

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 which prohibit all licensed vehicle owners and licensed bases from engaging in retaliatory conduct against licensed drivers who make complaints against vehicle owners and bases.

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

On September 17, 2015, a public hearing on these rules 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 TLC’s public Commission Meeting held on September 17, 2015. These rules will take effect 30 days after publication.

STATEMENT OF BASIS AND PURPOSE OF RULE

The TLC hereby adopts rules which protect all licensed for-hire vehicle and commuter van drivers from retaliatory actions by licensed base and vehicle owners taken in response to complaints made against those owners by drivers. Under current TLC Rule 58-21(j), medallion taxi drivers are already afforded this protection from retaliatory actions taken by medallion owners or managing agents.

Given that the majority of drivers licensed by the TLC do not operate medallion taxicabs, the TLC wishes to extend protection against retaliation to all drivers. The purpose of the rule is to afford all licensed drivers equal protection under TLC Rules and encourage them to bring legitimate complaints to the attention of the TLC without fear of reprisal. This is necessary in order for the TLC to perform its regulatory and supervisory functions properly.

The Commission's authority for this rule is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 59A-13 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (m), to read as follows:

(m) Retaliation.

- (1) A For-Hire Vehicle Owner must not retaliate against any Driver for making a good faith complaint against any Owner.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>59A-13(m)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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Section 2. Section 59B-13 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (n), to read as follows:

(n) Retaliation.

- (1) A For-Hire Vehicle Base must not retaliate against any Driver for making a good faith complaint against any Base.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>59B-13(n)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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Section 3. Section 60A-12 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (n), to read as follows:

(n) Retaliation.

- (1) A Paratransit Vehicle Owner must not retaliate against any Driver for making a good faith complaint against any Owner.

- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>60A-12(n)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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Section 4. Section 60B-12 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (m), to read as follows:

(m) Retaliation.

- (1) A Paratransit Base must not retaliate against any Driver for making a good faith complaint against any Base.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>60B-12(m)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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Section 5. Section 61A-12 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (j), to read as follows:

(j) Retaliation.

- (1) A Commuter Van Vehicle Owner must not retaliate against any Driver for making a good faith complaint against any Owner.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>61A-12(j)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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Section 6. Section 61B-12 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (j), to read as follows:

(j) Retaliation.

- (1) A Commuter Van Service Owner must not retaliate against any Driver for making a good faith complaint against any Owner.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>61B-12(j)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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Section 7. Section 82-16 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (l), to read as follows:

(l) Retaliation.

- (1) A Street Hail Livery Owner must not retaliate against any Driver for making a good faith complaint against any Owner.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

<u>82-16(l)</u>	<u>Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years.</u>	<u>Appearance NOT REQUIRED</u>
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