

## 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 changes would amend the TLC Rules regarding (1) exclusionary zone enforcement for SHLs, (2) affiliations with suspended bases, (3) certain licensing documentation, including license display and (4) changes to certain penalties.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 a.m. on April 21, 2016. The hearing will be in the hearing room at 33 Beaver Street – 19<sup>th</sup> Floor, New York, New York 10004.

**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 – 22<sup>nd</sup> 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](mailto: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](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing 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 hearing begins on April 21, 2016. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by April 21, 2016.

**Do you need assistance to participate in the Hearing?** 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 April 14, 2016.

**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 Rule**

The TLC is proposing amendments of its rules that will:

- enhance exclusionary zone enforcement for the Street Hail Livery fleet,
- require drivers to end their affiliations with suspended bases,
- allow licensees to demonstrate Social Security registration without providing an original Social Security card,
- simplify the penalty sections relating to portable electronic devices,
- clarify the penalty section relating to for-hire vehicle data collection,
- remove the requirement that suspended licensees turn in their licenses before suspension takes effect,
- remove the requirement that For-Hire Vehicle drivers display their vehicle license within the vehicle,
- provide that a vehicle is subject to forfeiture if the owner has committed two or more violations of certain subdivisions of Section 19-506 of the Administrative Code in the past 36 months,
- define and establish penalties for sexual harassment and sexual contact, and
- increase the length of the time that a completed defensive driving course remains valid.

### **Enhance Exclusionary Zone Enforcement**

The creation of the Street Hail Livery (SHL) program has brought needed street hail service to Brooklyn, Queens, the Bronx, Staten Island and northern Manhattan.

The continued success of the SHL program depends upon enforcement of the requirement that SHLs only provide service to the outer boroughs and northern Manhattan. To meet this goal, the proposed rule amendments will

- prevent SHL drivers from accepting a passenger without first logging into the Street Hail Livery Technology System (LPEP), which will identify where a passenger was accepted
- prevent a base from improperly dispatching an SHL driver unless that driver has already logged into LPEP
- prevent SHL drivers from traveling through the exclusionary zone except to drop off passengers for trips that originated outside of the exclusionary zone.

### **End Vehicle Affiliation with Suspended Bases**

TLC licensees are required to be affiliated with a currently licensed Base. The proposed rule amendment would ensure compliance by requiring licensees affiliated with a suspended Base to transfer their affiliation to a non-suspended Base. The rule amendment would also require the suspended Base License holder to notify all vehicle owners that are affiliated with the suspended Base of that Base's suspension.

It is important that licensees be affiliated with bases so that the TLC can perform its core regulatory functions, including the identification of the driver of a dispatched vehicle, whose name and license number are needed to enforce safety and consumer protection regulations.

### **Eliminate the Need for Original Social Security Cards**

The TLC currently requires an original Social Security Card to complete the application process. We believe that the provision of the original card is unnecessary and that we can accomplish our goals with just the Social Security Number, which is used for a variety of purposes, including a Human Resources Administration check of compliance with child support enforcement efforts.

Further, the data collection is authorized by Section 111 of the New York State Social Services Law (requiring licensing agencies to collect social security info to check compliance with, among other things, social security enforcement).

### **Simplify Penalty Section of the Portable Electronic Device Rule**

This rule amendment would clearly explain that a license suspension due to violation of the portable electronic device rule can be avoided through the successful completion of a Distracted Driving Course within 60 days of the conviction.

### **Simplify Penalty Section of the For-Hire Vehicle Data Collection Rule**

This rule amendment would clearly explain that failure to comply with the for-hire vehicle data collection requirement would result in license suspension until compliance regardless of whether a finding of guilt occurred after a hearing or a guilty plea.

### **Remove Requirement That Licenses be Turned in Before Suspension Begins**

This rule amendment would remove the requirement that a license be turned in before the suspension formally takes effect.

### **Remove Requirement That Vehicle Licenses be Displayed in For-Hire Vehicles**

This rule amendment would remove the requirement that For-Hire Vehicle drivers display the For-Hire Vehicle License within the vehicle.

### **Update Forfeiture Rules**

This rule amendment would implement Local Law No. 32 of 2012 by providing that a vehicle is subject to forfeiture if the owner has violated certain provisions of section 19-506 of the Administrative Code two or more times within the past 36 months.

### **Define Sexual Harassment and Unwanted Sexual Contact**

This rule amendment would provide clear definitions of sexual harassment and unwanted sexual contact, which would help TLC Prosecution enforce its rules and protect our passengers.

### **Increase the Length of time that a Completed Defensive Driving Course Certificate is Valid**

Currently, TLC rules require that a Defensive Driving Course be completed within six months of the date of application for a Commission-issued driver's license. The proposed rule amendment would align TLC rules with the requirements of insurance companies and the State of New York, which accept these certificates as valid for up to three years after the date the Defensive Driving Course was completed.

The Commission's authority for these rule changes 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.

[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 two definitions, in alphabetical order, to read as follows:

**Sexual Contact** means any touching of the sexual or other intimate parts of a person. It includes the touching of the licensee by the victim, as well as the touching of the victim by the licensee, whether directly or through clothing, as well as the emission of ejaculate by the licensee upon any part of the victim, clothed or unclothed.

**Sexual Harassment** means engaging in any conversation related to sexual acts and sexual contact, or any other matter relating to sexual conduct, gender, physical appearance, expressing a desire to see or touch another person's body or expressing a desire to enter into any type of relationship with another person.

Section 2. Subdivision (b) of section 54-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Identification.* An Applicant for an original Taxicab Driver's License must produce both of the following [proofs of identity]:
  - (1) A Valid Government-issued photo ID.
  - (2) A Valid [, original] Social Security [card] number.

Section 3. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (k) of section 54-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) Applicants for a new Taxicab Driver's License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[ dated within six months prior to the application date].

(ii) Applicants for a renewal Taxicab Driver's License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated less than three years prior to the date of the renewal application.

Section 4. Paragraph (2) of subdivision (f) of section 54-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *Street Hail Livery Operation.*

- (2) A Driver of a Street Hail Livery must not accept a passenger by hail in the Hail Exclusionary Zone or a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

Section 5. Section 54-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (o) and (p), to read as follows:

(o) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§54-12(o)	Fine: \$1,000 and mandatory suspension of 30 days and/or revocation. Points: 3	Appearance REQUIRED
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(p) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§54-12(p)	Fine: \$2,000 and mandatory revocation.	Appearance REQUIRED
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Section 6. Paragraphs (1) and (2) of subdivision (e) of section 54-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) *Use of Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§54-14(e)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended]. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.	Appearance NOT REQUIRED
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- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received

proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 7. Paragraphs (i) and (ii) of paragraph (1) of subdivision (j) of section 55-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) An Applicant for a new License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[ dated within six months of the application date].

(ii) An Applicant for a renewal License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years of the date of the renewal application.

Section 8. Section 55-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (m) and (n), to read as follows:

(m) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§55-12(m)	<u>Fine: \$1,000 and mandatory suspension of 30 days and/or revocation.</u> <u>Points: 3</u>	<u>Appearance REQUIRED</u>
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(n) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§55-12(n)	<u>Fine: \$2,000 and mandatory revocation.</u>	<u>Appearance REQUIRED</u>
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Section 9. Paragraphs (1) and (2) of subdivision (g) of section 55-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(g) *Use of Electronic Communication Device.*

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§55-14(g)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended]. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 10. Paragraph (2) of subdivision (a) of section 55-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) In a protective holder attached to the back of the driver’s seat in the Vehicle:

- (i) The For-Hire Vehicle Driver’s license of the Driver[; and
- (ii) The For-Hire Vehicle License].

Section 11. Subdivision (b) of section 56-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Identification.* If the Applicant is applying for an original License, he or she must provide both of the following [proofs of identity]:

- (1) A Valid Government photo ID
- (2) A Valid [, original] social security [card] number



Section 12. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (1) of Section 56-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) Applicants for a new Paratransit Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[ dated within six months prior to the application date].

(ii) Applicants for a renewal Paratransit Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years prior to the date of the renewal application.

Section 13. Section 56-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (m) and (n), to read as follows:

(m) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§56-12(m)	Fine: \$1,000 and mandatory suspension of 30 days and/or revocation. Points: 3	Appearance REQUIRED
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(n) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§56-12(n)	Fine: \$2,000 and mandatory revocation.	Appearance REQUIRED
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Section 14. Paragraphs (1) and (2) of subdivision (i) of section 56-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(i) Use of Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§56-14(i)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 15. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (j) of section 57-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) Applicants for a new Commuter Van Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[ dated within six months prior to the application date].

(ii) Applicants for a renewal Commuter Van Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years prior to the date of the renewal application.

Section 16. Section 57-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (k) and (l), to read as follows:

(k) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§57-12(k)	<u>Fine: \$1,000 and mandatory suspension of 30 days and/or revocation.</u> <u>Points: 3</u>	<u>Appearance REQUIRED</u>
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(l) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§57-12(l)	<u>Fine: \$2,000 and mandatory revocation.</u>	<u>Appearance REQUIRED</u>
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Section 17. Paragraphs (1) and (2) of subdivision (b) of section 57-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(i) *Use of Electronic Communication Device.*

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§57-14(b)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended].	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 18. Subdivision (a) of section 58-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must provide to the Commission [proof of identity in the form of]:

- (1) A Valid Government-issued photo ID and
- (2) A Valid [, original] Social Security [Card] Number.

Section 19. Paragraphs (1) and (2) of subdivision (c) of section 59A-08 of Title 35 of the Rules of the City of New York are amended to read as follows:

(c) *Non-Use.* A For-Hire Vehicle License must be revoked for non-use if:

- (1) For 60 or more days, the Licensee fails to maintain a Base affiliation (as required by §59A-11(e) of this Chapter) or fails to transfer from a base that has been suspended or

- (2) For 60 or more days, the Licensee fails to maintain insurance coverage (as required by §59A-12 of this Chapter) or
- (3) For 60 or more days, the License holder fails to comply with the inspection requirements (as required by §59A-26 of this Chapter)

Section 20. Subdivision (e) of section 59B-06 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), to read as follows:

(3) The suspended Base License holder must notify all vehicle owners that are affiliated with the suspended Base of the suspension within five days of the imposition of that suspension.

Section 21. Paragraph (2) of subdivision (b) of section 59B-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) Required operational records must be [safely] maintained at the Base for a period of [six] 18 months; inspection records must be kept for 12 months.

Section 22. The penalty provision of subdivision (a) of section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-19(a)	Fine: \$100 if plead guilty before a hearing <u>and suspension until compliance</u> ; \$150 if found guilty following a hearing and suspension until compliance.	Appearance NOT REQUIRED
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Section 23. Paragraphs 1 and 3 of subdivision (c) of section 59B-19 of Title 35 of the Rules of the City of New York are amended to read as follows:

(c) *Special Requirements for Street Hail Liveries*

(1) *Trip Record.*

- (i) Trip Data must be collected and stored by the LPEP Provider electronically, through the use of the Street Hail Livery Technology System (LPEP).
- (ii) If the LPEP is inoperable, a written Trip Record must be kept by the Driver during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §59B-52(c) of this Chapter*)
- (iii) A written Trip Record, if required, must be kept [until all information is entered into LPEP] for eighteen months.
- [(iv) Information from a written Trip Record must be entered into LPEP by the Base within seven days after the Trip Record is made.]

(3) *Access to Trip Record and Trip Data.*

- (i) Trip Data and Trip Record information must be available as specified in Chapter 83 to the Commission (in a form and format and delivery method as specified by the Commission), the Street Hail Livery Licensee and the Street Hail Livery Driver.
- (ii) Trip Data and Trip Record information must be available at the end of each shift and/or at the end of a lease or contract term.
- (iii) A Street Hail Livery Base Owner must take possession of any written Trip Records weekly and hold such Trip Records for[at least three months after the information is entered into LPEP] eighteen months.

Section 24. Subdivision (c) of section 59B-19 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (5), to read as follows:

(5) Dispatch Prohibition.

- (i) A base must not dispatch a Street Hail Livery unless the driver of the Street Hail Livery is logged into the LPEP system. If the LPEP is inoperable, a written Trip Record must be kept during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (See §82-42 of this Title).

Section 25. Subdivision (b) of section 60A-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Identification.* Applicants for a new (original) Paratransit Vehicle License must provide both of the following [proofs of identity]:

- (1) A Valid Government photo ID.
- (2) A Valid [, original] social security [card] number.

Section 26. Subdivision (a) of section 60B-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An individual Applicant or an Applicant's Business Entity Persons applying for a new (original) Base Station License must provide both of the following [proofs of identity]:

- (1) A Valid Government photo ID
- (2) A Valid [, original] social security [card] number

Section 27. Subdivision (a) of section 62-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An Applicant for an original License must provide the following [two forms of identification]:

- (1) A Valid government-issued photo ID
- (2) A Valid [, original] Social Security [card] number

Section 28. Subdivision (c) of section 64-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Proof of Identity.* The individual or Business Entity Person submitting the application for a Taximeter License must provide to the Commission [proof of identity with all of the following]:

- (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
- (2) A valid [, original] social security [card] number

Section 29. Paragraph (1) of subdivision (c) of Section 68-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- 1. Suspensions. Suspensions go into effect when the decision imposing the violation is issued. [However, the length of the suspension will be calculated from the day the Licensee turns the License in to the Commission.]

Section 30. Subparagraph (A) of paragraph (1) of subdivision (d) of section 68-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) A vehicle seized under the provision of [subsection] subdivision (a) of this section is subject to forfeiture and the Owner has a right to a hearing to determine custody of the vehicle pending the forfeiture proceeding pursuant to section 68-18(e) of these rules if either of the following are true:
  - (A) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b)<sub>2</sub> [or] (c) or (k) of section 19-506 of the Administrative Code [three] two or more times within the 36 months prior to the commitment of the violation resulting in the seizure, or,

Section 31. Paragraph (1) of subdivision (b) of section 68-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) A vehicle seized under the provision of [subsection] subdivision (a) of Rule 68-17 is subject to forfeiture if either of the following are true:

(1) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b), [or] (c) or (k) of section 19-506 of the Administrative Code [three] two or more times within the 36 months prior to the commitment of the violation resulting in the seizure; or

Section 32. Subdivision (d) of section 75-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Proof of Identity.* The individual or Business Entity Person submitting the application for TPEP Provider Authorization must provide to the Commission [proof of identity with all of the following]:

(1) A valid form of photo identification issued by the United States, a state or territory of the United States, or any political subdivision of such state or territory; and

(2) A valid social security [card] number.

Section 33. Subdivision (a) of Section 82-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An individual or all Business Entity Persons of a Business Entity applying for a Street Hail Livery License must provide to the Commission [proof of identity in the form of]:

(1) A Valid Government-issued photo ID and

(2) A Valid [, original] Social Security [card] number.

Section 34. Section 82-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§82-13 Compliance with Law – No Street Hail Livery Service Inside Hail Exclusionary Zones**

(a) *Street Hail Livery Operation.*

(1) A Street Hail Livery Licensee must ensure that the Driver of the Street Hail Livery accepts passengers by hail from the street only in the Hail Zone and does not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone. Paratransit service by a licensed Paratransit vehicle will not be considered a Pre-Arranged Trip for the purposes of this section. Service provided to the Metropolitan Transportation Authority for transportation of persons with disabilities will not be considered a Pre-Arranged Trip for the purposes of this section.

(2) A finding that a Driver of a Street Hail Livery accepted a passenger by hail in the Hail Exclusionary Zone or accepted a Pre-Arranged Trip in the Pre-Arranged

Exclusionary Zone will be evidence that a Street Hail Livery Licensee failed to make a good faith effort to deter the commission of that violation. The Chairperson can seize a Street Hail Livery if there is probable cause to believe that the driver of such vehicle is seeking a passenger for a Hail Trip in the Hail Exclusionary Zone or a Pre-Arranged trip in the Pre-arranged Exclusionary Zone.

Section 35. Subdivision (a) of section 82-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Trip Record.*

- (1) Trip Data must be collected and stored electronically, through the use of the Street Hail Livery Technology System (LPEP). (*Note: Nothing in this Chapter alters or replaces the trip data requirements imposed on Paratransit Vehicles under Chapter 60 of these Rules when a Paratransit Vehicle is providing Paratransit service under those Rules*)
- (2) If the LPEP is inoperable, a written Trip Record must be kept during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §82-42 of this Chapter*)
- (3) A written Trip Record, if required, must be kept for eighteen months [until all information is entered into LPEP].
- [(4) Information from a written Trip Record must be entered into LPEP within seven days after the Trip Record is made].

Section 36. Paragraph 3 of subdivision (d) of section 82-22 of Title 35 of the Rules of the City of New York is deleted, as follows:

(d) *Changes and Corrections.*

- (1) A Licensee must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record.
- (2) A Licensee must not make erasures or obliterate information on a written Trip Record, or other record that Licensee is required to maintain.
- [(3) If a wrong entry is made on any written Trip Record, the Driver, Base or Licensee must correct it and record the date, time, and reason for the change, so long as a record of the manually changed entry exists.

§82-22(d)(3)	Fine: \$50	Appearance NOT REQUIRED]
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Section 37. Subdivision (e) of section 82-22(e) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (1), to read as follows:



(e) Drive For-Hire Prohibition

- (1) The holder of a Street Hail Livery vehicle license must not allow the Street Hail Livery vehicle to be driven for hire if the driver is not logged into the LPEP system. If the LPEP is inoperable, a written Trip Record must be kept during the 48-hour period that the Street Hail Livery is permitted to operate after timely notification of the malfunction. (See §82-42 of this Chapter)

Section 38. Subdivision (d) of Section 83-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Proof of Identity.* The individual or Business Entity Person submitting the application for an LPEP Provider License must provide to the Commission [proof of identity with all of the following]:

- (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
- (2) A valid [, original] social security [card] number

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

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

**RULE TITLE: Omnibus Amendments**

**REFERENCE NUMBER: 2016 RG 024**

**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: March 15, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Omnibus Amendments**

**REFERENCE NUMBER: TLC-91**

**RULEMAKING AGENCY: Taxi and Limousine Commission**

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) Cure period is not included because certain violations cannot be corrected or undone and because other violations pose significant risks to public safety.

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

March 15, 2016  
Date