

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 to create a new Chapter that governs the new TLC Driver's License, update TLC's penalties generally and amend the procedures regarding the seizure and forfeiture of vehicles for unlicensed for-hire activity.

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 July 18, 2016. The hearing will be in the hearing room at 33 Beaver Street – 19th 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 – 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 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 July 18, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by July 17, 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 July 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

Rules Implementing Universal Driver License Provisions of Local Law

Local Law 51 of 2016, which was signed into law on April 21, 2016 by Mayor de Blasio, amends New York City's Administrative Code to require changes to the types of licenses that the Taxi & Limousine Commission (TLC) issues. Currently, the City offers separate drivers' licenses for yellow medallion taxi drivers, street hail liveries, and for-hire vehicle (FHV) drivers. Local Law 51 calls for TLC to create a new license that authorizes holders to operate both Taxicabs and FHVs. The new license will be called a TLC Driver's License.

Local Law 51 of 2016 also requires the conversion of all existing Taxicab Operator and For-Hire Vehicle Operator licenses to TLC Driver's Licenses. Once the law takes effect, any driver licensed to operate a FHV may also operate a Taxicab, and vice-versa.

The proposed rule will provide greater flexibility for drivers, and will ensure that more drivers are available to work with different transportation providers. This will create unprecedented opportunity for both drivers and businesses, as they may each choose more freely across the for-hire transportation industries, apps, hail services, business models and vehicle types that have made the New York City for-hire community so dynamic and have given passengers a diversity of transportation options.

Holders of TLC Driver's Licenses will be held to similar standards and monitoring as those currently in place for taxi and for-hire vehicle drivers, including:

- Fingerprint-enabled criminal background checks prior to licensure and ongoing criminal record monitoring.
- DMV driving record checks prior to licensure and ongoing monitoring of these records. Through TLC's existing Critical Driver Program, which holds TLC-licensed drivers to high professional safety standards, ongoing monitoring of drivers' records can result in license suspensions and revocations for drivers with repeat or serious traffic violation convictions.
- Drug Testing prior to licensure and on an annual basis.
- Required TLC Education prior to licensure and on an ongoing basis, including:
 - Traffic safety and Vision Zero, including topics such as dangerous driving behaviors (e.g., distracted driving, speeding, fatigued driving), and sharing the road with pedestrians, cyclists, and other drivers.
 - Defensive driving.
 - Hands-on training for serving passengers with disabilities.
 - New York City geography.
 - TLC consumer protection rules such as:
 - Fare rates, rate quotes,
 - Proper operation of taximeters and other in-taxi equipment;
 - Rules surrounding prearranged pick-ups by for-hire vehicles;
 - Rules prohibiting service refusals;
 - Rules concerning service animals;
 - Customer service and courtesy; and

- Procedures for returning lost property.
- TLC provides its comprehensive pre-licensure course and exam in multiple languages so applicants may learn these important basic requirements in the languages they know best. The course will also include a supplemental component on English language vocabulary and phrases most helpful to drivers so they can provide high-quality customer service to passengers on a daily basis. TLC and the Mayor’s Office of Immigrant Affairs (MOIA), which has extensive experience providing resources for New Yorkers whose first language is not English, are working together to develop education options that would best ensure drivers receive these important language skills.

This rule package will also address the transitional logistics that will ensure that the new license type mandated by Local Law is governed by a corresponding Agency rule chapter that is effective on the date that those new licenses are activated.

Finally, the proposed rules will streamline the enforcement process to reflect this new license . Any summonses involving the new license will be subject to the due process requirements specified in the rules of the TLC and the Office of Administrative Trials and Hearings.

Penalty Revisions

As the regulator of taxi and for-hire transportation, TLC periodically reviews penalties to ensure penalties are set to adequately discourage the prohibited conduct without imposing unnecessary burdens on licensees. Changes to existing penalties were reached after review by the Commission’s legal, policy and prosecution divisions, as well as outreach conducted with industry stakeholders.

The proposed rule package also includes additional related amendments identified during the review and outreach:

- Revising TLC rules to replace the word “accident” with “collision” to make the TLC rules consistent with the Mayor’s Vision Zero initiative;
- Removing those rules concerning off duty lights, which Taxicab Owners were required to remove on the Off Duty Change Date;
- Clarifying the Paratransit Drivers and Commuter Van Drivers rules in regards to Critical Driver point reduction;
- Eliminate the requirement that owners of taxicabs, for-hire vehicles and street hail vehicles who have been issued a summons for a defect in their vehicle present a Certificate of Correction to the hearing officer who is adjudicating the summons;
- Specifying in the Medallion Taxicab Service rules that TLC will post a list of Licensed Drivers and Vehicles on its website;
- Clarifying Taxicab Driver obligations with respect to TPEP and taximeters;
- Removing from the Medallion Taxicab Service and For Hire Service rules the requirement that Vehicles must be operated with the TLC Driver’s License displayed. Owners are already required to ensure all Drivers are properly Licensed; however, the display of such license inside a Vehicle is a Driver responsibility;
- Clarifying which penalties are discretionary as opposed to mandatory; and

- Revising TLC rules to use “TPEP” in place of “T-PEP” when referencing the Taxicab Technology System.

Procedural Revisions

The proposed rule will amend the procedures regarding the seizure and forfeiture of vehicles for unlicensed for-hire activity so that they are consistent with current law. The amendment will further streamline post-seizure procedures by combining a hearing on the summons underlying the seizure with a hearing regarding retention of the seized vehicle pending forfeiture. These rule amendments are authorized by Section 2303 of the New York Charter and Section 19-503 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Chapter 54 of Title 35 of the Rules of the City of New York, relating to drivers of taxicabs and street hail liveries, is REPEALED.

Section 2. Chapter 55 of Title 35 of the Rules of the City of New York, relating to for-hire drivers, is REPEALED.

Section 3. Subdivision (b) of section 51-01 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) Most defined terms appear in this Chapter. For ease of reference, certain defined terms may also appear in the “Definitions Applicable to this Chapter” section of Chapters in which the terms are most relevant. Certain general terms (Driver, License, Owner, for example) will have a more specific meaning in individual Chapters [(so, Driver in the Chapters governing Taxicabs and their Drivers will mean a Taxicab Driver)]. In some cases, a defined term in a Chapter can have a meaning different from that in this Chapter (for example, a Broker in Chapter 65 is different). Those different definitions will appear in the relevant Chapters.

Section 4. The following definitions set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, and a new definition is added, to read as follows:

...

Automatic Vehicle Location System or AVL refers to an electronic device incorporated into a Taxicab Technology System ([T-PEP] TPEP) or Street Hail Livery Technology System (LPEP) that accurately determines the geographic location, direction and positioning of a Taxicab or Street Hail Livery and records and transmits such information. An AVL may include, but is not limited to, a global positioning system (GPS). An AVL shall not be capable of being used as an Electronic Communications Device.

...

Authorized [T-PEP] TPEP Provider is an individual or Business Entity authorized by the Commission, pursuant to Chapter 75 of these Rules, to sell, lease, make available for use, install, service, and repair Taxicab Technology Systems in Medallion Taxicabs.

...

Collision is a traffic incident involving the impact of a vehicle with another vehicle, person, animal or property.

...

Core Services. The core services provided by a Taxicab Technology System ([T-PEP] TPEP) or Street Hail Livery Technology System (LPEP) as set forth in the definition thereof and as more fully described in §75-25 and §83-31 of these Rules.

...

Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation *must* be imposed (for example, when “revocation” follows “or” or “and/or” in a penalty box); Discretionary Revocation can be sought by the Chairperson for *any* Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.

...

Fit to Hold a License or Fit to be an Authorized [T-PEP] TPEP Provider means

- The Applicant, Authorized [T-PEP] TPEP Provider, or Licensee meets and will continue to meet all of the qualifications for the License or Authorization sought or held as established by applicable Rules and laws.
- The Applicant, Authorized [T-PEP] TPEP Provider, or Licensee is of good moral character.
- The Applicant, Authorized [T-PEP] TPEP Provider, or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant, Authorized [T-PEP] TPEP Provider, or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License or Authorization.
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of a TLC License or Authorization, the Applicant shows that he or she will not engage in similar conduct in the future.

...

Hardware. Equipment or machinery, together with all associated components, media, firmware and other embedded software and instructions provided, operated or maintained in connection with the functioning of a Taxicab Technology System ([T-PEP] TPEP) or Street Hail Livery Technology System (LPEP).

...

Issuing Jurisdiction is a county within New York State [contiguous to New York City] and covered by and compliant with section 498 of the New York Vehicle and Traffic Law that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.

...

Long-Haul[, as used at certain transportation terminals, means that Taxicabs in the Feed Line designated as a “long-haul” line must only except customers who are requesting trips] is a trip that begins at certain transportation terminals and is of at least a certain distance or time.

...

Passenger Information Monitor or PIM. The interactive, audio-visual device that is a component of the Taxicab Technology System ([T-PEP] TPEP) and Street Hail Livery Technology System (LPEP) and that has the features described in §75- 25(d) or §83-31 (d)(3) of these Rules.

...

Personal Use—Off Duty is the designation made when a Driver is no longer operating the Taxicab or Street Hail Livery for hire.

...

[**Qualified Jurisdiction** is an Issuing Jurisdiction that meets the requirements for reciprocity described in section 498 of the NYS Vehicle and Traffic Law.]

...

Short Haul[, as used at certain transportation terminals, means the Taxicabs in the Feed Line designated as a “Short Haul” line must only accept customers who are requesting trips] is a trip that begins at certain transportation terminals and is less than of less than a certain distance or time.

...

Street Hail Livery Driver is a Driver who is authorized to drive a Street Hail Livery as set forth in Chapter [54] 80 of these Rules.

...

[**Taxicab**] **TLC Driver's License** means the authority granted by the Commission to an individual to drive a Taxicab, For-Hire Vehicle or Street Hail Livery in the City of New York [and includes the authority to drive a Street Hail Livery].

...

Taxicab Technology Service Provider (or [T-PEP] TPEP Provider) means a vendor who has been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs.

Taxicab Technology System (or [T-PEP] TPEP) is an integrated system of Hardware and Software that complies with the technical requirements set forth in §75-25 of these Rules and provides the following core services to Taxicabs:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip data collection and transmission;
- (4) Data transmission by means of the passenger information monitor; and
- (5) Automatic Vehicle Location System and location services.

...

Section 5. Subdivision (a) of section 52-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Issuance of Licenses.* The TLC has the power to issue and regulate Licenses or Authorizations that include, but need not be limited to the following:

- (1) [Medallion Taxicab Driver] TLC Driver's License
- (2) Medallion Taxicab Owner's License
- (3) Stand-by Taxicab Vehicle License
- (4) Medallion Taxicab Broker License
- (5) Medallion Taxicab Agent License
- (6) Taximeter Business License
- (7) Taximeter Manufacturers Authorization
- (8) For-Hire Vehicle Base License
- (9) [For-Hire Vehicle Driver License
- (10)] For-Hire Vehicle License
- ([11]10) Paratransit Base License
- ([12]11) Paratransit Driver License
- ([13]12) Paratransit Vehicle License
- ([14]13) Commuter Van Service Authorization
- ([15]14) Commuter Van Driver License
- ([16]15) Commuter Van Vehicle License

Section 6. Subdivision (b) of section 53-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *[Taxicab] Driver must have Valid TLC Driver's License and be an Approved Driver. An Accessible [Taxicab] Vehicle can be driven only by an Approved Driver who holds a Valid [Taxicab] TLC Driver's License and who has successfully completed Wheelchair Passenger Assistance Training.*

Section 7. Subdivision (a) of section 53-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Driver **MUST** Accept Dispatch.*
 - (1) While operating an Accessible Taxicab, an Approved Driver must accept a dispatch from the Accessible Taxi Dispatcher.
 - (2) An Approved Driver who refuses to accept a dispatch has refused to provide service and will be subject to Mandatory Penalties for a refusal under sections [54-02(e)] 80-03(e) and [54-20(a)] 80-18(a) of these Rules.
 - (3) An Approved Driver who does not turn on his or her dispatch equipment will be subject to Mandatory Penalties for a refusal under sections [54-02(e)] 80-03(e) and [54-20(a)] 80-18(a) of these Rules.

§53-08(a)	Fine: Mandatory Penalties as set forth in §[54-02(e)] <u>80-03(e)</u> of these Rules	Appearance Required
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Section 8. The penalty provision of paragraph (1) of subdivision (b) of section 53-09 of Title 35 of the Rules of the City of New York is amended to read as follows:

§53-09(b)(1)	Fine: \$100, in addition to any Mandatory Penalties required under section §[54-17(a)] <u>80-15(a)</u> of these Rules	Appearance Required
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Section 9. Subparagraph (iv) of paragraph (1) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iv) Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §[54-02(e)] 80-03(e) of these Rules.

...

Section 10. Subparagraph (i) of paragraph (2) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) More than three traffic [accidents] Collisions within a single year. The one-year ban will be counted from the date of the last [accident] Collision.

Section 11. Paragraph (3) of subdivision (a) of section 56-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:
- speeding;
 - failing to stop for school bus;
 - following too closely (tailgating);
 - inadequate brakes, either your own vehicle or your employer's vehicle;
 - failing to yield right of way;
 - traffic signal violation;
 - stop sign violation;
 - yield sign violation;
 - railroad crossing violation;
 - improper passing;
 - unsafe lane change;
 - driving left of center;
 - driving in wrong direction; and[,]
 - leaving scene of [an accident] a Collision involving property damage or injury to animal.

Section 12. Paragraph (3) of subdivision (b) of section 56-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, [accident] Collision, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

Section 13. Paragraph (7) of subdivision (b) of section 56-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (7) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will, for purposes of the Critical Driver's Program, deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV, or equivalent licensing agency of the state which issued such license, of any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course; counting from the date of conviction. In order for the Defensive Driving Course to reduce the Licensee's Critical Driver Program points, the course must be satisfactorily completed prior to the adjudication of the Critical Driver summons. Completion of the Defensive Driving Course after the [issuance] adjudication of a [critical driver program] Critical Driver

Program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

- (ii) The Driver must furnish the Commission with proof [that] when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) The Commission will not reduce the total points of any Driver more than once in any 18-month period.

Section 14. Paragraph (1) of subdivision (c) of section 56-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) A Driver who knows or should have known that a [traffic accident] Collision involving the Driver's Paratransit Vehicle resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the [accident] Collision, and if the other involved party is present, must:

...

Section 15. Paragraph (2) of subdivision (c) of section 56-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) *Notify Paratransit Vehicle Owner of [Accident] Collision.* If the Driver is involved in a [traffic accident] Collision, the Driver must immediately report the [accident] Collision to the owner of the Paratransit Vehicle and to the affiliated Base.

Section 16. Subdivision (h) of section 56-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (h) *[Accident] Collision Notification.*
 - (1) A Driver must immediately notify the Vehicle owner if the Driver and the Paratransit Vehicle are involved in [an accident] a Collision.
 - (2) A Driver must immediately notify his or her employer of any traffic infraction, [accident] Collision or conviction as required in section 509-i of Article 19A of the New York State Vehicle and Traffic Law.

Section 17. Subdivisions (b) and (c) of section 56-27 of Title 35 of the Rules of the City of New York are amended to read as follows:

(b) *Must Comply with Chapter [54] 80.* The holder of a Valid Paratransit Driver's License must comply with all requirements for operation of an Accessible Street Hail Livery as set forth in Chapter [54] 80 of these Rules while operating an Accessible Street Hail Livery. A Driver operating an Accessible Street Hail Livery can be found liable for violating the requirements of Chapter [54] 80.

(c) *Special Penalty Programs.*

Any points accumulated under Chapter [54] 80 by a Paratransit Driver while operating an Accessible Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as specified in

- (1) Section 56-13(b) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or
- (2) Section [54-27(b)] 80-27(b) of these Rules if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules,

and the Driver may incur the penalties specified as a result. A Paratransit Driver's License can be suspended or revoked as provided in section [54-27] 80-27 of these Rules as if it were a [Taxicab] TLC Driver's License.

Section 18. Subparagraph (iv) of paragraph (1) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iv) Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §[54-02(e)] 80-03(e) of these Rules.

Section 19. Subparagraph (i) of paragraph (2) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) More than three [traffic accidents] Collisions within a single year. The one-year ban will be counted from the date of the last [accident] Collision. The traffic infraction of unlicensed operation of a motor vehicle,

Section 20. Subdivision (a) of section 57-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) *Must Not Offer Bribe.*

- [(i)] A Driver or any person acting as his representative must not offer or give any gift, gratuity or thing of value to any member, employee, or representative of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.

[(ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.]

§57-12(a)(1)	Fine: \$10,000 and revocation	Appearance [before OATH] REQUIRED
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(2) *Report Request for Bribe.*

[(i)] A Commuter Van Driver must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.

[(ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.]

§57-12(a)(2)	Fine: \$1,000 and/or suspension up to 30 days or revocation	Appearance [before OATH] REQUIRED
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Section 21. Paragraph (3) of subdivision (a) of section 57-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, [accident] Collision, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

Section 22. Paragraph (7) of subdivision (a) of section 57-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(7) *Point Reduction for Voluntary Course Completion.*

(i) Before suspending or revoking a Driver’s License, the Commission will, for purposes of the Critical Driver’s Program, deduct three points from the total points that appear on the Licensee’s driving record maintained by the DMV₂ or equivalent licensing agency of the state which issued such license₂ of any [Driver] Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course, counting from the date of conviction. In order for the Defensive Driving Course to reduce the Licensee’s Critical Driver Program points, the course must be satisfactorily completed prior to the adjudication of the Critical Driver summons. Completion of the Defensive Driving Course after the [issuance] adjudication of a [critical driver program] Critical Driver Program summons will reduce the Licensee’s Critical

Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

- (ii) The Driver must furnish the Commission with proof [that] when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total[;].
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) The Commission will not reduce the total points of any Driver more than once in any 18-month period.

Section 23. Paragraph (3) of subdivision (c) of section 57-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:
 - speeding;
 - failing to stop for school bus;
 - following too closely (tailgating);
 - inadequate brakes, either your own vehicle or your employer's vehicle;
 - failing to yield right of way; traffic signal violation; stop sign violation;
 - yield sign violation; railroad crossing violation; improper passing;
 - unsafe lane change; driving left of center; driving in wrong direction; and[,]
 - leaving scene of [an accident] a Collision involving property damage or injury to animal.

Section 24. Paragraph (1) of subdivision (c) of section 57-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Report Before Leaving Scene.* A Driver who knows or should have known that a [traffic accident] Collision involving the Driver's Commuter Van resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the [accident] Collision, and if the other involved party is present, must:

...

Section 25. Paragraph (2) of subdivision (c) of section 57-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) *Notify Commuter Van Service of [Accident] Collision.* If the Driver is involved in a [traffic accident] Collision, the Driver must immediately report the [accident] Collision to the owner of the Commuter Van Service.

Section 26. The penalty provision of subdivision (b) of section 58-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-11(b)	Fine: [Notice to correct within 10 days. Failure to comply:] \$200 and suspension until compliance	Appearance REQUIRED
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Section 27. The penalty provision of subdivision (f) of section 58-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-11(f)	Fine: [Notice to correct within 10 days. Failure to comply:] \$200 and suspension until compliance	Appearance REQUIRED
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Section 28. Subdivision (a) of section 58-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *No Unlicensed Taxicabs.*

- (1) An Owner must ensure that all of Owner’s Taxicabs in operation for hire are Validly licensed by the Commission and have a Valid Medallion attached to the vehicle.
- (2) The Commission will post on its website a list of Validly licensed Taxicabs and Medallions.

Section 29. Subdivisions (c) and (d) of section 58-12 of Title 35 of the Rules of the City of New York are 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] TLC Driver’s License. The License of an Owner who operates a vehicle without a valid registration will be summarily suspended.

(d) *No Unlicensed Drivers.*

- (1) No Taxicab can be operated for hire unless the driver has in his or her possession a Valid [Taxicab] TLC Driver’s License.

§58-12(d)(1)	Fine: \$400 and/or suspension up to 30 days	Appearance REQUIRED
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- (2) *Exceptions.* An Owner can permit a person who does not possess a [Taxicab] TLC Driver’s License to drive the vehicle only when all of the following limited circumstances are met:

- (i) [Before the Off Duty Change Date.
 - A. The vehicle is being driven to or from the Commission’s centralized Taxicab inspection facility or a repair facility;
 - B. The off-duty light is illuminated;
 - C. A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is “Off-Duty” and why;
 - D. The rear doors are locked;
 - E. The person driving the vehicle is licensed to drive a motor vehicle;
 - F. The person driving the vehicle is not a person whose Taxicab Driver’s License is suspended or revoked.

(ii) After the Off Duty Change Date

- A.] The vehicle is being driven to or from the Commission’s centralized Taxicab inspection facility or a repair facility;

[B.](ii) The driver has entered the appropriate off duty code in [T-PEP] TPEP;

[C.](iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is “Off-Duty” and why;

[D.](iv) The rear doors are locked; and

[E.](v) The person driving the vehicle is licensed to drive a motor vehicle[;

F. The person driving the vehicle is not a person whose Taxicab TLC Driver’s License is suspended or revoked].

§58-12(d)(2)	Fine: \$400 and/or suspension up to 30 days	Appearance REQUIRED
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(3) The Commission will post on its website a list of Drivers holding Valid TLC Driver’s Licenses.

Section 30. Subdivision (e) of section 58-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Report of [Accidents] Collisions.*

- (1) *Report to Insurance Carrier.* Any [accident] Collision involving one (or more) of Owner’s Taxicabs that is required to be reported to the insurance carrier must be immediately reported to the carrier by the Owner, in writing.

§58-13(e)(1)	Fine: \$500-\$1,000	Appearance REQUIRED
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- (2) *Report to Commission.*

- (i) An Owner must immediately report to the Commission in writing all [accidents] Collisions that are required to be reported to the Department of Motor Vehicles (as required by §605 of the Vehicle and Traffic Law) that involve any of Owner’s Taxicabs.
- (ii) An Owner must also provide to the Commission a copy of any legally required report filed with the NYS Department of Motor Vehicles, within 10 days of the date the report is due to be filed with the Department of Motor Vehicles.

§58-13(e)(2)	Fine: \$150 and \$25 for each day of violation thereafter and suspension until compliance	Appearance REQUIRED
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Section 31. Subdivision (a) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) An Owner can lease a Taxicab (or a Medallion-only) to a Licensed [Taxicab] Driver, or to Licensed Drivers working different shifts or days if the Owner complies with the provision of this section.

...

Section 32. Subdivision (a) of section 58-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Record of Passenger Trip Information.* The Trip Record is the record of all data collected from every for hire trip made by a Taxicab and must include the following information:
- (1) The Taxicab Medallion number
- (2) The [Taxicab] TLC Driver’s License number

...

Section 33. Subdivision (b) of section 58-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Fleet or Minifleet Owner Records.* A fleet or minifleet Owner must maintain for a period of three years a written record of every shift providing the following information for each Taxicab:

- (1) Driver's name,
- (2) [Taxicab] TLC Driver's License number,

...

Section 34. Paragraphs (3) and (4) of subdivision (g) of section 58-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) A Driver who charges a passenger *more* than the actual amount of the *EZ-Pass*® toll is guilty of an overcharge as prohibited by §[54-17] 80-17 of the [Taxicab] TLC Drivers chapter.
- (4) A Driver who fails to reimburse an *EZ-Pass*® tag holder for all toll charges incurred, including toll charges for which there is no passenger reimbursement, will be subject to the provisions of §[54-15(f)(4)] 80-15(f)(4) of the [Taxicab] TLC Drivers chapter.

Section 35. Paragraph (2) of subdivision (g) of section 58-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The [Taxicab] TLC Driver's License

§58-31(g)(2)	Fine: \$200 [Notice to correct within 10 Days]	Appearance REQUIRED
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Section 36. The penalty provision of paragraph (3) of subdivision (g) of section 58-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-31(g)(3)	Fine: \$200 [Notice to correct within 10 Days]	Appearance REQUIRED
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Section 37. The penalty provision of subdivision (b) of section 58-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-32(b)(1)-(3)	Fine: [Notice to correct within 10 days; failure to comply:] \$200	Appearance REQUIRED
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Section 38. The penalty provision of subdivision (e) of section 58-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-32(e)	Fine: [Notice to correct within 10 days Failure to comply:] \$200	Appearance REQUIRED
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Section 39. The penalty provision of subdivision (h) of section 58-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-32(h)	Fine: [Notice to correct within 10 days Failure to comply:] \$200	Appearance REQUIRED
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Section 40. Subdivision (a) of section 58-33 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) The following must be present in the Taxicab while it is in operation for hire:

(1) [The Taxicab Driver’s License, in the Driver’s License frame

(2)] The Rate Card, in the Driver’s License frame

[(3)](2) An insurance card or photocopy, unless the Owner is self-insured and has noted this fact on the Rate Card along with any other information required by the Commission

[(4)](3) All other notices required to be posted in the Taxicab

§58-33(a)(1)- [(4)](3)	Fine: \$25 for each [(1) – (4)] not in vehicle, not to exceed \$75 in the aggregate	Appearance NOT REQUIRED
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[(5)](4) A means of collecting and recording all of the Trip Sheet data.

Section 41. The penalty provision of subdivision (c) of section 58-34 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-34(c)	Fine: \$50 [per day except that where the system is installed and malfunctioning, a notice to correct within ten days must be issued]	Appearance REQUIRED
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Section 42. The penalty provision of subdivision (e) of section 58-34 of Title 35 of the Rules of the City of New York is amended to read as follows:

§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, Suspension until the condition is corrected]	Appearance NOT REQUIRED
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Section 43. Paragraph (1) of subdivision (g) of section 58-34 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) A Taxicab may be equipped with or the Driver may utilize a device with an E-Hail Application installed. A Driver’s use of an E-Hail Application is subject to the requirements of subdivision [54-14(e)] 80-14(e) of these Rules except that a Driver may accept an E-Hail request with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. Use of such device by a Driver is optional and an Owner cannot require a Driver to use an E-Hail Application. A Driver may use no more than one electronic device with an E-Hail Application, separate from the Driver Information Monitor supplied as part of the TPEP and/or a device provided for the Accessible Dispatch program.

Section 44. Subparagraph (i) of paragraph (2) of subdivision (c) of section 58-39 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) Clearly warning Drivers that if they violate the Taximeter or T-PEP tampering rules, Owner will:
 - A. Immediately terminate any lease agreement Owner has with the Driver; and
 - B. Report the tampering violation to the Commission, which will result in the probable revocation of their [Taxicab] TLC Driver's License;

Section 45. Subdivision (b) of section 58-46 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Clear All Open Items.* All open items against the Medallion Owner/Transferor (including any Business Entity Person of the Owner) must be cleared, including but not limited to summons issued by the Commission, outstanding fines and penalties owed to the Commission or the Parking Violations Bureau (or their successors), incomplete License renewal requirements, and violations against the [Taxicab] TLC Driver's License.

Section 46. Subdivision (h) of section 59A-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (h) *Issuing Jurisdiction* is a county within New York State [contiguous to New York City] and covered by Article 17-B, Section 498 of the New York Vehicle and Traffic Law that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.

Section 47. Subparagraph (iii) of paragraph (3) of subdivision (a) of section 59A-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) Meets the requirements of Chapter §[55-21] 80-21 of these Rules.

Section 48. The penalty provision of paragraph (6) of subdivision (a) of section 59A-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59A-05(a)(6)	Fine: [Notice to Correct within 10 Days] <u>\$100</u>	Appearance NOT REQUIRED
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Section 49. Subdivisions (b) and (c) of section 59A-11 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) *Valid [For-Hire] TLC Driver's License.*
 - (1) A Vehicle Owner must not allow any of its Vehicles to be dispatched unless its driver possesses a Valid [For-Hire] TLC Driver's License.
 - (2) The Commission will post on its website a list of Drivers holding Valid [For-Hire] TLC Driver's Licenses.

§59A-11(b)	Vehicle Fine: \$350 Penalty Points: 1	Appearance NOT REQUIRED
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(c) *Valid Chauffeur's License Required.*

- (1) A Vehicle Owner must not allow any of its Vehicles to be dispatched unless it is being driven by a [For-Hire] Driver with a Valid Chauffeur's License.
- (2) A Vehicle Owner is responsible for knowing the status of the state-issued driver's license for any [driver] Driver dispatched in one of Owner's Vehicles.

§59A-11(c)	Vehicle Fine: \$100 Penalty Points: 1	Appearance NOT REQUIRED
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Section 50. Subdivision (d) of section 59A-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Report of [Accidents] Collisions to Carrier and the Commission.*

- (1) *Report to Carrier.* A For-Hire Vehicle Owner must immediately report in writing to Owner's insurance carrier all [accidents] Collisions that are required to be reported to the insurance carrier involving Owner's For-Hire Vehicle(s).

§59A-12(d)(1)	Fine: \$500-\$1,000	Appearance REQUIRED
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(2) *Report to Commission.*

- (i) A For-Hire Vehicle Owner must immediately report in writing to the Commission all [accidents] Collisions that are required to be reported to the Department of Motor Vehicles (under §605 of the Vehicle and Traffic Law) involving Owner's Vehicle(s).
- (ii) A copy of the report sent to the Department of Motor Vehicles must also be provided to the Commission within 10 days from the date by which the Owner is required to file the report with the DMV.

§59A-12(d)(2)	Fine: \$150 and \$25 for each day of violation thereafter and suspension until compliance	Appearance REQUIRED
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Section 51. The penalty provision of subdivision (d) of section 59A-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59A-27(d)	Fine: \$50 [per day until information is supplied] <u>and suspension until the defective condition is corrected</u>	Appearance REQUIRED
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Section 52. Paragraphs (2) and (3) of subdivision (a) of section 59A-30 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (2) [In a] A protective holder to display the TLC Driver’s License attached to the back of the driver’s seat[:
 - (i) The For-Hire Vehicle Driver’s license of the Driver; and
 - (ii) The For-Hire Vehicle License].
- (3) *Exception for Black Cars and Luxury Limousines.*
 - (i) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver’s seat to display[:
 - A. The] the [For-Hire Vehicle] TLC Driver’s License,
 - [B. The For-Hire Vehicle License]
 - (ii) [Those items] The TLC Driver’s License must, however, be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

Section 53. Subdivisions (c) and (d) of section 59B-11 of Title 35 of the Rules of the City of New York are amended to read as follows:

(c) *Valid [For-Hire] TLC Driver’s License Required.*

- (1) A Base Owner must not dispatch any Vehicle unless its driver possesses a Valid [For-Hire] TLC Driver’s License.
- (2) The Commission will post on its Web site a list of Drivers holding Valid [For-Hire] TLC Drivers’ Licenses.
- (3) In addition to the other requirements of this Rule, a Street Hail Livery Base Owner must not dispatch a [vehicle] Vehicle to engage in the business of being a Street Hail Livery unless the [driver is Validly authorized to be a Street Hail Livery Driver] Driver possesses a Valid TLC Driver’s License or, in the event the Vehicle is an Accessible Street Hail Livery, a Valid License to operate a Paratransit Vehicle.

§59B-11(c)	Base Fine: \$500 for the first violation in 12 months; \$800 for each subsequent offense within a 12-month period	Appearance NOT REQUIRED
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(d) *Valid Chauffeur’s License Required.*

- (1) A Base Owner must not dispatch any Vehicle unless it is being driven by a [For-Hire] Driver with a Valid Chauffeur’s License,

- (2) A Vehicle Owner is responsible for knowing the status of the state-issued driver’s license for any [driver] Driver dispatched in one of Owner’s Vehicles.

§59B-11(d)	Base Fine: \$500 except if the DMV status of the driver’s license is not available on the Commission’s website.	Appearance NOT REQUIRED
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Section 54. Subparagraph (ii) of paragraph (1) 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:

- (ii) The Driver’s [For-Hire] TLC Driver’s License number

Section 55. Subparagraph (ii) of paragraph (2) of subdivision (c) of section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) The [Street Hail Livery] TLC Driver’s License number

Section 56. Subparagraph (iii) of paragraph (2) of subdivision (d) of section 59B-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) [For-Hire] TLC Driver’s License numbers.

Section 57. Paragraph (4) of subdivision (j) of section 59B-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) Driver’s [For-Hire] TLC License number;

Section 58. Subparagraph (i) of paragraph (2) of subdivision (a) of section 59B-30 of Title 35 of the Rules of the City of New York is amended to read as follows:

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

Section 59. Subparagraph (i) of paragraph (3) of subdivision (a) of section 59B-30 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver’s seat to display[:

A. The] the [For-Hire Vehicle] TLC Driver’s License,

[B. The For-Hire Vehicle License]

Section 60. Paragraph (1) of subdivision (c) of section 59B-30 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) No Street Hail Livery can be dispatched unless the Vehicle contains the Rate Card in a frame next to the [Street Hail Livery] TLC Driver’s License.

Section 61. Paragraph (2) of subdivision (a) of section 59C-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the [For-Hire] TLC Driver's License and front windshield.

Section 62. Paragraph (4) of subdivision (b) of section 59C-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) The entire protective plate of each partition must have sufficient padding to prevent injury to any rear-seat passenger in case of [an accident] a Collision or sudden stopping, and all surfaces must be free of sharp and rough edges.

Section 63. Paragraph (2) of subdivision (c) of section 63-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) An Agent must not authorize or allow a driver to operate a Taxicab unless the [driver] Driver possesses a Valid [Driver's] Chauffeur's [license] License and a Valid [Taxicab] TLC Driver's License.

§63-11(c)(2)	\$500-\$2,000 and/or suspension up to 30 days	Appearance REQUIRED
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Section 64. Subdivisions (b) and (c) of section 63-13 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) The [Taxicab] TLC Driver's License.
- (c) The Rate Card, in a frame next to the frame for the [Taxicab] TLC Driver's License.

Section 65. Subdivision (e) of section 64-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Interrelationship of Operation.* The Taximeter Business must install the Roof Light, the trouble light, the Taximeter, and the Rate Card/[Taxicab Driver] TLC Driver's License holder light so that the operation of any of these mechanisms is not controlled or affected by the dashboard light dimmer switch or any other device controlled by the [driver] Driver.

Section 66. Subdivision (a) of section 67-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) This Chapter is informational in nature and does not contain penalties. Penalties for failure to follow the rules established in this Chapter will be found in Chapter [54] 80 and Chapter 58 which establish specific requirements for Taxicab Drivers and owners.

Section 67. Paragraph (2) of subdivision (a) of section 67-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the [Taxicab] TLC Driver’s License, Rate Card, and front windshield.

Section 68. Paragraph (4) of subdivision (b) of section 67-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) The entire protective plate of each partition must have sufficient padding to prevent injury to any rear-seat passenger in case of [an accident] a Collision or sudden stopping, and all surfaces must be free of sharp and rough edges.

Section 69. Subdivision (d) of section 68-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation must be imposed (for example, when “revocation” follows “or” or “and/or” in a penalty box); Discretionary Revocation can be sought by the Chairperson for any Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.

Section 70. Paragraph (6) of subdivision (a) of section 68-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (6) If [the rule violated includes the penalty of] the Commission seeks [discretionary revocation] Discretionary Revocation, a specific statement that a finding of guilt could result in the revocation of the Respondent’s License.

Section 71. Paragraph (1) of subdivision (d) of section 68-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

1. Violation of Drug-Testing Rules. A [Taxicab or For-Hire Vehicle] Driver who fails to be timely tested for drug use, in accordance with subdivision (c) of section [54-14] 80-14 [or subdivision (d) of section 55-14] of these Rules, and whose License is then summarily suspended, is not entitled to a hearing, but can provide the Commission, within 10 calendar days of the notice described in subdivision (b), with a single submission of written documentation refuting the suspension of his or her License.

Section 72. Section 68-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

§68-17 Special Procedures -- Seizures

- (a) Right to Seize Vehicle.

1. The Commission and/or any police officer may seize any vehicle where:

- (A) [probable] Probable cause exists to believe that the vehicle is operated or engaged in Unlicensed Activity as set forth in sections 19-506 (b), (c), or (k) and 19-529.2 of the Administrative Code; and
 - (B) At the time of the stop, the Owner has at least one prior violation of sections 19-506 (b), (c), or (k) of the Administrative Code in the past 36 months (or in the case of an Owner of a Commuter Van, one prior violation of section 19-529.2 of the Administrative Code in the past five years), thereby making the vehicle potentially subject to forfeiture according to section 68-18 of these Rules.
2. The driver and all passengers in a seized Commuter Van will be left in or transported to a location that is readily accessible to other means of public transportation.
 3. Any vehicle that has been seized will be taken to a designated secured facility.
- (b) Procedure After Seizure.
1. The officer or representative of the Commission seizing the vehicle will serve a summons for Unlicensed Activity and a notice of seizure of the vehicle by service upon the Owner and any person who using the vehicle with the permission of the Owner, express or implied, at the time of seizure. The notice of seizure will include, but not be limited to, the following information:
 - (A) Identification of the seized vehicle;
 - (B) Information concerning these regulations, including the facts TLC must prove in order to retain possession of the vehicle pending forfeiture;
 - (C) [If the vehicle is subject to forfeiture at the time of seizure, notification of the Owner's right, upon conviction of Unlicensed Activity, to present evidence of hardship for consideration in determining whether the TLC will retain possession of the vehicle pending forfeiture.
 - (D)] The designated secured facility to which the vehicle was or will be taken.
 2. The summons against the Owner will set a date and time for a hearing at the Taxi and Limousine Tribunal at OATH to take place no later than[:
 - (A) 7 calendar days (or the next business day if the seventh day is not a business day) following seizure of a Paratransit Vehicle.
 - (B) 14 calendar days (or the next business day if the fourteenth day is not a business day) following seizure of a For-Hire Vehicle or Taxicab.
 - (C)] 5 business days following seizure of a [Commuter Van] vehicle.

3. An officer or representative of the Commission will also mail the notice of seizure and a copy of the summons to the Owner of the seized vehicle, as listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
 - (A) The notice of seizure and copy of the summons will be mailed to the Owner of a seized Commuter Van within 1 business day.
 - (B) Any defect in delivery or mailing of the notice of seizure and copy of the summons will not affect the validity of service of a summons served upon the Owner in accordance with paragraph (1) of this subdivision.
 4. For purposes of this section, the term Owner means:
 - (A) An Owner as defined in section 128 and section 388 of the Vehicle and Traffic Law, unless the vehicle is a Commuter Van;
 - (B) If the vehicle is a Commuter Van, the term Owner when used in this section means an Owner as defined in subdivision (i) of section 19-502 of the Administrative Code.
- (c) [Release of Vehicle Prior to Hearing if Vehicle is Not Subject to Forfeiture]
2. The procedure described herein to obtain release of the vehicle prior to hearing applies if the Owner meets the following requirements. Otherwise, release of the vehicle is governed by subsection (d) of Rule 68-17.:
 - (A) The vehicle is not a Commuter Van, and the Owner has not been found to have committed violation of subdivisions (b) or (c) of section 19-506 of the Administrative Code two or more times within the 36 months prior to the commitment of the violation resulting in the seizure.
 - (B) The vehicle is a Commuter Van, and the Owner has not been found to have committed violation of section 19-529.2 of the Administrative Code one or more times within the 5 years prior to the commitment of the violation resulting in the seizure.
 3. To obtain the release of a seized vehicle, an Owner who meets the eligibility requirements set forth in paragraph 1 of this subdivision must personally bring the summons for Unlicensed Activity to the Commission on or before the scheduled hearing date, and either:
 - (A) Show proof of having pled guilty before the Taxi and Limousine Tribunal at OATH, whereupon:

- A. The Commission must verify that the Owner meets the eligibility requirements in paragraph (1) of this subdivision;
- B. The Commission must verify that a Taxi and Limousine Tribunal Hearing Officer has determined the amount of the civil penalty;
- C. The Commission will determine the removal and storage fees;
- D. The Owner must pay in full the civil penalty and removal and storage fees;
- E. Upon receiving payment, the Commission will issue an order to release the vehicle;
- F. The Owner or his or her agent can present the order at the designated secured facility to obtain the vehicle; or

(B) Post a bond, whereupon:

- A. The Commission must verify that the Owner meets the eligibility requirements in paragraph (1) of this subdivision;
- B. The Owner must post a bond in the amount of the maximum civil penalty, plus removal and storage fees determined by the Commission;
- C. Upon the bond being posted, the Commission will issue an order to release the vehicle;
- D. The Owner or his or her agent can present the order at the designated secured facility to obtain the vehicle.

(C) If the Owner does not obtain the vehicle by the date specified in the order of release, the Owner will be responsible for any further storage fees, which the Owner must pay before the vehicle will be released.

(d) Release of Vehicle Prior to Hearing if Vehicle is Subject to Forfeiture:

- (1) A vehicle seized under the provision of subsection (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) or (c) of section 19-506 of the Administrative Code three or more times within the 36 months prior to the commitment of the violation resulting in the seizure, or,

- (B) The vehicle is a Commuter Van and the Owner has been found to have committed violation of section 19-529.2 of the Administrative Code two or more times within the 5 years prior to the commitment of the violation resulting in the seizure.

(e)] Hearing on Unlicensed Activity.

1. The hearing against the Owner will be conducted at the Taxi and Limousine Tribunal at OATH according to the procedures in Chapter 5 of Title 48 of the Rules of the City of New York within [the number of] five business days [specified in paragraph (2) of subdivision (b) of this section] following a seizure. At the hearing, a determination will be made on the following:

- (A) Whether the Owner engaged in the Unlicensed Activity alleged in the summons.

- (B) If the Owner is found to have engaged in such Unlicensed Activity, then:

- (i) Whether the Owner has two or more violations of sections 19-506 (b), (c), or (k) of the Administrative Code in the past 36 months (or in the case of a Commuter Van Owner, two or more violations of section 19-529.2 of the Administrative Code in the past five years); and

- (ii) Whether it is necessary that the vehicle remain impounded in order to ensure its availability for a judgment of forfeiture.

2. [Default Review. If the Owner of the seized vehicle fails to appear for the hearing, a Default will be found in accordance with Chapter 5 of Title 48 of the Rules of the City of New York.

- (A) The Default determination will include, and is subject to, the provisions of subdivision (g) of this section concerning Abandoned Vehicles.

- (B) The Owner can appear at the Commission offices within 7 calendar days of the notice to comply with the Default determination or to show he or she has moved for an order vacating the Default determination.

A hearing will be scheduled within 7 calendar days of the order vacating the Default determination.

- 3.] A determination in a case of Unlicensed Activity with a Commuter Van will be issued within 1 business day of the conclusion of the hearing or Default.

[(f)] (d) Hearing Decision.

- (1) Not Guilty Finding. If the Taxi and Limousine Tribunal at OATH finds that the charge of Unlicensed Activity has not been sustained, the vehicle will be released to the Owner without removal or storage fees.
- (2) Guilty Finding. If the Taxi and Limousine Tribunal at OATH finds that the vehicle has been engaged in Unlicensed Activity, and:
 - (A) [If the vehicle is not subject to forfeiture, the Commission will release the vehicle to the Owner upon payment of the applicable civil penalties and all reasonable removal and storage costs] TLC has met the requirements of section 68-17(c)(1)(B), TLC must commence a forfeiture action according to section 68-18 of these Rules.
 - (B) [The vehicle is subject to forfeiture if either of the following are true:
 - (i) The vehicle is not a Commuter Van and the Owner has been found to have committed violation of subdivisions (b) or (c) of section 19-506 of the Administrative Code two or more times within the 36 months prior to the commitment of the violation resulting in the seizure, or,
 - (ii) The vehicle is a Commuter Van and the Owner has been found to have committed violation of section 19-529.2 of the Administrative Code one or more times within the 5 years prior to the commitment of the violation resulting in the seizure] TLC has not met the requirements of section 68-17(c)(1)(B), TLC will release the vehicle to the Owner upon payment of applicable penalties and all removal and storage fees.
 - [(C) If the vehicle is subject to forfeiture, the Commission will either:
 - (i) Release the vehicle to the Owner upon payment of the applicable civil penalties and all removal and storage fees as determined by the Commission , or
 - (ii) Commence a forfeiture action, provided that, in the case of a seized Commuter Van, the Commission must commence such forfeiture action within 10 days after the Owner's written demand for such vehicle.]

[g] (e) Appeal.

- (1) If the [Owner has been found guilty of Unlicensed Activity, he or she must pay the civil penalty and removal and storage fees in order to appeal]. determination on Unlicensed Activity, as required by section 68-

17(c)(1)(A), is reversed, the vehicle will be released to the Owner without removal or storage fees.

- (2) If the vehicle remains in custody in accordance with subparagraph (C)(ii) of paragraph (2) of subdivision (f) of this section, the Owner must pay only the civil penalty in order to appeal. If the determination on custody of the vehicle, as required by section 68-17(c)(1)(B), is reversed, but the Owner remains guilty of Unlicensed Activity, the vehicle will be released to the Owner upon payment of applicable penalties and all removal and storage fees.
- [(3) If upon appeal the decision is reversed, the relevant civil penalty and fees will be refunded to the Owner.]

[(h)] (f) Declaration of abandonment.

- (1) [*Vehicles that are not Commuter Vans* Notwithstanding any other provision of this section, a seized vehicle, other than a seized Commuter Van, will be declared abandoned by the Commission or its agent, if the Owner of such vehicle does not:
 - (A) Remove the vehicle from storage within 5 days of obtaining an order of release; or
 - (B) Pay the civil penalty and removal and storage fees within 5 days after a determination by the Taxi and Limousine Tribunal that the vehicle is eligible for release under paragraph (2) of subdivision (e) of this section; or
 - (C) Within 7 calendar days after notice of a Default determination of violation is mailed to the Owner:
 - A. Pay the civil penalty and removal and storage fees if the vehicle is eligible for release after a determination of violation was made under paragraph (2) of subdivision (e) of this section, or
 - B. File a motion to vacate the Default determination of violation and set a new hearing on the violation.
- (2) [*Commuter Vans*] Recovery Period. If an Owner has not tried to reclaim a seized [Commuter Van] vehicle within 30 days after [the Taxi and Limousine Tribunal mails] being served notice of its final determination [regarding the underlying the seizure] in the Owner's favor, the vehicle will be declared abandoned[, regardless of whether the owner was found guilty or not guilty of the violation].
- [(3)] [*All Vehicles*] (2) Disposing of Vehicle. An abandoned vehicle will be disposed of by the City or its agent according to section 1224 of the NYS Vehicle and Traffic Law. If an Owner seeks to reclaim the abandoned vehicle under section 1224, the

Owner will be deemed to have made a written demand for the vehicle and the Commission will take whichever action is authorized by this section

- (A) In the event that a vehicle has been deemed abandoned, the Commission or its agent will:
 - (i) Mail notice to the Owner and any Secondary Owners that the vehicle has been declared abandoned and that, unless claimed within 10 days of the mailing date of the letter, the vehicle will become the property of the Commission and will be sold.
 - (ii) The Owner or any Secondary Owner can claim the vehicle by paying the removal and storage fees due and, in the case of the Owner, the civil penalty claimed that is now a lien on the vehicle.
 - (iii) If the vehicle is not claimed within the allotted time, the Commission or its agent can sell the vehicle by public auction or by bid.
- (B) Disposition of the Proceeds from the Sale of the Vehicle.
 - (i) Proceeds from any sale, minus expenses incurred for removal, storage and sale of the vehicle and minus the civil penalty lien, will be held without interest for the benefit of the former Owner of the vehicle for 1 year.
 - (ii) If these proceeds are not claimed within the 1-year period, they will be paid into the City's general fund.

Section 73. Section 68-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

§68-18 Special Procedures -- Forfeitures

- (a) For purposes of this section, the term Owner means:
 - (1) An Owner as defined in section 128 and section 388 of the Vehicle and Traffic Law, unless the vehicle is a Commuter Van;
 - (2) If the vehicle is a Commuter Van, the term Owner when used in this section means an Owner as defined in subdivision (i) of section 19-502 of the Administrative Code.
- (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) of section 19-506 of the Administrative Code three or more times within [the] 36 months [prior to the commitment of the violation resulting in the seizure]; or
 - (2) The vehicle is a Commuter Van and the Owner has been found to have committed violation of section 19-529.2 of the Administrative Code two or more times within [the] 5 years [prior to the commitment of the violation resulting in the seizure].
- (c) A forfeiture action [is] must be commenced [by the filing of a summons with notice of right to a preliminary hearing or a summons and complaint according to] within 45 days of a final agency determination that a seized vehicle is subject to forfeiture and in accordance with the New York Civil Practice Law and Rules, and, in the case of seized Commuter Vans, section 19-529.3 of the Administrative Code.
- (d) [Service of a summons with notice of right to a preliminary hearing or a summons and complaint will be made by the TLC or its agent:
- (1) By personal service (according to the New York Civil Practice Law and Rules) upon all Owners listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered;
 - (2) By first class mail upon all individuals who have notified the Commission or the Taxi and Limousine Tribunal at OATH that they are an Owner of the vehicle; and
 - (3) By first class mail upon all persons holding a valid security interest filed with the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered, at the address shown in the filing.
- (e) Preliminary Hearing for Custody of the Vehicle while Forfeiture Is Pending. The Owner of a vehicle subject to forfeiture is entitled to a preliminary hearing to determine custody of the vehicle pending the forfeiture proceeding in accordance with the following:
- (1) Upon receipt of notice of right to a preliminary hearing, the Owner may request the Commission to schedule a preliminary hearing at the OATH Tribunal to determine the probable validity of continued deprivation of the vehicle.
 - (2) Within 5 business days of the seizure, the Commission will serve notice, by personal service or by mail, on the Owner(s) specified in subdivision (c), and on the driver of the vehicle at the time it was seized, of the right to a preliminary hearing.
 - (3) Upon receipt of a request by the Owner for preliminary hearing, the Commission will request the OATH Tribunal to schedule a preliminary hearing to be held within 10 business days of the date of the Commission's receipt of the request. The Commission will notify, by personal service or by mail, the Owner(s)

specified in subdivision (c) of the hearing date. Only one person may appear as an Owner at the hearing with priority going to the registered owner of the vehicle.

- (4) In order to retain possession of the vehicle pending the forfeiture proceeding, the Commission must prove the following at the preliminary hearing:
 - (A) Probable cause for stopping the vehicle;
 - (B) Likelihood the vehicle was used in connection with Unlicensed Activity, or likelihood the Commission will prevail at the forfeiture proceeding;
 - (C) Likelihood the vehicle will not be returned if the Commission prevails at the forfeiture proceeding; and
 - (D) If the claimant is an innocent Owner who was not driving the vehicle at the time of seizure, that the Owner knew or should have known of the Unlicensed Activity or that the driver at the time of seizure is the beneficial owner.
 - (5) The decision by the OATH Tribunal will be made no later than 3 business days following the close of evidence and the completion of argument, unless both parties consent on the record or in writing to extend the time for the decision.
 - (6) If the OATH Tribunal determines, based on the standard set forth in paragraph (1) of this subdivision, that the vehicle should be released to the Owner during pendency of the forfeiture proceeding, then the vehicle will be released to such person or entity after they pay to the City any civil penalty due as a result of the Unlicensed Activity and reasonable expenses for the safekeeping of the vehicle from the time of seizure and its release.
 - (7) If the OATH Tribunal determines that the vehicle should not be released during the forfeiture proceedings, the vehicle will remain in the custody of the City pending the final determination of the forfeiture action.
- (f) **Asserting a Claim.** Any Owner or Secondary Owner who receives notice of the forfeiture action and who claims an interest in the vehicle must assert a claim for the recovery of the vehicle or his or her interest in the vehicle by intervening in the forfeiture proceedings (in accordance with the New York Civil Practice Law and Rules).
- (g) **Affirmative Defenses Required to Sustain a Claim.** In order to sustain a claim in the vehicle, a claimant must plead and prove that he or she was not in any way a party to allowing the actions that constituted the violation, by showing that:
- (1) The claimant had no knowledge of the actions;
 - (2) If the claimant had knowledge of the actions, the claimant took all reasonable steps to prevent the use of the vehicle for the unlawful conduct and did not

knowingly obtain his or her interest in the vehicle in order to avoid forfeiture of the vehicle; or

- (3) The person who committed the actions that constituted the violation did not have lawful possession of the vehicle.

(h) Public Sale Pursuant to Forfeiture.

- (1) Following judicial determination of forfeiture, a public sale of the forfeited vehicle will be held, and the net proceeds of the sale will go into the City's general fund. The City may retain a Commuter Van for official use.
- (2) The public sale will be held no sooner than 30 days after the Owner is served notice of the judicial determination of forfeiture.
- (3) At least 5 days before the sale, or, in the case of the sale of a Commuter Van, at least 20 days before the sale, notice of the sale:
 - (A) Must be published in the City Record or in a newspaper of general circulation, and
 - (B) Must be mailed to any Owner or Secondary Owner shown in the records of the Commission or listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.

(i) Rights of Secondary Owners (*Other than Commuter Vans*).

- (1) A [person] Secondary Owner who [wishing] wishes to assert an ownership claim to the vehicle but does not participate in the forfeiture proceeding must [either:
 - (A) File a claim and participate in the forfeiture proceeding, or
 - (B) Submit] submit a claim in writing to the Commission within 30 days after the judicial determination of forfeiture.
- (2) If a Secondary Owner submits the claim [after the forfeiture hearing (but within 30 days of the judicial determination of forfeiture)], the Commission will schedule a hearing at the OATH Tribunal and will mail notice to the claimant at least 10 business days before the hearing.
- (3) A [person or entity] Secondary Owner that establishes a right of ownership or other legal interest in the vehicle (other than an owner whose interest has been forfeited) can recover the vehicle, provided such person or entity:
 - (A) Redeems the ownership interest which was subject to forfeiture, by paying the city the value of that interest; and

- (B) Pays the reasonable expenses for the safekeeping of the vehicle from the time of seizure and redemption[; and
- (C) Proves one of the affirmative defenses set forth in subdivision (g) of this section].

(4) A Secondary Owner that establishes a right of ownership in the hearing is not entitled to recovery of the vehicle if TLC establishes that the violations upon which forfeiture is predicated were expressly or impliedly permitted by such Secondary Owner.

[(j) Rights of Secondary Owners Unaware of Forfeiture Proceedings of Commuter Vans.

- (1) Any Secondary Owner of a Commuter Van who did not receive notice of the forfeiture action and who did not otherwise receive actual notice of the action may assert a claim within 6 months after the forfeiture.
- (2) The claim must be one that could have been asserted in the original forfeiture action, and, as set forth in section 19-529.3 of the Administrative Code, must be adjudicated before the Justice of the Supreme Court who presided at the original forfeiture action.
- (3) The court can grant the relief sought upon such terms and conditions as it deems reasonable and just if the claimant:
 - (A) Establishes that he or she was not sent notice of the commencement of the forfeiture action and did not know about the forfeiture action, and
 - (B) Proves one of the affirmative defenses set forth in subdivision (g) of this section.

(k) Total Claims May Not Exceed Value of Vehicle at Sale.

- (1) In any forfeiture action of a commuter van, including a subsequent action started under subdivision (i) of this section, where the court awards a sum of money to one or more persons to satisfy the claims in the forfeited vehicle, the total amount awarded to satisfy all interests must not exceed the amount of the net proceeds from the sale of the forfeited vehicle.
- (2) The net proceeds is the amount remaining after deduction of the lawful expenses incurred by the City, including the reasonable costs of removal and storage of the vehicle from the time of seizure and the date of sale.]

Section 74. Item (B) 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 to read as follows:

(B) [Taxicab] TLC Driver's License number;

Section 75. Subparagraph (iii) of paragraph (3) 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:

(iii) text messages must be able to be sent based on a Taxicab's geographic location, full or partial Medallion number, full or partial [Taxicab] TLC Driver's License number and/or TPEP Provider;

Section 76. Subparagraph (xii) 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:

(xii) [Taxicab] TLC Driver's License number from the TPEP;

Section 77. Subparagraph (viii) of paragraph (4) 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:

(viii) In addition to retrieving information by searches described in subparagraph (vii) of this paragraph, the search function must be capable of retrieving the following:

- A. a list of Taxicabs and/or Taxicab Drivers (identified by Medallion number and/or [Taxicab] TLC Driver's license number) that dropped off or picked up Passengers at a specific location (or within a specific geographic area) within a specific timeframe;
- B. a list of pick up and/or drop off locations for a specific Taxicab and/or Taxicab Driver (identified by Medallion number and/or [Taxicab] TLC Driver's license number) within a specific timeframe; and
- C. the time and location a Taxicab Driver went off duty.

Section 78. Paragraphs (5) and (6) of subdivision (l) of section 75-25 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (5) The TPEP must check the [Taxicab] TLC 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] TLC 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] TLC Driver's License before allowing the Taxicab Driver to log into the Taximeter via the DIM. If the [Taxicab] TLC 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.

Section 79. Subparagraph (iii) of paragraph (2) of subdivision (a) of section 77-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) Driver's [For-Hire] TLC Driver's License number;

Section 80. Paragraph (2) of subdivision (b) of section 77-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The Driver's [For-Hire] TLC Driver's License number;

Section 81. Subparagraph (iii) of paragraph (2) of subdivision (d) of section 77-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) The dispatched Driver's [For-Hire] TLC Driver's License number.

Section 82. Paragraph (2) of subdivision (n) of section 78-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) interfaces to [T-PEP] TPEP or LPEP, or to the Software, Hardware, network, or other EHail Application components;

Section 83. Subdivision (c) of section 78-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) Fees to [T-PEP] TPEP. An E-Hail Application Provider must ensure that an E-Hail Application provides payment to the TPEP Provider as provided in §75-25(n)(3).

Section 84. Subdivision (c) of section 82-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Driver* in this Chapter means a Driver of a Street Hail Livery who is authorized to by these rules to drive a Street Hail Livery. A Driver can be a [Taxicab] Driver possessing a TLC Driver's License or a Paratransit Driver who is driving an Accessible Street Hail Livery. [A Driver can also be a For-Hire Driver when driving a Street Hail Livery if authorized by Section 54-04.2. *See Chapter 54 of these Rules for Driver requirements.*]

Section 85. Subdivisions (c) and (d) of section 82-05 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Priority of Licensure during the first 3 years.*
 - (1) *Priority to Licensed For-Hire Vehicle Licensees and Drivers.* Except as provided in subdivision (d) below, during the Street Hail Livery License Priority Issuance Period, that is three years beginning on the first day of the Initial Street Hail Livery License Issuance period, a Street Hail Livery License may only be issued to:

- (i) A For-Hire Vehicle Licensee which is in good standing or
 - (ii) A Licensed [For-Hire] TLC Driver who is in good standing
- (2) *Good Standing.* For purposes of the Street Hail Livery License Priority Issuance Period, a Licensed For-Hire Vehicle Licensee or Licensed [For-Hire Vehicle] TLC Driver is in good standing and may participate in the Issuance if the Applicant:
- (i) Has been continuously licensed as a For-Hire Vehicle Licensee or [For-Hire Vehicle] TLC Driver for the period beginning at least one year prior to the first day of the Initial Street Hail Livery License Issuance Period and ending the date the Application for the Street Hail Livery License is filed; and
 - (ii) Has no outstanding fines, summonses or suspensions as of the date of the Application for the Street Hail Livery License.
- (d) *Special Exception for Accessible Street Hail Liveries.* Notwithstanding subdivision (c) above, if any Street Hail Livery Licenses required to be used with Accessible Street Hail Liveries and issuable in the Initial Street Hail Livery License Issuance Period pursuant to § 5(b) of Chapter 9 of the Laws of 2012 remain unissued three months after the Initial Street Hail Livery License Issuance Period begins, the Commission can issue those Accessible Street Hail Livery Licenses to any Applicants who meet all requirements for licensure except the requirement that the Applicant has held for at least one year a For-Hire Vehicle License or [For-Hire] TLC Driver’s License in good standing.

Section 86. The penalty provisions of subdivisions (c) and (g) of section 82-11 of Title 35 of the Rules of the City of New York are amended to read as follows:

§82-11(c)	Fine: [Notice to correct within 10 days. Failure to comply:] \$200 and suspension until compliance	Appearance REQUIRED
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§82-11(g)	Fine: [Notice to correct within 10 days. Failure to comply:] \$200 and suspension until compliance	Appearance REQUIRED
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Section 87. Subdivision (e) of section 82-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Report of [Accidents] Collisions*

- (1) *Report to Insurance Carrier.* Any [accident] Collision involving a Street Hail Livery that is required by the insurance policy to be reported to the insurance carrier must be immediately reported to the carrier by the Licensee, in writing.

§82-14(e)(1)	Fine: \$500-\$1,000	Appearance REQUIRED
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(2) *Report to Commission.*

- (i) A Licensee must immediately report to the Commission in writing all [accidents] Collisions that are required to be reported to the Department of Motor Vehicles (as required by §605 of the Vehicle and Traffic Law) that involve the Licensee’s Street Hail Livery.
- (ii) A Licensee must also provide to the Commission a copy of any legally required report filed with the NYS Department of Motor Vehicles, within 10 days of the date the report is due to be filed with the Department of Motor Vehicles.

§82-14(e)(2)	Fine: \$150 and \$25 for each day of violation thereafter and suspension until compliance	Appearance REQUIRED
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Section 88. Paragraphs (3) and (4) of subdivision (h) of section 82-26 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (3) A Driver who charges a passenger *more* than the actual amount of the *EZ-Pass*® toll is guilty of an overcharge as prohibited by § [54-17] 80-15 [of Chapter 54, *Drivers of Taxicabs and Street Hail Liveries*].
- (4) A Driver who fails to reimburse an *EZ-Pass*® tag holder for all toll charges incurred, including toll charges for which there is no passenger reimbursement, will be subject to the provisions of § [54-15(f)] 80-13(f) [of Chapter 54, *Drivers of Taxicabs and Street Hail Liveries* chapter].

Section 89. Paragraph (4) of subdivision (j) of section 82-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) A violation of paragraphs (1) and (2) is an overcharge under sections [54-17(a)(1)] 80-17(a)(1) and [54-17(i)] 80-17(i) and a Driver can be subject to the penalties for an overcharge under Section [54-02] 80-02.

Section 90. The penalty provision of paragraph (3) of subdivision (k) of section 82-30 of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-32(k)(3)	Fine: \$200 [Notice to correct within 10 Days]	Appearance REQUIRED
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Section 91. Paragraph (2) of subdivision (k) of section 82-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The [Street Hail Livery] TLC Driver’s License;

§82-32(k)(2)	Fine: \$200 [Notice to correct within 10 Days]	Appearance REQUIRED
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Section 92. The penalty provision of subdivision (b) of section 82-33 of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-33(b)(1)-(2)	Fine: [Notice to correct within 10 days; failure to comply:] \$200	Appearance REQUIRED
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Section 93. Paragraph (1) of subdivision (a) of section 82-34 of Title 35 of the Rules of the City of New York is repealed and paragraphs (2) through (11) are renumbered paragraphs (1) through (10).

Section 94. The penalty provision of subdivision (b) of section 82-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-35(b)	Fine: \$50 [per day except that where the system is installed and malfunctioning, a notice to correct within ten days must be issued]	Appearance REQUIRED
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Section 95. The penalty provision of subdivision (d) of section 82-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

§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, Suspension until the condition is corrected]	Appearance NOT REQUIRED
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Section 96. Subparagraph (i) of paragraph (2) of subdivision (c) of section 82-40 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) Clearly warning Drivers that if they violate the Taximeter or LPEP tampering rules, Licensee will:
 - A. Immediately terminate any lease agreement the Street Hail Livery Licensee has with the Driver; and
 - B. Report the tampering violation to the Commission, which will result in the probable revocation of their [Street Hail Livery] TLC Driver's License;

Section 97. Subdivision (a) of section 82-47 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) This Chapter is informational in nature and does not contain penalties. Penalties for failure to follow the rules established in this Subchapter will be found in Subchapter A of this Chapter and Chapter [54] 80 which establish specific requirements for Street Hail Livery Drivers and Licensees.

Section 98. Paragraph (2) of subdivision (a) of section 82-56 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to have a clear and

unobstructed view of the [Street Hail Livery] TLC Driver's License, Rate Card, and front windshield.

Section 99. Paragraph (4) of subdivision (b) of section 82-56 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) The entire protective plate of each partition must have sufficient padding to prevent injury to any rear-seat passenger in case of [an accident] a Collision or sudden stopping, and all surfaces must be free of sharp and rough edges.

Section 100. Subdivision (vv) of section 83-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (vv) *TLC[-issued] Driver's License.* [A Valid Taxicab Driver's License or a Valid For Hire Driver's license held by a Street Hail Livery Driver] The authority granted by the Commission to an individual to drive a Taxicab, For-Hire Vehicle or Street Hail Livery in the City of New York.

Section 101. Paragraph (2) of subdivision (b) of section 83-28 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The TLC[-issued] Driver's License number of any [driver or drivers] Driver or Drivers who presented the vehicle to the LPEP Provider;

Section 102. Item (II) of 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:

- (II) [SHL] TLC Driver's License number;

...

Section 103. Paragraphs (5), (6) and (8) of subdivision (l) of section 83-31 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (5) The LPEP must check the [SHL] TLC 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] TLC 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] TLC 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.
- (8) The LPEP must check the [SHL] TLC 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] TLC 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;

Section 104. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 80, to read as follows:

Chapter 80

Drivers of Taxicabs, For-Hire Vehicles and Street Hail Liveries

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§80-01 **Scope of This Chapter**

- (a) To establish procedures for the licensing and regulation of Drivers Licensed by the Taxi and Limousine Commission to drive Taxicabs, For-Hire Vehicles, and Street Hail Liveries.
- (b) To establish operating rules to protect the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§80-02 **Definitions Specific to This Chapter**

- (a) Defined Terms are Capitalized. All terms defined in this Chapter or in Chapter 51 (“Definitions”) appear in this text with the initial letter in each word of the term capitalized (Example: TLC Driver’s License, not TLC driver’s license.)
- (b) General Terms are Specific to “Taxicabs,” “For-Hire Vehicles,” or “Street Hail Liveries” in this Chapter.
 - (i) When used in this Chapter, capitalized terms such as
 - A. Driver will mean the Driver of a Taxicab, For-Hire Vehicle or Street Hail Livery. The term Driver can also mean a Paratransit Driver operating an Accessible Street Hail Livery pursuant to Section 80-04.1.
 - B. Vehicle will mean a Taxicab, For-Hire Vehicle or Street Hail Livery.
 - C. License will mean the TLC Driver’s License.
- (c) Definitions
 - (1) Applicant in this chapter refers to an Applicant for an original or renewal TLC Driver’s License.
 - (2) Application in this chapter refers to an application for a TLC Driver’s License, including all documentation and other information submitted as part of the application.
 - (3) Driver, in this chapter, means a holder of a TLC Driver’s License.

- (4) License in this Chapter means a TLC License to drive a Taxicab, Street Hail Livery and For-Hire Vehicle.
- (5) Qualified Vehicle License (or “QVL”) is the license issued by an Issuing Jurisdiction to that jurisdiction’s vehicles authorizing them to provide pre-arranged, for-hire transportation within its jurisdiction.
- (6) Qualified Driver’s License (or “QDL”) is a license issued by an Issuing Jurisdiction to that jurisdiction’s drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its jurisdiction.
- (7) Reciprocity (or Reciprocal Recognition) means that:
- (i) New York City For-Hire Vehicles and Drivers can do pickups or drop offs in Issuing Jurisdictions for trips ending or beginning in NYC, and
 - (ii) Vehicles and drivers that are licensed to perform for-hire transportation by a Issuing Jurisdiction can do pickups or drop offs in NYC for trips ending or beginning in the Issuing Jurisdiction.
- (8) Use an Electronic Communication Device (or Using an Electronic Communication Device), in this Chapter, means to
- (1) Operate any function of an Electronic Communication Device in any way, or
 - (2) Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.
 - (3) Exception: In a Street Hail Livery or For-Hire Vehicle, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:
 - (i) The communication is about a Dispatch; and
 - (ii) The communication occurs using either an FCC-licensed commercial two-way radio or a device, including a smart phone, which is mounted in a fixed position and not hand-held; and
 - (iii) The communication occurs using either voice or one-touch pre-programmed buttons or keys.
- (9) Vehicle, in this Chapter, refers to a Taxicab, a For-Hire Vehicle or a Street Hail Livery.

§80-03 Penalties

- (a) Unlicensed Activity.

- (1) Unlicensed Activity is the act of providing, soliciting or advertising the provision of any Commission-regulated for hire transportation service by:
 - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
 - (ii) Any person who does not hold a Valid License as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
- (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend a Hearing.
- (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:
 - (i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.
 - (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent’s License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.
- (d) Discretionary Penalties. In the alternative to any of the specific penalties established in this Chapter, the Commission may in its discretion, impose a penalty of License revocation, License suspension of up to six months, and/or a fine, not to exceed \$1,000 for each violation, against a Licensed Driver. (See Chapter 68 Adjudications, §68-02)
- (e) Mandatory Penalties. If a Licensee has violated a Rule listed below, or any combination of these Rules, the Taxi and Limousine Tribunal at OATH or, if applicable, the Chairperson will impose the following mandatory penalties and fines.

<u>VIOLATION Description</u>	<u>Rule</u>	<u>Mandatory Penalty/Fine - ALL</u>
<u>1. Overcharging Passengers</u>	<u>§80-15(a)(1) & (2) & (3), 80-15(k)(1) & (2)</u>	<u>First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>
<u>2. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties</u>	<u>§80-18(a)(1) & (5)</u>	<u>Second violation (any combination of violations) w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible</u>

3. Refusal of service – Requiring assistant for Passengers with a disability, or seeking to charge additional fares for such an assistant	<u>§80-18(a)(2)</u>	<u>suspension of License for up to 30 days if found guilty following a hearing.</u>
4. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for Passengers with a disability	<u>§80-18(a)(3)</u>	<u>Third violation (any combination of violations) w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing.</u>
5. Refusal of service – Seeking destination before Passenger is seated inside vehicle	<u>§80-18(a)(4)</u>	

- (1) \$10-or-More Overcharge. Notwithstanding the penalty cited above for overcharging passengers in violation of Rule 80-15(a)(1) and (2), if a Driver charges or attempts to charge \$10 or more above the approved rate of fare or above the rate quoted by the For Hire Base for a prearranged trip, the Taxi and Limousine Tribunal at OATH or the Chairperson will revoke the Driver’s License and may require a Driver to return any overpayment to the Passenger.
- (2) Calculating Time Periods. The Taxi and Limousine Tribunal at OATH or the Chairperson will count the 24- and 36-month penalty periods going backwards, from the date of the last violation.
- (3) No License Issued for Period of One Year Following Certain Violations. A driver who has had his or her License revoked for any of the above violations will not be able to receive any Commission License for a period of one year from the date of revocation.

(f) Paratransit Drivers operating Accessible Street Hail Liveries.

- (i) When a Paratransit Driver is operating an Accessible Street Hail Livery, as provided in section 80-04.1 of this chapter, the requirements of this Chapter as to the operation of a Street Hail Livery apply to such Paratransit Driver driving an Accessible Street Hail Liveries and such Paratransit Driver can be issued a summons for a violation of this Chapter relating to the operation of a Street Hail Livery.

§80-04 Licensing – Requirements

- (a) Age. An Applicant for a TLC Driver's License must be at least 19 years of age.
- (b) Identification. An Applicant for an original TLC Driver’s License must produce both of the following proofs of identity:
 - (1) A Valid Government-issued photo ID.
 - (2) A Valid Social Security number.
- (c) Chauffeur’s License. An Applicant must have a Valid Chauffeur’s License.

- (d) Summary of Driving Record. An Applicant whose driver's license has been issued by a state other than New York or who has held a driver's license issued by a state other than New York within the two years prior to the date of the Application, must provide the Commission with an abstract of his or her driving record from the state that issued the Applicant's driver's license, dated no more than 90 days prior to the date of the Application, covering at least the two years prior to the date of the Application.
- (e) Physical and Mental Fitness for the Job.
- (1) The Applicant must be of sound mental and physical condition and fit to safely operate a vehicle and fulfill the duties of a licensee.
 - (2) The Applicant's fitness must be certified by a physician licensed by the State of New York or by the Applicant's state of residence on forms provided by the Commission.
 - (3) The Commission can, for good cause, require the Applicant to be examined by a licensed physician chosen by the Commission.
 - (4) An existing License can be suspended or revoked if the Driver fails to be examined for a physical or mental condition.
- (f) Familiar with New York. Applicant must be familiar with the following:
- (1) The geography, streets and traffic regulations of the City of New York
 - (2) The rules and regulations of the New York City Taxi and Limousine Commission
 - (3) The Vehicle and Traffic Law of the State of New York.
- (g) Pass Drug Test.
- (1) All Applicants for new TLC Driver's Licenses, except New York City Police Officers, must be tested, at the Applicant's expense, for drugs or controlled substances.
 - (2) The Commission designates who can perform the drug test and will only designate an individual or entity that has a permit issued by the New York State Department of Health.
 - (3) If an Applicant tests positive for drugs or controlled substances, the Commission will deny the Applicant's license and such decision is final.
- (h) Fingerprinting for the Purpose of Determining Good Moral Character.

- (1) The Applicant must be of good moral character.
 - (2) An Applicant for a TLC Driver's License will be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services.
 - (3) The criminal history of any Applicant, including a renewal Applicant, will be reviewed in a manner consistent with Article 23-A of the New York State Correction Law.
 - (4) The application of any Applicant will be denied, and the TLC Driver's License of any current holder will be revoked, following a conviction for any serious criminal offense (as set forth in §498(1)(f) of the New York Vehicle and Traffic Law).
 - (5) The Applicant will pay any processing fee required by the State.
- (i) Agreement to Accept Legal Notices or Processes.
- (1) An Applicant must agree to accept service of any sort of notice or legal process issued by any agency of the City of New York upon the Applicant (Licensee) at the Applicant's Mailing Address.
 - (2) These official notices can be left with a member of the Applicant's (Licensee's) family or any other person who also lives at the Applicant's (Licensee's) Mailing Address.
- (j) Training. The Commission requires that Applicants complete the required courses and pass all prescribed tests, both oral and written, as administered by the Commission or at its direction.
- (1) Defensive Driving Course. (i) Applicants for a new TLC 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.
 - (ii) Applicants for a renewal TLC Driver's License must hold a current certificate of completion that was issued no more than three years prior to the renewal application date for the required hours of instruction in a Defensive Driving Course.
 - (2) Authorized Driver Education Training. After an application for licensure has been accepted by the Commission, Applicants for a new TLC Driver's License must complete the Authorized Driver Education Training course and pass an examination on course subjects as a condition of licensure.
 - (3) Authorized License Renewal Course. Applicants for a renewal TLC Driver's License must complete the Authorized License Renewal Course within 90 days prior to the renewal application date.

- (4) Wheelchair Passenger Assistance Training. Applicants for a new TLC Driver's license must complete the Wheelchair Passenger Assistance Training as a condition of licensure. Applicants for a renewal TLC Driver's License who have never attended and completed Wheelchair Passenger Assistance Training must attend and complete such training in order to renew the TLC Driver's License.
- (5) Sex Trafficking Awareness Training.
- (i) All Applicants, including Applicants for renewal licenses, must do all of the following:
- A. Complete Sex Trafficking Awareness Training, and
- B. Certify to the Commission as part of his or her application that he or she has completed such training.
- (ii) For any Applicant applying for a License or for renewal of a License, completion of Sex Trafficking Awareness Training and certification of completion are conditions for the issuance or renewal of such license.
- (iii) Continuing Sex Trafficking Awareness Training. Applicants who have previously completed the Sex Trafficking Awareness Training at least once and have certified that they have done so as required by subparagraphs (i) and (ii) of this paragraph, are not required to do so again, provided that they do all of the following:
- A. The Applicant must obtain and review the Continuing Sex Trafficking Awareness Training materials approved by the Commission, and
- B. The Applicant must certify to the Commission as part of his or her application that he or she has obtained and reviewed Continuing Sex Trafficking Awareness Training material provided by the Commission.
- C. For applicants who qualify to use this exception, review of the written Continuing Sex Trafficking Awareness Training materials and certification of obtaining and review of such materials are conditions for the issuance or renewal of a license.
- (6) Military Exemption. Any Applicant for a License who previously held a Valid TLC Driver's License, a Taxicab Driver's License or a For-Hire Driver's License will not be required to take the Authorized Driver Education Training, provided that the Applicant meets the following conditions:
- (i) The Applicant's previous Driver's License expired solely because the Applicant was not available to renew his or her License because he or she was engaged in active military service.

- (ii) The Applicant's military service began before the expiration date of his or her prior License.
 - (iii) The Applicant filed an application within 90 days of completing active military service, and in no event later than three years following expiration of the prior License.
 - (iv) The Applicant provided proof of the dates of active military service.
 - (v) The Applicant meets all other requirements for obtaining a new License.
- (7) *Exemption for New York City Police Officers.* Any Applicant for a License who is a New York City Police Officer will not be required to take the Authorized Driver Education Training, provided that the Applicant meets the following conditions:
- (i) Applicant must present a letter from his or her commanding officer approving the application.
 - (ii) Applicant must pass an examination authorized by the Commission.
- Applicant must meet all other requirements for obtaining a new License.
- (8) *Life Experience Exemption.* Any Applicant for a License who previously held a valid Taxicab Driver's License, For-Hire Driver's License or TLC Driver's License will not be required to take the Authorized Training course, provided that the applicant meets all of the following conditions:
- (i) The Applicant obtained the previous Taxicab Driver's License, For-Hire Driver's License or TLC Driver's License before January 1, 1999.
 - (ii) The prior Taxicab Driver's License, For-Hire Driver's License or TLC Driver's License expired because the Applicant failed to renew that license.
 - (iii) The Applicant applies for the TLC Driver's License no later than two years after the expiration date of the prior Taxicab Driver's License, For-Hire Driver's License or TLC Driver's License.
 - (iv) The Applicant meets all other requirements for obtaining a new TLC Driver's License.
 - (v) The Applicant had no outstanding fines when the Applicant's prior Taxicab Driver's License, For-Hire Driver's License or TLC Driver's License expired unless such fines have been paid at the time of application.

- (l) Training Providers. Providers of training and courses required by this Chapter must be approved by the Commission, must administer the curriculum required by the Commission, and must have received Commission approval of all fees charged in relation to such training and courses.
- (m) Application Submission. Applicants must complete the application forms provided by the Commission and must file the applications as directed by the Commission.
- (n) Address. An Applicant must give the Commission the Applicant's current Mailing Address and a current and valid E-mail Address.
- (o) Payment of Fines and Fees.
- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
- (i) the Commission,
 - (ii) NYC Department of Finance's Parking Violations Bureau,
 - (iii) NYC Department of Finance's Red Light Camera Unit,
 - (iv) NYS DMV's Traffic Violations Bureau and
 - (v) any of their successor agencies.
- (2) This requirement includes payment of fines and fees owed as of the date of the application by
- (i) any Business Entity Persons of the Applicant
 - (ii) any Business Entity of which the Applicant is a Business Entity Person, and
 - (iii) any Business Entity of which a Business Entity Person of the Applicant is also a Business Entity Person.
- (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to the Applicant's failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (p) Material Changes in the Application. The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:
- (1) Changes in Applicant's Chauffeur's License status;
 - (2) Changes in mailing address or E-mail address;

- (3) Additional criminal convictions;
- (4) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or
- (5) Any change to the information provided or submitted with the Application.

§80-04.1 Licensing – Paratransit Driver Authorization to Drive a Street Hail Livery

The holder of a Valid Paratransit Driver’s License is authorized to drive a Street Hail Livery for hire, subject to the provisions and requirements of this chapter, including that the Paratransit Driver meets the eligibility requirements of this Chapter and that the Paratransit Driver complies with all requirements in this Chapter while operating a Street Hail Livery, BUT:

- (a) The holder of a Valid Paratransit Driver’s License is authorized ONLY to drive an Accessible Street Hail Livery and
- (b) The holder of a Valid Paratransit Driver’s License must comply with all requirements of this Chapter while operating an Accessible Street Hail Livery.

§80-05 Licensing – Term of License

- (a) License Term. A License issued to a new Applicant will expire three years from the date the License was issued.
- (b) Renewal License Term. A License issued to a renewing Applicant will expire three years from the date on which the previous License expires.
- (c) Extensions. The Commission can extend the expiration date of a renewal License by up to an additional 90 days. If an expiration date is extended, the required drug test must be dated within 90 days before (and no later than) the extended expiration date.
- (d) Advancement. If a Licensee will not be available for drug testing during the 90 days before his or her License is scheduled to expire, the Licensee can ask the Commission to move and reset the License expiration to an earlier date, provided that:
 - (1) A Licensee makes only one such request during the term of a License.
 - (2) The request is complete and accurate and submitted on the proper Commission form.
- (e) When to File for Renewal
 - (1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License in order to avoid a late fee.
 - (2) A renewing Applicant can file a completed application less than 30 days before the expiration date as a “late application,” if the Applicant pays a late fee of \$25.

- (3) The date of submission is the date an application is filed online.
- (4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(f) Suspended Licenses.

- (1) If a License is suspended, the Licensee must apply for renewal as required in subdivision (e) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.
- (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

§80-06 Licensing – Fees

- (a) Fee for License. The fee for a TLC Driver's License will be \$84 annually.
- (b) When Fee is Paid. The fee for an original or renewal License must be paid at the time the application is filed.
- (c) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves the application.
- (d) Late Filing Fee. The Commission will charge an additional fee of \$25 for a late filing of a renewal application.
- (e) License Replacement Fee. The Commission will charge a fee of \$25 for each License it issues to replace a lost, stolen or mutilated License.
- (f) Fees for Trainings and Other Courses. Participants in a training or course required in this Chapter are responsible for any fees associated with that training or course.

§80-07 Licensing – Process and Causes for Denial of License

- (a) Fit to Hold a License - Applicant. The Chairperson will deny the original or renewal License of any Applicant who fails to demonstrate that the Applicant is Fit to Hold a License. The Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.
- (b) Fit to Hold a License - Licensee. If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny the Driver's renewal application or may seek to suspend or revoke his or her License.

(c) Denial of an Application. The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson for processing, no Application fees will be refunded.

(1) Three-Year Ban. The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:

(i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.

(ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.

(iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.

(iv) Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §80-03(e) of these Rules

1. The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.

2. Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period preceding the date of the request for the waiver.

(2) One-Year Ban. The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

(i) More than three Collisions within a single year. The one-year ban will be counted from the date of the last Collision.

(ii) The traffic infraction of unlicensed operation of a motor vehicle.

- (iii) Prior Application Denied. The Chairperson will deny an Application that is submitted within one year after the submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior Application was submitted to the Commission.
 - (iv) Illegal use of Drugs, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.
- (3) Other Reasons for Denial of an Application.
- (i) Mistake or Omission in the Application. The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.
 - (ii) Eligible for Critical Driver Penalty. The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or revocation under the Critical Driver Program at the time the Application is submitted.
 - (iii) Pendency of Criminal Charges. The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.
- (4) Settlements. When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the agreement is in writing.
- (d) Failure to Complete Application Requirements.
- (1) The Chairperson will deny an Application for a new License if the Applicant has not completed all of the requirements of an Application within 90 days of the date the Application is filed.
 - (2) The Chairperson will deny an Application for a renewal License if the Applicant has not completed all of the requirements of an Application by the expiration date of the prior License.

(3) The Chairperson will not deny an Application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.

(e) Additional Consideration of an Application. If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in denial of the application.

§80-08 Licensing – Care and Use of License

(a) Loss or Theft of License. A Driver must notify the Commission in writing of the loss or theft of his or her TLC Driver's License within 72 hours (not counting weekends and holidays).

§80-08(a)	Fine: \$50	Appearance NOT REQUIRED
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(b) Unreadable License. A Driver must immediately surrender any unreadable or unrecognizable TLC Driver's License to the Commission for replacement and reissue.

§80-08(b)	Fine: \$50	Appearance NOT REQUIRED
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(c) Restrictions on License. A Driver must comply with all restrictions upon his or her Chauffeur's License.

§80-08(c)	Fine: \$50	Appearance NOT REQUIRED
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(d) No Alteration. A Driver must not alter in any way any portion of his TLC Driver's License or the attached photograph.

§80-08(d)	Fine: \$50	Appearance NOT REQUIRED
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(e) Keep Likeness Updated. Whenever a Driver's physical appearance has changed to any significant extent, the Driver must contact the Commission and arrange to have a new photograph of him- or herself taken at the Commission offices.

§80-08(e)	Fine: \$50	Appearance NOT REQUIRED
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(f) Surrender of License. A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§80-08(f)	Fine: \$1,000 to be paid if Driver applies for a new License of any type.	Appearance N/A
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§80-09 Comply with Laws – Unlicensed Activity

(a) *Driver Must Have Valid TLC Driver’s License.*

- (1) *A driver must not operate a Taxicab, a For-Hire Vehicle and/or a Street Hail Livery in the City of New York while his or her TLC Driver's License is revoked, suspended or expired.***
- (2) *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.***

<u>§80-09(a)</u>	Fine: First Violation: \$350 Second Violation in 36 months: \$500 Third Violation: revocation.	<u>Appearance NOT REQUIRED</u>
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(b) *Any driver who operates a Taxicab, For-Hire Vehicle or Street Hail Livery after his or her License expires and before a renewal License is issued is engaged in Unlicensed Activity.*

(c) *Driver Must Have Valid Chauffer’s License.*

- (1) *A Driver must not operate a Taxicab, a For-Hire Vehicle or a Street Hail Livery without a Valid Chauffeur's License. The License of a Driver who operates a Taxicab, For-Hire Vehicle or Street Hail Livery 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 that is not in compliance with Article 19-A constitutes the same offense as driving a For-Hire Vehicle without a Valid License.***

<u>§80-09(c)(1)-(2)</u>	Fine: First Violation: \$350 and Suspension until compliance. Second Violation in 36 months: \$500 and Suspension until compliance. Third Violation: revocation.	<u>Appearance NOT REQUIRED</u>
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(3) *A driver must immediately surrender his or her TLC Driver's License to the Commission upon the revocation of his or her Chauffeur’s License.*

<u>§80-09(c)(3)</u>	Fine: \$100	<u>Appearance NOT REQUIRED</u>
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(d) *Vehicle Must Be Licensed.* A Driver must not knowingly operate a vehicle for hire unless it is a Licensed Taxicab, For-Hire Vehicle or Street Hail Livery.

§80-09(d)	Fine: \$350 and/or minimum 5 day to maximum 30 day suspension	Appearance REQUIRED
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- (e) No Unauthorized Use of TLC Driver's License. A Driver must not permit any other person to use the Driver's TLC Driver's License or TPEP or LPEP login credentials while operating any vehicle. A Driver must not use any other Driver's TLC License or TPEP or LPEP login credentials while operating any Vehicle.

§80-09(e)	Fine: \$10,000 and revocation	Appearance REQUIRED
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- (f) No Unlicensed Use of Vehicle.

- (1) A Driver must not permit a Vehicle to be operated for hire by a person who does not have a Valid TLC Driver's License.

§80-09(f)(1)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension	Appearance REQUIRED
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- (2) During the work shift a Driver must not allow another person to operate the Vehicle or occupy the Driver's seat, except in the event of an emergency.

§80-09(f)(2)	Fine: \$50	Appearance NOT REQUIRED
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§80-10 Comply with Laws – Proper Conduct

- (a) Bribery.

- (1) Bribery. An Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.
- (2) Do Not Offer Gift to Airport or Transportation Terminal Staff. A Licensee must not offer or give any gift, gratuity, or thing of value to anyone at the Port Authority of New York and New Jersey, LIRR, Metro-North, or any similar airport or other transportation terminal who is employed to do the following:
- (i) Ground transportation information services,
 - (ii) Dispatching service,
 - (iii) Security services,
 - (iv) Traffic and parking control, or
 - (v) Baggage handling.

§80-10(a)(1)-(2)	Fine: \$10,000 and revocation	Appearance REQUIRED
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- (b) Failure to Report Bribery. A Licensee must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity or thing

of value by any employee, representative or member of the Commission or any other public servant.

§80-10(b)	Fine: \$1,000 and/or minimum 5 day to maximum 30 day suspension	Appearance REQUIRED
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- (c) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§80-10(c)	Fine: \$350-\$1,000 and/or minimum 5 day to maximum 60 day suspension, plus restitution if theft. Points: 4	Appearance REQUIRED
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- (d) *Acts Against Public Interest.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or fail to perform, alone or with another, any act where the act or failure to perform such act is against the best interests of the public, although not specifically mentioned in these rules.

§80-10(d)	Fine: \$150-\$350 and/or minimum 5 day to maximum 30 day suspension Points: 3	Appearance REQUIRED
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- (e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person, and must not distract or attempt to distract any Service Animal.

§80-10(e)	Fine: \$350-\$1,000 and/or minimum 5 day to maximum 30 day suspension Points: 3	Appearance REQUIRED
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- (f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal.

§80-10(f)	Fine: \$500-\$1,500 and/or minimum 5 day to maximum 60 day suspension Points: 4	Appearance REQUIRED
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- (g) *Threat or Harm to Service Animal.* A Licensee must not distract, harm or use physical force against or attempt to distract, harm or use physical force against a Service Animal accompanying a Person with a Disability.

§80-10(g)	Fine: \$500-\$1,500 and/or minimum 5 day to maximum 60 day suspension Points: 4	Appearance NOT REQUIRED
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- (h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission in writing within 15 calendar days after any criminal conviction of the Licensee.

- (2) Licensee must also provide the Commission with a certified copy of the certificate of disposition issued by the clerk of the court within 15 days after sentencing.

<u>§80-10(h)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(i) Cooperate with the Commission.

- (1) A Driver must truthfully answer all questions and promptly comply with all communications, directives, and summonses issued by the Commission or its representatives, including the NYC Department of Investigation.

- (2) Upon request of the Commission, a Driver must produce any license, Rate Card, Trip Record or other documents Licensee is required to have or be reasonably able to obtain, whenever the Commission requires it.

<u>§80-10(i)(1)-(2)</u>	<u>Fine: \$300 and Suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (3) (i) A Driver must report any change of Mailing Address and E-mail Address to the Commission within ten days.

<u>§80-10(i)(3)(i)</u>	<u>Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

- (4) A Driver must remove all currency from the Vehicle's interior prior to its examination by any Commission personnel.

<u>§80-10(i)(4)</u>	<u>Fine: \$50</u>	<u>Appearance NOT required</u>
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- (5) A Driver must cooperate with all dispatchers at public transportation terminals and at authorized group-ride Taxicab lines

<u>§80-10(i)(5)</u>	<u>Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	<u>Appearance NOT required</u>
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(j) Cooperate with Law Enforcement.

- (1) A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission.

- (2) Cooperation includes, but is not limited to, responding to a request for the Driver's name, License number, Rate Card, Trip Records, and any other documents the Driver is required to have in his or her possession.

<u>§80-10(j)</u>	<u>Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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- (k) No Use of Vehicle for Unlawful Purpose. A Driver must not use or permit any other person to use his or her Vehicle for any unlawful purpose.

<u>§80-10(k)</u>	<u>Fine: \$250 and/or minimum 5 day to maximum 30 day suspension</u>	<u>Appearance REQUIRED</u>
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- (l) Report Attempt to Use Vehicle for Unlawful Purpose. A Driver must report immediately to the police any attempt to use his or her Vehicle to commit a crime or escape from the scene of a crime.

<u>§80-10(l)</u>	<u>Fine: \$200</u>	<u>Appearance REQUIRED</u>
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- (m) No Concealment of Crime. A Driver must not conceal any evidence of a crime or voluntarily aid violators to escape arrest.

<u>§80-10(m)</u>	<u>Fine: \$350-\$1,000 and/or suspension up to 30 days.</u>	<u>Appearance REQUIRED</u>
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- (n) Facilitation of Sex Trafficking with a Vehicle. A Licensee must not Facilitate Sex Trafficking with a Vehicle.

<u>§80-10(n)</u>	<u>Fine: \$10,000 and revocation.</u>	<u>Appearance NOT REQUIRED</u>
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§80-11 Comply with Laws – Traffic Laws & Miscellaneous

- (a) Comply with Traffic Laws. Drivers of Taxicabs, For-Hire Vehicles and Street Hail Liveries (including any authorized driver of a Paratransit Vehicle while driving a Street Hail Livery) must comply with all applicable traffic laws, rules, and regulations. Drivers of Taxicabs, For-Hire Vehicles and Street Hail Liveries (including any authorized driver of a Paratransit Vehicle while driving a Street Hail Livery) are subject to additional fines and penalties that will be imposed by the Commission for violating the traffic laws as follows:

- (1) Laws, rules or regulations governing stationary vehicles.
- (i) Except where expressly forbidden, a Vehicle is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a street where parking is not prohibited, provided the Driver remains seated in his or her Vehicle, ready for operation at all times.

<u>§80-11(a)(1)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(2) Laws, rules or regulations governing moving vehicles, other than those defined by paragraph (3) of this subdivision.

<u>§80-11(a)(2)</u>	<u>Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:

<u>§80-11(a)(3)</u>	<u>Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing, for each violation below. Points: As listed below.</u>	<u>Appearance NOT REQUIRED</u>
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<u>Rule</u>	<u>VIOLATION</u>	<u>Points</u>
<u>§80-11(a)(3)(i)(A)</u>	<u>SPEEDING 1 to 10 miles above posted speed limit</u>	<u>3</u>
<u>§80-11(a)(3)(i)(B)</u>	<u>SPEEDING 11 to 20 miles above posted speed limit</u>	<u>4</u>
<u>§80-11(a)(3)(i)(C)</u>	<u>SPEEDING 21 to 30 miles above posted speed limit</u>	<u>5</u>
<u>§80-11(a)(3)(i)(D)</u>	<u>SPEEDING 31 to 40 miles above posted speed limit</u>	<u>6</u>
<u>§80-11(a)(3)(i)(E)</u>	<u>SPEEDING 41 or more miles above posted speed limit</u>	<u>8</u>
<u>§80-11(a)(3)(ii)</u>	<u>Failing to stop for school bus</u>	<u>5</u>
<u>§80-11(a)(3)(iii)</u>	<u>Following too closely (tailgating)</u>	<u>4</u>
<u>§80-11(a)(3)(iv)</u>	<u>Inadequate brakes (own vehicle)</u>	<u>4</u>
<u>§80-11(a)(3)(v)</u>	<u>Inadequate brakes (employer's vehicle)</u>	<u>2</u>
<u>§80-11(a)(3)(vi)</u>	<u>Failing to yield right of way</u>	<u>3</u>
<u>§80-11(a)(3)(vii)</u>	<u>Traffic signal violation</u>	<u>3</u>
<u>§80-11(a)(3)(viii)</u>	<u>Stop sign violation</u>	<u>3</u>
<u>§80-11(a)(3)(ix)</u>	<u>Yield sign violation</u>	<u>3</u>
<u>§80-11(a)(3)(x)</u>	<u>Railroad crossing violation</u>	<u>3</u>
<u>§80-11(a)(3)(xi)</u>	<u>Improper passing</u>	<u>3</u>
<u>§80-11(a)(3)(xii)</u>	<u>Unsafe lane change</u>	<u>3</u>
<u>§80-11(a)(3)(xiii)</u>	<u>Driving left of center</u>	<u>3</u>
<u>§80-11(a)(3)(xiv)</u>	<u>Driving in wrong direction</u>	<u>3</u>
<u>§80-11(a)(3)(xv)</u>	<u>Leaving scene of an accident involving property damage or injury to animal</u>	<u>3</u>

(4) Report Before Leaving Scene. A Driver who knows or should have known that a Collision involving the Driver's Vehicle resulted in personal injury to another or damage to another's property must stop before leaving the scene of the Collision, and if the other involved party is present, must:

(i) Show his or her Chauffeur's License, TLC License (and, where applicable, Rate Card or Vehicle License) to the other party involved in the incident.

- (ii) Give the other involved party or the police his or her name, Chauffeur's License number, TLC Driver's License and any other vehicle and license type identification, as well as the name of the Vehicle's insurance carrier and the insurance policy number.

§80-11(a)(4)	Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period Points: 3	Appearance <u>REQUIRED</u>
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- (5) Notify Vehicle Owner of Collision. If the Driver is involved in a Collision, the Driver must immediately report the Collision to the owner of the Vehicle.

§80-11(a)(5)	Fine: \$100 Points: 3	Appearance <u>NOT REQUIRED</u>
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- (6) Payment of Traffic Judgments. The holder of a Driver's License issued under this chapter must satisfy any outstanding judgment and pay any civil penalty owed for a traffic violation in a Issuing Jurisdiction or a violation of the regulations of a Issuing Jurisdiction.

§80-11(a)(5)	Fine: \$100 Points: 3	Appearance <u>NOT REQUIRED</u>
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(b) Workers' Compensation Laws.

- (1) A Driver who suffers a disabling work-related injury and has filed for Workers' Compensation benefits must:

- (i) Surrender his or her TLC Driver's License to the Commission

§80-11(b)(1)(i)	Fine: \$75	Appearance <u>REQUIRED</u>
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- (ii) Cease driving while claiming a disability. If a Driver files for Workers' Compensation benefits claiming an injury that prevents the Driver from working as a Driver, the Driver must stop driving as a For-Hire Driver and return his or her Driver's License to the Commission.

§80-11(b)(1)(ii)	Fine: \$150	Appearance <u>REQUIRED</u>
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- (2) Return to Work.

- (i) The Driver's License will be returned when the Driver submits documentation to the Commission that he or she has recovered and is no longer receiving Workers' Compensation benefits.

(ii) Where applicable, the owner of the Taxicab is required to provide the Driver with documentation indicating that the Workers' Compensation benefits have ended, as provided in Chapter 58, §58-14(d) of these Rules.

(c) MTA Tax: Taxicab and Street Hail Livery Trips

(1) For all trips completed in a Taxicab or Street Hail Livery where the MTA Tax must be charged as required by §80-15(g):

(i) A Taxicab Driver who is not a Taxpayer must pay the Taxpayer the MTA Tax collected for each Taxicab trip for which the MTA Tax is due.

(ii) A Street Hail Livery Driver must pay the Street Hail Livery Base with which the Street Hail Livery is affiliated the MTA Tax collected for each trip for which the MTA Tax is due.

§80-11(c)(1)	Fine: \$50 per occurrence	Appearance REQUIRED
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§80-12 Operations – Passenger and Driver Safety

(a) Reckless Driving Rule. A Driver must not operate his or her Vehicle in a manner that would violate section 1212 of the NYS Vehicle and Traffic Law.

§80-12(a)	Fine: \$350-\$1,000 and/or suspension up to 30 days, or revocation if Driver is found guilty of having violated this rule more than three times within an 18-month period Points: 4	Appearance REQUIRED
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(b) Driving While Impaired.

(1) A Driver must not operate a Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content) or while he or she is under the influence of Drugs.

(2) A Driver must not drive or occupy his or her Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any Drugs.

(3) A Driver may be charged with Driving While Impaired regardless and independent of any of the Driver's previous Drug Test results.

§80-12(b)	Fine: Revocation	Appearance REQUIRED
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(c) Drug Testing for Cause. If the Commission has a reasonable suspicion that a Driver has used a Drug that makes him or her unfit to operate a Vehicle safely, the Commission can direct the Driver to be tested, at the Driver's expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

§80-12(c)	Fine: Suspension until compliance	Appearance NOT REQUIRED
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(d) Annual Drug Testing.

- (1) All Drivers except (1) Drivers who are City of New York Police Officers or (2) Paratransit drivers, must be tested annually, at the Driver’s expense, for Drugs in order to retain Valid Licenses.
- (2) The drug testing must be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.
- (3) For Drivers in the first year of a three -year License, the testing must occur no sooner than 90 days before the one-year anniversary date of the License, and not after the one-year anniversary date.

<u>§80-12(d)(3)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing and suspension until compliance</u>	<u>Appearance NOT REQUIRED</u>
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- (4) For Drivers in the second year of a three-year License, the testing must occur no sooner than 90 days before the second-year anniversary date of the License, and not after the second-year anniversary date.

<u>§80-12(d)(4)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing and suspension until compliance</u>	<u>Appearance NOT REQUIRED</u>
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- (5) For Drivers in the third year of a three-year License, the annual drug testing must occur no sooner than 90 days before the License expiration date, and in no case after the expiration date.

<u>§80-12(d)(5)</u>	<u>If the Driver fails to be tested within this time period, his or her License will expire and will not be renewed</u>	<u>Appearance NOT REQUIRED</u>
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- (e) Results of Drug Test. Driver must pass every drug test, including “For Cause” drug tests under §80-12(c) and “Annual” drug tests under §80-12(d). If the results of either test are positive, or if the sample cannot be tested, the Driver’s License can be revoked after a hearing.

<u>§80-12(e)</u>	<u>Fine: Summary Suspension</u>	<u>Appearance REQUIRED</u>
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- (f) Limits on Consecutive Hours of Driving. A Driver must not operate a Vehicle for more than 12 consecutive hours.

<u>§80-12(f)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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- (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.

<u>§80-12(g)(1)</u>	<p><u>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.</u></p> <p><u>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.</u></p>	<u>Appearance NOT REQUIRED</u>
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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. The Driver must provide proof that the course was completed. 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.

- (3) In a For-Hire Vehicle or Street Hail Livery, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:

- (i) The communication is about a Dispatch; and
- (ii) The communication occurs using either an FCC-licensed commercial two-way radio or a device, including a smart phone, which is mounted in a fixed position and not handheld; and
- (iii) The communication occurs using either voice or one-touch pre-programmed buttons or keys.

- (4) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
 - (ii) The communication reports an imminent threat to life or property;
 - (iii) The Driver could not safely stop the Vehicle to make the report; and
 - (iv) The Driver provides documentary proof of communication with an emergency response provider.
- (h) Serious Crashes. A Serious Crash is one in which any person has suffered Critical Injury or death. “Critical Injury,” for purposes of this subdivision, means any injury determined to be critical by the emergency medical service personnel responding to such crash.
- (1) If a Driver has been issued a summons for or charged with one or more traffic related violations or crimes in a Serious Crash, the Driver’s License may be Summarily Suspended, upon a finding that the Driver’s conduct was a substantial cause of the Serious Crash. Upon conviction of the Driver of one or more of the violations or crimes stated in the summons or charges and upon a determination that one or more of the violations or crimes for which conviction occurred was a cause of Critical Injury or death, the Driver’s License will be revoked. A Summary Suspension pursuant to this section may be lifted pursuant to this Title or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the Chairperson may continue to suspend the Driver’s License pursuant to an investigation into such Driver’s fitness, and such License may be revoked if the Driver is found not Fit to Hold a License (see paragraph (2)). This subdivision does not limit in any way the Chairperson’s authority to Summarily Suspend a Driver for other reasons.
- (2) After any Serious Crash of which the TLC is notified involving a Driver operating a Licensed Vehicle, the TLC will review whether the Driver is Fit to Hold a License under Section 80-07(b) of this Chapter. The TLC can seek Suspension or Revocation of the Driver’s License and can Summarily Suspend the Driver’s License while any fitness review or enforcement action is pending, in accordance with Section 68-15 of this Title.

§80-13 Operations – General Rules During Operation of Vehicle

- (a) No Weapons. While operating a Vehicle, a Driver must not have a Weapon or any other instrument intended to be used as a weapon in his or her possession or in the vehicle without the written permission of the Chairperson.

§80-13(a)	Fine: <u>Revocation</u>	Appearance <u>REQUIRED</u>
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- (b) No Smoking. A Driver must not smoke in a Vehicle.

§80-13(b)	Fine: \$150	Appearance <u>REQUIRED</u>
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(c) Locking Vehicle Doors.

- (1) While on duty and operating for-hire, a Driver must not lock either of the rear doors except with the consent or at the request of a Passenger or for a reason specified in these rules.

§80-13(c)(1)	<p><u>Fine if Passenger inside the Vehicle: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing and/or minimum 5 day to maximum 30 day suspension.</u> <u>Points: 2</u></p> <p><u>Fine if Passenger outside the Vehicle: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u></p>	<u>Appearance REQUIRED</u>
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- (2) A Driver is permitted to lock the front doors. However, a Driver must not refuse to transport a party of four, where one person must occupy the front seat, because the front doors are locked. Such refusal to unlock the front doors is a violation of section 80-13(f)(1).

(d) E-ZPass® Rules

- (1) A Driver must not operate a Taxicab or Street Hail Livery Vehicle for hire that is not equipped with an E-ZPass® tag.
- (2) The Taxicab or Street Hail Livery Driver must use E-ZPass® at all crossings within the jurisdiction of the Metropolitan Transportation Authority, Triboro Bridge and Tunnel Authority, and wherever else E-ZPass® is accepted.
- (3) Taxicab or Street Hail Livery Drivers may use personal E-ZPass® tags to meet this requirement.

§80-13(d)(1)-(3)	<p><u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u></p>	<u>Appearance NOT REQUIRED</u>
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- (4) A Taxicab or Street Hail Livery Driver must forward all tolls paid by the Passengers to the holder of the E-ZPass® tag at the end of his or her shift or lease period.
- (5) If Taxicab or Street Hail Livery Driver has been required to establish a replenishment account, as described in §58-27(d)(2) of the Taxicab Ownerschapter, the Driver must maintain the required balance in the account.

§80-13(d)(4)-(5)	<p><u>Fine: \$50 plus restitution to the E-ZPass® tag holder of any amount not reimbursed</u></p>	<u>Appearance REQUIRED</u>
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(e) Overloading Vehicle.

- (1) A Driver of a Taxicab or a Street Hail Livery must not permit more than four Passengers to ride in a four-Passenger Vehicle, nor more than five Passengers in a five-Passenger Vehicle, except that an additional Passenger must be accepted if the Passenger is under the age of seven (7) and is held on the lap of an adult Passenger seated in the rear.
- (2) A Driver must not permit a Vehicle to be overloaded or to carry more passengers than the Vehicle is equipped to seat based on the NYS DMV registration of the Vehicle.

<u>§80-13(e)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(f) Use of Front Seat.

- (1) A Driver must not refuse to transport a party of four, where one Passenger must occupy the front seat.
- (2) A Passenger who is unable to enter or ride in the rear seat of the Vehicle must be permitted to occupy the front passenger seat.
- (3) If a Passenger's luggage, wheelchair, crutches, other mobility aid or other property occupies the rear seats of the Vehicle, a passenger must be permitted to occupy the front Passenger seat.

<u>§80-13(f)</u>	<u>Fine: \$75</u>	<u>Appearance NOT REQUIRED</u>
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- (g) No Marketing to Passengers. A Driver must not sell, advertise or recommend any service or merchandise to any Passenger without prior written Commission approval. Exception: A Driver of a For-Hire Vehicle or Street Hail Livery can promote the services offered by the vehicle's affiliated Base.

<u>§80-13(g)</u>	<u>Fine: \$50</u>	<u>Appearance REQUIRED</u>
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- (h) No Taxicab Subleases. A Driver who is leasing a Taxicab must not sublease the Taxicab.

<u>§80-13(h)</u>	<u>Fine: First Violation: \$100 Second Violation: \$200 Third Violation: \$300 and/or minimum 5 day to maximum 30 day suspension.</u>	<u>Appearance REQUIRED</u>
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- (i) Courtesy. A Driver must be courteous to passengers.

<u>§80-13(l)</u>	<u>Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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- (j) Parking. While stopped at his or her affiliated Base:

(1) A Livery Driver must use the off-street parking facilities provided by the Base Station Owner and must comply with all applicable traffic and parking regulations.

§80-13(j)	Fine: \$50	Appearance NOT REQUIRED
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(k) No Nuisance Behavior. A Driver stopped at the Base with which the Driver’s Vehicle is affiliated or from which the Driver is being dispatched must not create a nuisance such as, but not limited to:

- (1) Engaging in littering,
- (2) Playing of loud audio material, or
- (3) Horn honking.

§80-13(k)	Fine: \$50	Appearance NOT REQUIRED
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(l) No Horn Honking. A Driver must not engage in horn-honking that violates traffic rules and regulations.

§80-13(l)	Fine: \$50	Appearance NOT REQUIRED
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§80-14 Operations – Comply with Reasonable Passenger Requests

(a) Specific Route. The Driver must comply with all reasonable and lawful routing requests of the Passenger. Unless a Passenger makes a specific request, a Driver must proceed to the Passenger’s destination by the shortest reasonable route.

§80-14(a)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(b) Requests to Change Destination. Passengers may ask the Driver to change their destination or end their ride during their trip. Drivers must comply with these requests unless it is impossible or unsafe. For Hail trips the Passenger will pay the amount shown on the Taximeter or information monitor when the trip ends. For a Pre-Arranged Trip in a Street Hail Livery or a trip in a For-Hire Vehicle, a request to change or terminate the trip can result in a different fare or, for a trip which terminates early, the complete fare quoted.

§80-14(b)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance REQUIRED
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(c) Request to Load Luggage. Upon the request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property into or out of the Vehicle's interior or trunk compartment, and must securely close the door or trunk compartment.

§80-14(c)	Fine: \$50	Appearance NOT REQUIRED
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(d) Passenger Receipt for Taxi and SHL trips.

- (1) At the end of a trip in a Taxicab or a hail trip in a Street Hail Livery, a Driver, personally or via the passenger information monitor (PIM) or other electronic means, must offer a Passenger a receipt for payment of fare,
- (2) When a Passenger requests a receipt, personally or via the PIM or other electronic means, a Driver must give a Passenger a receipt for payment of the fare.
- (3) The receipt must state the:
 - (i) date
 - (ii) time
 - (iii) Medallion number or Street Hail Livery license number
 - (iv) trip number
 - (v) total fare
 - (vi) tolls
 - (vii) surcharges
 - (viii) extras
 - (ix) tip, if paid by credit/debit card
 - (x) last four digits of card account number, if applicable
 - (xi) Driver's hack license number and
 - (xii) the "311" Commission Complaint telephone number.

§80-14(d)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Points: 1.	Appearance NOT REQUIRED
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(e) Request to Adjust Audio.

- (1) All audio equipment controlled by the Driver must be adjusted or turned on or off at the request of the Passenger.
- (2) The Passenger shall have the right to select what is played on the audio equipment.

- (3) Whether or not the Vehicle is engaged in a trip, an audio device must be played at normal volume only, and must comply with all noise laws and regulations.

§80-14(e)	Fine: \$25	Appearance NOT REQUIRED
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- (f) Request to Adjust Air Conditioning/Heat. At the request of a Passenger, the Driver must turn the air conditioning or heating equipment on or off.

§80-14(f)	Fine: \$25	Appearance NOT REQUIRED
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- (g) Provide License Upon Request. A Driver must provide comply with all reasonable request to provide his or her name, TLC Driver's License number (or the or Paratransit Driver's License Number as applicable) and the Medallion, For-Hire Vehicle or Street Hail Livery license number.

§80-14(g)	Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance REQUIRED
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- (h) Other Reasonable Passenger Requests. A Driver must comply with all other reasonable requests of a Passenger.

§80-14(h)	Fine: \$50	Appearance REQUIRED
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§80- 15 Operations – Rates, Charges and Payment

- (a) No Overcharges.

- (1) A Driver of a Taxicab or Street Hail Livery must not charge or attempt to charge a fare above the Commission-approved rates. This includes a fare in a Street Hail Livery for a Hail Trip or a fare for any trip initiated or accepted through an E-Hail Application.
- (2) A Driver of a For-Hire Vehicle or Street Hail Livery on Pre-Arranged Trips must not charge a Passenger more than the rate, fare quote, or fare estimate provided to the Passenger by the Base pursuant to Section 59B-23 of these Rules (unless the trip destination is changed by the passenger after the initial fare quote or fare estimate).
- (3) A Driver must not impose or attempt to impose any additional charge for transporting a person with a disability, a service animal accompanying a person with a disability, or a wheelchair or other mobility aid.

§80-15(a)(1)-(3)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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- (4) A Driver of a Taxicab or Street Hail Livery must not collect or attempt to collect separate fares from individual Passengers who have shared a Taxicab or Street

Hail Livery for part or all of a trip unless such fares are specifically authorized as part of a Group Riding program established by the Commission.

§80-15(a)(4)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 2	Appearance REQUIRED
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(5) A Driver must give the correct change to a Passenger who has paid the fare.

§80-15(a)(5)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 2	Appearance REQUIRED
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(6) A Driver must not ask a Passenger for a tip or indicate that a tip is expected or required.

§80-15(a)(6)	Fine: \$50	Appearance NOT REQUIRED
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(b) Non-Paying Customers. If a Taxicab or Street Hail Livery Passenger refuses to pay the metered fare, the Driver of the Taxicab or Street Hail Livery must place the meter in the off or “Vacant” position, record the amount of fare on the Taximeter onto the Trip Record through the TPEP or LPEP, or onto the written Trip Record if the TPEP or LPEP is not working, and proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

(c) Currency. A Taxicab or Street Hail Livery Driver must accept United States currency as fare payment.

§80-15(c)	Fine: \$50	Appearance NOT REQUIRED
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(d) Making Change.

(1) A Driver of a Taxicab or Street Hail Livery must always be capable of making change for a \$20 bill during his or her work shift.

(2) If the Driver of a Taxicab or Street Hail Livery is not able to change a \$20 bill, the Driver will, with the Passenger’s consent, take the following steps:

- (i) Key the appropriate off duty code into TPEP or LPEP.
- (ii) Transmit the relevant information to an electronic database for entry on the electronic trip record or make an appropriate written trip record entry.
- (iii) Proceed to the nearest location where he or she may reasonably expect to obtain change.

§80-15(d)	Fine: \$25	Appearance NOT REQUIRED
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(e) Must Accept Credit/Debit Card Payment.

(1) Taxicabs and Street Hail Livery Credit/Debit Card Payment

- (i) All Taxicabs are required to be equipped with TPEP and Drivers must accept a Passenger’s choice to pay by credit/debit card.
- (ii) All Street Hail Liveries are required to be equipped with LPEP and Drivers must accept a Passenger’s choice to pay by credit/debit card for Hail Trips.
- (iii) Drivers of Street Hail Liveries in vehicles using a non-fixed one device LPEP to accept credit/debit card payments are prohibited from taking the Passenger’s credit/debit card. A Driver in such a vehicle must pass the one device solution to the Passenger to allow the Passenger to swipe his or her own card.
- (iv) A Driver of a Taxicab or Street Hail Livery must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging the Taximeter, the Driver advises the passenger that he/she will not be able to use a credit or debit card for payment.
- (v) A Driver of a Taxicab or Street Hail Livery must not accept credit/debit card payments through any device other than the Taxicab’s TPEP or Street Hail Livery’s LPEP or an approved E-Hail App.
- (vi) If a Taxicab or Street Hail Livery customer’s effort to pay by debit/credit card at the end of the trip is prevented not by the Taxicab’s TPEP (or the Street Hail Livery’s LPEP system) system, but because the communication network is unable to process debit/credit card payments at that time, the Driver must offer the customer the option of either paying cash or having the Driver continue to a location where the wireless payment system can communicate with its network.

<u>§80-15(e)(1)(i)-(vi)</u>	Fine: \$100	<u>Appearance NOT REQUIRED</u>
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- (vii) No Mark-up for Credit Payment. A Driver of a Taxicab or Street Hail Livery must not charge any additional fee (mark-up) to any Passenger for credit/debit card transactions for any Trip in a Taxicab or for any Hail Trip in a Street Hail Livery.

<u>§80-15(e)(1)(vii)</u>	<u>Fine: First violation: \$200</u> <u>Second violation: \$300</u> <u>Third violation: \$500</u> <u>In addition to the penalty payable to the Commission, the administrative law judge may</u>	<u>Appearance REQUIRED</u>
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	<u>order the Driver to pay restitution to the Passenger, equal to the excess amount that was charged to the Passenger.</u>	
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(2) For-Hire Vehicle Credit/Debit Card Payment

- (i) All For-Hire Vehicle Drivers must accept a Passenger’s choice to pay by credit/debit card if credit card payment is available.

<u>§80-15(e)(2)(i)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(f) Trips Beyond the City in a Taxi or Street Hail Livery.

- (1) In General. For a trip anywhere in a Taxi or Street Hail Livery beyond the City of New York (other than to Westchester or Nassau counties or Newark Airport), the following rules and charges apply:

- (i) The Driver of a Taxicab or Street Hail Livery must negotiate a flat rate trip charge with the Passenger before beginning the trip. (NOTE: A “flat” rate means a dollar amount; “double the meter” is NOT a flat rate.)
- (ii) The Driver of a Taxicab or Street Hail Livery must place the Taximeter in a recording position at the beginning of the trip and allow it to continue recording

<u>§80-15(f)(1)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(2) For a trip to Westchester or Nassau County, the following charges and rules apply:

- (i) The Driver of a Taxicab or Street Hail Livery must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.
- (ii) Before starting the trip, the Driver of a Taxicab or Street Hail Livery must inform the Passenger how the trip charges will be calculated, including the payment of tolls both to and from the destination for Taxicabs and Chapter 82, §82-26(d)(2) for Street Hail Liveries.

A The rate of fare will be the amount shown on the Taximeter for the portion of the trip within the City, plus twice the amount shown on the Taximeter for the portion of the trip outside the City limits (See Chapter 58, §58-26(d)(2)).

- (iii) The Driver of a Taxicab or Street Hail Livery must tell the Passenger when the Vehicle crosses the City limits so that the Passenger can check the reading on the Taximeter at that time.

- (iv) The Passenger of a Taxicab or Street Hail Livery is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

<u>§80-15(f)(2)</u>	Fine: \$100	Appearance NOT REQUIRED
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- (3) For a trip to *Newark Airport*, in a Taxi or a Street Hail Livery the following charges and rules apply:

- (i) The Driver of the Taxicab or Street Hail Livery must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.
- (ii) Before starting the trip, the Driver of the Taxicab or Street Hail Livery Driver must inform the Passenger how the trip charges will be calculated, including the payment of tolls out of and back into the City.
- (iii) The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$17.50 (See Chapter 58, §58-26(d)(3) for Taxicabs and Chapter 82, §82-26(d)(3) for Street Hail Liveries).
- (iv) The Taxicab or Street Hail Livery Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

<u>§80-15(f)(3)</u>	Fine: \$100	Appearance NOT REQUIRED
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- (g) MTA Tax. The MTA Tax must be charged on any trip in a Taxicab or on any Hail Trip in a Street Hail Livery that starts in New York City and ends in any of:

- (1) New York City.
- (2) Dutchess County.
- (3) Nassau County.
- (4) Orange County.
- (5) Putnam County.
- (6) Rockland County.
- (7) Suffolk County.
- (8) Westchester County.

(h) A Driver of a Street Hail Livery can participate in any Chairperson authorized Group Ride programs in the Hail Zone or in any Chairperson approved multiple passenger ride programs.

(i) Taxicab Improvement Surcharge. For each trip in a Taxicab, the Driver must remit the Taxicab Improvement Surcharge to the Taxicab Medallion Owner.

§80-15(i)	Fine: \$50 per occurrence	Appearance NOT REQUIRED
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(j) 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 Licensee.

§80-15(j)	Fine: \$50 per occurrence	Appearance NOT REQUIRED
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(k) Taxicab and Street Hail Livery E-Payments.

(1) A Taxicab or Street Hail Livery Driver must allow the Passenger to pay by E-Payment as long as the E-Payment method complies with Commission rules.

(2) The payment must not exceed Commission-approved rates plus any optional tip.

(3) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Payment. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method.

(4) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the TPEP, the LPEP, or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the TPEP or LPEP. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.

§80-15(k)(1)-(2)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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(5) A violation of paragraphs (1) or (2) above that results in a fare in excess of the Commission-approved rates is an overcharge under sections 80-15(a)(1) and 80-15(k) and a Driver will be subject to the penalties for an overcharge under Section 80-02.

§80-15(k)(5)	Fine: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.	Appearance NOT REQUIRED
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(6) A Driver must not accept credit card payment from a Passenger by any E-Hail Application that does not integrate with the TPEP or LPEP.

§80-15(k)(6)	Fine: \$200	Appearance NOT REQUIRED
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§80-16 **Operations – Lost Property**

(a) Inspection Following Trips to and from Airports. Immediately after completing a trip to Kennedy, La Guardia or Newark Airports, the Driver must inspect the interior of the Vehicle and the trunk compartment, if used, to ensure that Passengers have collected their property.

§80-16(a)	Fine: \$25	Appearance NOT REQUIRED
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(b) Handling of Lost Property.

(1) Property found by a Driver in a Taxicab must be returned to the Passenger if possible; otherwise, it must be taken without delay to a police precinct as directed by the NYPD.

(2) Property found by a Driver in a For-Hire Vehicle or Street Hail Livery must be returned to the Passenger if possible; otherwise it must be taken without delay to a police precinct as directed by the NYPD or to the Vehicle’s Base.

§80-16 (b)	Fine: \$100	Appearance REQUIRED
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(c) A Driver cannot demand or request payment for the return of property

§80-16 (c)	Fine: \$100	Appearance REQUIRED
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(d) Notifying Commission Regarding Lost Property. If the property is not returned to the Passenger, the Driver must promptly inform the Commission of the details regarding the found property and the location where it is held.

§80-16 (d)	Fine: \$25	Appearance NOT REQUIRED
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§80-17 **Operations – Passenger Solicitation and Engagement**

(a) Limits on Driver Solicitation of Passengers in Taxicabs.

(1) A Driver of a Taxicab must not use a person, other than a dispatcher at an authorized Group Ride taxi line, licensed E-Hail Application, or an Accessible Vehicle dispatcher, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

§80-17(a)(1)	Fine: \$50	Appearance NOT REQUIRED
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(2) A Driver of a Taxicab must not pick up additional Passengers during a trip except at the Passenger’s request.

§80-17(a)(2)	Fine: \$100	Appearance NOT REQUIRED
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- (3) A Driver of a Taxicab must not suggest to a current Passenger that an additional person be accepted as a Passenger.

<u>§80-17(a)(3)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (4) A Driver of a Taxicab must not solicit or cruise for the purpose of soliciting Passengers or accept Passengers for transportation with the use of an E-Hail Application:

- (i) At Kennedy, La Guardia or Newark Airports
- (ii) Within 100 feet of any authorized Taxi Stand
- (iii) Within the private streets of Lincoln Center
- (iv) In any area of the City of New York where Taxicab cruising is prohibited

<u>§80-17(a)(4)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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- (5) A Driver who has entered the appropriate off duty code into TPEP must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is returning the Taxicab to his or her garage or home;
- (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)"; and
- (iii) The Passenger's destination is directly on the route to the Driver's home or garage.

<u>§80-17(a)(5)</u>	<u>Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(b) Limits on Driver Solicitation of Passengers in Street Hail Liveries.

(1) Exclusionary Zones

- (i) A Driver of a Street Hail Livery must not solicit Passengers in the Hail Exclusionary Zone.
- (ii) A Driver of a Street Hail Livery must not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

<u>§80-17(b)(1)</u>	<u>Fine: First Violation: \$500 and suspension; Second Violation in 24 months: \$750 and</u>	<u>Appearance REQUIRED</u>
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	<u>suspension:</u> <u>Third Violation in 120 months: Revocation</u>	
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(2) Hail Zone

(i) Inside the Hail Zone, a Driver of a Street Hail Livery can accept Passengers by Hail or can accept a Pre-Arranged Trip through a Base.

(ii) A Driver of a Street Hail Livery must not solicit or cruise for the purpose of soliciting Passengers within 100 feet of any authorized Taxi Stand.

<u>§80-17(b)(2)(ii)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(iii) A Driver of a Street Hail Livery must not use a person, other than a dispatcher at an authorized Group Ride taxi line, licensed E-Hail Application, an Accessible Vehicle dispatcher, or a Street Hail Livery Base, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

<u>§80-17(b)(2)(iii)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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(3) A Driver of a Street Hail Livery must not pick up additional Passengers during a trip except at the Passenger's request.

<u>§80-17(b)(3)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(4) A Driver of a Street Hail Livery must not suggest to a current Passenger that an additional person be accepted as a Passenger.

<u>§80-17(b)(4)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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(5) A Driver of a Street Hail Livery who has indicated through the LPEP that he or she is on-duty unavailable for the purposes of accepting a Pre-Arranged trip must not solicit or accept a Passenger for a Hail Trip.

<u>§80-17(b)(5)</u>	<u>Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(6) A Driver of a Street Hail Livery who has indicated in the meter or through the LPEP that he or she is off duty must not solicit or accept a Passenger unless ALL of the following are true:

(i) The Driver is in the Hail Zone;

(ii) The Driver is returning the Street Hail Livery to his or her Base or home;

- (iii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry; and
- (iv) The Passenger's destination is directly on the route to the Driver's home or garage.

<u>§80-17(b)(6)</u>	<u>Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(c) Limits on Driver Solicitation of Passengers in For-Hire Vehicles.

- (1) A Driver of a For-Hire Vehicle must not solicit or pick up Passengers other than by prearrangement through a licensed Base of the class that can dispatch the Driver's For-Hire Vehicle or Dispatch Service Provider.

<u>§80-17(c)(1)</u>	<u>Fine: First Violation: \$500 Second Violation in 24 months: \$1500 Third Violation in 36 months: Revocation</u>	<u>Appearance NOT REQUIRED</u>
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- (2) Hail Exclusionary Zone. If a Driver solicits or picks up Passengers in Manhattan south of East 96th Street and West 110th Street or at the New York City Airports other than by prearrangement through a licensed Base of the class that can dispatch the Driver's For-Hire Vehicle or Dispatch Service Provider, or by dispatch of an Accessible Vehicle, the Driver will be subject to the below enhanced penalties.

<u>§80-17(c)(2)</u>	<u>Fine: First Violation: \$2,000 Second Violation in 24 months: \$4000 Third Violation in 120 months: \$10,000 and Revocation</u>	<u>Appearance NOT REQUIRED</u>
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- (3) No Requiring Ride-Sharing. A Driver of a For-Hire Vehicle must not require that any prospective Passenger share a ride with another prospective Passenger.

<u>§80-17(c)(3)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(d) Taxi Stands and Relief Stands.

- (1) A Driver of a Taxicab has the right to take a position at any Taxi Stand having a vacancy, and no other Driver may interfere with that right.
 - (i) A Driver of a Street Hail Livery has the right to take a position at any Taxi Stand having a vacancy in the Hail Zone, and no other Driver may interfere with that right. A Driver of a Street Hail Livery does NOT have the right to take a position at a Taxi Stand in the Hail Exclusionary Zone.

<u>§80-17(d)(1)</u>	<u>Fine: \$75</u>	<u>Appearance NOT REQUIRED</u>
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(2) A For-Hire Driver must not pick up Passengers at any Taxi Stand.

<u>§80-17(d)(2)</u>	<u>Fine: First Violation: \$350 Second Violation in 24 months: \$500 Third Violation in 36 months: Revocation</u>	<u>Appearance NOT REQUIRED</u>
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(3) A Driver must not occupy a Taxi Stand in order to repair his or her Vehicle, except for minor emergency repairs.

<u>§80-17(d)(3)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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(4) A Driver must take the rear position on the line formed at a Taxi Stand (other than a relief stand) and must not overcrowd such stand.

<u>§80-17(d)(4)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(5) A Driver must only occupy a Taxi Stand when on duty or for no longer than one hour while on relief time or for Personal Use-Off Duty.

<u>§80-17(d)(5)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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(6) The Drivers of each of the first two Vehicles on a Taxi Stand, (other than a relief stand), must remain in the driver's seat ready to accept Passengers. Any other Driver on a Taxi Stand must be no more than 15 feet from his or her Vehicle unless he or she is off duty.

<u>§80-17(d)(6)</u>	<u>Fine: \$75</u>	<u>Appearance NOT REQUIRED</u>
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(7) A Driver may take any vacant position at a relief stand however Drivers must comply with all posted restrictions including the type(s) of Vehicles that may occupy a position at the relief stand and the maximum time a Vehicle may park at the relief stand.

<u>§80-17(d)(7)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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(e) *Taxicab Passenger Pick Up at Airports and Terminals.*

(1) The rules regarding Taxi Stands also apply to special Taxi Stands and Feed Lines at air, rail, bus and ship terminals. (Note: These rules also apply to Street Hail Liveries for terminals located in the Hail Zone).

(2) Where a terminal provides Taxicab or Street Hail Livery holding areas:

(i) Drivers must park the Vehicle in a taxi holding area before leaving on relief time.

(ii) Upon returning from relief time, the Driver must join the end of the Feed Line.

(iii) Drivers are not permitted to bring Passengers into a holding area.

§80-17(e)(2)	Fine: \$50	Appearance NOT REQUIRED
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(3) Where an airport Taxi Stand offers both Long Haul and Short Haul lines, if there are Taxicabs available in both lines:

(i) A Driver who has been given a Short Haul ticket must not accept a Passenger for a Long Haul.

(ii) A Driver who has been given a Long Haul ticket must not accept a Passenger for a Short Haul.

§80-17(e)(3)	Fine: \$100	Appearance NOT REQUIRED
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(f) *For-Hire Vehicle Dispatch at Airports and Terminals.* A Driver of a For-Hire Vehicle must not accept a dispatch while parked or otherwise located at Kennedy Airport or La Guardia Airport unless the Driver is parked in an area other than the airport's designated passenger pick up locations.

§80-17(f)	Fine: \$250	Appearance NOT REQUIRED
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§80-18 Operations – Refusing Passengers

(a) *Must Not Refuse to Transport Passengers.* Unless the Driver has justifiable grounds, the Driver must not refuse to transport in any of the following circumstances:

(1) *Mandatory Transport.* A Driver must not refuse by words, gestures or any other means, to take a Passenger, including a person with a disability and any service animal accompanying this individual, to any destination within the City of New York, the counties of Westchester or Nassau, or Newark Airport.

§80-18(a)(1)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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(2) *Attendant for Passengers with a Disability.* A Driver must not require a person with a disability to be accompanied by an attendant. However, if a person with a disability is accompanied by an attendant, the Driver must not impose or attempt to impose any additional charge for transporting the attendant. A Driver must not refuse to transport any Person with a Disability or any guide dog accompanying such person.

§80-18(a)(2)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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- (3) Luggage and Mobility Aids. A Driver must not refuse to transport a Passenger's luggage, wheelchair, crutches, other mobility aid or other property.

§80-18(a)(3)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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- (4) Ask Destination in Advance. A Driver must not attempt to learn the destination of a Passenger before the Passenger is seated in the Taxicab or, for a Hail Trip started in the Hail Zone, in the Street Hail Livery. Attempting to learn the destination in advance is a violation of this paragraph, regardless if the Driver ultimately agrees to transport the Passenger.

§80-18(a)(4)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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- (5) E-Hail Application: A Driver must not refuse to transport a Passenger after accepting a Hail from that Passenger by means of an E-Hail Application.

§80-18(a)(5)	Mandatory penalties as set forth in §80-03(e)	Appearance NOT REQUIRED
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- (b) Justifications for Refusing Passenger. The following are permitted reasons for refusing to transport a Passenger:

- (1) Another Passenger is already seated in the Vehicle.
- (2) The Driver has already acknowledged a Hail from another person, and that other person is being picked up or is about to be picked up. (CAUTION: A Driver must not acknowledge the Hail of one person over another in order to avoid transporting the person whose Hail was not acknowledged.)
- (3) The Passenger is carrying or is in possession of any article, package, case or container which the Driver reasonably believes will cause damage to the Vehicle. (CAUTION: This does NOT include wheelchairs, crutches, a service animal or other mobility aid used by a Passenger with a disability. Mobility aids must be accepted.)
- (4) The Taxicab or Street Hail Livery Driver is discharging his or her last Passenger or Passengers prior to going off duty, and has already entered the appropriate off duty code in TPEP or LPEP.
- (5) The Taxicab or Street Hail Livery Driver is ending his or her work shift, and has already entered the appropriate off duty code in TPEP or LPEP and locked both rear doors.
- (6) The Taxicab or Street Hail Livery Driver must take the Vehicle out of service for required repairs and has already entered the appropriate off duty code in TPEP or LPEP and locked both rear doors.

- (7) The Passenger is accompanied by an animal that is not properly secured in a suitable container. (CAUTION: This does not apply to service animals accompanying people with disabilities.)
- (8) The Passenger's destination is Newark Airport or someplace in Nassau or Westchester County, and the Driver has been operating the Vehicle for more than eight hours of any continuous 24-hour period.
- (9) The Passenger is disorderly or intoxicated. (CAUTION: Drivers must not refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (10) The Passenger is smoking and has refused the Driver's request to stop. If the Driver has already begun the trip the Driver can discharge the Passenger in a safe location. (CAUTION: The Driver must ask the Passenger at least twice to stop smoking before requiring him or her to leave the Vehicle.)
- (11) The Vehicle is a Street Hail Livery and the Passenger is in the Hail Exclusionary Zone.
- (12) The Vehicle is a For-Hire Vehicle and the Passengers is attempting to Hail the Driver.
- (13) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip and has entered the appropriate on-duty unavailable code into the LPEP.
- (14) The Vehicle is a For-Hire Vehicle and the Driver has accepted a dispatch call for a Pre-Arranged Trip.
- (15) The Vehicle is a Taxicab or Street Hail Livery and the Driver has accepted a trip from the accessible dispatch program pursuant to section 53-08 of these Rules or an approved E-Hail App and has entered the appropriate on-duty unavailable code into the TPEP or LPEP.

§ 80-19 Operations – Drivers from Issuing Jurisdictions

(a) Eligibility for Reciprocal Recognition. A driver holding a Valid Issuing Jurisdiction driver's license (a IDL) will be eligible for Reciprocity, provided that the driver meets all of the following requirements:

- (1) The driver is operating a vehicle that is licensed to operate for-hire by an Issuing Jurisdiction (see Chapter 59A, §59-05).

§80-17(a)(1)	Fine: \$350	Appearance NOT REQUIRED
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- (2) The driver holds a Valid Chauffeur's License.

§80-17(a)(2)	Fine: \$100	Appearance NOT REQUIRED
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- (3) While operating within New York City, the Valid Chauffeur's License must be displayed on request or be posted within the vehicle.

§80-17(a)(3)	Fine: \$350	Appearance NOT REQUIRED
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- (4) The driver maintains and completes the Trip Record required and described in subdivision (e), below.

§80-17(a)(4)	Fine: \$300	Appearance NOT REQUIRED
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- (5) A driver providing For-Hire transportation in New York City under Reciprocal Recognition must comply with the Rules of this chapter while operating within New York City as if the driver were licensed by the Commission.

- (b) Privileges of Reciprocal Recognition. A driver who meets the requirements above for Reciprocity will be allowed, without any License issued by or any fee paid to the Commission, to do the following:

- (1) Pick up Passengers in the driver's Issuing Jurisdiction for travel to or through New York City.

- (2) Pick up Passengers in New York City for travel to the driver's Issuing Jurisdiction.

- (3) When transporting Passengers between the jurisdictions (as described in paragraphs (1) or (2) above), temporarily discharge and pick up such Passengers within New York City; provided, however, that all the stops must occur within 24 hours of the initial pick up of the Passengers.

- (4) Transit through New York City for a trip beginning and ending outside New York City.

- (c) Prohibited Activity. A driver must NOT provide transportation for hire between two points wholly within New York City unless both vehicle and driver are licensed by the Commission.

- (d) Unlicensed Activity. A driver is engaged in Unlicensed Activity if he or she:

- (1) Fails to have the licenses required or is not eligible for Reciprocity under subdivision (a) of this section.

- (2) Engages in the prohibited activity described in subdivision (c) of this section.

- (e) Issuing Jurisdiction Trip Record.

- (1) A record of each trip between New York City and an Issuing Jurisdiction must be made prior to the commencement of the trip and recorded on a Trip Record carried in the vehicle.

- (2) The Trip Record must be kept for a period of no less than one year after the trip.
- (3) The record of each trip must be written legibly in ink and include the following information:
 - (i) The Passenger's name or other identifier.
 - (ii) The time of scheduled pick-up.
 - (iii) The location where the Passenger is scheduled to be picked up.
 - (iv) The location of any intermediate stops between the original pick-up location and the final destination.
 - (v) The Passenger's final destination.
 - (vi) At the completion of the trip, the time of completion shall be added to the record.
- (4) The Trip Record must be kept in the vehicle during any trip between New York City and an Issuing Jurisdiction, including a trip through either New York City or an Issuing Jurisdiction.
- (5) The Trip Record must be presented for inspection on request to any police officer or peace officer acting pursuant to his or her special duties or other person authorized by the Commission or by the Issuing Jurisdiction.
- (6) Failure to present a properly maintained Trip Record when requested by an authorized person will be presumptive evidence of Unlicensed Activity.

§80-20 Vehicles – Operation and Condition

- (a) 3-Minute Idle. Drivers must comply with the New York City Air Pollution Control Code, including the provision that the Driver must not cause or permit the engine of the Vehicle to idle for longer than three minutes.

§80-20(a)	Fine: \$25	Appearance NOT REQUIRED
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- (b) Inspection by Driver of Vehicle Condition. A Driver must not operate a Vehicle without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and Passenger seatbelts and shoulder belts, is in good working order.

§80-20(b)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.	Appearance NOT REQUIRED
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(c) Clean Interior. During his or her work shift, a Driver must keep the Vehicle's interior clean.

§80-20(c)	Fine: \$25	Appearance NOT REQUIRED
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(d) Required Exterior Identification Clean and Visible. During his or her work shift, a Driver must keep all exterior markings required by the Commission clean and unobstructed so that they can be seen at all times.

§80-20(d)	Fine: \$50	Appearance NOT REQUIRED
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(e) No Unauthorized Equipment in Taxicabs and Street Hail Liveries. A Driver must not operate a Taxicab or Street Hail Livery that uses or has installed any equipment or mechanical or electronic devices not specifically listed in these rules, unless authorized in writing by the Commission.

§80-20(e)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(f) Use of Electronic Devices in Taxicabs. A Driver may use no more than one electronic device with an E-Hail Application, separate from the Driver Information Monitor supplied as part of the TPEP and/or a device provided for the Accessible Dispatch Program.

§80-20(f)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(g) Use of Electronic Devices in Street Hail Liveries. In addition to the Driver Information Monitor and/or a device provided for the Accessible Dispatch Program, a Street Hail Livery is permitted to have:

- (1) the dispatch equipment required by its Street Hail Livery Base; and
- (2) one electronic device that is used to accept E-Hails from a licensed E-Hail Application and/or dispatches from a Base or Dispatch Service Provider, provided that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion.

§80-20(g)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(h) Use of Electronic Devices in For-Hire Vehicles. In addition to the dispatch equipment required by a Driver's Base, a For-Hire Vehicle Driver is permitted to use the following electronic device(s) provided that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:

- (1) If the dispatch equipment required by a Driver’s Base is capable of accepting dispatches from other Bases or Dispatch Service Providers, ONE electronic device that is used to accept dispatches from a Base or Dispatch Service Provider.
- (2) If the dispatch equipment required by a Driver’s Base is not capable of accepting dispatches from other Bases or Dispatch Service Providers, TWO electronic devices that are used to accept dispatches from a Base or Dispatch Service Provider.

<u>§80-20(h)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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- (i) No Unauthorized Signage. A Driver must not place any signs in a Taxicab or a Street Hail Livery not specifically listed in these rules, unless authorized in writing by the Commission.

<u>§80-20(i)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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§80-21 Vehicles – Required Items in Taxicabs and Street Hail Liveries

- (a) A Driver must not operate a Taxicab or Street Hail Livery unless the Vehicle is equipped or provided with the following:

- (1) The Taxicab Technology System (TPEP) (or a written Trip Record, when required and permitted) if the Vehicle is a Taxicab or the Street Hail Livery Technology System (LPEP) (or a written Trip Record, when required and permitted) if the Vehicle is a Street Hail Livery.

<u>§80-21(a)(1)</u>	<u>Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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- (2) The Driver's TLC Driver’s License (or Paratransit License if the Vehicle is an Accessible Street Hail Livery being operated by a Paratransit Driver) displayed in the appropriate license frame).

<u>§80-21(a)(2)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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- (3) The Rate Card assigned to the Taxicab or Street Hail Livery displayed in the Rate Card frame.

<u>§80-21(a)(3)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (4) A New York City five (5) borough indexed street map or geographic position system device.

<u>§80-21(a)(4)</u>	<u>Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(b) Clear View for Passengers.

- (1) A Driver must not block a Passenger's view of the Taximeter, his or her TLC Driver's License, the Rate Card, or the Passenger Information Monitor of the TPEP System, and must not block in any way a Passenger's access to the medallion number or Street Hail Livery License number on the Raised Lettering Plaque and the Identification Braille Plaque.

§80-21(b)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) A Driver must not operate a Taxicab or Street Hail Livery after sunset unless the face of the Taximeter, his or her TLC Driver's License, and the Rate Card are illuminated so that they are clearly visible from the rear seat by a Passenger with normal vision.

§80-21(b)(2)	Fine: \$25	Appearance NOT REQUIRED
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§80-22 **Vehicles – Required Items in For-Hire Vehicles**

- (a) Licenses and Certificates. A Driver must not operate a For-Hire Vehicle without the following:

- (1) On the right visor, on top of the right side of the dashboard or in the glove compartment:
- (i) The certificate of registration or a legible copy of it; and
 - (ii) The insurance card or a legible copy of it.

§80-22(a)(1)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) The Driver's TLC Driver's License displayed in a protective holder attached to the back of the driver's seat in the Vehicle.
- (i) Exception for Black Cars and Luxury Limousines. Black Cars and Luxury Limousines will not be required to have the protective holder mounted to the back of the driver's seat as required in this paragraph. However, the Driver's TLC Driver's License must be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

§80-22(a)(2)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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(b) Trip Record. If the For-Hire Vehicle is used for providing pre-arranged transportation for hire between the City of New York and an Issuing Jurisdiction, a Trip Record, as described in §80-23(f)(3), must be carried in the Vehicle.

(c) Clear View for Passengers. A Driver must not block a Passenger’s view of his or her TLC Driver’s License and, in a Livery, the Livery Passengers’ bill of rights.

§80-22(c)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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§80-23 Vehicles – TPEP and LPEP Operation

(a) A Driver is required to log in and operate TPEP for each trip in a Taxicab, including those trips that begin with the use of an E-Hail Application.

§80-23(a)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.	Appearance REQUIRED
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(b) A Driver is required to log in and operate LPEP for each trip in a Street Hail Livery, including Pre-Arranged Trips and those trips that begin with the use of an E-Hail Application.

§80-23(b)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.	Appearance REQUIRED
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(c) Off Duty Procedures for a Taxicab and Street Hail Livery.

- (1) A driver must enter the appropriate off duty code into T-PEP or LPEP.
- (2) When the Taxicab is operated for personal use, "Personal Use--Off Duty" must be keyed into TPEP or LPEP(or made on the written Trip Record).

§80-23(c)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(d) Unavailable Procedures for a Taxicab and Street Hail Livery. Upon accepting a trip from the Accessible Dispatch Program pursuant to section 53-08 of these Rules or a Licensed E-Hail Application or a Pre-Arranged Trip, a Driver must enter the appropriate on-duty unavailable code into the TPEP or LPEP.

§80-23(d)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(e) If necessary, the Driver will transmit any corrections electronically, using TPEP if driving a Taxicab or LPEP if driving a Street Hail Livery.

§80-23(e)	Fine: \$25	Appearance NOT REQUIRED
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(f) TPEP and LPEP System(s) Malfunction. In the event the TPEP or LPEP System malfunctions or fails to operate:

(1) The Driver must file an incident report with the authorized TPEP or LPEP provider within one (1) hour after Driver knows (or should have known) of the system failure, or the end of the Driver's shift, whichever occurs first.

<u>§80-23(f)(1)</u>	<u>Fine: \$75</u>	<u>Appearance REQUIRED</u>
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(2) A Driver must not knowingly operate a Taxicab or Street Hail Livery in which the TPEP or LPEP are inoperative for more than 48 hours following the timely filing of an incident report.

<u>§80-23(f)(2)</u>	<u>Fine: \$250</u>	<u>Appearance REQUIRED</u>
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(3) If the TPEP or LPEP is inoperable, the Driver must keep written Trip Records for all Hail trips he or she operates. Drivers must submit all written Trip Sheets to the Taxicab Owner or Street Hail Livery Base at the conclusion of the Driver's shift or lease period. Written Trip Records shall consist of the following information:

(i) The Taxicab Medallion number or Street Hail Livery license number

(ii) The Driver's License number

(iii) The location(s) where each Passenger was picked up

(iv) The time(s) each Passenger was picked up

(v) The number of Passengers

(vi) The location(s) where each Passenger was dropped off

(vii) The time(s) each Passenger was dropped of

(viii) The total trip mileage

(ix) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)

(x) Method of payment

(xi) The Taximeter readings

(xii) The concluding time of Driver's work shift

- (xiii) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger
- (xiv) The trip number
- (xv) All other entries required by these rules

<u>§80-23(f)(3)</u>	<u>Fine: \$250 if Driver fails to submit written trip records or, in the event the Driver keeps incomplete written trip records, \$15 per missing entry not to exceed \$30 per written trip record.</u>	<u>Appearance REQUIRED</u>
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(4) When correcting a written Trip Record, a Driver:

- (i) Must not erase any entry or make it completely unreadable.
- (ii) Must correct a wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change.
- (iii) Must not leave blank lines between entries on any written Trip Record.

<u>§80-23(f)(4)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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(5) A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission

<u>§80-23(f)(5)</u>	<u>Fine: \$250</u>	<u>Appearance NOT REQUIRED</u>
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(g) Unauthorized Devices or Repairs.

- (1) A Driver must not connect any unauthorized device to the TPEP or LPEP.
- (2) The Driver must not tamper with, repair or attempt to repair the TPEP or LPEP seals, cable connections or electrical wiring.
- (3) The Driver must not make any change in the Taxicab's or Street Hail Livery's mechanism or its tires which would affect the operation of the TPEP or LPEP system.

<u>§80-23(g)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance REQUIRED</u>
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§80-24 Vehicle – Taxicab and Street Hail Livery Taximeters and Roof Lights

(a) Taximeter Condition.

- (1) Defective Condition. A Driver must not pick up or transport a Passenger in a Taxi or Street Hail Livery when the Taximeter in his or her Taxicab or Street Hail Livery is defective.

<u>§80-24(a)(1)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u> <u>Points: 1</u>	<u>Appearance REQUIRED</u>
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(2) Defect(s) that Arise During Shift. If the Taximeter breaks down during a trip so that the fare can no longer be monitored, the Driver must immediately tell the Passenger and offer him or her the option of:

- (i) Continuing the trip after mutually agreeing to a reasonable fare, or
- (ii) Terminating the trip and paying the fare shown on the Taximeter to that point.

<u>§80-24(a)(2)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance REQUIRED</u>
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(3) Procedures for Terminating Use of Vehicle with Defective Taximeter. Upon terminating a trip because of a defective Taximeter the Driver must:

- (i) Enter the appropriate off duty code in TPEP or LPEP
- (ii) Lock the rear doors
- (iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if TPEP or LPEP system is inoperative)
- (iv) Return the Vehicle immediately to the garage or base of record or a licensed Taximeter repair shop

<u>§80-24(a)(2)</u>	<u>Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	<u>Appearance REQUIRED</u>
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(4) A Driver must immediately notify the Taxicab Owner of any Taximeter defect.

<u>§80-24(a)(4)</u>	<u>Fine: \$75</u>	<u>Appearance REQUIRED</u>
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(5) Seals and Serial Number. A Driver must not drive a Taxicab or Street Hail Livery unless all Taximeter seals and cable housing seals are in good condition, pressed by the Commission or its authorized designee and show no signs of tampering. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the Vehicle.

- (i) The Commission will assume that a Driver who operates a Vehicle with a broken Taximeter seal knew of the tampering or alteration and deliberately operated the Vehicle in violation of this Rule, and will take appropriate action against the Driver.

<u>§80-24(a)(5)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(6) Receipt Paper. A Driver must not pick up or transport a Passenger unless the Taximeter is properly equipped with paper for printing receipts.

§80-24(a)(4)	Fine: \$25	Appearance NOT REQUIRED
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(b) Taximeter Operation.

- (1) Setting Taximeter to Record. As soon as a Passenger enters the Taxicab or the Street Hail Livery on a Hail Trip, the Driver must immediately place the Taximeter in the recording or "Hired" position and must keep it in that position until arrival at the destination.

§80-24(b)(1)	Fine: \$200 Points: 1	Appearance NOT REQUIRED
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- (2) Entering Passenger with a Disability. If the Passenger is a Person with a Disability, the Driver must not place the Taximeter in the recording or "Hired" position while the Driver is assisting a person with a disability to enter the Vehicle or while assisting with that Passenger's mobility aid.

§80-24(b)(2)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (3) Exiting Passenger with a Disability. If the Passenger is an individual with a disability who requires assistance to exit the Vehicle, the Driver must place the Taximeter in a non-recording position before assisting such Passenger and must leave the Taximeter in a non-recording position until such Passenger has paid the fare and safely exited the Vehicle.

§80-24(b)(3)	Fine: \$100	Appearance NOT REQUIRED
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- (4) Flat Fare Trip. When the Taxicab or Street Hail Livery is engaged in a flat fare trip from between Kennedy Airport and Manhattan, the Driver must key the information into TPEP or LPEP, as applicable (or enter on a written Trip Record) that this is a flat fare trip to or from Kennedy Airport and include the time and distance of the trip.

§80-24(b)(4)	Fine: \$100	Appearance NOT REQUIRED
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- (5) End of Trip. Upon reaching the Passenger's destination, the Driver must place the Taximeter in a non-recording or "Time Off" position, inform the Passenger of the fare due and leave the Taximeter in a non-recording position until the fare is paid.

§80-24(b)(5)	Fine: \$50	Appearance NOT REQUIRED
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- (6) Re-setting the Taximeter. Immediately after the Passenger leaves the Vehicle, the Driver must clear the Taximeter, placing it in an off or "Vacant" position in which it must remain until the next Passenger enters the Vehicle.

§80-24(b)(6)	Fine: \$50	Appearance NOT REQUIRED
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(c) Unauthorized Taximeter Devices or Repairs.

- (1) A Driver must not connect any unauthorized device to the Taximeter.
- (2) The Driver must not tamper with, repair or attempt to repair the Taximeter seals, cable connections or electrical wiring,
- (3) The Driver must not make any change in the Vehicle’s mechanism or its tires which would affect the operation of the Taximeter system.

§80-24(c)(1)-(3)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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- (4) It will be an affirmative defense to a violation of this provision, §80-24(c), that the Driver:
 - (i) Did not know of or participate in the alleged Taximeter tampering, and
 - (ii) Exercised due diligence to ensure that Taximeter tampering did not occur.
- (d) Report Signs of Tampering to TLC. A Driver must notify the Owner (or, in the case of a Street Hail Livery, the Street Hail Livery Base) and the Commission by telephone immediately, and in writing within 24 hours, upon the discovery of any of the following:
 - (1) A Taximeter other than the Taximeter approved by the Commission and indicated on the Rate Card, has been installed in the Vehicle operated by the Driver.
 - (2) A Taximeter seal in the Vehicle operated by the Driver has been removed or tampered with.
 - (3) An unauthorized device that may affect the operation of a Taximeter has been connected to the Taximeter, seal, cable connection or electrical wiring of the Vehicle operated by the Driver.
 - (4) Any intervening connections, splices, “Y” connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the Vehicle operated by the Driver.

§80-24(d)	Fine: \$100	Appearance REQUIRED
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- (e) Roof Light Condition.
 - (1) The Roof Light must be illuminated when the Taximeter is not in use and the Driver is on duty and available; and
 - (2) The Roof Light must be off when any of the following occurs:
 - (i) The Taximeter is in use.
 - (ii) The Driver has entered the Off Duty or unavailable code into the TPEP or LPEP.

- (iii) The Driver is a Street Hail Livery Driver traveling to pick up a Passenger for a Pre-Arranged Trip.

<u>§80-24(e)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(f) Unauthorized Roof Light Devices or Repairs

- (1) A Driver must not tamper with the Roof Light or any of the interior lights or connections except to replace a defective bulb or fuse.
- (2) The Roof Light of a Taxicab or Street Hail Livery must be automatically controlled only by the movement of the Taximeter button or ignition switch.
- (3) The Commission will assume that a Driver who operates a Vehicle with an unauthorized installation or device controlling interior or roof lighting knew of the unauthorized installation or device and deliberately operated the Vehicle in violation of this Rule, and the Commission will take appropriate action against the Driver.

<u>§80-24(f)</u>	<u>Fine: \$50-\$350 and/or suspension up to 30 days Points: 3</u>	<u>Appearance REQUIRED</u>
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§80-25 Special Driver Penalty Programs

- (a) Critical Driver's Program ("Points" in this Section refers to points assessed by the Department of Motor Vehicles).

In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:

- (1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points but fewer than ten points on his or her Chauffeur's license (whether issued by New York or another state), the Commission will suspend the Driver's TLC License for 30 days.
- (2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her Chauffeur's license (whether issued by New York or another state), the Commission will revoke the Driver's TLC License.
- (3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, Collision, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent

conviction for the violation carrying points that is cited in the summons under this section.

- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date of conviction.
- (6) *Multiple Points from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (7) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will, for purposes of the Critical Driver's Program, deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV, or equivalent licensing agency of the state which issued such license, of any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course; counting from the date of conviction. In order for the Defensive Driving Course to reduce the Licensee's Critical Driver Program points, the course must be satisfactorily completed prior to the adjudication of the Critical Driver summons. Completion of the Defensive Driving Course after the adjudication of a Critical Driver Program summons will reduce the Licensee's Critical Driver Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.
 - (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce total points more than once in any 18-month period.
- (8) *Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.*

Any points accumulated under this Chapter while operating any of a Taxicab, Street Hail Livery or a For-Hire Vehicle will count towards and be applied to the Driver's TLC License, or, in the case of a Paratransit Driver operating an Accessible Street Hail

Livery, the Paratransit Driver's License as specified in Section 56-13(b) of these rules, and the Driver may incur the penalties specified as a result.

(b) Program for Persistent Violators of Drivers' Rules ("Points" in this Section refers to points assessed by the Commission; these points are included in the penalties for specific violations of rules in this Section).

(1) Suspension and Revocation – Points and Time Periods.

(i) Any Driver who has accumulated six or more Commission-issued points but fewer than ten points against his or her TLC Driver's License within a 15-month period and whose License has not been revoked will have his or her License suspended for up to 30 days.

(ii) The Commission will revoke the License of any Driver who has accumulated ten or more points against his or her TLC Driver's License within a 15-month period.

(iii) Any Driver whose License has not been revoked and who has within a 15-month period accumulated against his or her TLC Driver's License a combination of designated Persistent Violator points and Critical Driver points totaling six to nine points, counting from the date of conviction, will have his or her TLC Driver's License suspended for up to 30 days. For purposes of this subparagraph and subparagraph (iv) of this paragraph, "designated Persistent Violator points" shall be points assessed against the Driver's TLC Driver's License for violations that threaten the safety of passengers or any other persons, and shall be all violations listed in Sections 80-11 and 80-12 of these rules.

(iv) The Commission will revoke the TLC Driver's License of any Driver who has within a 15-month period accumulated against his or her TLC Driver's License a combination of designated Persistent Violator points and Critical Driver points totaling ten or more points, counting from the date of conviction.

(2) Multiple Violations from a Single Incident. For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.

(3) More Severe Penalties at Discretion of Commission. The Commission can impose more severe or additional penalties to any penalties stated in this section.

(4) Hearing Process and Imposition of Penalties.

(i) The Commission will impose penalties described in this section following the hearing at which the Driver is found to have violated the rule(s) triggering these penalties.

- (ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.
- (5) Point Reduction for Voluntary Course Completion.
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course.
 - (ii) In order for the Point Reduction Course to reduce the Driver's Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the Persistent Violator summons. The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce total points more than once in any five year period.
 - (v) If no Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a Defensive Driving Course. After the driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from either the number of points accrued under the Critical Driver Program as set forth in subdivision (a) of this section or the Program for Persistent Violators as set forth in subdivision (b) of this section. The Driver will select the program from which the points will be deducted.
- (6) It will be an affirmative defense that the act that formed the basis for the violation was beyond the control and influence of the Driver.

§80-26 **Transition**

Actions taken by the Commission under former chapters 54 and 55 of these Rules remain effective.

Section 105. Transition Provisions for Existing Licenses.

- (a) All Licenses issued by the Commission and Valid at the date of activation of the TLC Driver's License Structure (the "Activation Date"). The Activation Date will be decided by the Taxi and Limousine Commission but will be no later than August 19, 2016.

- (b) *Obligation to follow all Rules set forth in Chapter 80.* All Licensees possessing a Taxicab Driver's License or For-Hire Driver's License must obey the Rules specified in Chapter 80 beginning on the Activation Date, irrespective of when a License was issued or when the License expires. A Licensee will be responsible for his or her conduct as a Licensee under the Chapter 80 Rules beginning on the Activation Date.
- (c) *Chapter 54 and/or Chapter 55 Rules are no defense to ongoing obligations.* After the Activation Date, no person can raise as a defense to a violation of the Rules specified in Chapter 80 either the existence of the rules specified in former Chapters 54 and/or 55 before the Activation Date or that a License was issued under the Rules specified in former Chapters 54 and/or 55.
- (d) *License Terms-Expiration.*
- (1) A License Valid and in effect on the Activation Date expires on the date it was scheduled to expire when that License was originally issued.
 - (2) A License suspended on the Activation Date expires on the date it was scheduled to expire when that License was originally issued.
- (e) *License Renewals.* When a License expires on or after the Activation Date, the rules specified in Chapter 80 apply to any application to renew that License.

Section 106. License Applications

- (a) *License Applications received before the Activation Date.* License applications received before the Activation Date will be processed under the Rules specified in Chapters 54 or 55. However, for any such License, the Licensee must follow the Rules specified in Chapter 80 beginning on the Activation Date.
- (b) *License Applications received after the Activation Date.* License applications received on and after the Activation Date will be processed under the Rules specified in Chapter 80.

Section 107. Persistence of Enforcement Actions

- (a) *Summonses.*
- (1) All summonses written and outstanding under Chapter 54 and Chapter 55 remain valid at and after the Activation Date. Charges in the summonses will be adjudicated under former Chapters 54 and 55.
 - (2) All summonses written beginning on the Activation Date will be written under the Rules specified in Chapter 80. Charges in the summonses will be adjudicated under the Rules specified in Chapter 80.
 - (3) No summons can be dismissed on or after the Activation Date on the ground that it was written under the Rules specified in former Chapters 54 or 55 for conduct that occurred before the Activation Date.

(b) *Outstanding Fines and Penalties.*

- (1) Fines, penalties and debts owed to the Commission on the Activation Date for violation of any rule or duty continue to be due and payable until paid.
- (2) Any fine, penalty or debt imposed on or after the Activation Date resulting from a summons written under the Rules specified in former Chapters 54 or 55 for conduct that occurred before the Activation Date will be due and payable until paid.

(c) *Suspensions.*

- (1) Any License suspension which has gone into effect before the Activation Date remains in effect beginning on the Activation Date and must be served until the terms of the suspension are satisfied.
- (2) Any suspension imposed under the Rules specified in former Chapters 54 or 55 which goes into effect beginning on or after the Activation Date must be served until the terms of the suspension are satisfied.
- (3) The Activation Date will not affect the end date of any suspension.

(d) *Hearing Schedules.* The Activation Date will not affect the date of any Hearing or other action scheduled before the Commission's Adjudications Tribunal or OATH

(e) *Directives and Notices to Correct.*

- (1) Any directive or notice to correct issued by the Commission before the Activation Date remains in effect on the Activation Date and until complied with.
- (2) Penalties for violation of any directive or notice to correct issued before the Activation Date will be imposed under former Chapters 54 or 55.

(f) *Outstanding Points for Drivers, Vehicle Owners, and Bases.*

- (1) All points issued as penalties by the Commission under any of the Persistent Violator or Critical Driver Programs, or as Penalty Points to owners of For-Hire Vehicles or Bases and accumulated against any License on the Activation Date remain in effect.
- (2) Any points issued and accumulated on and after the Activation Date as a result of summonses issued under the Rules specified in former Chapters 54 or 55 will be added to any accumulated points.

- (3) Any action to suspend or revoke any License under any accumulated point program initiated on or after the Activation Date will be governed by the Rules specified in Chapter 80.
 - (4) In any action to suspend or revoke any License, the Commission will consider points accumulated within the period specified by applicable rules. Points accumulated against a License both before and on and after the Activation Date will be considered.
- (g) *Cumulative Penalties.*
- (1) When penalties are affected by the number of times a person has been convicted of that violation, convictions for prior offenses under the Rules specified in former Chapters 54 and 55 count toward second and subsequent offense penalties under the Rules specified in Chapter 80.
 - (2) For drivers who possess both a Medallion Operator's License and a For-Hire Vehicle License on the Activation Date, only the more heavily penalized license (as determined by number of Persistent Violator points accumulated prior to and after the Activation Date) will be used for the purpose of assessing penalties based on Violations that occur after the Activation Date.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
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NEW YORK, NY 10007
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**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Driver's License and Penalty Provisions

REFERENCE NUMBER: TLC-94

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) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro
Mayor's Office of Operations

June 16, 2016
Date

**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: Amendment of Driver's License and Penalty Provisions

REFERENCE NUMBER: 2016 RG 053

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: June 16, 2016