

**NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

**Notice of Public 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 that amend its rules relating to the suspension of licenses.**

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York.

On November 21, 2013, a public hearing was held by the TLC at the TLC’s offices at 33 Beaver St., 19<sup>th</sup> Floor, New York, New York. These rules were approved at the hearing on November 21, 2013. These rules will take effect 30 days after publication.

**Statement of Basis and Purpose**

These rules address technical considerations that were identified by TLC staff. The amendments are intended, among other things, to clearly differentiate situations in which a license may be suspended immediately (summary suspension) by the TLC before a hearing from situations in which a suspension can be imposed by an ALJ after a hearing as a penalty for a violation of a rule or law. The rule is intended to make sure that penalties required for rule violations are consistently applied.

The amendments to Title 35 of the Rules of the City of New York are as follows:

- Amendments to clarify when summary suspension of TLC licenses can occur prior to a hearing for certain violations;
- Amendments to clarify the penalties for certain violations, including to clarify when a suspension can be imposed by an ALJ after a hearing;

New material is underlined.

[Material inside brackets indicates deleted material.]

§1. Subdivisions (a), (b) and (c) of section 54-11 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) *Driver Must Have Valid Taxicab Driver’s License.* A driver must not operate a Taxicab or Street Hail Livery in the City of New York while his or her Taxicab Driver’s License is revoked, suspended or expired. A Paratransit Driver must not operate an Accessible Street Hail Livery in the City of New York while his or her Paratransit Driver’s License is revoked, suspended, or expired. During the Livery Driver Authorization Period, a For-Hire Driver must not operate a Street Hail Livery while his or her FHV Driver’s License is revoked, suspended or expired.

§54-11(a)	Fine: \$400 [and Summary Suspension until compliance]	Appearance REQUIRED
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(b) *Driver Must Have Valid Chauffer’s License.*

(1) A Driver must not operate a Taxicab or Street Hail Livery without a Valid Chauffeur's License. The License of a Driver who operates a Taxicab or Street Hail Livery without a valid Chauffer's License will be summarily suspended.

§54-11(b)(1)	Fine: \$400 and [Summary] Suspension until compliance Points: 2	Appearance REQUIRED
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(c) *Vehicle Must Be Licensed.* A Driver must not knowingly operate a Taxicab or Street Hail Livery for hire unless that vehicle is licensed by the Commission and the License is Valid.

§54-11(c)	Fine: \$25-\$350 and/or suspension up to 30 days [Summary Suspension until compliance] Points: 3	Appearance REQUIRED
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§2. The penalty for Section 54-12(i)(1) and (2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) *Cooperate with the Commission.*

§54-12(i)(1)-(2)	Fine: \$300 and [Summary] Suspension until compliance Points: 2	Appearance REQUIRED
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§3. Paragraphs (1) and (2) of subdivision (b) of section 55-11 of Title 35 of the Rules of the City of New York are amended to read as follows:

(b) *Driver Must Have a Valid Chauffeur's License.*

(1) A Driver must not operate a For-Hire Vehicle without a valid Chauffeur's License. The License of a Driver who operates a For-Hire Vehicle without a valid Chauffer's License will be summarily suspended.

(2) A Driver of a For-Hire Vehicle which is not exempt from NYS Department of Transportation authorization and inspection requirements must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a non-exempt vehicle if not in compliance with Article 19-A is the same as if the individual were driving a For-Hire Vehicle without a Valid License.

§55-11(b)(1)-(2)	Fine: First Violation: \$1,500 and [Summary] Suspension until compliance. Second Violation in 36 months: \$2,000 and [Summary] Suspension until compliance. Third Violation: revocation.	Appearance NOT REQUIRED
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	Points: 2	
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§4. The penalty for Section 55-12(i)(1) and (2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) *Cooperate with the Commission.*

§55-12(i)(1)&(2)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§5. Section 55-14(d) of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Annual Drug Testing.*

(1) All Drivers except those who are NYC Police Officers, must be tested annually, at the Driver's expense, for Drugs.

(2) For Drivers in the first year of a two-year License, the testing must occur no sooner than 30 days before the one-year anniversary date. The License of a Driver who does not timely submit to drug testing will be summarily suspended.

§55-14(d)(1)&(2)	Fine: [Summary] Suspension until compliance or revocation. \$200 if compliance is more than 30 days after the deadline	Appearance NOT REQUIRED
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§6. Sections 56-11(c) and (d) of Title 35 of the Rules of the City of New York and the penalty for violation of section 56-11(b) are amended to read as follows:

(b) *Driver Must be Licensed.*

§56-11(b)	Fine: First Violation: \$1,500 [and Summary Suspension until compliance.] Second Violation in 36 months: \$2,000 [and Summary Suspension until compliance.] Third Violation: revocation.	Appearance NOT REQUIRED
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(c) *Driver Must Have Valid Chauffeur's License.* A Driver must not operate a Paratransit Vehicle unless he or she possesses a [V]valid Chauffeur's License. The License of a Driver who operates a Paratransit Vehicle without a valid Chauffer's License will be summarily suspended.

§56-11(c)	Fine: First Violation: \$1,500 and [Summary] Suspension until compliance. Second Violation in 36 months: \$2,000 and [Summary] Suspension until compliance. Third Violation: revocation.	Appearance NOT REQUIRED
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(d) *Driver Must [Possess Valid Paratransit License] Not Permit Unlicensed Activity.*

[(1) A driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Paratransit Driver's License.]

[§56-11(d)(1)	Fine: \$500 to \$1,500 and Summary Suspension until compliance.	Appearance NOT REQUIRED ]
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[(2)] (1) A Driver [will] must not permit any individual who is not currently licensed by the Commission to operate the Paratransit Vehicle in which he or she is dispatched, unless directed to do so by the owner or his or her agents.

§56-11(d)[(2)](1)	Fine: MANDATORY PENALTIES: See §56-02	Appearance REQUIRED
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§7. The penalty for Section 56-12(g)(1) and (2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(g) *Cooperate with the Commission.*

§56-12(g)(1)(2)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§8. Subdivisions (a), (b) and (c) of section 57-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Driver Must Be Licensed.* A person must not operate a for-hire Commuter Van without having a Valid Commuter Van Driver's License.

§57-11(a)	Fine: \$400 [and Summary Suspension until compliance].	Appearance NOT REQUIRED
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(b) *Driver Must Have a Valid Chauffeur's License.* A driver must not operate a Commuter Van unless he or she possesses a Valid Chauffeur's License. The License of a Driver who operates a Commuter Van without a valid Chauffer's License will be summarily suspended.

§57-11(b)	Fine: \$400 and [Summary]	Appearance NOT
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	Suspension until compliance.	REQUIRED
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(c) *Driver Must Be in Compliance with Article 19-A.* A Commuter Van Driver must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a Commuter Van in noncompliance with Article 19-A is considered to be the same as if the individual were driving a Commuter Van without a Valid Commuter Van License. The License of a Driver who operates a Commuter Van in noncompliance with Article 19-A will be summarily suspended.

§57-11(c)	Fine: \$400 and [Summary] Suspension until compliance.	Appearance NOT REQUIRED
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§9. The penalties for Sections 57-12(e)(1) and (e)(3) of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) *Cooperate with Law Enforcement and the Commission.* Commuter Van Drivers must:

§57-12(e)(1)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§57-12(e)(3)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§10. Section 58-12(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *No Unregistered Vehicles.*

(1) An Owner must ensure that all of Owner’s Taxicabs are operated only while the registration of the vehicle remains Valid.

(2) Operating a vehicle without a Valid registration will be considered the same as operating without a Valid Taxicab License. The License of an Owner who operates a vehicle without valid registration will be summarily suspended.

§58-12(c)	Fine: \$100-\$350 and/or suspension up to 30 days; [Summary] Suspension until compliance	Appearance REQUIRED
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§11. The penalty for Section 58-15(i)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) *Cooperate with the Commission*

§58-15(i)(1)	Fine: \$300 and [Summary]	Appearance REQUIRED
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	Suspension until compliance	
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§12. Section 58-29(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Tri-Annual Inspection.* An Owner must have his Taxicab inspected every four months at a date and time designated by the Commission and at any other time deemed necessary by the Commission. The License of an Owner whose Taxicab is not timely inspected will be summarily suspended.

§58-29(b)	Fine: (penalties below are cumulative) 0-30 days past inspection due date: \$100 and [Summary] Suspension until compliance 31-60 days past inspection due date: \$100-\$250 and [[Summary] Suspension until compliance 61-120 days past inspection due date: \$250-\$500 and [Summary] Suspension until compliance More than 120 days past inspection due date: \$500 and/or revocation.	Appearance REQUIRED
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§13. Section 58-30(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) An Owner must repair or replace a Taxicab when the Commission determines that the vehicle is unsafe or unfit for use as a Taxicab and directs the Owner to remove it from service. The Owner must surrender the Medallion and Rate Card to the Commission for storage and the License will be summarily suspended.

§58-30(c)	Fine: \$100- \$350 and/or suspension up to 30 days. [Summary] Suspension until compliance.	Appearance N/A
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§14. The penalty for Section 58-34(e)(1-4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Optional Rooftop Advertising Fixture.*

§58-34(e)(1-4)	Fine: \$200 and a 10-day Notice to Correct. If the 10-day Notice to Correct is not complied with, [Summary] Suspension until the condition is corrected	Appearance NOT REQUIRED
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§15. The penalty for Section 58-36(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-36(a)	Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and Emissions Division; \$450 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT REQUIRED
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§16. The penalty for Section 58-39(a) and (b) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(b) Owner’s Responsibility.*

§58-39(a) & (b)	Fine: \$250 – 1,500 and/or suspension up to 30 days. [Summary] suspension until compliance under to §68-22 of this title	Appearance N/A
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§17. The penalty for Section 58-41(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(a) Good Working Order.*

§58-41(a)	Fine: \$150 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and Emissions Division; \$200 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT REQUIRED
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§18. The penalty for Section 59A-11(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(a) For-Hire Vehicle License and Commission License Plate.*

§59A-11(a)(1)(i)	Vehicle Fine: \$350 [and summary suspension until compliance] Penalty Points: 1	Appearance NOT required
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§19. Section 59A-11(d)(1) and the penalty for Section 59A-11(d) of Title 35 of the Rules of the City of New York are amended to read as follows:

(d) *Validity of For-Hire Vehicle License Requires Valid State Registration.*

(1) A For-Hire Vehicle License will be Valid only while the state registration of the Vehicle remains Valid. The License of an Owner who operates a For-Hire Vehicle without valid state registration will be summarily suspended.

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§59A-11(d)	Fine: \$400 and [Summary] Suspension until compliance.	Appearance REQUIRED
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§20. Section 59A-11(g)(2) and the penalty for Section 59A-11(g) of Title 35 of the Rules of the City of New York are amended to read as follows:

(2) has been modified after manufacture and is NOT exempt from NYS Department of Transportation operating authority and inspection requirements will be Valid only while the NYS Department of Transportation operating authority required for the Vehicle remains Valid. The License of an Owner who operates a For-Hire Vehicle without valid NYS Department of Transportation operating authority will be summarily suspended.

§59A-11(g)	Fine: [Summary] Suspension until Valid NYS DOT operating authority obtained	Appearance REQUIRED
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§21. The penalty for Section 59A-13(j)(1) and (2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(j) *Cooperation with the Commission.*

§59A-13(j)(1)&(2)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§22. Section 59A-27(a) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (5), and the penalty for violation of section 59A-27(a) is amended to read as follows:

(a) *Unsafe or Unfit Vehicles.*

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(5) The License of an Owner who operates a vehicle that has been determined to be unsafe or unfit for use will be summarily suspended.

§59A-27(a)	Fine: \$100 – 350 and/or suspension up to 30 days;	Appearance REQUIRED
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	[Summary] Suspension until compliance.	
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§23. The penalty for Section 59A-28(b)(3) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(b) Proper Vehicle Identification Required.*

§59A-28(b)(3)	Fine: \$100 - \$350 and [Summary] Suspension until compliance	Appearance NOT REQUIRED
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§24. The penalty for Section 59A-32(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(a) Requirement.*

§59A-32(a)	Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; \$450 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT REQUIRED
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§25. The penalty for Section 59A-33(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(a) Requirements for In-Vehicle Camera System.*

§59A-33(a)	Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; \$450 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT REQUIRED
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§26. The penalties for Sections 59B-28(b)(3) and (4) of Title 35 of the Rules of the City of New York are amended to read as follows:

*(b) Proper Vehicle Identification Required.*

§59B-28(b)(3)	Fine: \$100 - \$350 and [Summary] Suspension <u>until compliance.</u>	Appearance NOT REQUIRED
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§59B-28(b)(4)	Fine: \$100 -\$350 and [Summary] Suspension until compliance	Appearance REQUIRED
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§27. The penalty for Section 59B-33(a)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(a) Requirements for In-Vehicle Camera System.*

§59B-33(a)(1)	Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; \$450 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT
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§28. The penalty for Section 60A-12(j)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(j) Failure to Cooperate with the Commission.*

§60A-12 (j)(1)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§29. The penalty for Section 60A-18(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(c) Transmit Monthly.*

§60A-18(c)	Fine: \$500 if plead guilty before a hearing; \$1,000 if found guilty following a hearing. [Summary] Suspension until compliance.	Appearance NOT required
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§30. The penalty for Section 60B-12(j)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(j) Failure to Cooperate with the Commission.*

§60B-12 (j)(1)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§31. The penalty for Section 60B-18(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(b) Transmit Monthly.*

§60B-18(b)	Fine: \$500 if plead guilty before a hearing; \$1,000 if found guilty following a hearing. [Summary] Suspension until compliance.	Appearance NOT required
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§32. Section 61A-10(d) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), and the penalty for violation of section 61A-10(d) is amended to read as follows:

*(d) Driver Must Be Licensed.*

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(3) The License of an Owner who allows a Commuter Van to be operated by anyone without a valid Chauffer’s License and a valid Commuter-Van Driver’s License will be summarily suspended.

§61A-10(d)	Fine: \$500 and [Summary] Suspension of Commuter-Van license until compliance	Appearance REQUIRED
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§33. The penalty for Section 61A-12(e)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

*e) Cooperate with the Commission.*

§61A-12(e)(1)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§34. Section 61B-10(c) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), and the penalty for violation of section 61B-10(c) is amended to read as follows:

*(c) Driver Must Be Licensed.*

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(3) The License of a Consumer-Van Service Owner who allows a Commuter Van Vehicle affiliated with the Owner’s Service to be operated by anyone without a valid Chauffer’s License and a valid Commuter-Van Driver’s License will be summarily suspended.

§61B-10(c)	Fine: \$500 and [Summary] Suspension of Commuter-Van license until compliance Multiple violations: See	Appearance REQUIRED
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	Mandatory Penalties (§61B-02(d))	
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§35. The penalty for Section 61B-12(e)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Cooperate with TLC.*

§61B-12(e)(1)	Fine: \$300 and [Summary] Suspension until compliance	Appearance REQUIRED
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§36. The penalty for Section 82-12(b)(1)(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Street Hail Livery License and Commission License Plate.*

§82-12(b)(1)(i)	Vehicle Fine: \$350 and [summary] suspension until compliance Penalty Points: 1	Appearance NOT REQUIRED
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§37. Section 82-12(d) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), and the penalty for violation of section 82-12(d) is amended to read as follows:

(d) *No Unregistered Vehicles.*

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(3) The Street Hail Livery License of a Licensee who operates a Street Hail Livery without valid state registration will be summarily suspended.

§82-12(d)	Fine: \$100-\$350 and/or suspension up to 30 days; [Summary] Suspension until compliance	Appearance REQUIRED
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§38. Section 82-12(f) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), and the penalty for violation of section 82-12(f) is amended to read as follows:

(f) *Validity of License Requires Valid State Registration.*

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(3) The Street Hail Livery License of a Licensee who operates a Street Hail Livery without valid state registration will be summarily suspended.

§82-12(f)	Fine: \$400 and [Summary] Suspension until compliance.	Appearance REQUIRED
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§39. The penalty for Section 82-16(j)(1) and (2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(j) *Cooperate with the Commission*

§82-16(j)(1)-(2)	Fine: \$300 and [Summary] Suspension until compliance.	Appearance REQUIRED
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§40. Section 82-30(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Biannual Inspection.* A Licensee must have the Street Hail Livery inspected every six months at a date and time designated by the Commission and at any other time deemed necessary by the Commission. The Street Hail Livery must be inspected at a Commission inspection facility. The License of a Licensee whose Street Hail Livery is not timely inspected will be summarily suspended.

§82-30(b)	Fine: (penalties below are cumulative) 0-30 days past inspection due date: \$100 and [Summary] Suspension until compliance 31-60 days past inspection due date: \$100-\$250 and [Summary] Suspension until compliance 61-120 days past inspection due date: \$250-\$500 and [Summary] Suspension until compliance More than 120 days past inspection due date: \$500 and/or revocation.	Appearance REQUIRED
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§41. Section 82-31(c) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (4), and the penalty for violation of section 82-31(c) is amended to read as follows:

(c) A Licensee must repair or replace a Street Hail Livery when the Commission or the New York State DMV (or the New York State Department of Transportation if the Street Hail Livery is a Paratransit Vehicle) determines that the vehicle is unsafe or unfit for use as a Street Hail Livery and directs the Licensee to remove it from service. The Licensee must surrender the License and Rate Card to the Commission for storage and the License will be suspended. (NOTE: See Section 82-30(f) for special requirements applicable to Accessible Street Hail Liveries).

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(4) The License of a Licensee who operates a Street Hail Livery that has been determined to be unsafe or unfit for use will be summarily suspended.

§82-31(c)	Fine: \$100 - \$350 and/or suspension up to 30 days [Summary] Suspension until compliance	Appearance REQUIRED
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§42. The penalty for Section 82-35(d)(1) through (4) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(d) Optional Rooftop Advertising Fixture.*

§82-35(d)(1-4)	Fine: \$200 and a 10-day Notice to Correct. If the 10-day Notice to Correct is not complied with, [Summary] Suspension until the condition is corrected	Appearance NOT REQUIRED
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§43. The penalty for Section 82-36(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

*(a) Requirement.*

§82-36(a)	Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; \$450 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT REQUIRED
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§44. The penalty for Section 82-37(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-37(a)	Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; \$450 if found guilty following a hearing. [Summary] Suspension until the condition is corrected.	Appearance NOT REQUIRED
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§45. The penalty for Section 82-40(a) and (b) of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-40(a) & (b)	Fine: \$250 – 1,500 and/or suspension up to 30 days. [Summary suspension] <u>Suspension</u> until compliance under §68-22 of this title	Appearance N/A
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