

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 amended rules governing Paratransit Vehicles and Service.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time 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 June 5, 2009 at 2:30 p.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone, no later than May 29, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than June 5, 2009 to:

**Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
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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.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 10 thereto, to read as follows:

New Material is underlined.

Chapter 10

**PARATRANSIT VEHICLES AND
BASES**

Sub-chapter 10A

Paratransit Vehicle Owners

Sub-chapter 10B

Paratransit Base Station Owners

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§10A-01 Scope of this Sub-chapter

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Vehicle Owner’s License.
- (b) To provide penalties for violation of the requirements of maintaining a Paratransit Vehicle Owner’s License.

§10A-02 Penalties

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) General Penalty. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the hearing recording under §18-14(e) of this title, the time for payment of fines is extended to 21 days from the date of the issuance of the recording. If a timely appeal has been filed, fines are stayed until a decision is made in the appeal. If the fine is not paid by the close of business on the date due, the violator’s License will be suspended until the fine is paid.
- (c) Mandatory Penalties.

- (1) The following violations incur mandatory penalties:

<u>Description of Violation</u>	<u>Rule</u>	<u>Mandatory Penalty for All Violations</u>
1. <u>Operation of unlicensed Vehicle</u>	<u>§10A-10(a)</u>	<ul style="list-style-type: none"> • <u>First violation: \$100-\$350</u> • <u>Second violation (any combination of provisions) within 24 months: \$350 - \$500</u> • <u>Third violation (any combination of provisions) within 24 months: Mandatory Revocation of License</u>
2. <u>Driver unlicensed by TLC</u>	<u>§10A-10(b)</u>	
3. <u>Driver unlicensed by State and/or has not qualified as Article 19-A “bus driver”</u>	<u>§10A-10(c),(d)</u>	
4. <u>Unlicensed advertising “having Paratransit Service”</u>	<u>§10A-10(f)</u>	
5. <u>Marking or defacing Paratransit Vehicle License</u>	<u>§10A-09(a)</u>	
6. <u>No overcharges or disability surcharges</u>	<u>§10A-22(a)</u>	
7. <u>No refusing orderly passenger</u>	<u>§10A-16(d)</u>	

- (2) The 24-month period will be counted backward from the date of the most recent conviction.
- (3) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked. The 12-month period will be counted from the date the earliest summons was issued.

§10A-03 Definitions Specific to this Sub-chapter

- (a) Base Affiliation. Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.
- (b) Business Entity. A Paratransit Business Entity must be either a corporation or a partnership.
- (c) Electronic Trip Record System is the hardware and software that collects and stores the data that must be recorded for each passenger trip.
- (d) Licensee refers to a Paratransit Vehicle Owner.
- (e) Rate Schedule is the Commission-approved listing of the manner in which and amount of fare that a Paratransit Vehicle Owner is permitted to charge a passenger.
- (f) Vehicle refers to a Paratransit Vehicle.
- (g) Vehicle Owner (or Owner) refers to a Paratransit Vehicle Owner, and can be an individual or Business Entity who:
 - (1) Owns the Vehicle outright;
 - (2) Is purchasing the Vehicle from a conditional vendor;
 - (3) Is leasing the Vehicle; or
 - (4) Is an agent or employee of any of the above and has authority to act on their behalf.

§10A-04 Licensing – Requirements

Requirements (a) through (e) apply to an individual Applicant and to all of a Business Entity Applicant’s Business Entity Persons

- (a) Age. Applicants must be at least 18 years of age.
- (b) Identification. Applicants for a new (original) Paratransit Vehicle License must provide both of the following proofs of identity:
 - (1) A Valid Government photo ID.
 - (2) A Valid, original social security card.
- (c) Fingerprinting to Verify Good Moral Character.

- (1) Applicants must be of good moral character.
 - (2) Applicants must be fingerprinted.
 - (3) In addition, any individual and all Business Entity Persons of a Business Entity that provides funds to an Applicant must be fingerprinted, unless the provider is a licensed bank or loan company.
 - (4) The Commission may waive any of this subdivision's fingerprinting requirements.
- (d) Valid Certificate of Operating Authority. Applicants must have a valid certificate of Operating Authority for the City of New York issued by the New York State Department of Transportation.
 - (e) Operate from Licensed Base. Applicants must demonstrate that the Vehicle will operate from a Base that is Licensed unless exempted from this requirement by the Commission.
 - (f) Complete Application Forms. The Applicant must complete and file the required Commission application forms.
 - (g) Fitness to Hold License. The Commission will determine an Applicant's fitness by examining the Applicant's (or Licensee's) criminal and driving records, medical and mental health records, and any history of drug or alcohol use.
 - (h) Own a Paratransit Vehicle. Applicants must have ownership in a Paratransit Vehicle.
 - (i) Vehicle Mileage Requirements. The Applicant for an original (new) License must submit a New York State Department of Transportation Form MC300, dated not more than one month from the application date, proving that the Vehicle meets the relevant mileage requirement:
 - (1) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.
 - (2) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
 - (3) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.

- (j) Other Requirements Relating to the Vehicle. The Applicant must demonstrate that:
- (1) The vehicle is in safe operating condition and meets all the requirements of the Commission and all other Government agencies that have concurrent jurisdiction.
 - (2) Applicant has the required vehicle liability insurance coverage by bond or policy as determined by the State of New York.
 - (3) The certificate of title and the certificate of registration are in the Applicant's name (unless title is retained by a lessor or conditional vendor).
 - (4) The vehicle will not have to be retired before the end of the two-year term of the License under the terms of Vehicle Retirement established in §10A-34 of this Sub-chapter.
- (k) Other Required Documents. In addition to copies of the certificate of title and the certificate of registration, the following documents must be filed with the application:
- (1) A copy of the motor vehicle tax stamp receipt for the Paratransit Vehicle.
 - (2) A current Rate Schedule.
 - (3) A New York State Department of Transportation inspection checklist.
 - (4) A copy of the leasing agreement, if Applicant is leasing the vehicle.
 - (5) A partnership Applicant must file a certified copy of its partnership certification from the County Clerk.
 - (6) A corporate Applicant must file a certified copy of its certificate of incorporation and a list of its current shareholders and officers.
- (l) Designate Drivers as Agents to Accept Service. The Applicant must agree that any Driver who operates one of the Owner's Paratransit Vehicles will be considered as an agent of the Owner for purposes of accepting service of Commission notices to correct Vehicle defects.

§10A-05 Licensing – Terms of License

- (a) New Licenses. The term of a new Vehicle License is two years from the date it is issued.

- (b) Renewals. The renewal term of a Vehicle License is two years from the date on which the previous License expired.
- (c) Extension. The Commission can extend the expiration date of the Vehicle License by up to an additional 31 days.
- (d) When to File Application for Renewal. A renewing Applicant must file on or before the expiration date of the current License.

§10A-06 Licensing – License and Administrative Fees

- (a) Fee for License. The fee for a Vehicle License will be \$275 annually.
- (b) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) Late Filing Fee. The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (d) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves an application.
- (e) Change of Base Affiliation. A Vehicle Owner can change the Paratransit Base with which it is affiliated after approval by the Commission and payment of a \$25 fee.

§10A-07 Licensing – Causes for Denial

- (a) Failure to Meet the Requirements. The Commission will deny an application for a new or renewed License if the Applicant fails to meet the requirements.
- (b) No Longer Meets Requirements. The Commission will deny a Licensee's renewal application or suspend or revoke a License if the Commission learns that the Vehicle Owner no longer meets the licensing requirements.
- (c) Material Misrepresentation or Falsification. The Commission will deny a Paratransit License application and may suspend or revoke a renewal application, and can impose other sanctions if the Applicant:
 - (1) Fails to notify the Commission of any material change in the information contained in the application;
 - (2) Attempts to conceal the identity of a party who has an interest in the ownership of a Paratransit Vehicle; or
 - (3) Lies or misrepresents any information in the application.

- (d) Prior License Revocation. The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (e) Misleading Trade Name. The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Vehicle Owner.

§10A-08 Licensing – Process upon Denial

- (a) Denial of Application. If the Commission denies the application for a Paratransit Vehicle License or its renewal, the Applicant will be notified, in writing, of the reason(s) for the denial.
- (b) Right to Appeal On Denial. If the Commission denies an application for a new or renewal Paratransit Vehicle License:
 - (1) The Applicant is entitled to a hearing before the Commission.
 - (2) The Applicant can be represented by an attorney or by a non-attorney.
 - (3) The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant.

§10A-09 Licensing – Care of Licenses

- (a) Unauthorized Changes to License. A Vehicle Owner must not make any unauthorized entry on a Paratransit Vehicle License or change, deface, conceal, obliterate or render any entry on that License unreadable.

§10A-09(a)	Mandatory Penalties See §10A-02(c)	
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- (b) Surrender of Unreadable License. A Vehicle Owner must immediately surrender an unreadable Paratransit Vehicle License to the Commission to obtain a legible replacement.

§10A-09(b)	Fine: \$25	Appearance NOT required
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- (c) Surrender Upon Suspension or Revocation. A Vehicle Owner must surrender a suspended or revoked License it to the Commission within 48 hours of the suspension or revocation.

§10A-09(c)	Fine: \$100	Appearance NOT required
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- (d) Report of Lost, Stolen, or Destroyed License.

- (1) A Vehicle Owner must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the theft, loss or destruction of a Paratransit Vehicle License.
- (2) The Vehicle Owner must also furnish the Commission with an affidavit or other information as may be required, including the police receipt number.
- (3) A substitute Paratransit Vehicle License will be issued by the Commission.

§10A-09(d)	Fine: \$50	Appearance NOT required
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- (e) Report of Plate Replacement. A Vehicle Owner must notify the Commission within 48 hours (not including weekends and holidays) after replacing the Vehicle's New York State license plates.

§10A-09(e)	Fine: \$50	Appearance NOT required
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§10A-10 Compliance with Laws – Unlicensed Activity

- (a) Vehicle Must Be Licensed. A Vehicle Owner must not allow a Paratransit Vehicle to be dispatched or operated if the Vehicle does not have a Valid License from the Commission.

§10A-10(a)	Mandatory Penalties. See §10A-02(c)	
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- (b) Driver Must Have a Paratransit License. A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a Driver who does not have a Valid Paratransit Driver's License.

§10A-10(b)	Mandatory Penalties See §10A-02(c)	
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- (c) Drivers Must Have State Driver's License. A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a Driver who does not have a Valid state driver's license.

§10A-10(c)	Mandatory Penalties See §10A-02(c)	
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- (d) Compliance with §5-09(d). A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a Driver who has not complied with §5-09(d) of Article 19-A of the New York State Vehicle and Traffic Law (setting forth certain requirements for bus drivers).

§10A-10(d)	Mandatory Penalties See §10A-02(c)	
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- (e) Base Must be Licensed. A Vehicle Owner must not dispatch or allow to be dispatched any Paratransit Vehicle from a Base that does not have a Valid License, unless it has been exempted by the New York State Department of Transportation.

§10A-10(e)	Fine: \$150	Appearance NOT required
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- (f) Advertising of Unlicensed Paratransit Service. A Vehicle Owner whose License is not Valid may not advertise or claim to offer “Paratransit Service” or any comparable service.

§10A-10(f)	Mandatory Penalties See §10A-02(c)	
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- (g) Activity After License Expiration. Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issues is considered “unlicensed activity” and is subject to the penalties in these Rules and in the Administrative Code.

§10A-11 Compliance with Law – Vehicle Insurance

- (a) Maintain Liability Insurance.

(1) A Vehicle Owner must maintain at least the minimum amount of liability insurance required by the NYS Department of Transportation for each Vehicle owned by Owner.

(2) A Vehicle Owner must comply with all New York State Laws regarding this coverage.

§10A-11(a) (1) and (2)	Fine: \$50	Appearance NOT required
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- (b) Submit Proof of Insurance.

(1) A Vehicle Owner must submit annual proof of liability insurance coverage to the Commission on or before the 15th day of January of each year.

(2) Proof must include the name and address of the carrier and the insurance policy number for each Paratransit Vehicle owned.

§10A-11(b) (1) and (2)	Fine: \$50	Appearance NOT required
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- (c) Notify Commission of Cancellation or Change of Carrier. A Vehicle Owner must notify the Commission, in writing, within 72 hours after receiving notice of:

- (1) Cancellation of the required liability insurance;
- (2) Change of insurance carrier; or
- (3) Change in the policy number.

§10A-11(c)	Fine: \$100	Appearance NOT required
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(d) Surrender License on Loss or Termination of Insurance. A Vehicle Owner must surrender the Paratransit Vehicle License to the Commission prior to or on the termination date of the liability insurance unless:

- (1) The Owner is not notified, or
- (2) The Owner obtains new insurance effective on the termination date of the old policy.

§10A-11(d)	Fine: \$100	Appearance NOT required
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§10A-12 Compliance with Laws – Proper Conduct

(a) Bribery. A Vehicle Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§10A-12 (a)	Fine: \$1,000 up to revocation	Appearance REQUIRED
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(b) Failure to Report Bribery. A Vehicle Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

§10A-12 (b)	Fine: \$1,000 up to revocation	Appearance REQUIRED
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(c) Fraud, Theft. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§10A-12 (c)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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(d) Willful Acts of Omission. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit any willful act of omission that is against the best interests of the public.

§10A-12 (d)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (e) Willful Acts of Commission. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit any willful act of commission that is against the best interests of the public.

§10A-12 (e)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (f) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not threaten, harass, or abuse any person.

§10A-12 (f)	Fine: \$50-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (g) Use or Threat of Physical Force. While performing the duties and responsibilities of a Vehicle Owner or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal.

§10A-12 (g)	Fine: \$20-\$350 and/or suspension up to 30 days; possible revocation (OATH)	Appearance REQUIRED
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- (h) Notice of Criminal Conviction.

- (1) A Vehicle Owner must notify the Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction.

§10A-12 (h)	Fine: \$50-\$250	Appearance REQUIRED
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- (i) Failure to Cooperate with Commission Enforcement.

- (1) A Vehicle Owner must cooperate with all Commission enforcement officers and all authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

§10A-12 (i)	Fine: \$50 to 150	Appearance REQUIRED
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- (j) Failure to Cooperate with the Commission.

- (1) A Vehicle Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§10A-12 (j)(1)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
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- (2) A Vehicle Owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

§10A-12 (j)(2)	Fine: \$500	Appearance NOT required
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- (k) Courtesy. Vehicle Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Licensees.

§10A-12 (k)	Fine: \$25	Appearance NOT required
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- (l) Unlawful Uses of Vehicle or Garage. A Vehicle Owner must not use or permit another person to use his or her Paratransit Vehicle or garage for any unlawful purpose and must immediately report to the police any criminal use or attempt thereof involving the Vehicle or Base.

§10A-12 (l)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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§10A-13 Compliance with Laws – Miscellaneous

- (a) Compliance with Laws, Rules and Regulations. A Vehicle Owner must comply with the Commission’s Paratransit Vehicle Specifications and all other pertinent laws, rules or regulations governing Vehicle Owners.

§10A-13(a)	Fine: \$50	Appearance NOT REQUIRED
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§10A-14 RESERVED [Operations – Business Premises]

§10A-15 RESERVED [Operations – Management Oversight (Use of Agents)]

§10A-16 Operations – Service Requirements (Passengers)

- (a) Timely Pickups. Vehicle Owners must schedule the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.

§10A-16(a)	Fine: \$25	Appearance NOT required
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- (b) Notify Passenger of Delay. If a pickup is unreasonably delayed or cancelled, the Vehicle Owner (or Base Owner) must promptly notify the waiting passenger.

§10A-16(b)	Fine: \$50	Appearance NOT required
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- (c) Monitor Drivers' Behavior. Vehicle Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate complaints, and take appropriate action to resolve the complaints.

§10A-16(c)	Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission	Appearance REQUIRED
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- (d) Unauthorized Refusal to Provide Transportation. A Vehicle Owner must not refuse by words, gestures or any other means, to provide transportation to any orderly person who has prearranged the trip and the destination is within New York City, unless:

- (1) There is no Vehicle then available for the requested transportation; or
- (2) There is a justification for refusing that is listed in §6-20(b) of the Paratransit Driver's chapter.

§10A-16(d)	Mandatory Penalties. See §10A-02(c)	
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§10A-17 Operations – Owners' Responsibilities with Respect to Drivers

- (a) Training for Paratransit Drivers. A Vehicle Owner must ensure that every Driver is trained how to properly and safely:

- (1) Assist any Person with a Disability or other passenger in and out of a Paratransit Vehicle

§10A-17(a)(1)	Fine: \$50-\$150	Appearance REQUIRED
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- (2) Utilize the wheelchair ramp, the fastening devices, and any other safety precautions or devices contained in the Vehicle.

§10A-17(a)(2)	Fine: \$50-\$150	Appearance REQUIRED
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§10A-18 Records – Trip Record Information

- (a) Trip Sheet. All Paratransit Vehicles must be equipped with an Electronic Trip Sheet that shows the following information:

- (1) The Paratransit Driver's License number.

- (2) The Paratransit Vehicle’s state license plate number.
- (3) The date and time of pick-up of each passenger.
- (4) The date and time of drop-off of each passenger.
- (5) The locations of pick-ups and drop-offs.
- (6) Any other entries required by the Commission and local, state or federal law.

<u>§10A-18(a)</u>	<u>Fine: \$50 for each violation of this rule; however, no violation of this rule may exceed \$100 for each vehicle stop</u>	<u>Appearance NOT required</u>
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(b) Contemporaneous Recording. The specific information about each trip must be collected and recorded when it occurs.

(c) Transmit Monthly. All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

<u>§10A-18(c)</u>	<u>Fine: \$250 and suspension until compliance</u>	<u>Appearance NOT required</u>
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(d) Re-Write of Trip Record Prohibited. A Vehicle Owner must not rewrite a Trip Record in whole or in part, without prior Commission approval.

<u>§10A-18(d)</u>	<u>Fine: \$75-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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(e) Correcting Electronic Trip Sheets.

- (1) The Vehicle Owner must ensure that all necessary corrections and additions are made to the Trip Sheet.
- (2) The electronic Trip Record data collected in the Paratransit Vehicle must not be erased, deleted, altered, changed or obliterated.

<u>§10A-18(e)</u>	<u>Fine: \$30</u>	<u>Appearance NOT required</u>
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(f) Hand-written Trip Sheets.

- (1) In the event that the electronic Trip Record equipment malfunctions, hand-written Trip Sheets showing the same information required in subdivision (a) above, must be used during the period the Vehicle is permitted to operate (see §10A-33(c)).

- (2) The Vehicle Owner must not allow a Vehicle to be dispatched until the Owner has signed his or her name to the hand-written Trip Sheet.

§10A-18(f)(1)-(2)	Fine: \$50 for each violation of this rule; however, <u>no violation of this rule may exceed \$100 for each vehicle stop</u>	Appearance NOT required
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- (3) At the end of a Driver's shift, the Vehicle Owner must examine any hand-written Trip Record and must enter the date and time in ink.

- (4) The Vehicle Owner must also enter and sign a statement indicating that the Driver's entries have been examined.

§10A-18(f)(3)-(4)	Fine: \$25	Appearance NOT required
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(g) Correcting Mistakes on Hand-Written Trip Sheets.

- (1) The Vehicle Owner must correct wrong entries on a written Trip Record (or any other written records Owner is required to maintain) by drawing a single line through the incorrect entry and initialing the correction.

- (2) A Vehicle Owner must not make erasures or obliterate or omit any essential information.

§10A-18(f)	Fine: \$30	Appearance NOT required
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§10A-19 Records – Current Contact Information

(a) Current Mailing Address.

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

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

- (2) The Commission will consider any notice or summons sent to the last address given by the Vehicle Owner as sufficient notice.

(b) 24-hour Communication Device.

- (1) A Vehicle Owner must maintain a current telephone number on file with the Commission.
- (2) This number must be connected to an answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Vehicle Owner on a 24-hour basis.

§10A-19(b)	Fine: \$100	Appearance NOT required
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§10A-20 Records – Additional Records to be Maintained

- (a) Financial and Operational Records. A Vehicle Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:

- (1) Vehicle liability insurance coverage
- (2) Any other documents specifically prepared in connection with the operation of a Paratransit Vehicle

§10A-20(a)	Fine: \$50	Appearance NOT required
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§10A-21 Reporting Requirements

- (a) Give Drivers Access to Records for Reporting. A Vehicle Owner must make available to a Driver any records that the Vehicle Owner is required to maintain, if a Driver is required to bring those records to the Commission or any other Government agency.

§10A-21(a)	Fine: \$50	Appearance NOT required
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- (b) Lost Property.

- (1) A Vehicle Owner must look inside the Paratransit Vehicle after each work shift for anything passengers have forgotten.
- (2) If property is found and the rightful owner is known or can be easily determined, the Vehicle Owner must notify the rightful owner within a reasonable time.
- (3) If the rightful owner cannot be determined, the lost property must be taken without delay to the police precinct where the garage is located.

§10A-21(b)	Fine: \$50-\$250	Appearance NOT required
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- (c) Lost Property Notification. The Vehicle Owner must promptly inform the Commission of any property found and taken to a police precinct.
- (d) Notification of Change of Status. A Vehicle Owner must report any important changes, including any changes regarding Vehicle ownership, title, financing and registration, to the Commission within 72 hours.

§10A-21(d)	Fine: \$50	Appearance NOT required
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§10A-22 Operations – Rates and Tolls

- (a) Overcharges.
 - (1) A Vehicle Owner must not charge or attempt to charge a fare above the approved rate of fare currently filed with the Commission.
 - (2) A Vehicle Owner must not impose or attempt to impose any additional charge for transporting a Person with a Disability, a service animal accompanying a Person with a Disability, or a wheelchair or other mobility aid.

§10A-22(a)	Mandatory Penalty: See 10A-02(c)	
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§10A-23 RESERVED [Operations – E-ZPass]

§10A-24 RESERVED [Operations – Miscellaneous Requirements]

§10A-25 Vehicle Condition – Inspections

- (a) Inspection of Paratransit Vehicles. A Vehicle Owner is responsible for ensuring that all repairs discovered by the Base Owner during Base Owner’s inspection are made before allowing a Driver to operate the Vehicle.

§10A-25(a)	Fine: \$50-\$500	Appearance NOT required
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- (b) Approved Paratransit Vehicles. A Vehicle Owner must only allow Paratransit Vehicles that have been inspected and approved by the New York State Department of Transportation to be dispatched.

§10A-25(b)	Fine: \$100-\$500	Appearance NOT required
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- (c) Compliance with NYSDOT Rules. A Vehicle Owner must comply with the New York State Department of Transportation regulations and inspection requirements and schedules.

§10A-25(c)	Fine: \$100	Appearance NOT required
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§10A-26 Vehicle Condition – Safety

- (a) Compliance with Notices to Correct Defects. A Vehicle Owner must comply with all Commission notices, summonses, and directives to correct defects in a Paratransit Vehicle.

§10A-26(a)	Fine: \$100	Appearance NOT required
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- (b) Timely Repairs. A Vehicle Owner must make all repairs or alterations that the New York State Department of Transportation requires to meet its specifications or to maintain proper standards of safety and comfort. These repairs or alterations must be made within the time period given by the state inspectors.

§10A-26(b)	Fine: \$100	Appearance NOT required
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- (c) Replacement of Unsafe or Unfit Vehicles.

- (1) A Vehicle Owner must replace a Paratransit Vehicle when the New York State Department of Transportation determines that the Vehicle is unsafe or unfit for use as a Paratransit Vehicle and directs the Owner to remove it from service immediately.
- (2) If a Vehicle Owner fails to replace the Vehicle within 120 days of notice, the Commission will consider it as abandonment of the Paratransit Vehicle License and the Commission can initiate revocation proceedings.

§10A-26(c)	Fine: \$100-\$500 and/or suspension for 30 days	Appearance REQUIRED
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- (d) Handling of Infectious Disease.

- (1) Handling Passengers with Infectious Diseases. Owners and Drivers must obey all Government laws, rules and regulations, regarding the handling of passengers with infectious diseases.

§10A-26(d)(1)	Fine: \$25-\$1,000 and possible suspension or revocation (OATH)	Appearance REQUIRED
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- (2) Compliance with Rules. Owners must obey all Government laws, rules and regulations, regarding what must be provided to the Driver or passengers when transporting passengers with infectious diseases (e.g. masks, gloves, etc.).

§10A-26(d)(2)	Fine: \$25-\$1,000 and possible suspension or revocation (OATH)	Appearance REQUIRED
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- (3) Protective Clothing. The Vehicle Owner must provide protective clothing, (goggles, gloves, gowns, and masks) to any employee who disinfects the Vehicle.

§10A-26(d)(3)	Fine: \$25-\$1,000 and possible suspension or revocation	Appearance REQUIRED
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- (4) Cleaning of Vehicle after Transportation.

- (i) Owners and Drivers must obey all Government laws, rules and regulations, regarding the cleaning of Paratransit Vehicles after transporting passengers with infectious diseases and the disposal of contaminated materials.
- (ii) An appropriate disinfectant solution (according to the New York City Emergency Medical Service and the New York State Department of Health) is:
- A. One (1) part sodium hypochlorite solution (bleach) to nine (9) parts water.
- B. Fill the bucket with water first and then add the solution.
- C. This solution is incompatible with acids, organic material or reducing agents; NEVER mix this solution with hydrogen peroxide, ammonia or any other cleansing agent.

§10A-26(d)(4)	Fine: \$25-\$1,000 and possible suspension or revocation (OATH)	Appearance REQUIRED
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- (5) Stretchers and Linens.

- (i) If a stretcher is contaminated, clean and disinfect by wiping.
- (ii) If it is saturated, dispose of it in an appropriate manner.
- (iii) Dispose of any contaminated linen.
- (iv) Dispose of contaminated material by placing the items in a buff-colored impervious plastic bag, seal the bag, tag it as “contaminated” and dispose of the material in the manner approved at a local hospital.

§10A-26(d)(5)	Fine: \$25-\$1,000 and possible suspension or revocation (OATH)	Appearance REQUIRED
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- (6) Gross Contamination. In the case of gross contamination where the Vehicle is saturated or encrusted, the Vehicle must be sterilized through the use of steam gas or liquid agents.

§10A-26(d)(6)	Fine: \$25-\$1,000 and possible suspension or revocation (OATH)	Appearance REQUIRED
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§10A-27 Vehicle Condition – Miscellaneous

- (a) Clean, Painted, Good Appearance. A Vehicle Owner must keep all Paratransit Vehicles clean, well-painted and in good appearance.

§10A-27(a)	Fine: \$25	Appearance NOT required
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§10A-28 Vehicle – Markings and Advertising

- (a) Vehicle Specifications and Markings. A Vehicle Owner must comply with the markings specifications for Paratransit Vehicles.

§10A-28(a)	Fine: \$50	Appearance NOT required
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- (b) Remove Markings Before Selling. A Vehicle Owner is responsible for removing all official markings when selling or disposing of a Paratransit Vehicle, unless the Owner obtains Commission approval in approved transfers.

§10A-28(b)	Fine: \$100	Appearance NOT required
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- (c) Required ID Marking. The Vehicle Owner must attach a Valid Commission decal to the Vehicle in a plainly visible location when a License is granted, renewed, or whenever else a new decal is required. The Vehicle Owner must also put the company name, trade name and other vehicle identification markings required by the Commission or New York State Law.

§10A-28(c)	Fine: \$50	Appearance NOT required
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- (d) Commercial Use Tax Stamp. A Vehicle Owner must attach a commercial use motor vehicle tax stamp to the lower right side of the Vehicle windshield, so that it is plainly visible.

§10A-28(d)	Fine: \$25	Appearance NOT required
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- (e) Unauthorized Advertising. A Vehicle Owner may not display advertising on the exterior or interior of a Paratransit Vehicle unless the Vehicle Owner has first obtained Commission authorization.

§10A-28(e)	Fine: \$50	Appearance NOT required
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§10A-29 Vehicle – Documents Required in Vehicle

(a) A Vehicle Owner may only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:

- (1) The Driver’s written Trip Record.
- (2) The Driver’s Paratransit Driver’s License.
- (3) A copy of the registration certificate.
- (4) A copy of the Paratransit Vehicle License.
- (5) A copy of the individual vehicle insurance card.
- (6) A copy of the lease card or agreement, if any.
- (7) All required notices.
- (8) A two-way radio, if the Paratransit Base Owner uses a radio system.
- (9) An electronic Trip Record system.

§10A-29(a)	Fine: \$15 for each violation	Appearance NOT required
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§10A-30 Vehicle – Equipment

(a) Only Authorized Equipment.

- (1) A Vehicle Owner must allow the dispatch only of Paratransit Vehicles outfitted with equipment and devices specifically required by the Vehicle and Traffic Laws and by the Commission for use in Paratransit Vehicles.
- (2) The Commission has the authority to approve equipment and devices other than those described in paragraph (1) upon the request of the Vehicle Owner.
- (3) Owner does not need Commission approval to install additional mobility devices such as grab bars or non-slip flooring.

§10A-30(a)	Fine: \$30-\$300 and/or suspension up to 30 days	Appearance REQUIRED
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§10A-31 RESERVED [Vehicle Equipment – Partitions]

§10A-32 RESERVED [Vehicle Equipment – In-Vehicle Camera System]

§10A-33 Vehicle Equipment – Electronic Trip Record System

- (a) Must Be Installed. A Vehicle Owner must install Electronic Trip Record Systems in all Paratransit Vehicles owned by Owner.

§10A-33(a)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (b) Must Be in Good Working Order. A Vehicle Owner must not allow a Paratransit Vehicle to be dispatched unless the Electronic Trip Record System in the Vehicle is in good working order.

§10A-33(b)	Fine: \$500	Appearance REQUIRED
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- (c) System Malfunction.

- (1) If the Electronic Trip Record System malfunctions, the Vehicle Owner must have the system repaired or replaced within three (3) business days after the malfunction is reported to the Commissions Safety and Emissions facility.
- (2) A Vehicle Owner can dispatch a Paratransit Vehicle in which the Electronic Trip Record System does not work, only:
- (i) For three business days after the malfunction was reported to Safety and Emissions.
- (ii) If a hand-written Trip Record is used in place of the Electronic Trip Record.

§10A-34 Vehicle Retirement Dates

- (a) On and after January 1, 2009, all Paratransit Vehicles that are of model year 2000 or earlier must be retired from Paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.
- (b) On and after January 1, 2010, all Paratransit Vehicles that are of model year 2002 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.
- (c) On and after January 1, 2011, all Paratransit Vehicles that are of model year 2004 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

- (d) On and after January 1, 2012, all Paratransit Vehicles must be retired no later than seven years after the Vehicle was first licensed.
- (e) Mandatory Retirement.
 - (1) A Paratransit Vehicle that cannot pass the New York State Department of Transportation inspection must be retired, regardless of whether its retirement date has been reached.
 - (2) A Paratransit Vehicle which has reached its retirement date must be retired, regardless of whether it may still pass the New York State Department of Transportation inspection.
- (f) Extension of Time for Retirement.
 - (1) A Vehicle Owner can request an extension of a Vehicle's retirement date.
 - (2) Any request for an extension of the retirement date must be made at least two months before that date.
 - (3) The extension request must include documentation demonstrating that:
 - (i) A new vehicle has been ordered.
 - (ii) The new vehicle will not be delivered until after the retirement date.
 - (iii) The new vehicle will be delivered no later than 60 days after the retirement date.
 - (4) If the Vehicle Owner's documentation is complete and accurate, the retirement date of the Vehicle will be extended to the projected delivery date of the new vehicle. The Chairperson may confirm the completeness and accuracy of the documentation.

§10B-01 Scope of this Sub-chapter

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Base Station Owner's License.
- (b) To provide penalties for violation of the requirements of maintaining a Paratransit Base Station Owner's License.

§10B-02 Penalties

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) General Penalty. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the hearing recording under §18-14(e) of this title, the time for payment of fines is extended to 21 days from the date of the issuance of the recording. If a timely appeal has been filed, fines are stayed until a decision is made in the appeal. If the fine is not paid by the close of business on the date due, the violator’s License will be suspended until the fine is paid.
- (c) Mandatory Penalties. The following violations incur mandatory penalties:
 - (1) The following violations incur mandatory penalties:

<u>Description of Violation</u>	<u>Rule</u>	<u>Mandatory Penalty for All Violations</u>
8. <u>Operation of unlicensed Vehicle</u>	<u>§10B-10(a)</u>	<ul style="list-style-type: none"> • <u>First violation: \$100-\$350</u> • <u>Second violation (any combination of provisions) within 24 months: \$350 - \$500</u> • <u>Third violation (any combination of provisions) within 24 months: Mandatory Revocation of License</u>
9. <u>Driver unlicensed by TLC</u>	<u>§10B-10(b)</u>	
10. <u>Driver unlicensed by State and/or has not qualified as Article 19-A “bus driver”</u>	<u>§10B-10(c)/10B-10(d)</u>	
11. <u>Passenger pick-ups only on prearranged basis; no “hails”</u>	<u>§10B-16(a)</u>	

- (2) The 24-month period will be counted backward from the date of the most recent conviction.
- (3) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked. The 12-month period will be counted from the date the earliest summons was issued.

§10B-03 Definitions Specific to this Sub-chapter

- (a) Base Affiliation. Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.
- (b) Base (or Base Station) refers to Paratransit Base Station.
- (c) Base Owner (or Owner) refers to the owner of a Paratransit Base Station.

- (d) Business Entity. A Paratransit Business Entity must be either a corporation or a partnership.
- (e) Electronic Trip Record System is the hardware and software that collects and stores the data required to be collected and kept for each passenger trip.
- (f) Licensee refers to a Paratransit Base Station Licensee.
- (g) Rate Schedule is the official list of rates and rules concerning the rates that a Paratransit Base Station is permitted to charge a passenger.
- (h) Trip Record (or Trip Sheet) refers to the hand-written or electronic collection of data that is required to be kept for each passenger trip.
- (i) Vehicle refers to a Paratransit Vehicle.

§10B-04 Licensing – General Requirements

- (a) Identification. An individual Applicant or an Applicant's Business Entity Persons applying for a new (original) Base Station License must provide both of the following proofs of identity:
 - (1) A Valid Government photo ID
 - (2) A Valid, original social security card
- (b) Fingerprinting. The Applicant and all corporate officers and active stockholders of a corporate Applicant must be fingerprinted at the Commission.
- (c) Complete Application Forms. The Applicant must complete and file the required application forms.
- (d) Requirements concerning Paratransit Vehicles.
 - (1) The application for a Base License must be accompanied by at least one Paratransit Vehicle License application.
 - (2) The Applicant must ensure that any affiliated Paratransit Vehicle being licensed for the first time submits a New York State Department of Transportation Form MC300, dated within one month of the application date, proving that the Vehicle meets the relevant mileage requirement:
 - (i) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.

- (ii) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
 - (iii) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.
- (e) Additional Documents Required.
- (1) A copy of the Applicant's New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority).
 - (2) The copy of the current Rate Schedule.
 - (3) A corporate Applicant must file a copy of its certificate of incorporation and a list of its shareholders and current officers.
 - (4) A partnership Applicant must file a copy of its partnership agreement, if any.
- (f) Additional Requirements. An Applicant for a Base Station License must show that:
- (1) The Base will be located on commercial property or other appropriately-zoned location unless the Base will operate no more than four (4) vehicles, in which case it can be maintained at the Base Owner's residence.
 - (2) The Base will be maintained as a separate entity.
 - (3) The Base will maintain outside advertising identifying the premises as a Paratransit Base Station and providing its business name and phone number.

§10B-05 Licensing – Term of License

- (a) New Licenses. The term of a new Base License is two years.
- (b) Renewals. The renewal term of a Base License is two years from the date on which the previous License expired.
- (c) When to File Application for Renewal. A renewing Applicant must file a complete application on or before the expiration date of the current License.

§10B-06 Licensing – License and Administrative Fees

- (a) Fee for License. The fee for a Paratransit Base License is \$500 annually.
- (b) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) When Fee is Paid. The fee for an original or renewal License must be paid at the time the application is filed.
- (d) Late Filing Fee. The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves an application.

§10B-07 Licensing – Causes for Denial

- (a) No Longer Meets Requirements. The Commission will deny a Base Owner’s renewal application or suspend or revoke a License if the Commission learns that the Owner no longer meets the Base License requirements.
- (b) Prior License Revocation. The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (c) Misleading Trade Name. The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Base Station Owner.

§10B-08 Licensing – Transfer of Base License

- (a) A Base Owner must notify and get prior approval from the Commission before transferring, selling, or assigning the Base to another.

<u>§10B-08(a)</u>	<u>Fine: \$100</u>	<u>Appearance NOT required</u>
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- (b) The prospective new Base Owner must file the appropriate Base application form with the Commission.
- (c) Upon approval of the transfer, the Commission will permit the entire fleet to be transferred to the new Base as long as the Vehicles meet the age retirement requirements established in Sub-chapter 10A-34 of this Chapter.
- (d) The Transferee must pay the paratransit affiliation fee to the Commission, if any is required.

<u>§10B-08(d)</u>	<u>Fine: \$100</u>	<u>Appearance NOT required</u>
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§10B-09 RESERVED [Licensing – Care of Licenses]

§10B-10 Compliance with Laws – Unlicensed Activity

- (a) Vehicle Must Be Licensed. A Base Station Owner must not dispatch or allow a Paratransit Vehicle to be operated if the Vehicle does not have a Valid License.

<u>§10B-10(a)</u>	<u>Mandatory Penalties. See §10B-02(c)</u>	
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- (b) Driver Must Have a Paratransit License. A Base Station Owner must not dispatch a Driver who does not have a Valid Paratransit Driver’s License.

<u>§10B-10(b)</u>	<u>Mandatory Penalties See §10B-02(c)</u>	
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- (c) Driver Must Have State Driver’s License. A Base Station Owner must not dispatch a Driver who does not have a Valid state driver’s license.

<u>§10B-10(c)</u>	<u>Mandatory Penalties See §10B-02(c)</u>	
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- (d) Compliance with §509-d. A Base Station Owner must not allow a Vehicle to be dispatched or operated by a Driver who has not complied with §509-d of Article 19-A of the New York State Vehicle and Traffic Law (regarding requirements for bus drivers).

<u>§10B-10(d)</u>	<u>Mandatory Penalties See §10B-02(c)</u>	
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- (e) Base Must Be Licensed. A Base Station Owner must not dispatch any Vehicle if the Base does not have a Valid Base Station License, unless it has been exempted by the New York State Department of Transportation.

<u>§10B-10(e)</u>	<u>Fine: \$150</u>	<u>Appearance NOT required</u>
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- (f) Activity After License Expiration. Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issues is considered “unlicensed activity” and is subject to the penalties in these Rules and in the Administrative Code.

§10B-11 Compliance with Laws – Worker’s Compensation

- (a) Compliance with Workers’ Compensation Law. A Base Station Owner must comply with all provisions of the New York State Workers’ Compensation law and regulations, and provide coverage and benefits to all eligible employees.

<u>§10B-11(a)</u>	<u>Fine: \$25 for each day of non-compliance and either suspension until compliance or license revocation</u>	<u>Appearance REQUIRED</u>
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§10B-12 Compliance with Laws – Proper Conduct

- (a) Bribery. A Base Station Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

<u>§10B-12 (a)</u>	<u>Fine: \$1,000 up to revocation</u>	<u>Appearance REQUIRED</u>
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- (b) Failure to Report Bribery. A Base Station Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

<u>§10B-12 (b)</u>	<u>Fine: \$1,000 up to revocation</u>	<u>Appearance REQUIRED</u>
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- (c) Fraud, Theft. While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

<u>§10B-12 (c)</u>	<u>Fine: \$25-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (d) Willful Acts of Omission. While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit any willful act of omission that is against the best interests of the public.

<u>§10B-12 (d)</u>	<u>Fine: \$25-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (e) Willful Acts of Commission. While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit any willful act of commission that is against the best interests of the public.

<u>§10B-12 (e)</u>	<u>Fine: \$25-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (f) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Base Station Owner, a Licensee must not:

- (1) Threaten, harass, or abuse any person;
- (2) Distract, or attempt to distract a Service Animal.

<u>§10B-12 (f)</u>	<u>Fine: \$25-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (g) Use or Threat of Physical Force. While performing the duties and responsibilities of a Base Station Owner or any act in connection with those duties, a Licensee must not harm, use or attempt to harm or use any physical force against a person or Service Animal.

§10B-12 (g)	Fine: \$20-\$350 and/or suspension up to 30 days; possible revocation (OATH)	
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- (h) Notice of Criminal Conviction.

- (1) A Base Station Owner must notify the Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
- (2) The Owner must also provide the Commission with a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction within 15 days after the certificate is issued.

§10B-12 (h)	Fine: \$50-\$250	Appearance REQUIRED
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- (i) Failure to Cooperate with Commission Enforcement. A Base Station Owner must cooperate with all Commission enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

§10B-12 (i)	Fine: \$15-150	Appearance REQUIRED
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- (j) Failure to Cooperate with the Commission.

- (1) A Base Station Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§10B-12 (j)(1)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
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- (2) A Base Station Owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

§10B-12 (j)(2)	Fine: \$500	Appearance NOT required
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- (k) Courtesy. Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Owners.

§10B-12 (k)	Fine: \$25	Appearance NOT required
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§10B-13 RESERVED [Compliance with Laws – Miscellaneous]

§10B-14 Operations – Business Premises

- (a) Location of Business. The Base must be located on commercial property or other appropriately-zoned location. If the Base operates four or fewer vehicles, it can be maintained at the Base Owner’s residence.
- (b) Required Outside Signage. The Base must maintain outside advertising stating the business name and telephone number and indicating to the public that it is a Paratransit Base.

§10B-14(b)	Fine: \$50	Appearance NOT required
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- (c) Record Maintenance. The Base must maintain Trip Records of all Paratransit Vehicles dispatched.

§10B-15 RESERVED [Operations – Management Oversight (Use of Agents)]

§10B-16 Operations – Service Requirements (Passengers)

- (a) Prohibited Pickups. A Base Owner must only dispatch Drivers to pick up passengers on a prearrangement basis. Base Owners must not allow Drivers to solicit or respond to hails.

§10B-16(a)	Mandatory Penalties. See §10B-02(c)	
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- (b) Timely Pickups. Base Owners must schedule and dispatch the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.

§10B-16(b)	Fine: \$25	Appearance NOT required
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- (c) Notify Passenger of Delay. If a pickup is unreasonably delayed or cancelled, the Base Owner (or Vehicle Owner) must promptly notify the waiting passenger.

§10B-16(c)	Fine: \$50	Appearance NOT required
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- (d) Monitor Drivers’ Behavior. Base Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate passenger complaints, and take appropriate action to resolve the complaints.

§10B-16(d)	Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission	Appearance REQUIRED
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§10B-17 Operations – Owners’ Responsibilities with Respect to Drivers

- (a) Maximum Hours of Work for Drivers. A Base Owner must not require a Driver to operate a Paratransit Vehicle more than (12) consecutive hours. However, if a Driver has accepted a passenger prior to the conclusion of the twelfth hour the Driver can complete that trip provided he or she is able to drive safely.

§10B-17(a)	Fine: \$50	Appearance NOT required
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- (b) Familiarize Employees with Rules and Regulations.

- (1) Base Owners must ensure that all Drivers (and other employees) are familiar with the rules that govern Driver conduct and aware of any changes made to those rules.
- (2) Base Owners must maintain a current copy of the Commission Rules at the Base for the information of Drivers and employees.

§10B-17(b)	Fine: \$50	Appearance NOT required
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§10B-18 Records – Trip Record Information (Electronic)

- (a) Required Information. Base Owners must not dispatch a Paratransit Vehicle unless it is equipped with an Electronic Trip Record System that electronically collects all of the following trip data:

- (1) The Paratransit Driver’s license number.
- (2) The Paratransit Vehicle’s state license plate number.
- (3) The date and time of pick-up of each passenger.
- (4) The date and time of drop-off of each passenger.
- (5) The locations of pick-ups and drop-offs.
- (6) Any other entries required by the Commission and local, state or federal law.

NOTE: The Driver must enter the location, date and time of passenger pick-up and drop-off and any other data that must be collected during the trip; the Base Owner is permitted to make all other entries

§10B-18(a)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (b) Transmit Monthly. All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

§10B-18(b)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (c) Corrections. The Base Owner must make all necessary corrections and additions to the Electronic Trip Record System.

§10B-18(c)	Fine: \$30	Appearance NOT required
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- (d) No Deletions or Alterations. The Base Owner must not permit the electronic trip record data collected in the Paratransit Vehicle to be erased, deleted, altered, changed or obliterated.

§10B-18(d)	Fine: \$30	Appearance NOT required
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§10B-19 Records – Current Contact Information

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

- (b) 24-hour Communication Device.

- (1) A Base Owner must maintain a current telephone number on file with the Commission.
- (2) This number must be connected to an answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Base Owner on a 24-hour basis.

§10B-19(b)	Fine: \$100	Appearance NOT required
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§10B-20 Records – Additional Records to be Maintained

- (a) Financial and Operational Records. A Base Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:

- (1) The driver's trip records
- (2) Any workers' compensation insurance coverage
- (3) Any other documents created or maintained in conjunction with the operation of a Base

<u>§10B-20(a)</u>	<u>Fine: \$50</u>	<u>Appearance NOT required</u>
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§10B-21 Reporting Requirements

- (a) Report Rate Changes. A Base Owner must file the Rate Schedule with the Commission annually or at least ten (10) days prior to the effective date of any change.

<u>§10B-21(a)</u>	<u>Fine: \$50</u>	<u>Appearance NOT required</u>
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- (b) Give Drivers Access to Records for Reporting. A Base Owner must provide a Driver with access to any records (or copies of the records) that the Base is required to maintain, if a Driver is required to bring those records (or copies) to the Commission or any other Government agency.

<u>§10B-21(b)</u>	<u>Fine: \$50</u>	<u>Appearance NOT required</u>
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- (c) Report Change of Status. A Base Owner must report any important changes, including a change in the Base address, to the Commission within 72 hours.

<u>§10B-21(c)</u>	<u>Fine: \$50</u>	<u>Appearance NOT required</u>
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§10B-22 Operations – Rates and Tolls

- (a) Must file Rate Schedule. A Base Owner must not dispatch a Paratransit Vehicle unless the Rate Schedule for the Paratransit Vehicle has been filed with the Commission.
- (b) Must List Rate Schedule. The Rate Schedule must include the minimum fare, different fares for different types of paratransit services, portal time, tolls and extra charges, if any.

<u>§10B-22</u>	<u>Fine: \$50</u>	<u>Appearance NOT required</u>
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§10B-23 RESERVED [Operations – E-ZPass]

§10B-24 RESERVED [Operations – Miscellaneous Requirements]

§10B-25 Vehicle Condition – Inspections

- (a) Equipment Must be in Good Working Order. A Base Owner must not dispatch a Paratransit Vehicle until the Base Owner inspects and reasonably determines that all equipment is in good working order and meets all requirements of the New York State Vehicle and Traffic Law and these Commission Rules.
- (b) Equipment to be Inspected. Equipment to be inspected includes, but is not limited to, brakes, tires, lights, signals, wheelchair ramps, fastening devices, and heating and ventilation units.

§10B-25	Fine: \$50-\$500	Appearance NOT required
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§10B-26 RESERVED [Vehicle Condition – Safety]

§10B-27 RESERVED [Vehicle Condition – Miscellaneous]

§10B-28 Vehicle – Markings and Advertising

- (a) Vehicle Specifications and Markings. A Base Owner must comply with the markings specifications for Paratransit Vehicles.

§10B-28(a)	Fine: \$50	Appearance NOT required
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- (b) Required ID Marking. A Base Owner must ensure that each Vehicle affiliated with the Base has a Valid Commission Decal attached to and plainly visible on the exterior of the Vehicle.

§10B-28(b)	Fine: \$50	Appearance NOT required
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- (c) Commercial Use Tax Stamp. A Base Owner must confirm that the vehicle has a commercial use motor vehicle tax stamp attached to the lower right side of the Vehicle windshield, and is plainly visible.

§10B-28(c)	Fine: \$25	Appearance NOT required
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- (d) Unauthorized Advertising. A Base Owner must not display advertising on the exterior or interior of a Paratransit Vehicle unless the Base Owner has first obtained Commission authorization.

§10B-28(d)	Fine: \$50	Appearance NOT required
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§10B-29 Vehicle – Documents Required in Vehicle

(a) A Base Owner must only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:

- (1) The Trip Record.
- (2) The Driver’s Paratransit Driver’s License.
- (3) A copy of the registration certificate.
- (4) A copy of the Paratransit Vehicle License.
- (5) A copy of the individual Vehicle insurance card.
- (6) A copy of the lease card or agreement, if any.

§10B-29(a)	Fine: \$15 for each violation	Appearance NOT required
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§10B-30 Vehicle – Equipment

(a) Two-way Radio. If a Base Owner uses a radio system, the Base Owner must only permit a Paratransit Vehicle to be dispatched and operated when it has a two-way radio in the vehicle.

§10B-30(a)	Fine: \$15	Appearance NOT required
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(b) FCC Compliant Two-way Radio. A Base Owner operating a two-way radio service must instruct the Drivers and other employees on the two-way radio service rules of the Federal Communications Commission.

§10B-30(b)	Fine: \$50-250	Appearance REQUIRED
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§10B-31 RESERVED [Vehicle Equipment – Partitions]

§10B-32 RESERVED [Vehicle Equipment – In-Vehicle Camera System]

§10B-33 Vehicle Equipment – Electronic Trip Record System

(a) Install System. Base Owners must ensure that all Paratransit Vehicles affiliated with the Base are equipped with an Electronic Trip Record System.

§10B-33(a)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (b) System Must be in Good Working Order. A Base Owner must not dispatch a Paratransit Vehicle unless the Electronic Trip Record System in the Paratransit Vehicle is in good working order.

§10B-33(b)	Fine: \$500	Appearance REQUIRED
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- (c) System Malfunction.

- (1) The Base Owner must report any malfunction of the electronic trip record system to the Commission's Safety and Emissions Facility within twenty-four (24) hours of when the Base Owner knew or should have known of the malfunction.

§10B-33(c)(1)	Fine: \$250	Appearance REQUIRED
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- (2) The Base Owner must dispatch a Paratransit Vehicle in which the Electronic Trip Record System does not work, only:
- (i) For three business days after the malfunction was timely reported to Safety and Emissions.
 - (ii) If a hand-written Trip Record is used in place of the electronic Trip Record.

§10B-33(c)(2)	Fine: \$250	Appearance REQUIRED
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Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 4, Paratransit Services (Vehicles and Bases).	Chapter 10, Paratransit Vehicles and Bases

The proposed rules make two substantive changes to the provisions of the current rules governing paratransit vehicles and bases. Specifically, the proposed rules:

- Clarify that an individual, partnership or corporation may own a paratransit vehicle (the prior rule was inconsistent in its references to the types of entities that may own a vehicle).
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for 30 days, and further pending decision of a timely-filed appeal.