

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

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

**Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes adoption of rules governing the taxicab technology system.**

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2007.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on March 8, 2007 at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than March 1, 2007.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs, addressed as follows, and must be received no later than March 2, 2007:

**Charles R. Fraser**

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Taxi and Limousine Commission

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

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 1-01 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding three new definitions to read as follows:

§ 1-01 Definitions.

**Merchant.** A “merchant” is an individual or business entity licensed by the Commission that contracts with a merchant bank provider of credit/debit card services and other merchant account related services, which merchant bank provider is approved by the Commission as a subcontractor to one or more taxicab technology service providers for the purpose of providing in-cab payment of taxicab fares, surcharges, tolls and tips by credit/debit cards.

**Taxicab technology service provider.** A “taxicab technology service provider” is a vendor who has contracted with the Commission to install and maintain the taxicab technology system in taxicabs.

**Taxicab technology system.** The “taxicab technology system” is hardware and software that provides the following four core services (collectively “four core services”): (i) allows credit, debit and prepaid card payment required by section 3-03(e)(7) of this title, (ii) text messaging required by section 3-03(e)(8) of this title, (iii) trip data collection and transmission required by section 3-06 of this title, and (iv) data transmission with the passenger information monitor required by section 3-07 of this title.

Section 2. Subdivisions (a), (e) and (f) of section 1-11 of chapter 1 of Title 35 of the Rules of the City of New York are amended, and new subdivisions (g) and (h) are added, to read as follows:

§1-11 Vehicle Condition.

(a) While a taxicab is in operation, all equipment, including brakes, tires, lights and signals must be in good working order and meet all requirements of the New York State Vehicle and Traffic Law, the Commission, and [Taxicab Specifications §] sections 3-03 and/or 3-03.1 or 3-03.2 of this title and these rules.

(e) (i) For any taxicab that is required to be equipped with the [data collection and transmission equipment pursuant to §3-06 of this Title] taxicab technology system, such equipment shall at all times be in good working order and each of the four core services shall at all times be functioning. (ii) In the event of any malfunction or failure to operate of such taxicab technology system, the owner shall file an incident report with the authorized taxicab technology service provider promptly and in no event more than two (2) hours following the owner’s discovery of such malfunction or failure to operate or such time as the owner reasonably should

have known of such malfunction or failure to operate. If the driver or taxicab agent previously filed a timely incident report regarding such malfunction or failure to operate, the owner shall not be required to file a separate incident report but shall obtain an incident report number from the driver, agent or authorized taxicab technology service provider. The owner shall meet, or shall instruct the taxicab agent to meet the appointment for repair scheduled by the authorized taxicab technology service provider following the filing of an incident report with such authorized taxicab technology service provider. A taxicab in which any of the four core services of the taxicab technology system, or any part thereof, are not functioning shall not operate more than forty-eight (48) hours following the timely filing of an incident report by the owner, driver or agent.

(f) [For any taxicab that is required to be equipped with Passenger Information Monitor equipment pursuant to §3-06 of this Title, such equipment shall at all times be in good working order.] The owner of any taxicab required to be equipped with the taxicab technology system shall equip such taxicab, except as provided in subdivision (g) of this section, with a taxicab technology system as set forth in sections 3-03(e)(7) and (8), 3-06 and 3-07 of this title.

(g) Taxicabs that are to be retired within ninety (90) days of a date certain to be set by the Commission shall be exempt from the requirement that the taxicab technology system be installed in the taxicab. If any taxicab technology service provider contracts to provide more than three thousand (3,000) taxicabs with its taxicab technology system by the deadline established pursuant to the contract between the Commission and such taxicab technology service provider, the date by which each such taxicab is required to be equipped with such taxicab technology system may, upon prior written approval from the Chairperson, or his or her designee, be extended to each such taxicab's first scheduled inspection at the Commission's Safety and Emissions Facility following a date certain to be set by the Commission.

(h) The owner of any taxicab requiring six (6) or more repairs of the taxicab technology system in any thirty (30) day period shall promptly take such vehicle for inspection to, or schedule an inspection with, the Commission's Safety and Emissions Facility. Such requirement shall not apply to the owner if compliance is made by the driver or agent of such vehicle.

Section 3. Subdivisions (a) and (b) of Section 1-23 of Chapter 1 of Title 35 of the Rules of the City of New York are amended to read as follows:

§1-23 Tampering Prohibited.

(a) Unless authorized by the [c]Commission no person shall tamper with, alter, repair or attempt to repair the taximeter or the taxicab technology system, or any seal affixed to the taxicab by a licensed taximeter repair shop or other authorized facility, cable connection or electrical wiring thereof or make any change in the vehicle's mechanism or its tires which would affect the operation of the taximeter or the taxicab technology system; the owner is responsible for any tampering, alteration or any unauthorized repair or attempt to repair.

(b) It shall be an affirmative defense to a violation of [Rule] section 1-23(a) that the owner: (1) did not know of or participate in the alleged taximeter or taxicab technology system tampering; and (2) exercised due diligence to ensure that taximeter-tampering or tampering with the taxicab technology system does not occur. Examples of an owner's due diligence shall include, but are not limited to: (A) giving drivers a clear warning that violations of the taximeter or taxicab technology system tampering rules will result in the immediate termination of any lease agreement, the reporting to the Commission of driver tampering and the Commission's probable revocation of the driver's taxicab driver's license; (B) including on any written lease agreement provisions containing the warnings against violation of meter and taxicab technology system tampering rules; (C) stamping warnings regarding the illegality of meter and taxicab technology system tampering on the trip [cards] records issued, if applicable, to all drivers of an owner's taxicabs; (D) requiring management personnel or mechanics to periodically check for proper odometer and meter mileage comparisons in order to determine if there are inappropriate disparities between the two sets of figures; (E) conducting periodic random inspections of the taxicab meter and wiring and of the taxicab technology system for all such owner's taxicabs to detect any evidence of violation of meter or taxicab technology system tampering rules; and (F) having all such owner's taxicabs inspected by a licensed meter shop once every inspection cycle.

Section 4. Subdivision (c) of Section 1-35 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

§1-35 Markings and Advertising.

(c) An owner shall not display inside a taxicab any advertising or other notice not specifically authorized by these rules or the Commission's Marking Specifications for Taxicabs unless approved by the Commission[.] except:

(1) industry signage/logos of all credit/debit cards accepted by the taxicab technology system, all of equal size, shown in the information content on the passenger information monitor screen; and

(2) advertising in the information content on the passenger information monitor screen as set forth in section 1-36 of this chapter and in section 3-07 of this title.

Section 5. Section 1-36 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (m), to read as follows:

Inscription	Location	Size
<u>(m) Brand name of passenger information monitor manufacturer or taxicab technology service provider</u>	<u>On the bezel of the frame of the passenger information monitor</u>	<u>Not to exceed 1 1/4" in height and 4" in length</u>

Section 6. Paragraph (1) of subdivision (a) of section 1-52 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) The following shall be present in the taxicab while it is in operation for hire:

(1) the driver's written trip record, also known as a "trip sheet" until [such time when] the taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider, as set forth in section 1-11(e) of this chapter;

Section 7. Subdivision (e) of Section 1-56 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

§1-56 Records.

(e) An owner shall take possession of the written trip records from the driver on a weekly basis, until [such time when] the taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider, as set forth in section 1-11(e) of this chapter.

Section 8. Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding a new section 1-85, to read as follows:

§1-85 Limitations on Credit and Debit Card Transaction Fees.

(a) A merchant shall not charge a mark-up to any passenger for credit/debit card transactions; and

(b) A merchant who is an owner may charge a mark-up to a driver licensed by the Commission of not more than three and seventy-five hundredths percent (3.75%) of the total credit/debit card charges incurred during the driver's shift.

Section 9. Section 1-86 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by amending penalties labeled §1-11(e) and (f) and by adding new penalties labeled §1-11 (h) and §1-85(a) and (b), to read as follows:

Rule No.	Penalty	Personal Appearance Required
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. . . . .

§1-11(e)(i)[& (f)]	\$[100] <u>250</u> and suspension [of the medallion] until [the defective condition is corrected] <u>compliance.</u>	[No] <u>Yes</u>
<u>§1-11(e)(ii)</u>	<u>\$250 and suspension until compliance</u>	<u>Yes</u>
<u>§1-11(f)</u>	<u>\$1,000 and suspension until compliance.</u>	<u>Yes</u>
<u>§1-11(h)</u>	<u>\$250</u>	<u>No</u>

. . . . .

<u>§1-85(a) and (b)</u>	<u>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 owner to pay restitution to the passenger or driver, equal to the excess amount that was charged to the passenger or driver.</u>	<u>Yes</u>
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Section 10. Section 2-01 of Chapter 2 of Title 35 of the Rules of the City of New York is amended by adding two new definitions to read as follows:

§ 2-01 Definitions.

**Taxicab technology service provider.** A “taxicab technology service provider” is a vendor who has contracted with the Commission to install and maintain the taxicab technology system in taxicabs.

**Taxicab technology system.** The “taxicab technology system” is hardware and software that provides the following four core services (collectively “four core services”): (i) credit, debit and prepaid card payment required by section 3-03(e)(7) of this title, (ii) text messaging required by section 3-03(e)(8) of this title, (iii) trip data collection and transmission required by section 3-06 of this title, and (iv) data transmission with the passenger information monitor required by section 3-07 of this title.

Section 11. Section 2-26 of chapter 2 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (f) and (g), to read as follows:

§2-26 Condition of Taxicab.

. . . .

(f) (i) For any taxicab that is required to be equipped with the taxicab technology system, such equipment shall at all times be in good working order and each of the four core services shall at all times be functioning. (ii) In the event of any malfunction or failure to operate of such taxicab technology system, the driver shall file an incident report with the authorized taxicab technology service provider promptly and in no event more than one (1) hour following the driver’s discovery of such malfunction or failure to operate or such time as the driver reasonably should have known of such malfunction or failure to operate, or the end of the driver’s shift, whichever occurs first. If the owner or taxicab agent previously filed a timely incident report regarding such malfunction or failure to operate, the driver shall not be required to file a separate incident report but shall obtain an incident report number from the owner, agent or taxicab technology service provider. A taxicab in which any of the four core services of the taxicab technology system, or any part thereof, are not functioning shall not operate more than forty-eight (48) hours following the timely filing of an incident report by the owner, driver or agent.

(g) If any passenger information monitor is not operational and can be made operational by the driver, the driver shall do so.

Section 12. Paragraph (1) of subdivision (a) of section 2-27 of chapter 2 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) A driver shall not operate a taxicab unless the following are present in the taxicab:

(1) [Operable data collection and transmission equipment as described in §3-06 of the Taxicab Specifications as required pursuant to these rules.] the taxicab technology system as defined in section 2-01 of this chapter, provided, however, that, [If] if the taxicab is not yet required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications which has been approved by and meets all of the requirements of the Commission] such taxicab technology system and whenever such taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, [then] the driver must maintain a written trip record also known as a “trip sheet,” containing such information as required by sections 2-01 and 2-28(a) of this chapter and section [§]3-06(b) [and § 2-01] of [TLC Rules] this title.

Section 13. Subdivisions (a), (b), (c), (d) and (e) of section 2-28 of chapter 2 of Title 35 of the Rules of the City of New York are amended to read as follows:

§2-28 Trip Records.

(a) Until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, a driver shall keep a written trip record in the taxicab as specified in [§] section 2-27(a) and shall enter the following information legibly in ink, as follows:

(1) at the start of each trip, the starting time, specific location and the number of passengers;

(2) on completion of the trip, the destination, the time, the amount of the fare, and any tolls paid;

(3) the taximeter readings [at finish] and the concluding time of his or her workshift;

(4) any toll bridges or tunnels used by the driver, whether or not with a passenger; and

(5) all other entries required by these rules.

(b) Until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, a driver shall, at the beginning of each workshift, sign and certify on the written trip record that, with the exception of the taxicab technology system, the taxicab and its equipment are in good working condition and that, with the exception of such taxicab technology system, the items required in the taxicab are present, before operating the taxicab.

(c) [A] For any taxicab that is required to be equipped with the taxicab technology system, a driver shall transmit to an electronic database all necessary corrections that need to be made to the electronic trip record. [Until such time when a taxicab is required to be equipped with data collection and transmission equipment as described in §3-06 of the Taxicab Specifications a] A driver shall [not] at no time make erasures or obliterations on any written trip record [and], shall correct any wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change,. Until such time when a taxicab is required to be equipped with data described in §3-06 of the Taxicab Specifications a driver] and shall not leave blank lines between entries on any written trip record.

(d) [Until such time when a taxicab is required to be equipped with data collection and transmission equipment as described in §3-06 of the Taxicab Specifications, a] A driver shall



[not] at no time rewrite a written trip record either in whole or in part, unless authorized by the Commission.

(e) Until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, a driver shall submit his written trip sheet to the owner at the conclusion of [his] the driver's shift or lease period. [In the event that] Whenever a taxicab's [data collection and transmission equipment] taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider, the driver must maintain written trip records [until such time as when the data collection and transmission equipment is in good working order] during the forty-eight (48) hours immediately following the filing of such incident report.

Section 14. The section title and subdivisions (a), (b) and (d) of section 2-31 of chapter 2 of Title 35 of the Rules of the City of New York are amended to read as follows:

§2-31 Tampering with Taximeter, Taximeter Technology System and Rooflight Prohibited.

(a) A driver shall not operate a taxicab in which the taximeter or the seals affixed thereto by a licensed taximeter repair shop or the taxicab technology system have been tampered with, broken or altered in any manner. The operation of a taxicab with a broken taximeter seal shall give rise to a rebuttable presumption that the driver knew of the tampering or alteration and operated the taxicab with such knowledge.

(b) A driver shall not tamper with, repair or attempt to repair, or connect any unauthorized device to, the taximeter or the taxicab technology system, or any seal, cable connection or electrical wiring thereof, or make any change in the vehicle's mechanism or its tires which would affect the operation of the taximeter or the taxicab technology system.

(d) It shall be an affirmative defense to a violation of [Rule] section 2-31(b) that the driver: (1) did not know of or participate in the alleged taximeter or taxicab technology system tampering; and (2) exercised due diligence to ensure that taximeter-tampering or tampering with the taxicab technology system does not occur.

Section 15. The section heading and subdivisions (a) and (b) of section 2-32 of chapter 2 of Title 35 of the Rules of the City of New York are amended, and a new subdivision (c) is added, to read as follow:

§2-32 If Taximeter or Credit/Debit Card Acceptance Equipment [Becomes] Is Defective During Shift.

(a) A driver shall not pick up or transport a passenger when the taximeter is defective, until it has been repaired at a licensed taximeter shop or replaced by such shop with a

taximeter which has been inspected, sealed and approved within the preceding twelve (12) months. [If] Until a taxicab is required to be equipped with the taxicab technology system as defined in section 2-01 of this chapter, if the taximeter is [designed or] equipped to accept credit or debit card payments for fares, a driver may not pick up or transport a passenger when the taximeter is incapable of accepting or processing credit or debit card transactions. When a taxicab is required to be equipped with the taxicab technology system, the driver may not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless: (i) in the event of any malfunction or failure to operate of the credit or debit card acceptance equipment, the driver promptly files an incident report with the authorized taxicab technology service provider, as set forth in section 2-26 of this chapter, and obtains an incident report number, and not more than forty-eight (48) hours have passed following the filing of such incident report, and (ii) the driver advises the passenger of the malfunction or failure to operate of the credit or debit card acceptance equipment prior to engaging the meter. [A driver may not refuse to accept credit or debit card payments from a passenger with valid credit or debit card for which payment has been authorized by the issuing or servicing financial institution.] In the event that the wireless payment equipment used to accept payment by credit and debit cards is inoperable at the destination of a trip as a result of a technical [reason] problem in the system's communication network [and] that is not related to the equipment in the taxicab, the customer has the option of either (i) paying cash or (ii) requesting the taxicab driver continue to a location where the wireless payment system may communicate with its network. If a taximeter or its parts become defective during the driver's shift while a passenger is in the taxicab, or if the taxicab technology system or its parts become defective while a passenger is in the taxicab such that the driver is unable to inform the passenger of the proper fare, the driver shall immediately notify the passenger and offer him or her the option of continuing the trip with a mutually agreed upon reasonable fare, or terminating the trip and paying the fare shown on the taximeter to that point.

(b) Upon terminating a trip because of a defective taximeter or defective taxicab technology system, the driver shall illuminate the "Off Duty" light, lock the rear doors, transmit to an electronic database for entry on the electronic trip record that the taximeter and/or the taxicab technology system is defective or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taximeter technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report as set forth in section 2-26 of this chapter, enter on the written trip record that the taximeter and/or the taxicab technology system is defective[, and]. Whether or not the taxicab is required to be equipped with the taxicab technology system, the driver shall return the taxicab immediately to the garage of record or a licensed taximeter repair shop.

(c) A driver shall not charge a mark-up to any passenger for credit/debit card transactions.

Section 16. Subdivision (a) of section 2-33 of chapter 2 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) When a taxicab is occupied by anyone in addition to the driver, the taximeter shall immediately be placed in the recording or “Hired” position and kept in that position until arrival at the destination, provided that if the passenger is not being charged a fare, the driver, in lieu of activating the meter, may illuminate the “Off Duty” light and transmit to an electronic database for entry on the electronic trip record that he or she is off duty and transporting a non-paying passenger and the details of time and distance of the free fare or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, enter on his or her written trip record, that he or she is off duty and transporting a non-paying passenger and the details of time, distance and reason for the transportation without charge. When the taxicab is engaged in a flat fare trip from Kennedy Airport to Manhattan or from Manhattan to Kennedy Airport in accordance with [Owners Rule §] section 1-69(a) of this title, the driver shall [not activate the meter, except in accordance with subdivision (b) of Rule §1-69, and shall] transmit to an electronic database for entry on the electronic trip record or enter on the written trip record that this is a flat fare trip to or from Kennedy Airport and the details of time and distance. When a taxicab is occupied by a passenger who is a person with a disability, the driver shall place the taximeter in the recording or “Hired” position only after the passenger has safely entered the taxicab. A taxicab driver shall not place the taximeter in the recording or “Hired” position while the driver is assisting a person with a disability to enter the taxicab or while assisting with that passenger’s mobility aid.

Section 17. Paragraphs (3) and (4) of subdivision (a) and paragraph (4) of subdivision (b) of section 2-35 of chapter 2 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) For a trip beyond the City of New York, except for the counties of Westchester or Nassau, or the facilities of the Port Authority of New York and New Jersey at Newark Airport, the following shall be applicable:

(3) the out-of-City destination shall be transmitted to an electronic database upon arrival at the destination for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, entered on the written trip record; and

(4) the total charge shall be captured by an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the

taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, entered on the written trip record.

(b) For a trip to the counties of Westchester or Nassau, or Newark Airport, the following shall be applicable:

(4) the total charge shall be transmitted to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, entered on the written trip record.

Section 18. Subdivision (a) of section 2-39 of chapter 2 of Title 35 of the Rules of the City of New York is amended to read as follows:

§2-39 Non-Paying Passengers.

(a) 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, transmit the relevant information[,] and the amount of fare on the taximeter to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, enter the words “Off Duty” and the amount of fare on the taximeter on the written trip record[.]. Whether or not the taxicab is required to be equipped with the taxicab technology system, the driver shall proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

Section 19. The heading and subdivision (b) of section 2-45 of chapter 2 of Title 35 of the Rules of the City of New York are amended, and a new subdivision (c) is added, to read as follows:

§2-45 Route and Method of Payment.

(b) A driver shall comply with any request of a passenger during the trip to change his or her destination or terminate the trip, unless it is impossible or unsafe for the driver to comply with such request, and the passenger shall pay the amount shown on the taximeter until such time as the taxicab is required to be equipped with the taxicab technology system as

defined in section 2-01 of this chapter or, after such time, the amount shown on the passenger information monitor, unless the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, or there is a discrepancy between the amount shown on the passenger information monitor and the taximeter. In that event, the passenger shall pay the amount shown on the taximeter, at the destination or time of termination.

(c) In a taxicab equipped with the taxicab technology system as defined in section 2-01 of this chapter or otherwise equipped to accept credit and debit card payment for fares, the driver shall comply with any request of a passenger as to the method for payment of the fare, whether in cash or by credit or debit card. Provided, however, that if such taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, the driver shall not be required to accept payment by credit or debit card.

Section 20. Subdivision (b) of section 2-47 of chapter 2 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) A driver must always be capable of making change of a \$20 bill, provided that if the driver finds himself or herself unable to change a \$20 bill during his or her workshift [he or she] the driver may, with the passenger's consent, place the meter in an off or "Vacant" position, illuminate the "Off Duty" light, transmit the relevant information to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, make an appropriate written trip record entry. [and] The driver shall then proceed to the nearest location where he or she may reasonably expect to obtain change.

Section 21. Paragraphs (4), (5) and (6) of subdivision (e) of section 2-50 of chapter 2 of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) Justifiable grounds for the conduct otherwise prohibited by [ §§ ] sections 2-50(a), 2-50(b), 2-50(c) and 2-50(d) shall be the following:

(4) the driver is ending his or her workshift [and], has already illuminated the "Off Duty" sign, locked both rear doors, and has transmitted the relevant information to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab

technology service provider as set forth in section 2-26 of this chapter, indicated on the written trip record that he or she is off duty and proceeding to his or her garage or home;

(5) it is necessary to take the taxicab out of service for one of the reasons [given] specified in [§] section 2-52(a) [hereof] of this chapter, and the driver has already illuminated the “Off Duty” sign, transmitted the relevant information to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, made the appropriate written trip record entry, and the driver has further locked both rear doors;

(6) the driver is discharging his last passenger or [passenger] passengers prior to going off duty, [and] has already illuminated his “Off Duty” sign and transmitted the relevant information to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, made the appropriate written trip record entry;

Section 22. Subdivisions (a) and (b) of section 2-52 of chapter 2 of Title 35 of the Rules of the City of New York are amended to read as follows:

#### §2-52 Off-Duty Procedure.

(a) Before going off duty a driver shall transmit the relevant information to an electronic database for entry on the electronic trip record[,], or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, shall enter on his or her written trip record the time, place and reason for going off duty; he or she shall illuminate the “Off Duty” light or display a “Relief Time” sign inside the windshield and visible from the street and he or she shall lock the rear doors.

(b) Upon completion of the off duty activity a driver shall immediately transmit the relevant information to an electronic database for entry on the electronic trip record or, until [such time when] a taxicab is required to be equipped with [data collection and transmission equipment as described in §3-06 of the Taxicab Specifications] the taxicab technology system as defined in section 2-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with

the authorized taxicab technology service provider as set forth in section 2-26 of this chapter, enter on his or her written trip record the time thereof[,]. The driver shall then turn off the “Off Duty” light or remove the “Relief Time” sign and return to service.

Section 23. Subdivisions (a) and (b) of section 2-66 of chapter 2 of Title 35 of the Rules of the City of New York are amended to read as follows:

§2-66 Cooperating with TLC.

(a) A driver shall, at all times, cooperate with all law enforcement officers, authorized representatives of the Commission, [and] the NYC Department of Investigation, and dispatchers at public transportation terminals and at authorized group-ride taxi lines, and shall comply with all their reasonable requests, including but not limited to giving, upon request, his or her name and taxicab driver’s license number and exhibiting the rate card, the required electronic or written trip record and, when the taxicab is required to be equipped with the taxicab technology system as defined in section 2-01 of this chapter, if off duty produce the off-duty code receipt, and other documents required to be in his or her possession.

(b) A driver shall promptly answer and comply as directed with all questions, communications, directives and summonses from the Commission or its representatives and the NYC Department of Investigation or its representatives. A driver shall produce his or her taxicab driver’s license and DMV license, required electronic or written trip records and, when the taxicab is required to be equipped with the taxicab technology system as defined in section 2-01 of this chapter, if off duty produce the off-duty code receipt, or other documents whenever the Commission requires him or her to do so.

Section 24. Section 2-86 of Chapter 2 of Title 35 of the Rules of the City of New York is amended by adding new penalties labeled §2-26(f)(i), (f)(ii), 2-26(g), §2-32(c) and (d), and §2-45(c) as follows:

Rule No.	Penalty	Personal Appearance Required
	. . . .	
<u>§2-26(f)(i)</u>	<u>\$250 and suspension until compliance.</u>	<u>Yes</u>
<u>§2-26(f)(ii)</u>	<u>\$250 and suspension until compliance.</u>	<u>Yes</u>
<u>§2-26(g)</u>	<u>\$100</u>	<u>No</u>
	. . . .	
<u>§2-32(c)</u>	<u>First violation: \$200;</u> <u>Second violation: \$300;</u> <u>Third violation: \$500;</u>	<u>Yes</u>

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.

. . . .

§2-45(c)      \$150-350      Yes

Section 25. Subdivision (e) of section 3-03 of chapter 3 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (6) and by amending paragraphs (7) and (8), to read as follows:

(e) Vehicle Modifications for Taxicab Service.

(6) Definitions.

**Taxicab technology service provider.** A “taxicab technology service provider” is a vendor who has contracted with the Commission to install and maintain the taxicab technology system in taxicabs.

**Taxicab technology system.** The “taxicab technology system” is hardware and software that provides the following four core services (collectively “four core services”): (i) credit, debit and prepaid card payment required by section 3-03(e)(7) of this chapter, (ii) text messaging required by section 3-03(e)(8) of this chapter, (iii) trip data collection and transmission required by section 3-06 of this chapter, and (iv) data transmission with the passenger information monitor required by section 3-07 of this chapter.

(7) Credit Card Acceptance Capability. Each taxicab that is required to be equipped with the taxicab technology system as defined in section 3-03 of this chapter must be capable of accepting all major credit [cards] and debit cards which are accepted by such taxicab technology system as payment for fares. This specification shall be implemented [as agreed upon between the Taxi and Limousine Commission and the authorized contractor(s)] on a date certain to be set by the Commission.

(8) Text [Message] Messaging Equipment. Each taxicab that is required to be equipped with the taxicab technology system as defined in section 3-03 of this chapter must be equipped with text messaging equipment [approved by the Chairperson capable of] enabling the driver to receive and send text messages [in a format approved by the Chairperson]. No [Text Message Equipment] text messaging equipment shall be installed unless it has been [approved by the Chairperson, based upon a determination] provided by a taxicab technology service provider and [that] the equipment conforms with [the] specifications [as] set forth herein, meets appropriate safety standards, and fulfills the intended purposes for such equipment. No [Text



Message Equipment] text messaging equipment shall be used in contravention of TLC Rules[. No Text Message Equipment shall be used] or for dispatch purposes. This specification shall be implemented [as agreed upon between the Taxi and Limousine Commission and the authorized contractor(s)] on a date certain to be set by the Commission.

Section 26. Paragraph (24) of subdivision (a) of section 3-04 of chapter 3 of Title 35 of the Rules of the City of New York is amended, and new paragraphs (25) and (26) are added, to read as follows:

(a) The Unit must:

. . . .

(24) be capable of calculating and displaying [either of two alternative rates of fare. In addition to displaying] the regular metered rate of fare [as] required by [Owner's Rule] section 1-70 of this title, [the meter unit shall also be capable of displaying instead] the flat rate of fare for a trip from Kennedy Airport to Manhattan or from Manhattan to Kennedy Airport, as required by [Owners Rule] section 1-69(a) of this title, the rate of fare for a trip to or from Newark Airport, as required by section 1-73 (c) of this title, the rate of fare for trips to Nassau and Westchester counties, as required by section 1-73(b) of this title, the negotiated flat fares to points outside New York City other than the Newark Airport and Westchester and Nassau counties, as required by section 1-73(b) of this title, and the flat fares per person for group rides, as required by section 1-71 of this title.

(25) for any taxicab required to be equipped with the taxicab technology system as defined in section 3-03 of this chapter, be capable of transferring data between the taximeter and the taxicab technology systems of all of the authorized taxicab technology service providers to allow credit and debit card payment required by section 3-03(e)(7) of this chapter, text messaging required by section 3-03(e)(8) of this chapter, trip data collection and transmission required by section 3-06 of this chapter and communication with the passenger information monitor required by section 3-07 of this chapter. This specification, unless the taxicab is exempt or has a time extension pursuant to section 1-11(g) of this title, shall be implemented on a date certain to be set by the Commission.

(26) use switches, wiring and wire caps in all connections to the taximeter harness, roof light wires and pulse wires that meet specifications of the Society of Automotive Engineers, where such specifications are applicable. All of the taxicab technology system ports and peripheral connections shall be physically secured from tampering that could disrupt the functionality or compromise the integrity of the taximeter.

Section 27. Subdivision (a) of section 3-06 of Chapter 3 of Title 35 of the Rules of the City of New York is amended to read as follows:

§3-06 Specifications for the Collection and Transmission of Required Trip Data.

(a) All vehicles, except as provided in section 1-11(g) of this title, shall comply with the data collection and transmission requirements of this [S]section. This specification shall

be implemented [as agreed upon between the Taxi and Limousine Commission and the authorized contractor(s)] on a date certain to be set by the Commission.

Section 28. Subdivision (a), paragraphs (ii), (iii), (iv) and (v) of subdivision (b) and subdivision (c) of section 3-07 of chapter 3 of Title 35 of the Rules of the City of New York are amended, and a new subdivision (d) is added, to read as follows:

§3-07 Passenger Information Monitor.

(a) All vehicles, except as provided in section 1-11(g) of this title, shall be equipped with a [P]passenger [I]information [M]monitor which meets all the requirements of this section. This specification shall be implemented [as agreed upon between the Taxi and Limousine Commission and the authorized contractor(s)] on a date certain to be set by the Commission.

(b) The [P]passenger [I]information [M]monitor shall have the following minimum specifications or capabilities:

. . . .

(ii) [Be of a size and construction, and placed in a location as approved by the Chairperson] Be provided with a screen that is no less than ten (10) inches measured diagonally and placed in the rear passenger compartment of the taxicab; provided, however, for hybrid electric vehicles and other small clean air or low emission vehicles without a partition, licensed by the Commission for use as taxicabs, the screen size may be less than ten (10) inches but not less than five and one-half (5½) inches measured diagonally;

(iii) Display a map [agreed upon between the TLC and the authorized vendor(s)] that indicates the current location of the vehicle as well as the route the vehicle has traveled from the point of trip initiation to the point of trip destination or termination;

(iv) Display [only] without limitation the following: TLC Public Service Announcements (PSAs) including but not limited to the Passenger Bill of Rights, the Flat Fare Notice and any other TLC PSAs as designated by the Chairperson and, at the medallion owner's option, limited media content, which may include commercial advertising and commercial sponsorships as enumerated in the contract(s) between the TLC and [approved vendor(s)] taxicab technology service provider(s);

(v) Display itemized metered fare information at destination or termination of trip;

. . . .

(c) No [P]passenger [I]information [M]monitor or related equipment shall be installed unless it has been [agreed upon between the TLC and the authorized contractor] provided by an authorized taxicab technology service provider on a date certain to be set by the Commission [based upon a determination by the Chairperson that the unit and equipment

conforms with the specifications as set forth herein, meets appropriate safety standards and fulfills the intended purposes for such equipment].

(d) If the credit/debit card acceptance equipment is not operational, but the passenger information monitor is operational, the passenger information monitor shall display the message, “Credit Card System Currently Not Available.”

Section 29. Section 12-01 of chapter 12 of Title 35 of the Rules of the City of New York is amended by adding three new definitions to read as follows:

§12-01 Definitions.

**Merchant.** A “merchant” is an individual or business entity licensed by the Commission that contracts with a merchant bank provider of credit/debit card services and other merchant account related services, which merchant bank provider is approved by the Commission as a subcontractor to one or more taxicab technology service providers for the purpose of providing in-cab payment of taxicab fares, surcharges, tolls and tips by credit/debit cards.

**Taxicab technology service provider.** A “taxicab technology service provider” is a vendor who has contracted with the Commission to install and maintain the taxicab technology system in taxicabs.

**Taxicab technology system.** The “taxicab technology system” is hardware and software that provides the following four core services (collectively “four core services”): (i) credit/debit card payment required by section 3-03(e)(7) of this title, (ii) text messaging required by section 3-03(e)(8) of this title, (iii) trip data collection and transmission required by section 3-06 of this title, and (iv) data transmission with the passenger information monitor required by section 3-07 of this title.

Section 30. Subdivisions (m) and (q) and paragraph (1) of subdivision (r) of section 12-06 of chapter 12 of Title 35 of the Rules of the City of New York are amended, and a new subdivision (u) is added, to read as follows:

§12-06 Standards of Conduct.

. . . .

(m) An agent shall not dispatch a taxicab unless all equipment, including brakes, tires, lights and signals are in good working order and meet all requirements of the New York State Vehicle and Traffic Law [and], the Commission, [Taxicab Specifications] section 3-03 and/or 3-03.1 and 3-03.2 of this title and these rules.

. . . .

(q) An agent shall not tamper with, alter, repair or attempt to repair a taximeter or any seal affixed thereto by a licensed taximeter repair shop or another authorized facility, or the taxicab technology system as defined in section 12-01 of this chapter, or alter, repair or attempt to repair any cable mechanism or electrical wiring of a taximeter, or make any change in a vehicle’s mechanism or its tires which would affect the operation of the taximeter or of the taxicab technology system.

(r) An agent shall not dispatch a taxicab unless the following are present in the taxicab:

(1) the driver's written trip record, also known as a "trip sheet" until the taxicab is required to be equipped with the taxicab technology system as defined in section 12-01 of this chapter, and thereafter whenever the taxicab technology system is inoperable for not more than forty-eight (48) hours following the filing of an incident report with the authorized taxicab technology service provider, as set forth in subdivision (u) of this section;

(u) Responsibilities of agent with regard to the taxicab technology system. (1) (i) For any taxicab that is required to be equipped with the taxicab technology system, such equipment shall at all times be in good working order and each of the four core services shall at all times be functioning. (ii) In the event of any malfunction or failure to operate of such taxicab technology system, the agent shall file an incident report with the authorized taxicab technology service provider promptly and in no event more than two (2) hours following the agent's discovery of such malfunction or failure to operate or such time as the agent reasonably should have known of such malfunction or failure to operate. If the driver or taxicab owner previously filed a timely incident report regarding such malfunction or failure to operate, the agent shall not be required to file a separate incident report but shall obtain an incident report number from the driver, owner or taxicab technology service provider. Upon instruction from the owner, the agent shall meet the appointment for repair scheduled by the authorized taxicab technology service provider following the filing of an incident report with such authorized taxicab technology service provider. A taxicab in which any of the four core services of the taxicab technology system, or any part thereof, are not functioning shall not operate more than forty-eight (48) hours following the timely filing of an incident report by the owner, driver or agent.

(2) The agent for any taxicab that is required to be equipped with the taxicab technology system shall equip such taxicab, except as provided in section 1-11(g) of this title, with a taxicab technology system as set forth in sections 3-03(e)(7) and (8), 3-06 and 3-07 of this title.

(3) An agent for any taxicab requiring six (6) or more repairs of the taxicab technology system in any thirty (30) day period shall promptly take such vehicle for inspection to or schedule an inspection with the Commission's Safety and Emissions Facility. Such requirement shall not apply to the agent if compliance is made by the owner or driver of such vehicle.

(4) A merchant who is an agent may charge a mark-up to a driver licensed by the Commission of not more than three and seventy-five hundredths percent (3.75%) of the total credit/debit card charges incurred during the driver's shift.

Section 31. Section 12-08 of chapter 12 of Title 35 of the Rules of the City of New York is amended by adding a penalty labeled §12-06(m) and penalties labeled §12-06(u)(1)(i), (u)(1)(ii), (u)(2), (3) and (4) as follows:

Rule No.	Penalty	Personal Appearance Required
<u>§12-06(m)</u>	<u>\$100</u>	<u>No</u>
<u>§12-06(u)(1)(i)</u>	<u>\$250 and suspension until compliance</u>	<u>Yes</u>
<u>§12-06(u)(1)(ii)</u>	<u>\$250 and suspension until compliance</u>	<u>Yes</u>
<u>§12-06(u)(2)</u>	<u>\$1000 and suspension until compliance</u>	<u>Yes</u>
<u>§12-06(u)(3)</u>	<u>\$250</u>	<u>No</u>
<u>§12-06(u)(4)</u>	<u>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 agent to pay restitution to the driver, equal to the excess amount that was charged to the driver.</u>	<u>Yes</u>

Section 32. Section 15-01 of Chapter 15 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (j) and (k), and relettering existing subdivisions (j), (k) (l), (m) and (n) respectively as (l), (m), (n), (o) and (p), as follows:

§15-01 Definitions.

**(j) Taxicab technology service provider.** A “taxicab technology service provider” is a vendor who has contracted with the Commission to install and maintain the taxicab technology system in taxicabs.

**(k) Taxicab technology system.** The “taxicab technology system” is hardware and software that provides the following four core services (collectively “four core services”): (i) credit, debit and prepaid card payment required by section 3-03(e)(7) of this title, (ii) text messaging required by section 3-03(e)(8) of this title, (iii) trip data collection and transmission required by section 3-06 of this title, and (iv) data transmission with the passenger information monitor required by section 3-07 of this title.

Section 33. Section 15-02 of Chapter 15 of Title 35 of the Rules of the City of New York is amended to read as follows:

§15-02 Unlicensed Business Activities Prohibited.

No individual, partnership or corporation shall manufacture, sell, install, repair, adjust, or calibrate taximeters or install or repair seals, wiring harnesses or other equipment relating to the operation of a taximeter or roof light for use upon any licensed vehicle in the City of New York unless he, she or it holds a current, valid taximeter business license issued by the [c]Commission, which license is neither suspended or revoked. No individual, partnership, corporation or other business entity shall manufacture, sell, install, repair, adjust, calibrate or maintain a taxicab technology system not provided by a taxicab technology service provider as defined in section 15-01 of this chapter.

Section 34. Subdivision (a) of section 15-20 of Chapter 15 of Title 35 of the Rules of the City of New York is amended to read as follows:

§15-20 Personal conduct of Licensees.

(a) A taximeter business owner, while performing his, her or its duties and responsibilities as a taximeter business owner, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny or misrepresentation include, but are not limited to, calibration of a fare other than that set by the [c]Commission; adjustment of the tire size, driving axle, pinion gear, transducer, wiring, or other equipment, for the purpose of generating an inaccurate signal of time or distance into the taximeter or the taxicab technology system; [or] the manufacture, sale or installation of any device which is either designed to or does generate a false or inaccurate signal into the taximeter or the taxicab technology system; or the falsification of taxicab technology system records.

Section 35. The introductory sentence of subdivision (a) and paragraph (1) of subdivision (a) of section 15-29 of Chapter 15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) A taximeter business shall notify the [c]Commission by telephone immediately and in writing within twenty-four (24) hours, of any of the following occurrences:

(1) A taximeter which the taximeter business knows or has reason to know has been reported to the Commission as lost or stolen or a taxicab technology system which the taximeter business knows or has reason to know has not been provided by a taxicab technology provider as defined in section 15-01 of this chapter has been presented to the taximeter business for installation, repair, adjustment or calibration [which the taximeter business knows or has reason to know has been reported lost or stolen to the commission].

Section 36. Section 15-43 of Chapter 15 of Title 35 of the Rules of the City of New York is amended by adding new penalties labeled §15-44(a) and (b), to read as follows:

Rule No.	Penalty	Personal Appearance Required
<hr/>		

§15-44(a)      First violation: \$10,000                      Yes  
and (b)        Second violation: revocation of  
license

Section 37. Section 15-44 of Chapter 15 of Title 35 of the Rules of the City of New York is amended by adding a new section 15-44, to read as follows:

§15-44 Cooperation with Taxicab Technology Service Providers. Each taximeter approved by the Commission shall be made capable of interfacing and communicating data with the taxicab technology system of each of the taxicab technology service providers, as that term is defined in section 15-01 of this chapter, in one of the following ways: (a) No later than a date certain to be set by the Commission, the taxicab business that manufactures such taximeter shall provide to each taxicab technology service provider such information relating to the design and inner operation of the taximeter that is necessary for such taxicab technology service provider to perform the work of effecting an interface and communication of data between its taxicab technology system and the taximeter. A taximeter business may require as a condition of providing such information to taxicab technology service providers that each such taxicab technology service provider execute a non-disclosure agreement that is substantially similar in form to Attachment NDA to the agreement between the Commission and the taxicab technology service providers; or

(b) No later than the dates certain to be set by the Commission, the taximeter business that manufactures such taximeter shall, (i) for the purpose of receiving from each taxicab technology service provider such information relating to the design and inner operation of such provider's taxicab technology system as is necessary to effect an interface and communication of data between such taxicab technology system and such taximeter, execute a non-disclosure agreement substantially similar in form to Attachment NDA to the agreement between the Commission and the taxicab technology service providers, (ii) perform the work of effecting an interface and communication of data between such taximeter and each taxicab technology system, (iii) ensure that upon installation of any taxicab technology system and thereafter such interface and communication of data are effective, and (iv) submit to the Commission on an annual basis a signed certification that the taxicab business has effected and continues to effect an interface and communication of data between each taxicab technology system and such taximeter. Each failure on the part of a taximeter business that manufactures taximeters to cooperate with a taxicab technology service provider as provided in subdivision (a) or subdivision (b) of this section shall constitute a separate violation of this rule.

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

The proposed rules would revise the existing Taxi and Limousine Commission (“TLC”) rules applicable to the requirements of the taxicab technology system, which consists of hardware and software that allows credit and debit card payment of taxicab fares, text messaging to taxicab drivers, electronic taxicab trip data collection and transmission, and data transmission to a passenger information monitor. The proposed rules provide exemptions from the system installation requirement to taxicabs that will be retired within ninety (90) days following the installation date, and provide that any taxicab technology service provider who has contracts for installation of the taxicab technology systems in more than three thousand (3,000) taxicabs may, upon prior written approval from the Chairperson, or his or her designee, extend the date for each taxicab to receive such taxicab technology system to the next date that each such taxicab is due for inspection at the TLC’s Safety and Emissions Facility. The taxicab technology system is in development by vendors pursuant to contracts with the TLC. Existing rules require installation of the taxicab technology system in taxicabs on a date certain to be set by the Commission.

The proposed rules would allocate responsibility for the operation and maintenance of the taxicab technology system among the taxicab driver, owner and agent, and would require the driver, owner and agent to report malfunctions in the taxicab technology system within prescribed times after the malfunction is discovered or should reasonably have been discovered. Provided that those reporting requirements are met, the proposed rules would allow continued operation of the taxicab, with a written trip sheet if the electronic trip data collection is malfunctioning, for up to 48 hours after the malfunction is reported. If the taximeter fails to operate, however, the taxicab is prohibited from picking up a passenger. Further, if the taxicab technology system in a particular taxicab requires six or more repairs within any thirty-day period, the taxicab must promptly be brought for inspection to, or an inspection must be scheduled with, the TLC Safety and Emissions Facility. Pursuant to the contracts between the Commission and the taxicab technology service providers, the service providers are subject to audits by the City and the Commission, and they are required to provide the City and the Commission with periodic reports and reasonable access to the service providers’ performance measurement and management reporting tools.

In addition, for the benefit of the taxi industry and the riding public, the proposed rules would explicitly require that each taximeter approved by the Commission be capable of transferring data and communicating with each taxicab technology system. Satisfaction of this obligation will involve taximeter businesses which manufacture taximeters making available to taxicab technology service providers certain of their taximeter specifications, subject to appropriate confidentiality obligations, to enable the taxicab technology service providers to effect an interface between their systems and each taximeter; or, alternately, the taxicab technology service providers making available to taximeter businesses which manufacture taximeters certain of their system specifications, again subject to appropriate confidentiality obligations, to enable the taximeter businesses to effect an interface between their taximeters and each of the taxicab technology systems.

The proposed rules would increase from two to six the number of different fare calculations that the taximeter must be capable of processing. Existing rules require that the taximeter be capable of processing the regular fare pursuant to section 1-70 of the TLC rules, and the flat fare between Kennedy Airport and Manhattan pursuant to section 1-69 of the TLC rules.



The proposed rules would require that the taximeter be capable of processing the fare to Newark Airport pursuant to section 1-73 of the TLC rules, the adjustment of the metered fare to points in Westchester and Nassau counties pursuant to section 1-73(b) of the TLC rules, the negotiated flat fares to points outside New York City other than the Newark Airport and Westchester and Nassau counties pursuant to section 1-73(a) of the TLC rules, and flat fares per person for group rides pursuant to section 1-71 of the TLC rules.

The proposed rules also would require taxicabs equipped with taxi technology systems to display signs or logos identifying the credit and debit cards that are accepted for payment on the passenger information monitor screen and to permit advertising on the passenger information monitor screen.

The proposed rules also would require that the taxicab technology system ports and peripheral connections be secured from tampering and that the connections to the taximeter harness, roof light wires and pulse wires use switches, wiring and wire caps meeting the specifications of the Society of Automotive Engineers.