

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of 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”) promulgates rules regarding the collection of New York City’s Commercial Motor Vehicle Tax.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and Chapter 8 of Title 11 of the Administrative Code of the City of New York, and Local Law 73 of 2011, as amended.

On May 31, 2012, a public hearing was held by the TLC at the TLC’s offices at 33 Beaver St., 19th Floor, New York, New York. These rules were approved at the hearing on May 31. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

Chapter 8 of Title 11 of the Administrative Code of the City of New York imposes a New York City Commercial Motor Vehicle Tax (CMVT) on motor vehicles transporting passengers for hire in New York City. All vehicles licensed by the Commission, including taxicabs, for-hire vehicles, paratransit vehicles and commuter vans, must pay the CMVT because, with a Commission license, such vehicles are authorized to transport passengers for hire in New York City. In December 2011, the City Council passed Local Law 73 of 2011, which authorized the Commission to collect the CMVT on certain vehicles licensed by the Commission. Among other things, Local Law 73 changed the collection cycle for the tax from 1 to 2 years. However, the amount of tax due and the persons required to pay it remain the same.

The purpose of the rule amendments is to implement Local Law 73 of 2011, together with further changes to that law which will return collection of the tax due in respect of vehicles operating as taxicabs back to the NYC Department of Finance, and to provide guidance to medallion owners, and licensees of for-hire vehicles, paratransit vehicles, and commuter vans about how the Commission will administer and/or enforce the CMVT.

In accordance with Local Law 73, these rules provide that:

- Commission vehicle licensees (for-hire vehicles, paratransit vehicles, and commuter vans, but not including medallion taxicabs) must pay the CMVT to the Commission for a period of 2 years upon initial issuance of the license and at the time of license renewal IF the licensee has NOT already paid the tax to the New York State Department of Motor Vehicles as part of the routine vehicle registration process.
- The TLC will deny any TLC vehicle license application, including a renewal application, if the CMVT has not been paid.

- An interim tax payment will be required on certain vehicles licensed by TLC to account for the transition of the tax cycle from 1 to 2 years. Such payment will be based on a formula set forth in the Local Law 73, which takes into account the amount of time remaining on the license.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended by adding a definition of “Commercial Motor Vehicle Tax” in the correct alphabetical order, to read as follows:

Commercial Motor Vehicle Tax is the tax imposed by Section 11-800 et. seq. of the Administrative Code and includes the amount of any fines and penalties that are due for late or non-payment. Under Section 11-802 of the Administrative Code, the vehicle owner, as defined in Section 11-801 of the Administrative Code, is responsible for payment of the Commercial Motor Vehicle Tax.

§ 2. Subdivision (a) of section 58-33 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (6) to read as follows:

(6) A copy of the receipt issued by the Commission or other proof of payment of the Commercial Motor Vehicle Tax.

<u>§58-33(f)(6)</u>	<u>Fine: \$75</u>	<u>Appearance NOT REQUIRED</u>
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§ 3. Section 59A-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (u) to read as follows:

(u) Commercial Motor Vehicle Tax.

(1) An Applicant, including an applicant for a renewal License, must pay the Commercial Motor Vehicle Tax applicable to the Applicant’s Vehicle. If the Applicant has not made payment to the NYS DMV, the Applicant must pay the Commercial Motor Vehicle Tax to the Commission.

(2) An Applicant who has already paid the Commercial Motor Vehicle Tax must provide proof of payment in the form of a copy of the New York State issued registration receipt, or a receipt from the New York City Department of Finance.

§ 4. Section 59A-07 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

(g) Commercial Motor Vehicle Tax.

(1) For Licenses Issued on or after June 1, 2012 if Tax NOT paid to NYS DMV.

(i) The Commercial Motor Vehicle Tax for each Vehicle will be \$800, to paid with the application for the license.

(ii) No additional payment will be required for any replacement Vehicle during the renewal License Period.

(iii) If the Applicant paid the Commercial Motor Vehicle Tax directly to NYS DMV, this paragraph does not apply.

(2) At License Renewal for Licenses Expiring on or After June 1, 2012 if Tax NOT paid to NYS DMV.

(i) The Commercial Motor Vehicle Tax for each Vehicle will be \$800 for each renewal License period. The tax must be paid with the renewal application.

(ii) No additional payment will be required for any replacement Vehicle during the renewal License Period.

(iii) If the Applicant paid the Commercial Motor Vehicle Tax directly to NYS DMV, this paragraph does not apply.

(3) Interim Payments for licenses expiring on or after June 1, 2012 and before June 1, 2014 if Tax NOT paid to NYS DMV.

An interim payment of Commercial Motor Vehicle Tax is due on June 1, 2012 for licenses expiring on or after June 1, 2012 and before June 1, 2014, provided that the Licensee has not paid the Commercial Motor Vehicle Tax to the NYS DMV.

(i) The amount of the interim payment is:

<u>If a license expires during:</u>	<u>The licensee must make an interim payment of:</u>
<u>June, July or August 2012</u>	<u>\$100</u>
<u>September, October or November 2012</u>	<u>\$200</u>
<u>December 2012, January 2013 or February 2013</u>	<u>\$300</u>
<u>March, April or May 2013</u>	<u>\$400</u>
<u>June, July or August 2013</u>	<u>\$500</u>
<u>September, October or November 2013</u>	<u>\$600</u>
<u>December 2013, January 2014 or February 2014</u>	<u>\$700</u>
<u>March, April or May 2014</u>	<u>\$800</u>

(4) Refunds.

(i) The Commission will not refund any payment of Commercial Motor Vehicle Tax.

(ii) Applications for refunds, including but not limited to refunds upon transfer, surrender or termination, must be made to the NYC Department of Finance. The application will be reviewed in accordance with the Administrative Code and the Rules of the NYC Department of Finance.

§ 5. Section 59A-08 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

(g) Commercial Motor Vehicle Tax.

(1) The Commission will deny an application, including a renewal application, if the Applicant owes the Commercial Motor Vehicle Tax required under subdivision (c) of section 59A-14 of this Chapter on any Vehicle subject to the application.

(2) Payment of the Commercial Motor Vehicle Tax amount described in paragraph (1) of this subdivision is a condition to issuance of a License, including a renewal License, and the maintaining of such License.

§ 6. Section 59A-14 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c) to read as follows:

(c) Commercial Motor Vehicle Tax.

(1) An Owner must pay the Commercial Motor Vehicle Tax due as described in paragraphs (2) and (3) of this subdivision on an Owner's Vehicle as and when required by the Commission in these Rules.

(2) An Owner must pay the amounts required in subdivision (g) of Section 59A-07 of this Chapter, including interim payments, if any.

(3) An Owner must also pay any additional Commercial Motor Vehicle Tax amount for any tax year or period which the New York City Department of Finance has notified the Commission is due and unpaid.

§59A-14(c)	Fine: \$400 and suspension until compliance	Appearance NOT REQUIRED
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§ 7. Subdivision (a) of section 59A-30 is amended by adding a new paragraph (6) to read as follows:

(6) A copy of the receipt issued by the Commission, if any, or other proof of payment of the Commercial Motor Vehicle Tax.

§59A-30(a)(5)	Fine: \$75	Appearance NOT REQUIRED
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§ 8. Section 60A-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (o) to read as follows:

(o) Commercial Motor Vehicle Tax.

(1) An Applicant, including an applicant for a renewal License, must pay the Commercial Motor Vehicle Tax applicable to the Applicant's Vehicle. If the Applicant has not made payment to the NYS DMV, the Applicant must pay the Commercial Motor Vehicle Tax to the Commission.

(2) An Applicant who has already paid the Commercial Motor Vehicle Tax must provide proof of payment in the form of a copy of the New York State issued registration receipt.

§ 9. Section 60A-06 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (f) to read as follows:

(f) Commercial Motor Vehicle Tax.

(1) For Licenses Issued on or after June 1, 2012 if Tax NOT paid to NYS DMV.

(i) The Commercial Motor Vehicle Tax for each Vehicle will be \$800, to be paid with the application for the license.

(ii) No additional payment will be required for any replacement Vehicle during the renewal License Period.

(iii) If the Applicant paid the Commercial Motor Vehicle Tax directly to NYS DMV, this paragraph does not apply.

(2) At License Renewal for Licenses Expiring on or after June 1, 2012, if Tax NOT paid to NYS DMV.

(i) The Commercial Motor Vehicle Tax for each Vehicle will be \$800 for each renewal License period. The tax must be paid with the renewal application.

(ii) No additional payment will be required for any replacement Vehicle during the renewal License Period.

(iii) If the Applicant paid the Commercial Motor Vehicle Tax directly to NYS DMV, this paragraph does not apply.

(3) Interim Payments for licenses expiring on or after June 1, 2012 and before June 1, 2014 if Tax NOT paid to NYS DMV.

An interim payment of Commercial Motor Vehicle Tax is due on June 1, 2012 for licenses expiring on or after June 1, 2012 and before June 1, 2014, provided that the Vehicle Licensee has not paid the Commercial Motor Vehicle Tax to the NYS DMV.

(i) The amount of the interim payment is:

<u>If a license expires during:</u>	<u>The licensee must make an interim payment of:</u>
<u>June, July or August 2012</u>	<u>\$100</u>
<u>September, October or November 2012</u>	<u>\$200</u>
<u>December 2012, January 2013 or February 2013</u>	<u>\$300</u>
<u>March, April or May 2013</u>	<u>\$400</u>
<u>June, July or August 2013</u>	<u>\$500</u>
<u>September, October or November 2013</u>	<u>\$600</u>
<u>December 2013, January 2014 or February 2014</u>	<u>\$700</u>
<u>March, April or May 2014</u>	<u>\$800</u>

(4) Refunds.

(i) The Commission will not refund any payment of the Commercial Motor Vehicle Tax.

(ii) Applications for refunds, including but not limited to refunds upon transfer, surrender or termination, must be made to the NYC Department of Finance. The application will be reviewed in accordance with the Administrative Code and the Rules of the NYC Department of Finance.

§ 10. Section 60A-07 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h) to read as follows:

(h) Commercial Motor Vehicle Tax.

(1) The Commission will deny an application, including a renewal application, if the Applicant owes the Commercial Motor Vehicle Tax required under subdivision (b) of section 60A-13 of this Chapter on any Vehicle subject to the application.

(2) Payment of the Commercial Motor Vehicle Tax amount described in paragraph (1) of this subdivision is a condition to issuance of a License, including a renewal License, and the maintaining of such License.

§ 11. Section 60A-13 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b) to read as follows:

(b) Commercial Motor Vehicle Tax.

(1) An Owner must pay the Commercial Motor Vehicle Tax due as described in paragraphs (2) and (3) of this subdivision on an Owner's Vehicle as and when required by the Commission in these Rules.

(2) An Owner must pay the amounts required in subdivision (f) of Section 60A-06 of this Chapter, including interim payments, if any.

(3) An Owner must also pay any additional Commercial Motor Vehicle Tax amount for any tax year or period which the New York City Department of Finance has notified the Commission is due and unpaid.

<u>§60A-13(b)</u>	<u>Fine: \$400 and suspension until compliance</u>	<u>Appearance NOT REQUIRED</u>
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§ 12. Subdivision (a) of section 60A-29 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (10) to read as follows:

(10) A copy of the receipt issued by the Commission, if any, or other proof of payment of the Commercial Motor Vehicle Tax.

§ 13. Section 61A-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (k) to read as follows:

(k) Commercial Motor Vehicle Tax.

(1) An Applicant, including an applicant for a renewal License, must pay the Commercial Motor Vehicle Tax applicable to the Applicant's Vehicle. If the Applicant has not made payment to the NYS DMV, the Applicant must pay the Commercial Motor Vehicle Tax to the Commission.

(2) An Applicant who has already paid the Commercial Motor Vehicle Tax must provide proof of payment in the form of a copy of the New York State issued registration receipt or a receipt from the New York City Department of Finance.

§ 14. Section 61A-06 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

(g) Commercial Motor Vehicle Tax.

(1) For Licenses Issued on or after June 1, 2012 if Tax NOT paid to NYS DMV.

(i) The Commercial Motor Vehicle Tax for each Vehicle will be \$800, to be paid with the application for the license.

(ii) No additional payment will be required for any replacement Vehicle during the renewal License Period.

(iii) If the Applicant paid the Commercial Motor Vehicle Tax directly to NYS DMV, this paragraph does not apply.

(2) At License Renewal for Licenses Expiring on or after June 1, 2012 if Tax NOT paid to NYS DMV.

(i) The Commercial Motor Vehicle Tax for each Vehicle will be \$800 for each renewal License period. The tax must be paid with the renewal application.

(ii) No additional payment will be required for any replacement Vehicle during the renewal License Period.

(iii) If the Applicant paid the Commercial Motor Vehicle Tax directly to NYS DMV, this paragraph does not apply.

(3) Interim Payments for licenses expiring on or after June 1, 2012 and before June 1, 2014 if Tax NOT paid to NYS DMV.

An interim payment of the Commercial Motor Vehicle Tax is due on June 1, 2012 for licenses expiring on or after June 1, 2012 and before June 1, 2014, provided that the Licensee has not paid the Commercial Motor Vehicle Tax to the NYS DMV.

(ii) The amount of the interim payment is:

<u>If a license expires during:</u>	<u>The licensee must make an interim payment of:</u>
<u>June, July or August 2012</u>	<u>\$100</u>
<u>September, October or November 2012</u>	<u>\$200</u>
<u>December 2012, January 2013 or February 2013</u>	<u>\$300</u>
<u>March, April or May 2013</u>	<u>\$400</u>
<u>June, July or August 2013</u>	<u>\$500</u>
<u>September, October or November 2013</u>	<u>\$600</u>
<u>December 2013, January 2014 or February 2014</u>	<u>\$700</u>

March, April or May 2014	\$800
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(4) Refunds.

(i) The Commission will not refund any payment of Commercial Motor Vehicle Tax.

(ii) Applications for refunds, including but not limited to refunds upon transfer, surrender or termination, must be made to the NYC Department of Finance. The application will be reviewed in accordance with the Administrative Code and the Rules of the NYC Department of Finance.

§ 15. Section 61A-07 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (f) to read as follows:

(f) Commercial Motor Vehicle Tax.

(1) The Commission will deny an application, including a renewal application, if the Applicant owes the Commercial Motor Vehicle Tax required under subdivision (e) of section 61A-13 of this Chapter on any Vehicle subject to the application.

(2) Payment of the Commercial Motor Vehicle Tax amount described in paragraph (1) of this subdivision is a condition to issuance of a License, including a renewal License, and the maintaining of such License.

§ 16. Section 61A-13 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (e) to read as follows:

(e) Commercial Motor Vehicle Tax.

(1) An Owner must pay the Commercial Motor Vehicle Tax due as described in paragraphs (2) and (3) of this subdivision on an Owner's Vehicle as and when required by the Commission in these Rules.

(2) An Owner must pay the amounts required in subdivision (g) of Section 61A-06 of this Chapter, including interim payments if any.

(3) An Owner must also pay any additional Commercial Motor Vehicle Tax amount for any tax year or period which the New York City Department of Finance has notified the Commission is due and unpaid.

§61A-13(e)	Fine: \$400 and suspension until compliance	Appearance NOT REQUIRED
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§ 17. Section 82-12 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h) to read as follows:

(h) *Commercial Motor Vehicle Tax.* A Street Hail Livery Licensee must comply with all requirements of Chapter 59A of these Rules concerning payment of Commercial Motor Vehicle Tax.