

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The change would set forth standards for collection and payment of the Taxicab Improvement Surcharge and the Street Hail Livery Improvement Surcharge.

When and where is the Hearing? The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 10:00 a.m. on October 16, 2014. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19th Floor.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **By Speaking at the Hearings.** Anyone who wants to comment on the proposed rule at the public hearings must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on October 16, 2014. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by October 16, 2014.

Do you need assistance to participate in the Hearings? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, October 9, 2014.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The proposed rule amends and clarifies the Taxi and Limousine Commission's (TLC) rules regarding how the Taxicab Improvement Surcharge and the Street Hail Livery Improvement Surcharge will be collected and paid to the TLC. The proposed rule includes notification and reporting requirements for Taxicab Passenger Enhancement Program (TPEP) and Livery Passenger Enhancement Program (LPEP) vendors.

The proposed rule:

- Establishes requirements for Medallion Owners or Agents for payment of the Taxicab Improvement Surcharge and for Street Hail Livery Licensees for the payment of the Street Hail Livery Improvement Surcharge.
- Modifies the meter equipment restriction for For-Hire vehicles to allow all Street Hail Livery vehicles to be equipped with a taximeter.
- Establishes how funds contributed are allocated between the Driver and Owner portions of the Street Hail Livery Improvement Fund.
- Provides collection and notification requirements for the TPEP and LPEP vendors regarding the Taxicab Improvement Surcharge and the Street Hail Livery Improvement Surcharge respectively.
- Requires the TPEP and LPEP systems to perform driver verification against TLC-provided licensee lists, and meet other technical requirements.
- Changes the recipient of Street Hail Livery Improvement Surcharge proceeds from fares and the obligation to pay those proceeds to the Street Hail Livery Improvement Fund from Street Hail Livery Bases to Street Hail Livery Licensees. This change is made because as the TLC began to move to implement collection of the Surcharge, administrative concerns indicated that Street Hail Livery Licensees should be the collectors and payors.

These rules are authorized by Section 2303 of the 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. Subdivision (l) of section 54-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Street Hail Livery Improvement Surcharge.* For each Hail Trip in a Street Hail Livery, the Driver must remit the Street Hail Livery Improvement Surcharge to the Street Hail Livery [Base] Licensee.

Section 2. Paragraph (2) of subdivision (g) of section 58-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The Owner of any Medallion, or his or her Agent, must pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time and in the manner required by the Commission.

Section 3. Subdivision (c) of section 59A-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Meter.* No For-Hire Vehicle can be equipped with a meter except a wheelchair accessible Livery which is participating in the dispatch program as described in Chapter 3 of this title or a Street Hail Livery pursuant to Section 59B-51 of this Chapter.

Section 4. Subdivision (n) of section 59B-13 of Title 35 of the Rules of the City of New York is deleted in its entirety:

[(n) *Street Hail Livery Improvement Fund.*

- (1) A Street Hail Livery Base must pay the Street Hail Livery Improvement Surcharge remitted by the Driver for each Hail Trip to the Street Hail Livery Improvement Fund.
- (2) The Street Hail Livery Base must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required by the Commission.
- (3) If the Street Hail Livery Base does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment may be grounds for suspension of the Street Hail Livery Base, and/or denial of any renewal

application or of any application for another TLC-issued license as well as monetary penalties.

59B-13(n)	Fine: \$1000	Appearance REQUIRED
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Section 5. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) The TPEP must be used to provide payment processing by credit/debit/prepaid card, E-Hail Apps that provide for E-Payment, and Digital Wallet Applications by displaying on the PIM to Passengers at the end of the trip the total fare, itemizing all time-and-distance fare, tolls, surcharges, extras (including an E-Hail service fee, if applicable), the Taxicab Improvement Surcharge, taxes, and default tip of 0 percent. The TPEP must provide the Passenger with preset tip options for amounts that are set according to the TPEP Provider's discretion, but that include at a minimum a 20 percent option, and permit Passengers to manually enter (through the PIM or their E-Hail App that provides for E-Payment or Digital Wallet Application) another tip amount or percentage at the Passenger's option. The PIM must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare due, including details for paying by split fare as described in subparagraph (iii) of this paragraph;

Section 6. Item (E) of subparagraph (iii) of paragraph (2) of subdivision (a) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) The TPEP may allow Passengers to split and pay for the total fare using multiple payment sources for a single trip. If split fare is offered by the TPEP, the following requirements must be met:

* * *

- (E) Only a single MTA tax, a single Taxicab Improvement Surcharge, and a single \$.06 healthcare fee are required to be captured by the TPEP for the trip, regardless of how many ways the total charges are split.

Section 7. Item (I) of subparagraph (v) of paragraph (2) of subdivision (a) of section 75-25 of Title 35 of the Rules of the City of New York is amended, items (J) through (R) are relettered items (K) through (S), and adding a new item (J) is added, to read as follows:

- (v) The TPEP must be able to generate an accurate receipt for payment of fare, whether payment is made by cash, credit/debit/prepaid card, E-Hail App that provides for E-Payment, or Digital Wallet Application, and such receipt must be able to be generated for each Passenger making a payment. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain the following information:

* * *

- (I) itemized extras (if applicable) by extra type and amount, including the E-Hail Fee, if any;
- (J) the Taxicab Improvement Surcharge;

Section 8. Item (C) of subparagraph (xii) of paragraph (2) of subdivision (a) of section 75-25 of Title 35 of the Rules of the City of New York is amended by renumbering clauses (VIII) to (XI) clauses (XI) to (XIV) and adding new clauses (VIII), IX and (X), to read as follows:

- (xii) The TPEP must be capable of generating the following payment data, whether payment is made by cash, credit/debit/prepaid card, E-Hail App that provides for E-Payment, or Digital Wallet Application, as further described in subdivision (c) of this section:

* * *

- (C) end-of-shift data summarizing the number of fares, the total fare amount, and as applicable, the number of credit/debit/prepaid card transactions (including trips paid by E-Hail App that provides for E-Payment that are processed through the TPEP Provider's payment gateway) and the total fares of such transactions. End-of-shift data must be made available to the Taxicab Driver by printing from the Taximeter or accessing electronically, at the Taxicab Driver's preference, and must contain the following information:

* * *

- (VIII) total MTA tax collected;
- (IX) total Healthcare Fee collected;
- (X) total Taxicab Improvement Surcharge collected;

Section 9. Paragraph (1) of subdivision (b) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The DIM must enable the TPEP to be turned on and interact with the Taximeter only upon log in which requires[:] system-initiated search of Valid TLC and DMV Licenses and system-initiated search of required training by vehicle type, as further enumerated in subdivision (1) of this section;
 - [(i) entry of an active and Valid Taxicab Driver’s License number and an optional unique password set up by the Taxicab Driver; and
 - (i) system-initiated search of an active and Valid Medallion number of the vehicle prior to log in;]

Section 10. Subparagraph (vii) of paragraph (2) of subdivision (c) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The Trip Data to be collected and transmitted must include the information set forth below. For purposes of this subdivision, all times are required to be measured to the hour, minute, and second:
 - * * *
 - (vii) itemized charges for the trip (itemized by time-and-distance fare, tolls, surcharges, extras, the Taxicab Improvement Surcharge and taxes) from the Taximeter, E-Hail App service fee (if the Passenger is charged such a service fee by the E-Hail App and the fare is also paid for using that App’s E-Payment feature), and tip amount for credit/debit/prepaid card, E-Hail Apps that provides for E-Payment, and Digital Wallet Applications;

Section 11. Subparagraph (iv) of paragraph (1) of subdivision (d) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The Passenger Information Monitor must have the following features:
 - * * *
 - (iv) The PIM must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare (and as applied to split fare, if available) by credit/debit/prepaid card, E-Hail App that provides for E-Payment, or Digital Wallet Application as required in subparagraph (iii) of paragraph (2) of this subdivision, and must continuously display the running total fare inclusive of the time-and-distance fare and all extras, the Taxicab Improvement Surcharge, tolls, and

surcharges as well as the option for the Passenger to view the itemization of that running total fare by time-and-distance fare, extras, tolls, and surcharges, and the rate code currently in effect.

Section 12. Subparagraph (iii) of paragraph (2) of subdivision (d) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) Required features relating to PIM content are as follows:

* * *

(iii) **Payment Processing Information.** The PIM must be used to process payment by credit/debit/prepaid card, E-Hail App that provides for E-Payment, or Digital Wallet Application by displaying to Passengers at the end of the trip the total fare, itemizing all time-and-distance fare, tolls, surcharges, extras, the Taxicab Improvement Surcharge, taxes, and for fares paid by credit/debit/prepaid cards, E-Hail Apps that provide for E-Payment, or Digital Wallet Applications (to the extent that the TPEP Provider processes the payment), default tip of 0 percent with tip options as specified in subparagraph (a)(2)(ii) of this section. The PIM must display all content required to meet the requirements of subdivision (a) of this section, including, if the TPEP permits, enabling the splitting of fares.

Section 13. Paragraphs (2) and (3) of subdivision (1) of section 75-25 of Title 35 of the Rules of the City of New York are amended, paragraph (4) is renumbered paragraph (6) and is amended, paragraph (5) is renumbered paragraph (8), paragraph (6) is renumbered paragraph (9) and paragraph (7) is renumbered paragraph (10), and new paragraphs (4), (5) and (7) are added, to read as follows:

(1) *TPEP and Taximeter Functionality.* The TPEP must enable the following functionality with regard to components of the TPEP and the Taximeter:

* * *

(2) The TPEP must check the Taxicab Driver's training status against the TLC-published Current Licensee lists before allowing a Taxicab Driver to engage an Accessible Taxicab via the DIM. Taxicab Drivers that have not completed the appropriate training specified by the Commission must not be able to engage the TPEP and Taximeter via the DIM in an Accessible Taxicab;

(3) The TPEP must check the Taxicab Medallion's status against the TLC-published Current Licensee lists before allowing the Taxicab Driver to log into the Taximeter via the DIM. If a Taxicab Medallion is not Valid and active, the Taxicab Driver must not be able to engage the TPEP and Taximeter via the DIM;

- (4) The TPEP must check the Taxicab vehicle's DMV License status against the TLC-published Current Licensee lists before allowing the Taxicab Driver to log into the Taximeter via the DIM. If a Taxicab vehicle's DMV License is not Valid and active, the Taxicab Driver must not be able to engage the TPEP and Taximeter via the DIM;
- (5) The TPEP must check the Taxicab Driver's License against the TLC-published Current Licensee lists before allowing the Taxicab Driver to log into the Taximeter via the DIM. If the Taxicab Driver's License is not Valid and active, the TPEP must not allow the Taxicab Driver to log into the Taximeter via the DIM.
- (6) The TPEP must check the Taxicab Driver's License before allowing the Taxicab Driver to log into the Taximeter via the DIM. If the Taxicab Driver's License is already logged in to another TPEP or LPEP supplied by that TPEP Provider, the TPEP must not allow the Taxicab Driver to log into the Taximeter via the DIM.
- (7) The TPEP must check the Taxicab Driver's DMV License status against the TLC-published Current Licensee lists before allowing the Taxicab Driver to log into the Taximeter via the DIM. If a Taxicab Driver's DMV License is not Valid and active, the Taxicab Driver must not be able to engage the TPEP and Taximeter via the DIM;

Section 14. Subparagraph (i) of paragraph (1) of subdivision (n) of section 75-25 Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) TPEP Providers must develop and maintain an application programming interface enabling developers of E-Hail Apps that provides for E-Payment and Digital Wallet Applications to integrate their apps directly into the TPEP data collection and transaction processing systems. Integration into the TPEP data collection and transaction processing systems includes but is not limited to:
 - (i) Providing access for E-Hail Apps that provide for E-Payment and Digital Wallet Applications to itemized fare data including time-and-distance fare, tolls, surcharges, extras, the Taxicab Improvement Surcharge, and taxes from the TPEP and Taximeter, when the trip has been completed and the Taxicab Driver has disengaged the Taximeter;

Section 15. Section 75-25 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (r) to read as follows:

- (r) Taxicab Improvement Surcharge Handling. In addition to recording and displaying the Taxicab Improvement Surcharge on PIM screens, in end-of-shift reporting, on receipts, and in trip data as enumerated in subdivisions (a), (c), and (d) of this section, the TPEP

Provider must provide the following to assist medallion owners and agents in paying the amounts of Taxicab Improvement Surcharges they owe:

- (1) Quarterly Statement Generation. Each quarter, TPEP Providers must produce two statements for each medallion that indicate the portions of the Taxicab Improvement Surcharges owed to each of the Improvement Funds for the previous quarter according to the proportions described in 58-16(g): a statement indicating the amounts owed to the Taxicab Driver Improvement Fund, and a statement indicating the amounts owed to the Taxicab Owner Improvement Fund. These statements must conform to a standardized format and layout prescribed by the Commission and must be generated according to the following schedule:
 - (i) A draft of each Taxicab Improvement Surcharge Statement must be made available via the web portal to the Medallion owner or agent on the 5th of the month following the quarter's end;
 - (ii) Medallion owners and agents must be able to review each of their Taxicab Improvement Surcharge Statements during a 15 day challenge period and raise any discrepancies with their TPEP Provider for correction. TPEP Providers must make corrections, as appropriate; and
 - (iii) The amounts owed must be finalized following the 15 day challenge period and statements regenerated, if necessary, on the 20th of the month following the quarter's end;
- (2) Reconciliation File. Upon finalization of the amounts owed according to the schedule enumerated in paragraph (1) of this subdivision, the TPEP Provider must produce and transmit a reconciliation file to the Commission that summarizes the amounts owed to the Taxicab Driver Improvement Fund and the Taxicab Owner Improvement Fund for each medallion for the previous quarter. The reconciliation file must conform to a standardized format and layout prescribed by the Commission, and must be transmitted by secure FTP transfer according to a procedure prescribed by the Commission.

Section 16. Section 82-17 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) *Street Hail Livery Improvement Fund.*

- (1) A Street Hail Livery Licensee must pay the Street Hail Livery Improvement Surcharge remitted by the Driver for each Hail Trip to the Street Hail Livery Improvement Fund.

- (2) The Street Hail Livery Licensee must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time and in the manner required by the Commission.
- (3) If the Street Hail Livery Licensee does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment may be grounds for suspension of the Street Hail Livery License, and/or denial of any renewal application or of any application for another TLC-issued license as well as monetary penalties.
- (4) Street Hail Livery Improvement Surcharge. The Street Hail Livery Improvement Surcharge will be allocated as follows:
 - (i) Drivers: 5 cents from the Street Hail Livery Improvement Surcharge on each Hail Trip in a Street Hail Livery will be paid into a portion of the Street Hail Livery Improvement Fund which will be allocated to Drivers of Accessible Street Hail Liveries.
 - (ii) Owners of Street Hail Livery License: 25 cents from the Street Hail Livery Improvement Surcharge on each Hail Trip in a Street Hail Livery will be paid into a portion of the Street Hail Livery Improvement Fund which will be used to make grants to persons required to place a vehicle into use that is required to be accessible under Section 82-06 (b)(2) of these Rules.

82-17(g)(1)-(3)	Fine: \$1000	Appearance REQUIRED
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Section 17. Subparagraph (i) of paragraph (2) of subdivision (a) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) All LPEPs (regardless of whether they contain a Passenger Information Monitor, screen, or a device that reads credit/debit/prepaid cards with no Passenger Information Monitor or screen) must present the Passenger with the following options for completing payment of the fare: cash; credit/debit/prepaid card via the LPEP; and credit/debit/prepaid card via other Commission-sanctioned method.
 - (i) In an LPEP with a Passenger Information Monitor or a screen, the PIM or screen must be used to provide payment processing by credit, debit, and prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all time-and-distance fare, tolls, surcharges, extras, the SHL Improvement Surcharge (if applicable), taxes, and default tip of zero (0) percent. The LPEP must provide the Passenger with preset tip options for amounts that are set according to the LPEP Provider’s discretion, but that include at a minimum a 20% option, and permitting Passengers to

manually enter another tip amount or percentage at their option. The PIM or screen must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare due.

Section 18. Subparagraph (v) of paragraph (3) of subdivision (a) of section 83-31 of Title 35 of the Rules of the City of New York is amended, subparagraphs (vi) to (viii) are renumbered subparagraphs (viii) to (x), and new subparagraphs (vi) and (vii) are added, to read as follows:

- (3) The LPEP must be able to generate an accurate receipt for payment of fare, whether payment is made by cash, credit, debit, or prepaid card, and such receipt must be offered to the Passenger. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain the following information:

* * *

- (v) extras [and taxes];

- (vi) the SHL Improvement Surcharge (if applicable);

- (vii) taxes;

* * *

Section 19. Subparagraph (iii) of paragraph (9) of subdivision (a) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (9) The LPEP must be capable of generating the following data, whether payment is made by cash, credit, debit, or prepaid cards:

* * *

- (iii) end-of-shift data summarizing the number of fares, the total fare amount, and as applicable, the number of credit, debit and prepaid card transactions and the total fares of such transactions. End-of-shift data must be made available to the Street Hail Livery Driver by printing from the Taximeter or accessing electronically, at the Street Hail Livery Driver's preference, and must contain the following information:

- (I) Permit number;

- (II) SHL Driver's License number;

- (III) shift start date and time;
- (IV) shift end date and time;
- (V) distance traveled over the duration of the shift;
- (VI) number of cash trips;
- (VII) total cash fares collected;
- (VIII) total MTA tax collected;
- (IX) total SHL Improvement Surcharge collected;
- (X) number of credit/debit/prepaid card trips;
- (XI) number of credit/debit/prepaid card trips requiring a signature;
- (XII) total credit/debit/prepaid fares; and
- (XIII) total credit/debit/prepaid tips collected.

Section 20. Paragraph (1) of subdivision (b) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Driver Information Monitor and Text Messaging.* The LPEP must include a Driver Information Monitor (DIM) that is securely mounted in the driver-seat area with the following capabilities either itself or in conjunction with the other components of the LPEP:
 - (1) The DIM must enable the LPEP to be turned on and interact with the Taximeter only upon log in which requires[:] system-initiated search of Valid TLC and DMV Licenses and system-initiated search of required training by vehicle type, as further enumerated in subdivision (l) of this section;
 - [(i) entry of an active and Valid TLC-issued Driver's License number and an optional unique password set up by the Street Hail Livery Driver;
 - (i) system-initiated search of an active and Valid Street Hail Livery License number of the vehicle prior to log in; and
 - (ii) system-initiated search of an active and Valid Department of Motor Vehicles (DMV) Driver's License.]

Section 21. Paragraph (6) of subdivision (b) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (6) As provided in subparagraphs (i) through (vi) below, the DIM must enable the Street Hail Livery Driver to indicate whether each trip originated as a Hail Trip or a Dispatch. Such indication must be recorded as a part of the Trip Data as required in subparagraph (xxiv) of paragraph (2) of subdivision (c) of this section and must be used to determine whether or not the MTA Tax and/or the SHL Improvement Surcharge should be included in the fare on the Taximeter.
 - (i) For trips using Rate Codes 1, 2, 4, and 6, the LPEP must record the trip as originating as a Hail Trip and the Taximeter must default to including the MTA Tax and the SHL Improvement Surcharge for any of these rate codes input by the Street Hail Livery Driver unless the Street Hail Livery Driver affirmatively indicates via the DIM that the trip originated as a Dispatch.
 - (ii) For trips using Rate Codes 1, 2, 4, and 6, the DIM must allow the Street Hail Livery Driver to indicate that a particular trip originated as a Dispatch by the selection of a series of buttons by the Driver. If the Driver indicates that the trip originated as a Dispatch, the Taximeter must not include the MTA Tax or the SHL Improvement Surcharge for any of these rate codes input by the Street Hail Livery Driver.
 - (iii) For trips using Rate Code 3, the LPEP must record the trip as originating as a Hail Trip and the Taximeter must default to including the SHL Improvement Surcharge, but not including the MTA Tax. The DIM must allow the Street Hail Livery Driver to indicate that a particular trip originated as a Dispatch by the selection of a series of buttons by the Driver. If the Driver indicates that the trip originated as a Dispatch, the Taximeter must also not include the SHL Improvement Surcharge for Rate Code 3.
 - (iv) For trips using Rate Code 5 (out of town negotiated fare or dispatched trips with a binding fare quote from a base), the LPEP must record the trip as originating as a Dispatched Trip and the Taximeter must default to not including the MTA Tax or the SHL Improvement Surcharge.
 - (v) For trips using Rate Code 5 (out of town negotiated fare or dispatched trips with a binding fare quote from a base), the DIM must allow the Street Hail Livery Driver to indicate that a particular trip originated as a Hail Trip by the selection of a series of buttons by the Driver. The DIM must then include the SHL Improvement Surcharge, and prompt the Driver to indicate whether or not an MTA Tax should be included on that Hail Trip.
 - (vi) The selections described above must be [made at the beginning of the trip, prior to engaging the Taximeter and displaying the Prologue on the PIM]

editable by the Driver at any point during the trip prior to disengaging the meter.

Section 22. Subparagraph (vi) of paragraph (2) of subdivision (c) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The Trip Data to be collected and transmitted must include the information set forth below. For the purposes of this subdivision, all times are required to be measured to the hour, minute, and second:

* * *

- (vi) itemized charges for the trip (itemized by time and distance fare for each code, tolls, surcharges, extras, the SHL Improvement Surcharge if applicable, taxes) from the Taximeter, and tip amount;

Section 23. Subparagraph (v) of paragraph (2) and subparagraph (iii) of paragraph (4) of subdivision (d) of section 83-31 of Title 35 of the Rules of the City of New York are amended to read as follow:

- (2) An LPEP with a screen but without a Passenger Information Monitor must have the following features:

* * *

- (v) The screen must display to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, the SHL Improvement Surcharge (if applicable), taxes, and for fares paid by credit/debit/prepaid card, tip options as specified in subparagraph (i) of paragraph (2) of subdivision (a) of this section, and permit Passengers to manually enter another tip amount or percentage at their option; and

* * *

- (4) Required features relating to PIM content are as follows:

* * *

- (iii) Payment Processing Information. The PIM must be used to process payment by credit, debit, or prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all time-and-distance fare, tolls, surcharges, extras, the SHL Improvement Surcharge (if applicable), taxes, and for fares paid by credit/debit/prepaid cards, default tip of 0 percent with tip options as specified in subparagraph (a)(2)(i) of this

section. The PIM must display all content required to meet the requirements of subdivision (a) of this section.

Section 24. Section 83-31 of Title 35 of the Rules of the City of New York is amended by relettering subdivision (l) subdivision (m) and adding a new subdivision (l), to read as follows:

- (1) LPEP and Taximeter Functionality. The LPEP must enable the following functionality with regard to components of the LPEP and the Taximeter:
 - (1) The LPEP may require the SHL Driver to enter both a user name and unique password via the DIM in order to engage the LPEP and Taximeter. The LPEP must enable an SHL Driver to login by pulling the SHL Driver's information from a smartcard for authentication when this technology becomes available;
 - (2) The LPEP must check the SHL Driver's training status against the TLC-published Current Licensee lists before allowing a SHL Driver to engage an SHL via the DIM. SHL Drivers that have not completed the appropriate training specified by the Commission must not be able to engage the LPEP and Taximeter via the DIM in an Accessible SHL;
 - (3) The LPEP must check the SHL Permit's status against the TLC-published Current Licensee lists before allowing the SHL Driver to log into the Taximeter via the DIM. If an SHL Permit is not Valid and active, the SHL Driver must not be able to engage the LPEP and Taximeter via the DIM;
 - (4) The LPEP must check the SHL vehicle's DMV License status against the TLC-published Current Licensee lists before allowing the SHL Driver to log into the Taximeter via the DIM. If an SHL vehicle's DMV License is not Valid and active, the SHL Driver must not be able to engage the LPEP and Taximeter via the DIM;
 - (5) The LPEP must check the SHL Driver's License against the TLC-published Current Licensee lists before allowing the SHL Driver to log into the Taximeter via the DIM. If the SHL Driver's License is not Valid and active, the LPEP must not allow the SHL Driver to log into the Taximeter via the DIM.
 - (6) The LPEP must check the SHL Driver's License before allowing the SHL Driver to log into the Taximeter via the DIM. If the SHL Driver's License is already logged in to another LPEP or TPEP supplied by that LPEP Provider, the LPEP must not allow the SHL Driver to log into the Taximeter via the DIM.
 - (7) The LPEP must check the SHL Driver's DMV License status against the TLC-published Current Licensee lists before allowing the SHL Driver to log into the Taximeter via the DIM. If a SHL Driver's DMV License is not Valid and active, the SHL Driver must not be able to engage the LPEP and Taximeter via the DIM;

- (8) The LPEP must check the SHL Driver's License against the TLC-published Current Licensee lists before allowing the SHL Driver to log into the Taximeter via the DIM. If the SHL Driver's License has a designation that only allows them to operate Accessible SHLs, the SHL Driver must not be able to engage the LPEP and Taximeter via the DIM in a non-Accessible SHL;
- (9) When Taximeters are able to support electronic linkage to the LPEP, the LPEP must be programmed to only recognize and activate when connected to the Taximeter with which it was installed as approved by the Commission, in order to prevent unauthorized individuals from modifying or exchanging the Taximeter in any way. If a Taximeter is replaced, the LPEP must be reprogrammed by the LPEP Provider at an authorized maintenance facility to recognize the new Taximeter.
- (10) The LPEP must automatically log a SHL Driver out of the LPEP in the following situations:
- (i) After a 60 minute period of inactivity when the SHL's engine is off; and
 - (ii) If another SHL Driver logs into the LPEP where the previous SHL Driver is still logged in to that same LPEP.
- (11) The Taximeter, DIM, PIM, AVL, and credit card processing unit must all be connected and functioning in order for the LPEP to engage. If any one of them is disconnected or not functioning (other than a network connectivity issue with the credit card processing unit, which is covered by the store and forward requirements outlined in paragraph (7) of subdivision (a) of this section), the LPEP must notify the SHL Driver that the LPEP needs to be serviced. If the LPEP is not repaired within 48 hours of the notification to the SHL Driver, the LPEP must not allow any SHL Driver to engage the Taximeter and pick up a Passenger until the LPEP is repaired.

Section 25. Section 83-31 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) *SHL Improvement Surcharge Handling.* In addition to recording and displaying the SHL Improvement Surcharge on PIMs and/or screens, in end-of-shift reporting, on receipts, and in trip data as enumerated in sections 83-31(a), (c), and (d) above, the LPEP Provider must provide the following to assist SHL Licensees in paying the amounts of SHL Improvement Surcharges they owe:
- (1) Quarterly Statement Generation. Each quarter, LPEP Providers must produce two statements for each SHL permit that indicate the portions of the SHL Improvement Surcharges owed to each of the Improvement Funds for the previous quarter according to the proportions described in 59B-13(n)(4): a

statement indicating the amounts owed to the SHL Driver Improvement Fund, and a statement indicating the amounts owed to the SHL Owner Improvement Fund. These statements must conform to a standardized format and layout prescribed by the Commission and must be generated according to the following schedule:

- (i) A draft of each SHL Improvement Surcharge Statement must be made available via the web portal on the 5th of the month following the quarter's end;
 - (ii) SHL Licensees must be able to review each of their SHL Improvement Surcharge Statements during a 15 day challenge period and raise any discrepancies with their LPEP Provider for correction. LPEP Providers must make corrections, as appropriate; and
 - (iii) The amounts owed must be finalized following the 15 day challenge period and statements regenerated, if necessary, on the 20th of the month following the quarter's end.
- (2) Reconciliation File. Upon finalization of the amounts owed according to the schedule enumerated in paragraph (1) of this subdivision, the LPEP Provider must produce and transmit a reconciliation file to the Commission that summarizes the amounts owed to the SHL Driver Improvement Fund and the SHL Owner Improvement Fund for each SHL permit for the previous quarter. The reconciliation file must conform to a standardized format and layout prescribed by the Commission, and must be transmitted by secure FTP transfer according to a procedure prescribed by the Commission.

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CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Taxicab and Street Hail Livery Improvement Surcharge Rules

REFERENCE NUMBER: TLC-69

RULEMAKING AGENCY: TLC

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 12, 2014
Date

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Taxicab and Street Hail Livery Improvement Surcharge Rules

REFERENCE NUMBER: 2014 RG 063

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 8, 2014