Initial Issuance Period begins, or

(iii) July 1, 2016.

(c) The holder of a Valid For-Hire Driver's License must comply with all requirements of this Chapter while operating a Street Hail Livery

(d) To drive an Accessible Street Hail Livery the holder of the Valid For-Hire Driver's License in order must complete all additional authorization requirements contained in Section 54-04.2(e) of these Rules

(e) Additional Requirements for Drivers of Accessible Street Hail Liveries

(i) A Driver seeking to use his or her For-Hire Driver's License to drive an Accessible Street Hail Livery must by January 2, 2013 complete and pass a course in passenger assistance training as provided in section 54-04(n) of this chapter.

(ii) Proof of Completion Required. After January 2, 2013, a For-Hire Driver must not operate an Accessible Street Hail Livery unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above.

(iii) The Street Hail Livery Licensee is responsible for paying the cost of the passenger assistance training.

<u>§54-04.2(e)</u>	<u>Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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Section 10. Section 54-10(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Restrictions on License.* A Driver must comply with all restrictions upon his or her [Taxicab Driver's] Chauffeur's License

Section 11. Section 54-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Driver Must Have Valid Taxicab Driver's License.* A driver must not operate a Taxicab or Street Hail Livery in the City of New York while his or her Taxicab Driver's License is revoked, suspended or expired. A Paratransit Driver must not operate an Accessible Street Hail Livery in the City of New York while his or her Paratransit Driver's License is revoked, suspended, or expired. During the Livery Driver Authorization Period, a For-Hire Driver must not operate a Street Hail Livery while his or her FHV Driver's License is revoked, suspended or expired.

<u>§54-11(a)</u>	<u>Fine: \$400 and Summary Suspension until compliance.</u>	<u>Appearance NOT REQUIRED</u>
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(b) *Driver Must Have Valid Chauffer's License.*

(1) A Driver must not operate a Taxicab or Street Hail Livery without a Valid Chauffeur's License.

§54-11(b)(1)	Fine: \$400 and Summary Suspension until compliance Points: 2	Appearance NOT REQUIRED
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- (2) A driver must immediately surrender his or her Taxicab Driver's License to the Commission upon the suspension or revocation of his or her Chauffeur's License.

§54-11(b)(2)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (c) *Vehicle Must Be Licensed.* A Driver must not knowingly operate a Taxicab or Street Hail Livery for hire unless that vehicle is licensed by the Commission and the License is Valid.

§54-11(c)	Fine: \$25-\$350 and/or suspension up to 30 days Summary Suspension until compliance Points: 3	Appearance REQUIRED
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- (d) *No Unauthorized Use of Taxicab Driver's License.* A Driver must not permit any other person to use the Driver's Taxicab Driver's License while operating any vehicle.

§54-11(d)	Fine: \$10,000 and revocation	Appearance REQUIRED
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- (e) *No Unlicensed Use of Taxicab or Street Hail Livery.*

- (1)
- (i) A Driver must not permit the Taxicab to be operated for hire by a person who does not have a Valid Taxicab Driver's License.
  - (ii) A Driver must not permit a Street Hail Livery to be operated for hire by a person who is not authorized to drive a Street Hail Livery

§54-11(e)(1)	Fine: \$100-\$300 and/or suspension up to 30 days	Appearance REQUIRED
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- (2) During the work shift a Driver must not allow another person to operate the Taxicab or Street Hail Livery or occupy the Driver's seat, except in the event of an emergency.

§54-11(e)(2)	Fine: \$50	Appearance NOT REQUIRED
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(f) Street Hail Livery Operation.

(1) A Driver of a Street Hail Livery can accept passengers by hail from the street only in the Hail Zone

(2) A Driver of a Street Hail Livery must not accept a passenger by hail in the Hail Exclusionary Zone.

<u>§54-11(f)(1)-(i2)</u>	<u>Fine: \$500 for the first violation; \$750 for the second violation in 24 months; Revocation for third violation in 120 months</u>	<u>Appearance REQUIRED</u>
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(3) A Driver of a Street Hail Livery must not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

<u>§54-11(f)(3)</u>	<u>Fine: \$500</u>	<u>Appearance REQUIRED</u>
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Section 12. Section 54-12(i)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) A driver must remove all currency from the [Taxicab's] Vehicle's interior prior to its examination by any Commission personnel.

Section 13. Section 54-12(k) of Title 35 of the Rules of the City of New York is amended to read as follows:

(k) *No use of [Taxicab] Vehicle for Unlawful Purpose.* A Driver must not use or permit any other person to use his [Taxicab] or her Vehicle for any unlawful purpose.

Section 14. The first unnumbered paragraph of section 54-13(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Comply with Traffic Laws.* Taxicab Drivers (and any authorized Driver of a Street Hail Livery, while driving a Street Hail Livery) must comply with all applicable traffic laws, rules, and regulations. Taxicab Drivers (and any authorized Driver of a Street Hail Livery, while driving a Street Hail Livery) are subject to additional fines and penalties that will be imposed by the Commission for violating the traffic laws as follows:

Section 15. Section 54-12(l) of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) *Report Attempt to Use [Taxicab] Vehicle for Unlawful Purpose.* A Driver must report immediately to the police any attempt to use his [Taxicab] or her Vehicle to commit a crime or escape from the scene of a crime.

Section 16. Section 54-13(a)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) *Report Before Leaving Scene.* A Driver who knows [or should have known] that a traffic accident involving the Driver's [Taxicab] Vehicle resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

- (i) Show his or her Chauffeur's License, Taxicab Driver's License (or, as applicable, For-Hire Driver's License or Paratransit Driver's License), and Rate Card to the other party involved in the incident.
- (ii) Give the other involved party or the police his or her name, Chauffeur's License number, Taxicab Driver's License (or, as applicable, For-Hire Driver's License or Paratransit Driver's License) number, and Taxicab Medallion number or Street Hail Livery License number, as well as the name of the [Taxicab's] Vehicle's insurance carrier and the insurance policy number.

Section 17. Section 54-13(a)(5) of Title 35 of the Rules of the City of New York is amended to read as follows:

(5) *Notify [Taxicab] Vehicle Owner of Accident.* If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Taxicab or the Street Hail Livery Licensee.

Section 18. The heading of Section 54-13(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *MTA Tax: Taxicab Rides.*

Section 19. Section 54-13 of Title 35 of the Rules of the City of New York is amended by adding new paragraph (d) to read as follows:

(d) *MTA Tax: Street Hail Livery Hail Rides.*

(1) The MTA Tax must be charged on any trip in a Street Hail Livery that starts by the vehicle accepting a hail from a person in the street, which trip starts in New York City and ends in any of the following:

- (1) New York City.
- (2) Dutchess County.



- (3) Nassau County.
- (4) Orange County.
- (5) Putnam County.
- (6) Rockland County.
- (7) Suffolk County.
- (8) Westchester County.

(2) A Driver must pay ~~the pay~~ the Street Hail Livery Base with which the Street Hail Livery is affiliated the MTA Tax collected for each trip for which the MTA Tax is due.

Section 20. Section 54-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§ 54-14 Operations – Passenger and Driver Safety**

- (a) *Reckless Driving Rule.* A Driver must not operate his or her [Taxicab] Vehicle in a manner that would violate section 1212 of the NYS Vehicle and Traffic Law [or at a speed unreasonably endangers users of other vehicles, pedestrians, or the Passengers].

§54-14(a)	Fine: \$350-\$1,000 and/or suspension up to 30 days, or revocation if Driver is found guilty of having violated this rule more than three times within an 18-month period Points: 4	Appearance REQUIRED
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- (b) *Driving While Impaired.*

- (1) A Driver must not operate a [Taxicab] Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
- (2) A Driver must not drive or occupy his or her [Taxicab] Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any Drugs.

§54-14(b)	Fine: Revocation	Appearance REQUIRED
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- (c) *Drug Testing.*

- (1) *Drug Testing for Cause.* If the Commission has a reasonable suspicion that a Driver has used a Drug that makes him or her unfit to operate a [Taxicab] Vehicle safely, the Commission can direct the Driver to be tested, at the Driver's expense, by a Commission-

approved person, licensed by the NYS Department of Health, and the Driver must comply.

§54-14(c)(1)	Fine: Suspension until compliance or revocation of license	Appearance NOT REQUIRED
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(2) *Annual Drug Testing.*

- (i) All Drivers except (1) Drivers who are City of New York Police Officers or (2) Paratransit Drivers, must be tested annually, at the Driver’s expense, for Drugs in order to retain Valid Licenses.
- (ii) The drug testing must be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.
- (iii) For Drivers in the first year of a two-year License, the testing must occur no sooner than 30 days before the one-year anniversary date of the License, and not after the one-year anniversary date.

§54-14(c)(2)(iii)	Fine: Summary Suspension until compliance. [If testing occurs after the one-year anniversary date, but within 30 days after that date, there will be a \$200 penalty for reinstatement] <u>\$200 if compliance is more than 30 days after the deadline</u>	[n/a] <u>Appearance NOT REQUIRED</u>
(iv) F		
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- (iv) For Drivers in the second year of a two-year License, the annual drug testing must occur no sooner than 30 days before the License expiration date, and in no case after the expiration date.

§54-14(c)(2)(iv)	If the Driver fails to be tested within this time period, his or her License will expire and will not be renewed	[n/a] <u>Appearance NOT REQUIRED</u>
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(3) *Results of Drug Test.* Driver must pass every drug test, including “For Cause” drug tests under §54-14(c)(1) and “Annual” drug tests under §54-14(c)(2). If the results of either test are positive, or if the sample cannot be tested, the Driver’s License can be revoked after a hearing.

§54-14 (c)(3)	Fine: Suspension or revocation of license	Appearance REQUIRED
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- (d) *Limits on Consecutive Hours of Driving.* A Driver must not operate a [Taxicab] Vehicle for more than 12 consecutive hours.

§54-14(d)	Fine: \$25	Appearance NOT
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	Point: 1	REQUIRED
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(e) *Use of Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§54-14(e)(1)	<p>Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.</p> <p>Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.</p>	Appearance NOT REQUIRED
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- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.
- (3) *Affirmative Defense.* A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:
- (i) The communication was to an emergency response operator;
  - (ii) The communication reports an imminent threat to life or property;
  - (iii) The Driver could not safely stop the Vehicle to make the report; and
  - (iv) The Driver provides documentary proof of communication with an emergency response provider.

Section 21. Section 54-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *No Weapons.* While operating a Taxicab or Street Hail Livery, a Driver must not have a Weapon or any other instrument intended to be used as a weapon in his or her possession or in the vehicle without the written permission of the Chairperson.

§54-15(a)	Fine: Revocation	Appearance REQUIRED
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- (b) *Driver Neat & Clean.* A Driver must be clean and neat in dress and person and present a professional appearance.

§54-15(b)	Fine: \$25	Appearance NOT REQUIRED
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- (c) *No Smoking.* A Driver must not smoke in a Taxicab or Street Hail Livery.

§54-15(c)	Fine: \$150	Appearance REQUIRED
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- (d) *Locking [Taxicab] Vehicle Doors.*

- (1) While on duty, a Driver must not lock either of the rear doors except with the consent or at the request of a Passenger or for a reason specified in these rules.
- (2) A Driver is permitted to lock the front doors. However, a Driver must not refuse to transport a party of four, where one person must occupy the front seat, because the front doors are locked.

§54-15(d)	Fine: \$300 if plead guilty before a hearing; \$400 and/or suspension up to 30 days if found guilty following a hearing. Points: 2	Appearance REQUIRED
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- (e) *(Reserved).*

- (f) *E-ZPass® Rules*

- (1) A Driver must not operate a [Taxicab] Vehicle for hire that is not equipped with an *E-ZPass®* tag.
- (2) The Driver must use *E-ZPass®* at all crossings within the jurisdiction of the Metropolitan Transportation Authority, Triboro Bridge and Tunnel Authority, and wherever else *E-ZPass®* is accepted and must charge the Passenger for the *E-ZPass®* toll rate.
- (3) Drivers may use personal *E-ZPass®* tags to meet this requirement.

§54-15(f)(1)-(3)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (4) A Driver must forward all tolls paid by the Passengers to the holder of the *E-ZPass*® tag at the end of his or her shift or lease period.
- (5) If Driver has been required to establish a replenishment account, as described in §58-27(d)(2) of the Taxicab Owners chapter, the Driver must maintain the required balance in the account.

§54-15(f)(4)-(5)	Fine: \$50 plus restitution to the <i>E-ZPass</i> ® tag holder of any amount not reimbursed, and suspension until compliance	Appearance REQUIRED
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- (g) *Overloading Vehicle.* A Driver must not permit more than four Passengers to ride in a four-Passenger [Taxicab] Vehicle, nor more than five Passengers in a five-Passenger [Taxicab] Vehicle, except that an additional Passenger must be accepted if the Passenger is under the age of seven (7) and is held on the lap of an adult Passenger seated in the rear. A Driver must not permit a Street Hail Livery to be overloaded or to carry more passengers than the Vehicle is equipped to seat based on the NYS DMV registration of the Vehicle.

§54-15(g)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (h) *Use of Front Seat.*

- (1) A Passenger who is unable to enter or ride in the rear seat of the [Taxicab] Vehicle must be permitted to occupy the front Passenger seat.
- (2) If a Passenger's luggage, wheelchair, crutches, other mobility aid or other property occupies the rear seats of the [Taxicab] Vehicle, a Passenger must be permitted to occupy the front Passenger seat.

§54-15(h)	Fine: \$75 for a violation involving a person; \$25 for a violation involving luggage	Appearance NOT REQUIRED
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- (i) *No Property-Only Transport.* A Driver must not transport property, except blood or vital human organs, unless such property is in the possession of a Passenger.

§54-15(i)	Fine: \$100	Appearance NOT REQUIRED
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- (j) *No Marketing to Passengers.* A Driver must not sell, advertise or recommend any service or merchandise to any Passenger without prior written Commission approval. Exception: A Driver of a Street Hail Livery can promote the services offered by the vehicle's affiliated Base.

§54-15(j)	Fine: \$50-\$350 and/or suspension up to 30 days.	Appearance REQUIRED
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- (k) *Proper Driver Authorization (not applicable to Street Hail Liveries).*

(1) A Driver must not operate a Taxicab unless either:

- (i) The Driver's name has been entered onto the Rate Card by the Commission and, if the Driver is leasing the Taxicab, the Lease has not yet expired; or
- (ii) The term "Unspecified Drivers" has been entered onto the Rate Card by the Commission.

§54-15(k)(1)	Fine: \$100-\$350; for the third or subsequent violation within 36 months, the license may also be suspended for up to 30 days. Points: 1	Appearance REQUIRED
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(2) A Driver who is leasing a Taxicab must not sublease the Taxicab.

§54-15(k)(2)	Fine: \$100-\$350; for the third or subsequent violation within 36 months, the license may also be suspended for up to 30 days.	Appearance REQUIRED
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- (l) *Courtesy.* A Driver must be courteous to passengers.

§54-15(l)	Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing. Points: 2	Appearance NOT REQUIRED
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- (m) *Off Duty Procedures for a Taxicab.*

- (1) When the Taxicab is operated for personal use, "Personal Use--Off Duty" must be keyed into T-PEP (or made on the written Trip Record), and the "Off Duty" light must be turned on.

§54-15(m)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a	Appearance NOT REQUIRED
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	hearing.	
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- (2) A Driver must turn on the "Off Duty" light only by use of a manually operated switch on the Taxicab dashboard

§54-15(m)(2)	Fine: \$75	Appearance NOT REQUIRED
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(n) Off Duty procedures for a Street Hail Livery

(1) When the Street Hail Livery is operated for personal use, the designated off duty button on the taximeter must be entered and "Personal Use--Off Duty" must be keyed into LPEP (or made on the written Trip Record).

§54-15(n)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(o) Street Hail Liveries: Roof Light signaling availability

(1) The roof light on a Street Hail Livery must be on when the Vehicle is available to accept a passenger.

(2) The roof light on a Street Hail Livery must be off when

A. There is a passenger in the Vehicle.

B. The Vehicle is on the way to begin a Pre-Arranged Trip.

C. The Driver is Off Duty.

§54-15(o)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 22. Section 54-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Request for Specific Route.* The Driver must comply with all reasonable and lawful routing requests of the Passenger. Unless a Passenger makes a specific request, a Driver must proceed to the Passenger's destination by the shortest reasonable route. This is also true for a Hail Trip in a Street Hail Livery (although it is not true for a Pre-Arranged Trip in a Street Hail Livery).

§54-16(a)	Fine: \$100 if plead guilty before a	Appearance NOT
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	hearing; \$150 if found guilty following a hearing.	REQUIRED
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- (b) *Requests to Change Destination.* Passengers may ask the Taxi Driver or Street Hail Livery Driver on a Hail Trip to change their destination or end their ride during their trip. Drivers must comply with these requests unless it is impossible or unsafe. The Passenger will pay the amount shown on the Taximeter or information monitor when the trip ends. For a Pre-Arranged Trip in a Street Hail Livery a request to change or terminate the trip can result in a different fare or, for a trip which terminates early, the complete fare quoted.

§54-16(b)	Fine: \$50-\$200 Points: 2.	Appearance REQUIRED
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- (c) *Request to Load Luggage.* Upon the request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property into or out of the [Taxicab's] Vehicle's interior or trunk compartment, and must securely close the door or trunk compartment.

§54-16(c)	Fine: \$50	Appearance NOT REQUIRED
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- (d) *Passenger Receipt.* A Driver must [give] offer a Passenger a receipt for payment of the fare at the end of the trip. The receipt must state the date, time, Medallion or Street Hail Livery license number, fare paid, extras and the "311" Commission Complaint telephone number.

§54-16(d)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Points: 1.	Appearance NOT REQUIRED
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- (e) *Request to Adjust Audio.*

- (i) At the request of a Passenger, the Driver must adjust the volume or turn on or off any audio or video equipment within his or her control. Passengers are also entitled to select what is played on any audio or video equipment in the [Taxicab] Vehicle.
- (ii) Whether or not there is a Passenger in the [Taxicab] Vehicle, an audio or video device can only be played at a normal volume and must not violate NYC noise regulations.

§54-16(e)	Fine: \$25	Appearance NOT REQUIRED
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- (f) *Request to Adjust Air Conditioning/Heat.* At the request of a Passenger, the Driver must turn the air conditioning or heating equipment on or off.

§54-16(f)	Fine: \$25	Appearance NOT REQUIRED
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(g) *Other Reasonable Passenger Requests.* A Driver must comply with all the reasonable requests of a Passenger, including but not limited to giving his or her name, Taxicab Driver's License number (or the FHV Driver's License number or Paratransit Driver's License Number as applicable) and the Medallion or Street Hail Livery license number.

§54-16(g)	Fine: \$50-\$200 Points: 2	Appearance REQUIRED
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Section 23. Section 54-17(a)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) A Driver must not charge or attempt to charge a fare above the Commission-approved rates. This includes a fare in a Street Hail Livery for a Hail Trip.

Section 24. Section 54-17(a)(3) of Title 35 of the Rules of the City of New York is amended to read as follows:

3. A Driver must not collect or attempt to collect separate fares from individual Passengers who have shared a Taxicab or Street Hail Livery for part or all of a trip unless such fares are specifically authorized as part of a Group Riding program established by the Commission.

Section 25. Section 54-17(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Non-Paying Customers.* If a Passenger refuses to pay the metered fare, the Driver must place the meter in the off or "Vacant" position, illuminate the "Off Duty" light if driving a Taxicab and, if driving a Street Hail Livery, must enter off duty into the taximeter, and:

- (1) Record the amount of fare on the Taximeter onto the Trip Record through the Taxicab Technology System (or LPEP if applicable), or onto the written Trip Record if the T-PEP (or LPEP) is not working, and
- (2) Proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

Section 26. Sections 54-17(e) and (f) of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) *Must Accept Credit/Debit Card Payment*

- (1) (i) All Taxicabs are required to be equipped with T-PEP and Drivers must accept a Passenger's choice to pay by credit/debit card.  
  
(ii) All Street Hail Liveries are required to be equipped with LPEP and Drivers must accept a Passenger's choice to pay by credit/debit card.

(iii) Drivers of Street Hail Liveries in vehicles using a non-fixed one device solution to accept credit/debit card payments are prohibited from taking the Passenger's credit/debit card. A Driver in such a vehicle must pass the one device solution to the Passenger to allow the Passenger to swipe his or her own card.

§54-17(e)(1)	Fine: \$100.	Appearance REQUIRED
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- (2) A Driver must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging the Taximeter, the Driver advises the passenger that he/she will not be able to use a credit or debit card for payment
- (3) If a customer's effort to pay by debit/credit card at the end of the trip is prevented not by the Taxicab's T-PEP system (or the Street Hail Livery's LPEP system), but because the communication network is unable to process debit/credit card payments at that time, the Driver must offer the customer the option of either:
  - (i) Paying cash or
  - (ii) Having the [Taxicab] Driver continue to a location where the wireless payment system can communicate with its network.

§54-17(e)(2)-(3)	Fine: \$200 if plead guilty before a hearing; \$300 and/or suspension up to 30 days if found guilty following a hearing. Points: 1	Appearance NOT REQUIRED
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(f) No Mark-up for Credit Payment. A Driver must not charge any additional fee (mark-up) to any Passenger for credit/debit card transactions for any Trip in a Taxicab or for any Hail Trip in a Street Hail Livery.

§54-17(f)	Fine: First violation: \$200 Second violation: \$300 Third violation: \$500 In addition to the penalty payable to the Commission, the administrative law judge may order the Driver to pay restitution to the Passenger, equal to the excess amount that was charged to the Passenger.	Appearance REQUIRED
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Section 27. Section 54-17(g)(2)(iii) and (iv) of Title 35 of the Rules of the City of New York are amended to read as follows:

(iii) The rate of fare will be the amount shown on the Taximeter for the portion of the trip within the City, plus twice the amount shown on the Taximeter for the portion of the trip outside City Limits (See Chapter 58, §58-26(d)(2) for Taxicabs and Chapter 82, §82-26(d)(2) for Street Hail Liveries).

(iv) The Driver must tell the Passenger when the [Taxicab] Vehicle crosses the City limits so that the Passenger can check the reading on the Taximeter at that time.

Section 28. Section 54-17(g)(3)(iii) of Title 35 of the rules of the City of New York is amended to read as follows:

(iii) The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$15 (See Chapter 58, §58-26(d)(3) for Taxicabs and Chapter 82, §82-26(d)(3) for Street Hail Liveries).

Section 29. Section 54-17(g)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) For all out-of-City trips, the Driver must record the charges and the out-of-city destination on the written Trip Record, if T-PEP or LPEP is not working.

Section 30. Section 54-17(h) of Title 35 of the Rules of the City of New York is amended to read as follows:

(h) *MTA Tax*. The MTA Tax must be charged on any trip in a Taxicab or in any Hail Trip in a Street Hail Livery that starts in New York City and ends in any of:

- (1) New York City.
- (2) Dutchess County.
- (3) Nassau County.
- (4) Orange County.
- (5) Putnam County.
- (6) Rockland County.
- (7) Suffolk County.
- (8) Westchester County.

Section 31. Section 54-17 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (i) and (j) to read as follows:

(i) A Driver of a Street Hail Livery in a Pre-Arranged Trip dispatched through the Vehicle's Base must not charge or attempt to charge a fare above the pre-approved rate quoted by the Base's dispatcher.

§54-17(i)	Mandatory penalties as set forth in §54-02	Appearance NOT REQUIRED
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(j) A Driver of a Street Hail Livery can participate in any ~~Chairperson~~mission authorized Group Ride programs in the Hail Zone or in any ~~Chairperson~~mission approved multiple passenger ride programs.

Section 32. Sections 54-18(a) and (b) of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) *Inspection Following Trips from Airports.* Immediately after completing a trip to Kennedy, La Guardia or Newark Airports, the Driver must inspect the interior of the [Taxicab] Vehicle and the trunk compartment, if used, to ensure that Passengers have collected their property.

§54-18(a)	Fine: \$25	Appearance NOT REQUIRED
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(b) *Handling of Lost Property.*

(i) Property found by a Driver in a Taxicab must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.

(ii) Property found by a Driver in a Street Hail Livery must be returned to the Passenger if possible; otherwise it must be taken without delay to the Vehicle's Street Hail Livery Base.

§54-18(b)	Fine: \$25-\$250	Appearance REQUIRED
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Section 33. Section 54-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§54-19 Operations – Passenger Solicitation and Engagement**

(a) *Limits on Driver Solicitation of Passengers in Taxicabs.*

(1) [A Driver must solicit Passengers only from the driver's seat of his or her Taxicab and only using the words "taxi" or "cab" or "Taxicab." ]

[§54-19(a)(1)	Fine: \$50 Point: 1	Appearance NOT REQUIRED]
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[(2)] A Driver of a Taxicab must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or an Accessible Taxicab dispatcher, to solicit Passengers.

§54-19(a)([2]1)	Fine: \$50	Appearance NOT REQUIRED
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[(3)] A Driver must not give false or misleading information to someone in an effort to convince him or her to hire the Taxicab by implying, for instance, that the trip will be shorter or cheaper than it will be. For example, the Driver must not give a false departure time for a train, bus or airplane in order to suggest that the Taxicab can get the Passenger to the terminal in time.]

[\$54-19(a)(3)]	Fine: \$50-\$200 Points: 3	Appearance REQUIRED]
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[(4)] A Driver must not solicit Passengers within 100 feet of any bus stop. Drivers must not stop at bus stops unless hailed.]

[\$54-19(a)(4)]	Fine: \$100 Points: 1	Appearance NOT REQUIRED]
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[(5)] (2) A Driver of a Taxicab must not pick up additional Passengers during a trip except at the Passenger's request.

§54-19(a)([5]2)	Fine: \$100	Appearance NOT REQUIRED
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[(6)] (3) A Driver of a Taxicab must not suggest to a current Passenger that an additional person be accepted as a Passenger.

§54-19(a)([6]3)	Fine: \$50	Appearance NOT REQUIRED
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[(7)] (4) A Driver of a Taxicab must not solicit or cruise for the purpose of soliciting Passengers:

- (i) At Kennedy, La Guardia or Newark Airports
- (ii) Within 100 feet of any authorized Taxi Stand
- (iii) Within the private streets of Lincoln Center
- (iv) In any area of the City of New York where Taxicab cruising is prohibited
- (v) When driving a Street Hail Livery, in the Hail Exclusionary Zone

§54-19(a)([7]4)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Points: 1	Appearance NOT REQUIRED
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[(8)] (5) A Driver of a Taxicab who has illuminated the "Off Duty" light must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is returning the Taxicab to his or her garage or home.
- (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)".
- (iii) The Passenger's destination is directly on the route to the Driver's home or garage.
- (iv) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

§54-19(a)([8]5)	Fine: \$75 Points: 1	Appearance NOT REQUIRED
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(b) Limits on Driver Solicitation in Street Hail Liveries.

(1) Exclusionary Zone:

(i). A Driver of a Street Hail Livery must not solicit Passengers in the Hail Exclusionary Zone from the Vehicle.

§54-19(b)(1)(i)	<u>Fine: \$500 for the first violation;</u> <u>\$750 for the second violation in 24 months</u> <u>and suspension for up to 30 days;</u> <u>Revocation for third violation in 120 months</u>	<u>Appearance REQUIRED</u>
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(ii). A Driver of a Street Hail Livery must not accept a Pre-Arranged Trip beginning in the Hail Exclusionary Zone.

§54-19(b)(1)(ii)	<u>Fine: \$500</u>	<u>Appearance REQUIRED</u>
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(2) Hail Zone

(i) Inside the Hail Zone, a Driver of a Street Hail Livery can solicit passengers from the driver's seat of his or her Street Hail Livery.

(ii) Inside the Hail Zone, a Driver of a Street Hail Livery can also accept a Pre-Arranged Trip through the Base with which the Street Hail Livery is affiliated

(iii) A Driver of a Street Hail Livery must not solicit or cruise for the purpose of soliciting Passengers within 100 feet of any authorized Taxi Stand.

(iv) A Driver of a Street Hail Livery must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or a Street Hail Livery Base, to solicit Passengers.

§54-19(b)(2)	Fine: \$50	Appearance NOT REQUIRED
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(3) A Driver of a Street Hail Livery who has indicated in the meter or through the LPEP that he or she is off duty must not solicit or accept a Passenger unless ALL of the following are true:

(i) The Driver is returning the Street Hail Livery to his or her Base or home.

(ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry.

(iii) The Passenger's destination is directly on the route to the Driver's home or garage.

(iv) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

(v) The Driver is in the Hail Zone.

§54-19(b)(3)	Fine: \$75 Points: 1	Appearance NOT REQUIRED
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[(b)] (c) Taxi Stands.

- (1)
- (i) A Driver of a Taxicab has the right to take a position at any Taxi Stand having a vacancy, and no other Taxicab Driver may interfere with that right.
  - (ii) A Driver of a Street Hail Livery has the right to take a position at any Taxi Stand having a vacancy in the Hail Zone, and no other Driver may interfere with that right. A Driver of a Street Hail Livery does NOT have the right to take a position at a Taxi Stand in the Hail Exclusionary Zone.

§54-19(c)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) A Driver must not occupy a Taxi Stand in order to repair his or her [Taxicab] Vehicle, except for minor emergency repairs.

§54-19(c)(2)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (3) A Driver must not overcrowd, crash into or back into a front position on a Taxi Stand; a Driver must take the rear position on the line formed at such a stand, unless it is a relief stand that has a vacancy.

§54-19(c)(3)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (4) A Driver must only occupy a Taxi Stand when on duty or for no longer than one hour while on Relief Time or for Personal Use-Off Duty.

§54-19(c)(4)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (5) The Drivers of each of the first two [Taxicabs] Vehicles on a Taxi Stand, (other than a Relief Stand), must remain in the driver's seat ready to accept Passengers. Any other Driver on a Taxi Stand must be no more than 15 feet from his or her [Taxicab] Vehicle unless he or she is off duty [and the required "Off Duty" light or "Relief Time" sign is visibly displayed].

§54-19(c)(5)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (6) Except where expressly forbidden, a Taxicab or Street Hail Livery is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a street where parking is not prohibited, provided the Driver remains seated in his [Taxicab] or her Vehicle, ready for operation at all times.

§54-19(c)(6)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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[(c)] (d) Terminals.

- (1) The rules regarding Taxi Stands also apply to special Taxi Stands and Feed Lines at air, rail, bus and ship terminals (Note: These rules also apply to Street Hail Liveries for terminals located in the Hail Zone.)
- (2) Where a terminal provides Taxicab or Street Hail Livery holding areas:
- (i) Drivers must park the [Taxicab]Vehicle in a taxi holding area before leaving on Relief Time.
  - (ii) Upon returning from Relief Time, the Driver must join the end of the Feed Line.
  - (iii) Drivers are not permitted to bring Passengers into a holding area.

§54-19(d)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (3) Where an airport Taxi Stand offers both Long Haul and Short Haul lines, if there are Taxicabs available in both lines:
- (i) A Driver in the Short Haul line must not accept a Passenger for a Long Haul
  - (ii) A Driver in the Long Haul line must not accept a Passenger for a Short Haul.

§54-19(d)(3)	Fine: \$100	Appearance NOT REQUIRED
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Section 34. Section 54-20(a)(2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) Attendant for Disabled Passengers. A Driver must not require a person with a disability to be accompanied by an attendant. However, if a person with a disability is accompanied by an attendant, the Taxicab Driver (or, as applicable, the For-Hire Vehicle Driver or the Paratransit Driver when driving a Street Hail Livery) must not impose or attempt to impose any additional charge for transporting the attendant.

§54-20(a)(2)	Mandatory penalties as set forth in §54-02)	Appearance NOT REQUIRED
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Section 35. Section 54-20(a)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) *Destination in Advance.* A Driver must not attempt to learn the destination of a Passenger before the Passenger is seated in the Taxicab or, for a Hail Trip started in the Hail Zone, in the Street Hail Livery.

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Section 36. Section 54-20(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Justifications for Refusing Passenger.* The following are permitted reasons for refusing to transport:

- (1) Another Passenger is already seated in the [Taxicab] Vehicle.
- (2) The Driver has already acknowledged a hail from another person, and that other person is being picked up or is about to be picked up. (*CAUTION: A Driver must not acknowledge the hail of one person over another in order to avoid transporting the person whose hail was not acknowledged.*)
- (3) The Passenger is carrying or is in possession of any article, package, case or container which the Driver reasonably believes will cause damage to the [Taxicab] Vehicle. (*CAUTION: This does NOT include wheelchairs, crutches, a service animal or other mobility aid used by disabled Passengers. Mobility aids must be accepted.*)
- (4) The Driver is discharging his last Passenger or Passengers prior to going off duty, and has already:
  - (i) Illuminated his “Off Duty” light if driving a Taxicab, or entered the off duty button on the taximeter if driving a Street Hail Livery, and
  - (ii) Transmitted or entered the appropriate data.
- (5) The Driver is ending his or her work shift, and has already:
  - (i) Illuminated the “Off Duty” sign if driving a Taxicab, or entered the off duty button on the taximeter if driving a Street Hail Livery,
  - (ii) Locked both rear doors, and
  - (iii) Transmitted or entered the appropriate data.

- (6) The Driver must take the Taxicab or Street Hail Livery out of service for required repairs to T-PEP or LPEP, and has already:
  - (i) Illuminated the “Off Duty” light sign [or properly placed the Relief Time sign in the [Taxicab] (or entered the off duty button on the taximeter in a Street Hail Livery)],
  - (ii) Locked both rear doors, and
  - (iii) Transmitted or entered the appropriate data.
- (7) The Passenger is accompanied by an animal that is not properly secured in a suitable container. (*CAUTION*: This does not apply to service animals accompanying people with disabilities.)
- (8) The Passenger’s destination is Newark Airport or someplace in *Nassau* or *Westchester County*, and the Driver has been operating the [Taxicab] Vehicle for more than eight hours of any continuous 24-hour period.
- (9) The Passenger is disorderly or intoxicated. (*CAUTION*: Drivers must not refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (10) A Passenger asks a Driver on the airport Long Haul line for a Short Haul trip and there are Taxicabs available in the Short Haul line.
- (11) A Passenger asks a Driver in the airport Short Haul line for a Long Haul trip and there are Taxicabs available in the Long Haul line.
- (12) If a Passenger is smoking and has refused the Driver’s request to stop, the Driver can discharge the Passenger in a safe location. (*CAUTION*: The Driver must ask the Passenger at least twice to stop smoking before requiring him or her to leave the Taxicab.)
- (13) The Vehicle is a Street Hail Livery and the Passenger is in the Hail Exclusionary Zone.
- (14) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip from the Street Hail Livery Base with which the Vehicle is affiliated.

Section 37. Section 54-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§54-22 Vehicle – Operation and Condition**

- (a) *3-Minute Idle.* Drivers must comply with the Air Pollution Control Code of NYC, including the provision that the Driver must not cause or permit the engine of the [Taxicab] Vehicle to idle for longer than three minutes.

§54-22(a)	Fine: \$25	Appearance NOT REQUIRED
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- (b) *Inspection by Driver of Vehicle Condition.* A Driver must not operate a Taxicab or Street Hail Livery without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and Passenger seatbelts and shoulder belts are in good working order.

§54-22(b)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (c) *RESERVED.* (No On-street Maintenance other than Emergency.)

- (d) *Clean Interior.* During his or her work shift, a Driver must keep the [Taxicab's] Vehicle's interior clean.

§54-22(d)	Fine: \$50	Appearance NOT REQUIRED
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- (e) *Exterior Clean and Identification Visible.* During his or her work shift, a Driver must keep the Medallion number or Street Hail Livery number on the front and rear of the roof light clean and unobstructed so that it can be seen at all times.

§54-22(e)	Fine: \$50	Appearance NOT REQUIRED
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- (f) *No Unauthorized Equipment.* A Driver must not operate a Taxicab or Street Hail Livery that uses or has installed any equipment or mechanical devices not specifically listed in these rules, unless authorized in writing by the Commission. *Note: A Street Hail Livery is permitted to have the dispatch equipment required by its Street Hail Livery Base.*

§54-22(f)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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- (g) *No Unauthorized Signage.* A Driver must not place any signs in a Taxicab or a Street Hail Livery not specifically listed in these rules, unless authorized in writing by the Commission.

§54-22(g)	Fine: \$25	Appearance NOT REQUIRED
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- (h) *Operation of Roof lights and Taximeters.*

(1) While on duty, a Driver must not operate a Taxicab unless:

[(1)(i)] The roof light is lit when the Taximeter is not in use, and

[(2)(ii)] The roof light is off when the Taximeter is in use.

(2) While on Duty, a Driver must not operate a Street Hail Livery unless:

(i) The roof light is lit when the Taximeter is not in use;

(ii) The roof light is off when the Taximeter is in use; or

(iii) The roof light is off when the Street Hail Livery is traveling to pick up a Passenger for a Pre-Arranged Trip or has a Passenger in the Vehicle who is on a Pre-Arranged Trip or the Driver is off duty.

§54-22(h)	Fine: \$50-\$250 and/or suspension up to 30 days Points: 1	Appearance NOT REQUIRED
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Section 38. Section 54-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§54-23 Vehicle – Items Required to be in the Vehicle.**

(a) *Items Required in [Taxicab] Vehicle.* A Driver must not operate a Taxicab or Street Hail Livery unless the [Taxicab] Vehicle is equipped or provided with the following:

(1)

(i) The Taxicab Technology System (T-PEP) *(or a written Trip Record, when required and permitted) if the Vehicle is a Taxicab.*

(ii) The Street Hail Livery Technology System (LPEP) (or a written Trip Record, when required and permitted) if the Vehicle is a Street Hail Livery.

§54-23(a)(1)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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(2) The Taxicab Driver's License in the appropriate frame (or, as applicable, the For-Hire Driver's License or Paratransit License if the vehicle is a Street Hail Livery being operated by a For-Hire Driver or Paratransit Driver).

§54-23(a)(2)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Points: 2	Appearance NOT REQUIRED
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- (3) The Rate Card assigned to the Taxicab or Street Hail Livery, beside the frame containing the Taxicab Driver's License.

§54-23(a)(3)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 1	Appearance NOT REQUIRED
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- (4) A New York City five (5) borough indexed street map or geographic position system device.

§54-23(a)(4)	Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (5) Receipts for Passengers.

§54-23(a)(5)	Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (6) In a Street Hail Livery, the Street Hail Livery License.

§54-23(a)(6)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 1	Appearance NOT REQUIRED
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- (b) *Clear View for Passengers.*

- (1) A Driver must not block a Passenger's view of the Taximeter, his or her Driver's License, the Rate Card, or the Passenger Information Monitor of the T-PEP System, and, in a Taxicab, must not block in any way a Passenger's access to the medallion number on the Taxicab Identification Raised Lettering Plaque or the Taxicab Identification Braille Plaque, and, in a Street Hail Livery, must not block in any way a Passenger's access to the Street Hail Livery License number.

§54-23(b)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) A Driver must not operate a Taxicab or Street Hail Livery after sunset unless the face of the Taximeter, his or her Driver's License, and the Rate Card are illuminated so that they are clearly visible from the rear seat by a Passenger with normal vision.

§54-23(b)(2)	Fine: \$25 for violation of each subdivision. No fine for multiple violations in one incident will exceed \$50.	Appearance NOT REQUIRED
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Section 39. Section 54-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§54-24 Vehicle – Trip Records.**

- (a) *Record of Passenger Trip Information.* The Trip Record is the record of all data collected from every for-hire trip made by a Taxicab (and Trip Data as defined in Section 51-03 of these rules will constitute the Trip Record for a Street Hail Livery) and must include, for a Taxicab, the following information:
- (1) The Taxicab Medallion number
  - (2) The Taxicab Driver’s License number
  - (3) The location where each Passenger(s) was picked up
  - (4) The time each Passenger(s) was picked up
  - (5) The number of Passengers
  - (6) The location where each Passenger(s) was dropped off
  - (7) The time each Passenger was dropped of
  - (8) The total trip mileage
  - (9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
  - (10) Method of payment
  - (11) The Taximeter readings
  - (12) The concluding time of Driver’s work shift
  - (13) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger
  - (14) The trip number
  - (15) All other entries required by these rules
  - (16) Street Hail Liveries must record Trip Data as specified in Chapter 83 of these rules.

§54-24(a)	Fine: \$15 per missing entry on an electronic or written trip record. The total penalty for violation of this rule will not exceed \$30 per electronic or written trip record.	Appearance NOT REQUIRED
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(b) Electronic Trip Records--Taxicab Technology System (T-PEP) and Street Hail Livery Technology System (LPEP).

(1)

(i) A Driver is required to log in and operate T-PEP in order to obtain the Trip Record data for each trip in a Taxicab.

(ii) A Driver is required to log in and operate LPEP in order to obtain the Trip Record data for each trip in a Street Hail Livery.

§54-24(b)(1)	Fine: \$100-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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(2) If necessary, the Driver will transmit any corrections electronically, using T-PEP if driving a Taxicab or LPEP if driving a Street Hail Livery.

§54-24(b)(2)	Fine: \$25	Appearance NOT REQUIRED
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(c) Written Trip Records

(1)

(i) If the T-PEP is inoperable, the Driver must keep written Trip Records if he or she operates the [Vehicle] Taxicab during the period of time the Taxicab is permitted to operate without a working T-PEP system. (See §54-25).

(ii) If the LPEP is inoperable, the Driver must keep written Trip Records if he or she operates the Street Hail Livery during the period of time the Street Hail Livery is permitted to operate without a working LPEP system. (See §54-25.1)

(2) Drivers must submit all written Trip Sheets to the Taxicab Owner or Street Hail Livery Base at the conclusion of the Driver's shift or lease period.

§54-24(c)(1)- (2)	Fine: \$100-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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(3)

(i) Before beginning each work shift in a Taxicab, a Driver must sign and certify on the Trip Record that the Taxicab and its equipment are in good working condition, and that the items required in the Taxicab are present. (*Exception to Certification:*



If the Taxicab Technology System is not in operation, the certification must note that the Taxicab equipment is in good working order *except* for the Taxicab Technology System.)

- (ii) Before beginning each work shift in a Street Hail Livery, a Driver must sign and certify on the Trip Record that the Street Hail Livery and its equipment are in good working condition, and that the items required in the Street Hail Livery are present. (Exception to Certification: If the LPEP is not in operation, the certification must note that the Street Hail Livery equipment is in good working order *except* for LPEP.)

§54-24 (c)(3)	Fine: Failure to comply with 10-day notice to correct: \$200 and suspension until compliance.	Appearance REQUIRED
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- (4) When correcting a written Trip Record, a Driver:
  - (i) Must not erase any entry or make it completely unreadable.
  - (ii) Must correct a wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change.
  - (iii) Must not leave blank lines between entries on any written Trip Record.

§54-24(c)(4)	Fine: \$25	Appearance NOT REQUIRED
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- (5) A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission.

§54-24(c)(5)	Fine: \$250	Appearance NOT REQUIRED
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Section 40. The heading of section 54-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§54-25 Vehicle Equipment—Taxicab Technology System (Electronic Trip Record System) for Taxicabs.**

Section 41. Title 35 of the Rules of the City of New York is amended by adding a new section 54-25.1, to read as follows:

**§54-25.1 Vehicle Equipment—Street Hail Livery Technology System (Electronic Trip Record System) for Street Hail Liveries.**

(a) Good Working Order. LPEP equipment must be in good working order and each of the five core services must function at all times in a Driver's Street Hail Livery.

§54-25.1(a)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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(b) LPEP System(s) Malfunction. In the event the Street Hail Livery Technology System malfunctions or fails to operate:

- (1) The Driver must file an incident report with the authorized LPEP provider within one (1) hour after Driver knows (or should have known) of the system failure, or the end of the Driver's shift, whichever occurs first.
- (2) If the Street Hail Livery Licensee or Street Hail Livery Base previously filed a timely incident report of the LPEP failure, the Driver will not be required to file a separate incident report. The Driver must get the incident report number from the Street Hail Livery Base or Licensee.

§54-25.1(b)(1)--(2)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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(3) A Driver is not permitted to operate a Street Hail Livery in which any of the five Core Services of LPEP are inoperative for more than 48 hours following the timely filing of an incident report.

§54-25.1(b)(3)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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(c) Unauthorized Devices or Repairs.

- (1) A Driver must not connect any unauthorized device to the LPEP.
- (2) The Driver must not tamper with, repair or attempt to repair the LPEP seals, cable connections or electrical wiring.
- (3) The Driver must not make any change in the Street Hail Livery's mechanism or its tires which would affect the operation of the LPEP system.

§54-25.1(c)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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(4) It will be an affirmative defense to a violation of this provision, §54-25.1(c) that the Driver:

(i) Did not know of or participate in the alleged LPEP tampering, and

(ii) Exercised due diligence to ensure that LPEP tampering did not occur.

(d) Passenger Information Monitor (PIM) Malfunction. If the Street Hail Livery has a PIM and the PIM is not operational and can be made operational by the Driver, the Driver must do so.

§54-25.1(d)	Fine: \$100	Appearance <u>NOT REQUIRED</u>
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Section 42. Section 54-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§54-26 Vehicle Equipment – Taximeters**

(a) *Taximeter Condition.*

(1) *Defective Condition.* A Driver must not pick up or transport a Passenger when the Taximeter in his or her Taxicab or Street Hail Livery is defective.

§54-26(a)(1)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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(2) *Repair and Replacement.* A defective Taximeter must be repaired or replaced at a licensed Taximeter shop. A Taximeter must only be replaced with a Taximeter that has been inspected, sealed and approved within the preceding 12 months.

§54-26(a)(2)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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(3) *Seals and Serial Number.* A Driver must not drive a Taxicab or Street Hail Livery unless all Taximeter seals and cable housing seals are in good condition and pressed by the Commission or its authorized designee. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the [Taxicab] Vehicle.

§54-26(a)(3)	Fine: \$100 Points: 2	Appearance NOT REQUIRED
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- (4) *Receipt Paper.* A Driver must not pick up or transport a Passenger unless the Taximeter is properly equipped with paper for printing receipts.

§54-26(a)(4)	Fine: \$25	Appearance NOT REQUIRED
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(b) *Taximeter Operation.*

- (1) *Setting Taximeter to Record.* As soon as a Passenger enters the [Taxicab] Vehicle, the Driver must immediately place the Taximeter in the recording or “Hired” position and must keep it in that position until arrival at the destination.

§54-26(b)(1)	Fine: \$200 Points: 1	Appearance NOT REQUIRED
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- (2) *Entering Passenger with a Disability.*

- (i) If the Passenger is a Person with a Disability, the Taxicab Driver must not place the Taximeter in the recording or “Hired” position while the Driver is assisting a person with a disability to enter the [Taxicab] Vehicle or while assisting with that Passenger’s mobility aid.

§54-26(b)(2)(i)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (3) *Exiting Passenger with a Disability.* If the Passenger is an individual with a disability who requires assistance to exit the [Taxicab] Vehicle, the Driver must place the Taximeter in a non-recording position before assisting such Passenger and must leave the Taximeter in a non-recording position until such Passenger has paid the fare and safely exited the [cab] Vehicle.

§54-26(b)(3)	Fine: \$50	Appearance NOT REQUIRED
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- (4) *Non-Paying Passenger.* If the Passenger is not being charged a fare, the Driver must not activate the meter, but must:

- (i) Illuminate the "Off Duty" light in a Taxicab or, in a Street Hail Livery, not indicate that the Vehicle is available to accept a passenger.
- (ii) Transmit (or manually add to the written Trip Record) that he or she is off duty and transporting a non-paying Passenger and details of the time and distance of the free fare.
- (iii) Include the reason the Passenger is not being charged.

§54-26(b)(4)	Fine: \$25 Points: 1	Appearance NOT REQUIRED
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- (5) *Flat Fare Trip.* When the Taxicab or Street Hail Livery is engaged in a flat fare trip from between Kennedy Airport and Manhattan, the Driver must key the information into T-PEP or LPEP, as applicable (or enter on a written Trip Record) that this is a flat fare trip to or from Kennedy Airport and include the time and distance of the trip.

§54-26(b)(5)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (6) *End of Trip.* Upon reaching the Passenger's destination, the Driver must place the Taximeter in a non-recording or "Time Off" position, inform the Passenger of the fare due and leave the Taximeter in a non-recording position until the fare is paid.

§54-26(b)(6)	Fine: \$50	Appearance NOT REQUIRED
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- (7) *Re-setting the Taximeter.* Immediately after the Passenger leaves the [Taxicab] Vehicle, the Driver must clear the Taximeter, placing it in an off or "Vacant" position in which it must remain until the next Passenger enters the [Taxicab] Vehicle.

§54-26(b)(7)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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(c) *Taximeter Tampering.*

(1) *Seal Tampering.*

- (i) A Driver must not operate a Taxicab or Street Hail Livery if the official seals attached to it have been tampered with, broken or altered in any manner.
- (ii) The Commission will assume that a Driver who operates a [Taxicab] Vehicle with a broken Taximeter seal knew of the tampering or alteration and deliberately operated the [Taxicab] Vehicle in violation of this Rule, and will take appropriate action against the Driver.

§54-26(c)(1)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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(2) *Unauthorized Devices or Repairs.*

- (i) A Driver must not connect any unauthorized device to the Taximeter.
- (ii) The Driver must not tamper with, repair or attempt to repair the Taximeter seals, cable connections or electrical wiring,
- (iii) The Driver must not make any change in the [Taxicab's] Vehicle's mechanism or its tires which would affect the operation of the Taximeter system.

§54-26(c)(2)(i)-(iii)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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- (iv) It will be an affirmative defense to a violation of this provision, §54-26(c)(2), that the Driver:
  - A. Did not know of or participate in the alleged Taximeter tampering, and
  - B. Exercised due diligence to ensure that Taximeter tampering did not occur.

(3) *Roof Light and other Electrical Connections.*

- (i) A Driver must not tamper with the roof light or any of the interior lights or connections except to replace a defective bulb or fuse.
  - (ii) The roof light of a Taxicab or Street Hail Livery must be automatically controlled only by the movement of the Taximeter button or ignition switch so that it is lighted only when the Taximeter is in an off or "Vacant" position and unlighted when the Taximeter is in a recording or "Hired" position.

(iii) The Commission will assume that a Driver who operates a [Taxicab] Vehicle with an unauthorized installation or device controlling interior or roof lighting knew of the

unauthorized installation or device and deliberately operated the [Taxicab] Vehicle in violation of this Rule, and the Commission will take appropriate action against the Driver.

§54-26(c)(3)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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(4) *Defect(s) that Arise During Shift.* If the Taximeter breaks down during a trip so that the fare can no longer be monitored, the Driver must immediately tell the Passenger and offer him or her the option of:

- (i) Continuing the trip after mutually agreeing to a reasonable fare, or
- (ii) Terminating the trip and paying the fare shown on the Taximeter to that point.

§54-26(c)(4)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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(5) *Procedures for Terminating Use of [Taxicab] Vehicle with Defective Taximeter.* Upon terminating a trip because of a defective Taximeter, [or] T-PEP, or LPEP, the Driver must:

- (i) Illuminate the “Off Duty” light in a Taxicab and enter the off duty button on the taximeter in a Street Hail Livery
- (ii) Lock the rear doors
- (iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if T-PEP system is inoperative)
- (iv) Return the [Taxicab] Vehicle immediately to the garage of record or a licensed Taximeter repair shop.

§54-26(c)(5)	Fine: \$50	Appearance NOT REQUIRED
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(d) *Report Signs of Tampering to TLC.* A Driver must notify the Owner (or, in the case of a Street Hail Livery, the Street Hail Livery Base) and the Commission by telephone immediately, and in writing within 24 hours, upon the discovery of any of the following:

- (1) A Taximeter other than the Taximeter approved by the Commission and indicated on the Rate Card, has been installed in the [Taxicab] Vehicle operated by the Driver.
- (2) A Taximeter seal in the [Taxicab] Vehicle operated by the Driver has been removed or tampered with.

- (3) An unauthorized device that may affect the operation of a Taximeter has been connected to the Taximeter, seal, cable connection or electrical wiring of the [Taxicab] Vehicle operated by the Driver.
- (4) Any intervening connections, splices, “Y” connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the [Taxicab] Vehicle operated by the Driver.

§54-26(d)	Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation	Appearance REQUIRED
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Section 43. Section 54-27(a) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (8), to read as follows:

(8) Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.

Any points accumulated under this Chapter by a For-Hire Driver or a Paratransit Driver while operating a Street Hail Livery will count towards and be applied to the Driver’s For-Hire Driver’s License or Paratransit Driver’s License as specified in

- (i) Section 55-27(a) of these Rules if the Driver is a For-Hire Driver and
- (ii) Section 56-13(b) of these Rules if the Driver is a Paratransit Driver,

and the Driver may incur the penalties specified as a result.

Section 44. Section 54-27(b) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (8), to read as follows:

(8) Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.

(i) Any points accumulated under this Chapter by a For-Hire Driver while operating a Street Hail Livery will count towards and be applied to the Driver’s For-Hire Driver’s License as provided in Section 55-27(b) of these Rules, and the Driver may incur the penalties specified as a result).

(ii) Any points accumulated under this Chapter by a Paratransit Driver while operating a Street Hail Livery will count towards and be applied to the Driver’s Paratransit Driver’s License as provided in this subdivision as if the Paratransit Driver’s License were a Taxicab Driver’s License, and the Driver may incur the penalties specified as a result.

Section 45. Chapter 55 of Title 35 of the Rules of the City of New York is amended by adding a new section 55-28, to read as follows:



**§55-28 Street Hail Liveries.**

(a) The holder of a Valid For-Hire Driver's License on July 2, 2012 is authorized to drive a Street Hail Livery subject to all the requirements of this Section and Chapter 54 of these Rules.

(b) Livery Driver Authorization Period. The holder of a Valid For-Hire Driver's License on July 2, 2012 is authorized to drive a Street Hail Livery during the Livery Driver Authorization Period. The Livery Driver Authorization Period for any For-Hire Driver expires and cannot be renewed after the earlier to occur of

(i) surrender, revocation, or non-renewal of the For-Hire Driver's License, or

(ii) the expiration of the first renewal of the For-Hire Driver's License occurring after the Street Hail Livery License Initial Issuance Period begins, or

(iii) July 1, 2016.

(c) The holder of a Valid For-Hire Driver's License must comply with all requirements of Chapter 54 while operating a Street Hail Livery. A Driver operating a Street Hail Livery can be found liable for violating the requirements of Chapter 54.

(d) Special Penalty Programs.

Any points accumulated under Chapter 54 by a For-Hire Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License as specified in

(i) Section 55-27(a) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or

(ii) Section 55-27(b) of this Chapter if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules,

and the Driver may incur the penalties specified as a result

Section 46. Chapter 56 of Title 35 of the Rules of the City of New York is amended by adding a new section 56-27, to read as follows:

**§56-27 Accessible Street Hail Liveries.**

(a) Authorization.

(1) A Paratransit Driver who holds a Valid Paratransit Driver's License is authorized to drive an Accessible Street Hail Livery.

(b) Must Comply with Chapter 54. The holder of a Valid Paratransit Driver's License must comply with all requirements for operation of an Accessible Street Hail Livery as set forth in Chapter 54 of these Rules while operating an Accessible Street Hail Livery. A Driver operating an Accessible Street Hail Livery can be found liable for violating the requirements of Chapter 54.

(c) Special Penalty Programs.

Any points accumulated under Chapter 54 by a Paratransit Driver while operating an Accessible Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as specified in

(i) Section 56-13(b) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or

(ii) Section 54-27(b) of these Rules if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules,

and the Driver may incur the penalties specified as a result. A Paratransit Driver's License can be suspended or revoked as provided in section 54-27 of these Rules as if it were a Taxicab Driver's License.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Driver Rules  
REFERENCE NUMBER: TLC-19  
RULEMAKING AGENCY: TLC**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro  
Mayor's Office of Operations

February 29, 2012  
Date

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment of Driver Rules**

**REFERENCE NUMBER: 2012 RG 015**

**RULEMAKING AGENCY: Taxi and Limousine Commission**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: February 28, 2012