

## 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 rules altering the provisions of Chapter 6 of Title 35 of the Rules of the City of New York to conform to and implement recent amendments to the Vehicle and Traffic Law.

These rules are proposed pursuant to section 1043 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2007 because the need for the rule changes was not anticipated at the time the agenda was submitted.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on November 16, 2006, 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 for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than November 10, 2006.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than November 6, 2006 to:

Charles R. Fraser  
*Deputy Commissioner for Legal Affairs/General Counsel*  
Taxi and Limousine Commission  
40 Rector Street, 5<sup>th</sup> Floor  
New York, New York 10006  
Telephone: 212-676-1117  
Fax: 212-676-1102  
TTY/TDD: 212-341-9596

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 that sections 6-50 through 6-59, inclusive, of chapter 6 of Title 35 of the Rules of the City of New York, relating to intermunicipal for-hire vehicle operation in the City of New York, be repealed.

**Section 2.** It is hereby proposed that section 6-01 of chapter 6 of Title 35 of the Rules of the City of New York be amended to add the definitions of “Issuing jurisdiction”, “Issuing jurisdiction driver’s license”, “Issuing jurisdiction vehicle license”, and “Qualified jurisdiction” to read as follows:

New material is underscored.

**Issuing jurisdiction.** An issuing jurisdiction is a county within New York State contiguous to the City of New York that requires issuance of a license, permit, registration, certification or other approval for a vehicle to perform the pre-arranged pick up or drop off of one or more passengers for compensation in such jurisdiction.

**Issuing jurisdiction driver’s license.** An issuing jurisdiction driver’s license shall mean a license, permit, registration, certification or other approval issued by an issuing jurisdiction to operate a vehicle for transportation for hire by pre-arrangement.

**Issuing jurisdiction vehicle license.** An issuing jurisdiction vehicle license shall mean a license, permit, registration, certification or other approval issued by an issuing jurisdiction to the owner of a vehicle used to provide transportation for hire by pre-arrangement.

**Qualified jurisdiction.** A qualified jurisdiction is an issuing jurisdiction which meets the requirements for reciprocity set forth in section 498 of the New York State Vehicle and Traffic Law.

**Section 3.** It is hereby proposed that section 6-11 of chapter 6 of Title 35 of the Rules of the City of New York be amended by the addition of a new subdivision (m), to read as follows:

New material is underscored.

(m) The holder of a for-hire vehicle permit issued under this chapter shall satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a qualified jurisdiction or a violation of the regulations of a qualified jurisdiction.

**Section 4.** It is hereby proposed that section 6-12 of chapter 6 of Title 35 of the Rules of the City of New York be amended by the addition of a new subdivision (o), to read as follows:

New material is underscored.

(o) Any officer or employee of the Commission designated by the Chairperson of the Commission, or any police officer may conduct on-street inspections of a vehicle providing transportation for hire and operating within New York City to assure compliance with New York City regulations or where such inspections are otherwise permitted. The owner of such vehicle must repair or replace such vehicle within ten days if ordered to do so.

**Section 5.** It is hereby proposed that section 6-15(e) of chapter 6 of Title 35 of the Rules of the City of New York be amended to read as follows:

New material is underscored.

(e) An applicant for a for-hire operator's permit shall be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services. The criminal history of any applicant, including a renewal applicant, shall be reviewed in a manner consistent with Article 23-A of the New York State Correction Law. The applicant shall pay any processing fee required by the State. A driver shall immediately inform the Commission when convicted of any crime and shall supply the Commission with a certified copy of the Certificate of Disposition issued by the Clerk of the Court with respect to such conviction.

**Section 6.** It is hereby proposed that section 6-15 of chapter 6 of Title 35 of the Rules of the City of New York be amended by the addition of a new subdivision (h), to read as follows:

New material is underscored.

(h) The holder of a for-hire operator's permit issued under this chapter shall satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a qualified jurisdiction or a violation of the regulations of a qualified jurisdiction.

**Section 7.** It is hereby proposed that section 6-16(e) of chapter 6 of Title 35 of the Rules of the City of New York be amended to read as follows:

[Deleted material is in brackets]

New Material is underscored.

(e) A driver shall not operate a for-hire vehicle without a valid for-hire vehicle permit decal issued by the Commission. Said decal shall be affixed to the right front windshield and the following items shall be present in the vehicle:

- (1) the affiliated driver's for-hire vehicle operator's permit;
- (2) the certificate of registration or legible photostat thereof;
- (3) the for-hire vehicle permit or legible photostat thereof; [and]

(4) the insurance card or legible photostat thereof[.]; and

(5) if such for-hire vehicle is used for providing pre-arranged transportation for hire between the City of New York and an issuing jurisdiction, a trip log conforming to the requirements of section 6-25 of this chapter.

**Section 8.** It is hereby proposed that section 6-18 of chapter 6 of Title 35 of the Rules of the City of New York be amended by the addition of a new subdivision (k), to read as follows:

New material is underscored.

(k) The owner or operator of a vehicle licensed by a qualified jurisdiction operating in the City of New York pursuant to section 498 of the New York State Vehicle and Traffic Law must comply with the provisions of subdivisions (a) through (g) and (i) through (j) of this section as though such owner or operator was a “licensee” under this section.

**Section 9.** It is hereby proposed that section 6-22 of chapter 6 of Title 35 of the Rules of the City of New York be amended to add new penalties for §6-11(m) between §6-11(l)(2) and §6-12(a); new penalties for §6-12(o) between §6-12(n) and §6-13(a); and add new penalties following §6-18(j) for §§6-25(a),6-25(b),6-26(a)(1)-6-26(a)(6), and 6-27(a)(1)-6-27(a)(4), to read as follows:

New material is underscored.

Rule No.	Penalty	Personal Appearance Required
§6-11(l)(2)	\$500	No
§6-11(m)	Suspension until satisfaction or payment	No
§6-12(a)	\$300-500—for the first offense in 12 months \$600-1,000—for the second offense within a 12-month period. Base license revocation for the third offense within a 12-month period	Yes
*	* * *	*
§6-12 (n)	\$10,000 and license suspension until compliance if alteration is not approved. \$10,000 and license revocation if certification sticker is altered.	Yes
§6-12 (o)	Suspension of for-hire vehicle permit or recognition of issuing jurisdiction vehicle license until compliance.	No
§6-13 (a)	\$350 and suspension until the condition is corrected.	Yes

	*	*	*	*
§6-15(g)	\$50			No
§6-15(h)	Suspension until satisfaction or payment.			No
§6-16(a)	\$350-1,000 and/or suspension up to 30 days or revocation if driver is found guilty of having violated this rule more than 3 times within an 18 month period.			Yes
	*	*	*	*
§6-18(j)	\$150			No
§6-25(a)	\$300			No
§6-25(b)	\$300			No
§6-26(a)(1)	\$300			No
§6-26(a)(2)	\$100			No
§6-26(a)(3)	\$350			No
§6-26(a)(4)	\$100			No
§6-26(a)(5)	\$300			No
§6-26(a)(6)	Notice to Correct w/10 days			N/A
§6-27(a)(1)	\$350			No
§6-27(a)(2)	\$100			No
§6-27(a)(3)	\$350			No
§6-27(a)(4)	\$300			No

**Section 10.** It is hereby proposed that chapter 6 of Title 35 of the Rules of the City of New York be amended by the addition thereto of new sections 6-24, 6-25, 6-26 and 6-27, to read as follows:

[Deleted material is in brackets]

New material is underscored.

**§ 6-24 Information sharing with qualified jurisdictions**

The Commission shall maintain a dedicated phone line or read-only access to an electronic database to make available to qualified jurisdictions the information required to be shared pursuant to section 498 (3)(e) of the New York State Vehicle and Traffic Law.

**§ 6-25 Log Book**

(a) The holder of a for-hire vehicle permit issued by the Commission under this chapter for a vehicle that is used in transportation between New York City and an issuing jurisdiction and the holder of an issuing jurisdiction vehicle license issued by a qualified jurisdiction that is used in transportation between New York City and such qualified jurisdiction shall ensure that a record of each trip between New York City and such issuing jurisdiction is made prior to the commencement of the trip in a log carried in the vehicle. Such record shall be kept for a period of no less than one year after such trip. The record of each such trip shall be written legibly in ink and include the following information:

(1) passenger's name or other identifier;

(2) time of scheduled pick up of passenger;

(3) location of scheduled pick up of passenger;

(4) the locations of any intermediate stops at which the passenger is picked up and/or dropped off;

(5) final destination of passenger; and

(6) at the completion of the transport, the time of completion of the transport shall be added to the record.

(b) The log required in subdivision (a) of this section shall be kept in the vehicle during any trip between New York City and an issuing jurisdiction, including a trip through either New York City or an issuing jurisdiction, and shall be presented for inspection on request to any police officer or peace officer acting pursuant to his or her special duties or other person authorized by the Commission or by the issuing jurisdiction. Failure to present such a log maintained in the manner prescribed in subdivision (a) of this section when requested by any such authorized person shall be presumptive evidence of unlicensed operation.

#### **§6-26 Reciprocal recognition of vehicles licensed by qualified jurisdictions.**

(a) A vehicle for which an issuing jurisdiction vehicle license has been issued by a qualified jurisdiction shall be eligible for reciprocity as set forth in subdivision (b) of this section provided that the vehicle meets all of the following requirements:

(1) Evidence of a current, valid issuing jurisdiction vehicle license from the qualified jurisdiction must be attached to the windshield of the vehicle;

(2) Such vehicle must be operated by a driver who holds a valid New York State chauffeur's license or a valid license of equivalent class of the state of which the driver is

a resident, and such license must be neither probationary, suspended, revoked, conditional nor restricted as to use;

(3) Such vehicle must be operated by a driver who (i) holds a valid, current issuing jurisdiction driver's license issued by the qualified jurisdiction and such driver is carrying proof of such valid license or permit while operating within New York City which will be displayed on request or is posted within the vehicle and (ii) otherwise meets the requirements of section 6-27 of this chapter;

(4) Such vehicle must be validly registered in New York State or the state of the vehicle owner's residence, and evidence of such registration in the form of the certificate or a legible photostat thereof must be carried in the vehicle;

(5) Such vehicle must contain a trip log meeting the requirements of section 6-25 of this chapter which log must demonstrate that any trip including travel within New York City was established by pre-arrangement and show that either the origin or final destination of such travel is outside New York City and which record must be maintained for a year following the trip;

(6) Such vehicle must carry a valid inspection sticker indicating the date of last inspection and/or expiration date of such inspection issued pursuant to the laws of New York State or the state of the vehicle's registration; and

(7) Recognition of such vehicle's authority to operate within New York City has not been suspended pursuant to section 6-12(o) of this chapter.

(b) A vehicle meeting the requirements subdivision (a) of this section and providing pre-arranged transportation shall be eligible for reciprocity and shall be allowed, without any license or permit issued by or any fee paid to the Commission, to:

(1) pick up passengers in the vehicle's qualified jurisdiction for travel to or through New York City;

(2) pick up passengers in New York City for travel to the vehicle's qualified jurisdiction;

(3) in the course of transportation provided to passengers that meets the requirements of subdivisions (b)(1) or (2) of this section, temporarily discharge and temporarily pick up such passengers within New York City provided that all such stops must occur within 24 hours of the initial pick up of the passengers; and

(4) transit through New York City for travel beginning and ending outside New York City.

(c) The owner of a vehicle who does not hold a for-hire vehicle permit issued by the Commission and whose vehicle provides transportation for hire other than through pre-arrangement or which provides transportation for hire between two points within New

York City shall be subject to all penalties applicable under this chapter for unlicensed operation.

**§6-27 Reciprocal recognition of drivers licensed by qualified jurisdictions.**

(a) A driver holding a current, valid issuing jurisdiction driver's license issued by a qualified jurisdiction shall be eligible for reciprocity as set forth in subdivision (b) of this section provided that the driver meets all of the following requirements:

(1) Such driver is operating a vehicle meeting the requirements of section 6-26(a) of this chapter;

(2) Such driver holds a valid New York State chauffeur's license or a valid license of equivalent class of the state of which the driver is a resident, and such license must be neither probationary, suspended, revoked, conditional nor restricted as to use;

(3) Such driver's issuing jurisdiction driver's license is neither suspended nor revoked and such driver is carrying proof of such valid license or permit while operating within New York City which will be displayed on request or is posted within the vehicle; and

(4) Such driver maintains and completes the trip log required by section 6-25 of this chapter for transportation provided into, out of, or through New York City.

(b) A driver meeting the requirements of subdivision (a) of this section is eligible for reciprocity and may operate such vehicle in providing transportation as set forth in section 6-26(b) of this chapter without any license or permit issued by or fee paid to the Commission.

(c) A driver providing pre-arranged transportation for hire in New York City pursuant to this section 6-27 shall comply with the provisions of sections 6-16 (a) through (d), (g) through (r) and (t) through (u) of this chapter while operating within New York City as if such driver were licensed by the Commission.

(d) A driver who does not hold a for-hire vehicle operator's permit issued by the Commission and who provides transportation for hire other than through pre-arrangement or who provides transportation for hire between two points within New York City shall be subject to all penalties applicable under this chapter for unlicensed operation.



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

The proposed rules would amend existing rules to implement the reciprocity provisions recently enacted as section 498 to the New York State Vehicle and Traffic Law (the “VTL”). Pursuant to that enactment, promulgation of these rules is intended to qualify the City of New York for reciprocity, thereby entitling for-hire vehicles and drivers licensed by the New York City Taxi & Limousine Commission (the “TLC”) to (1) pick up passengers in New York City for travel to or through Westchester or Nassau Counties; (2) pick up passengers in Westchester or Nassau for travel to New York City; and (3) transit through Westchester and Nassau for travel beginning and ending elsewhere.

Under the amendments to the VTL, in order for drivers and vehicles licensed by one of the above-mentioned jurisdictions to qualify for reciprocity, the regulations regarding transportation for hire of the vehicles and drivers licensed by such jurisdiction must meet certain minimum requirements. Vehicles must be marked as being licensed by their home jurisdiction and must, among other things, maintain trip logs in the vehicles which contain records of interjurisdictional travel. Drivers of such vehicles must be licensed to operate such vehicles by their home jurisdictions and must be subject by their home jurisdictions, among other things, to fingerprinting and a criminal background check and an annual drug test. Any qualified jurisdiction is authorized to order the repair or replacement of any vehicle, including those licensed by other qualified jurisdictions, and failure to comply within ten days can lead to suspension of the recognition of such vehicle’s home jurisdiction license in any other qualified jurisdiction. Each qualified jurisdiction must notify the other jurisdictions of its continuing status as a qualified jurisdiction at least every three years, must maintain a dedicated phone line or electronic database sharing certain vehicle license information with other qualified jurisdictions, and must notify other qualified jurisdictions of the issuance and dispositions of summonses to such jurisdictions’ licensees. The proposed rules amend existing TLC rules to assure that TLC rules regarding for-hire vehicles and operators comply with the requirements of section 498 of the VTL, among other things by affording reciprocity to vehicles and drivers licensed by qualified jurisdictions.

Finally, the amendments to the VTL eliminate tier 2 and tier 3 permits; the proposed rules implement this change by repealing rules regarding tier 2 and tier 3 permits. Outstanding tier 2 and tier 3 permits become void upon the effective date of section 498 of the VTL, which is November 14, 2006.