

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 implementation of taxicab technology systems.

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. The portion of these proposed rules that relates to deadlines for taxicab owners to purchase and install taxicab technology systems in taxicabs was included in the TLC’s regulatory agenda for Fiscal Year 2007. The portion of these proposed rules that relates to licensing of taximeter manufacturers was not included in the TLC’s regulatory agenda for Fiscal Year 2007 because the need for such rules was not anticipated at the time that the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on May 10, 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 May 4, 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 May 9, 2007:

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Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
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New York, New York 10006
Telephone: 212-676-1117
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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 one new definition to read as follows:

§ 1-01 Definitions.

Compliance date. The compliance date for the installation of taxicab technology systems in medallion taxicabs shall be the date of the first regularly scheduled inspection for each taxicab on or after October 1, 2007, unless extended pursuant to section 1-11(g) of this chapter.

Section 2. Section 1-11 of chapter 1 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

§1-11 Vehicle Condition.

(g) The owner of any taxicab required to be equipped with a taxicab technology system shall contract to procure such equipment on or before August 1, 2007. Except as provided in this subdivision, the owner must install a taxicab technology system no later than the compliance date set forth in section 1-01 of this chapter. Taxicabs that are to be retired within six (6) months of the compliance date for each such taxicab 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 on or before August 1, 2007, 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 on or after February 1, 2008.

Section 3. The definition of "Trip Record" set forth in section 2-01 of chapter 2 of Title 35 of the Rules of the City of New York is amended to read as follows:

§ 2-01 Definitions.

Trip Record: A "trip record" also known as a trip sheet or trip log, is the written, computerized, automated and/or electronic accounting of a taxicab ride. The trip data to be transmitted or recorded shall include the taxicab license number (medallion number); the taxicab driver's license number; the location of trip initiation; the time of trip initiation; the number of passengers; the location of trip termination; the itemized

metered fare for the trip (tolls, surcharge, and tip if paid by credit or debit card); the distance of the trip, the trip number, the method of payment, the total number of passengers, as well as such other information as may be required by the Commission. The electronic capture of required trip record data shall commence [as agreed upon between the TLC and the authorized contractor on a date certain to be set by the Commission] no later than the compliance date set forth in section 1-01 of this title. Trip record information shall be available to the TLC, the taxicab driver, medallion owner, taxicab owner and/or leasing agent upon reasonable demand based upon parameters set between the TLC and approved vendor(s). The trip record shall be kept in an approved archived form for a minimum of three years after the date of the taxicab ride.

Section 4. Paragraphs (7) and (8) of subdivision (e) of section 3-03 of chapter 3 of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) Vehicle Modifications for Taxicab Service.

(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] no later than the compliance date set forth in section 1-01 of this title.

(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] no later than the compliance date set forth in section 1-01 of this title.

Section 5. Subdivision (a) of section 3-04 of chapter 3 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph 25 to read as follows:

(a) The Unit must:

(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 to the taxicab technology systems of all taxicab technology service providers which have chosen such taximeter, in order 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 pursuant to section 1-11(g) of this title, shall be implemented no later than the compliance date set forth in section 1-01 of this title.

Section 6. 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] no later than the compliance date set forth in section 1-01 of this title.

Section 7. Subdivisions (a) and (c) of section 3-07 of chapter 3 of Title 35 of the Rules of the City of New York are amended 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] no later than the compliance date set forth in section 1-01 of this title.

(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 a taxicab technology service provider on or before [a date certain to be set by the Commission] the compliance date set forth in section 1-01 of this title.

Section 8. Section 15-01 of chapter 15 of Title 35 of the Rules of the City of New York is amended by relettering existing subdivisions (h) through (p) inclusive as (i) through (q) inclusive and adding a new subdivision (h), to read as follows:

(h) **Representative.** “Representative” shall mean an individual, partnership, limited liability company or corporation appointed by a manufacturer of taximeters required to be licensed under this chapter to hold a license on behalf of such manufacturer and to carry out such manufacturer’s duties and responsibilities as a licensee under this chapter.

Section 9. 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.

(a) 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 Commission, which license is neither suspended nor revoked. No individual, partnership, corporation or other business entity shall manufacture, sell, install, repair, adjust, calibrate or maintain a taxicab technology system that is not provided by a taxicab technology service provider as defined in section 15-01 of this chapter.

(b) After June 18, 2007, no taximeter may be used in a taxicab licensed by the Commission unless the manufacturer thereof has been licensed by the Commission under these rules. A manufacturer required to be licensed under this chapter may appoint a representative to hold such license. Except as otherwise provided in this subdivision, such representative shall be required to meet all applicable conditions and qualifications of licensure provided by this chapter and must be authorized by appointment to act on behalf of the manufacturer pursuant to this chapter and to bind the manufacturer to the fulfillment of the duties and responsibilities of a licensee under this chapter, and the manufacturer, by such appointment, agrees to be so bound and shall be deemed to be bound hereby. Such licenses which a representative is appointed to hold shall be separate and in addition to any other licenses such person or entity may hold from the Commission, including other licenses held for a taximeter business. In the event a manufacturer chooses to appoint a representative to hold a license:

(1) The representative must have, and shall be deemed to have, the ability, on behalf of the manufacturer, to fulfill the requirements and obligations of a manufacturer under this chapter, including the ability to implement the requirements of section 15-44 of this chapter as to the manufacturer, and to ensure that all persons and entities authorized to sell, install, or service taximeters manufactured by the manufacturer in taxicabs licensed

by the Commission comply with all applicable provisions of these rules, except that such representative shall not be required to meet the requirements of section 15-12 of this chapter relating to premises and equipment of the manufacturer's manufacturing operations; notwithstanding the appointment of the representative, the manufacturer and its representative shall be jointly responsible for fulfilling the duties and responsibilities of a manufacturer as required by this chapter, including those set forth in section 15-44 of this chapter and the manufacturer's appointment of a representative shall not relieve it of responsibility for compliance;

(2) The manufacturer must inform the Commission at any time it appoints a representative and provide a copy of the appointment together with the name, address and license numbers, if any, of the representative. In addition, as a condition of renewal of such manufacturer's license, the manufacturer shall provide the Commission annually during the month of January with the name of the representative authorized by the manufacturer to hold a license from the Commission on behalf of the manufacturer, including the address, and, if already licensed by the Commission, license number(s), of such representative; and

(3) Each representative appointed under this subdivision must apply to hold a license under this chapter and must meet all applicable standards, criteria, and conditions of licensure, and must further provide to the Commission with its application for a license or renewal thereof an acceptance of the appointment and acceptance of the responsibilities imposed on such manufacturer by this chapter, except that such representative shall not be required to meet the requirements of section 15-12 of this chapter relating to premises and equipment of the manufacturer's manufacturing operations and only individual representatives, partners of a representative, members of a representative or officers of a representative shall be required to be fingerprinted under section 15-03 (e) of this chapter.

Section 10. 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 taxicab technology service provider (as that term is defined in section 15-01 of this chapter) shall, with the approval of the Commission, choose one or more Commission-approved taximeters to interface and communicate data with its taxicab technology system, and shall communicate such choice or choices in writing to the Commission. When a taximeter business that manufactures taximeters approved by

the Commission has been notified by the Commission that its taximeter has been chosen by a taxicab technology service provider to interface and communicate data with the taxicab technology system of such taxicab technology service provider, such taximeter business shall choose either of the following options: (a) Such taximeter business shall provide to such 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 a taxicab technology service provider that 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 as agreed to between the parties; or

(b) Such taximeter business shall, (i) for the purpose of receiving from such taxicab technology service provider such information relating to the design and inner operation of such provider's taxicab technology system, within five business days of notification by the Commission pursuant to this section that the taximeter of such taximeter business has been chosen by such provider to interface and communicate data with such taxicab technology system, execute a non-disclosure agreement substantially similar in form to Attachment NDA to the agreement between the Commission and the taxicab technology service providers or as agreed to between the parties, (ii) perform the work of effecting an interface and communication of data between such taximeter and such taxicab technology system, (iii) ensure that upon installation of such 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 taximeter business has effected and continues to effect an interface and communication of data between such 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.

No taximeter manufactured by a taximeter business shall be used with any taxicab technology system unless such taximeter business is in compliance with this section insofar as it has cooperated to effect an interface of its taximeter with the taxicab technology systems of all taxicab technology service providers that chose such taximeter.

Statement of Basis and Purpose of Proposed Rules

The proposed rules would accomplish two purposes.

First, the proposed rules would fix deadlines by which medallion owners (or agents on their behalf) must contract to purchase taxicab technology systems from one of the vendors developing such systems pursuant to contracts with the Taxi and Limousine Commission (“TLC”), and by which medallion owners (or agents) must install such systems in their taxicabs. Taxicab technology systems will consist 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. Existing rules govern the installation and use of taxicab technology systems, and these proposed rules are necessary only to establish deadlines for purchase and installation of those systems.

Second, the proposed rules would also make it clear that, effective June 18, 2007, manufacturers of taximeter devices must be licensed by the TLC in order for their taximeters to be installed or maintained in taxicabs licensed by the TLC. Development and implementation of the taxicab customer service enhancements has made it clear that manufacturers of taximeters must work with the taxicab technology service providers, which are TLC contractors, to ensure that all equipment interfaces properly. The Commission proposes to achieve this purpose by requiring manufacturers to hold a license and to implement the interface requirements set forth in section 15-44 of the TLC rules.

To alleviate difficulties in licensing manufacturing entities which may not be located in New York City, the Commission further proposes that a manufacturer may meet its licensing requirement by designating a representative to hold a license on its behalf. Any representative designated must hold, and will be deemed to hold, all the necessary authority to carry out the manufacturer’s duties as a licensee, including duties regarding interface requirements. The licensing of a representative shall not relieve a manufacturer of its duties with respect to such requirements.

