

Chapter 63

TAXICAB AGENT RULES

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63-01 Scope of the Chapter

- (a) To establish that an individual or Business Entity must be licensed by the Commission to act as an Agent.
- (b) To provide the qualifications, requirements and procedures for getting and maintaining an Agent's License.
- (c) To set forth the penalties for violating these Rules.

63-02 Penalties

(a) *Unlicensed Activity*

- (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated service or business 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 from the Commission for the service or business.
- (2) Unlicensed Activity specifically includes the activities listed in §19-528 of the Administrative Code and can subject the violator to padlocking and other penalties.

(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 the 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) An Agent may be held jointly and severally liable for violation of Chapter 58 (Medallion Taxicab Service) of these Rules when acting in the capacity of a Medallion Owner.

63-03 Definitions Specific to this Chapter

- (a) *Agent* is an individual or Business Entity that has been Licensed by the Commission to operate or facilitate the operation of one or more Taxicabs on behalf of the Taxicab owner.
- (b) *Applicant* in this Chapter means an Applicant for an original or renewal License as an Agent.
- (c) *Business Entity*. In this Chapter, a Business Entity may be a sole proprietorship, a corporation, or a partnership.
- (d) *License* in this Chapter means a License to be an Agent.
- (e) *Limited Business Entity Person* shall mean all Business Entity Persons except for corporate shareholders holding less than ten percent (10%) of the stock of the corporation.
- (f) *Merchant*. An individual or Business Entity who holds a Commission License and who has agreed to do the following:
 - (1) Facilitate contracts between Taxicab Technology Service Providers and Commission-approved banks, and
 - (2) Contract to provide credit/debit card services for in-cab payment of Taxicab fares.
- (g) *Technology System* shall have the same meaning given such term in §51-03 of these Rules.
- (h) *Technology System* shall have the same meaning given such term in §51-03 of these Rules.

63-04 Licensing – Requirements

- (a) *License Required*. An individual or Business Entity must first obtain a License from the Commission before acting as an Agent.

§63-04(a)	Fine: \$500-\$1,000	Appearance REQUIRED
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- (b) *Who May File an Application.* An application or renewal application for an Agent's License may only be submitted by the following:
- (1) An individual
 - (2) The Proprietor, on behalf of a sole proprietorship
 - (3) A general partner on behalf of a partnership
 - (4) An officer or director on behalf of a corporation
 - (5) A member on behalf of a limited liability company
- (c) *Certification.* The application must contain a sworn and notarized statement by the person filing the application that the information contained in the application is true.
- (d) *Fingerprinting and Background Investigations.*
- (1) For the purpose of securing criminal history records from the New York State Division of Criminal Justice Services, an individual Applicant and all Limited Business Entity Persons of a Business Entity Applicant must be fingerprinted.
 - (2) The Applicant must pay any processing fee required by the New York State Division of Criminal Justice Services.
- (e) *Bond.*
- (1) An Applicant for an original or renewal Agent's License must deposit a fifty thousand (\$50,000) dollar bond payable to the City of New York with the Commission. The bond must be provided by one or more sureties approved by the Commission.
 - (2) The bond must guarantee that the Applicant or Licensee will comply with the provisions of the Administrative Code, observe all applicable rules or regulations of the Commission, pay all fines imposed by the Commission, and pay all judgments or settlements arising from any action connected with the Agent's License.
 - (3) The Agent is immediately liable for any fine or judgment as soon as the amount is determined or, in case of an appeal, when the final determination is issued.
 - (4) The bond must remain in effect for one year following the expiration or revocation of the License.

- (f) *Identify Business Entity Persons.* Upon application for a License or License renewal or upon request, an Agent must provide the Commission with the identity of all of the Agent's Business Entity Persons.
- (g) *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 Applicant is also a Business Entity Person.
- (h) *Remission of Taxes and Surcharges.* An Applicant, including an applicant for a renewal License, must timely remit, and provide proof of remission, of any outstanding taxes or surcharges owed by the Applicant. An Applicant's responsibility for taxes and surcharges owed with respect to a particular Medallion for which the Applicant is also responsible shall be limited to such periods that such Medallion is managed by Applicant.
- (i) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:
 - (1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.* If the Applicant is a corporation, it must file with its application:

- (i) A certified copy of its certificate of incorporation
- (ii) A list of officers and shareholders
- (iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:

- (i) A copy of its articles of organization
- (ii) A copy of its operating agreement
- (iii) A list of the members, with the percentages of the Applicant owned by each.

- (j) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.
- (k) *Fit to Hold a License.* An Applicant (including the individual Applicant and all Limited Business Entity Persons of a Business Entity Applicant) for an original License must demonstrate that they are Fit to Hold a License.

63-05 Licensing – Term

- (a) *Maximum One-Year Term.* The term of an Agent's License may be up to one year, but will expire on December 31 of the year in which it is issued or renewed, unless earlier suspended or revoked by the Commission.
- (b) *No Longer Meets Requirements.* If at any time during the term of the License, the Commission learns that the Agent no longer meets the requirements for an Agent's License, the Commission may deny any renewal application, or suspend or revoke the current License, after appropriate notice and hearing.
- (c) *When to File for Renewal.*
 - (1) A renewing Applicant must file a completed application at least 60 days before the expiration date of the License.
 - (2) *Application Submission Date.*

- (i) Applications filed online: The date of submission is the date an application is filed online.
 - (ii) Applications filed by mail: The date of submission is the postmark date.
 - (iii) Applications filed in person: The date of submission is the date an application is filed in person.
- (3) 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.
- (d) *Suspended Licenses.*
 - (1) If a License is suspended, the Licensee must apply for renewal as required in (c) 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, provided that the Agent holding the License may continue to operate the Taxicabs he/she operated prior to the imposition of the suspension, consistent with paragraph (3) of this subdivision. This is true even if the Applicant has filed an application for a renewal.
 - (3) If an Agent's License has been suspended by the Commission, the Agent:
 - (i) Will not be authorized to manage or operate any new Medallion(s) at any time that the Agent's license is suspended.
 - (ii) May not renew any agreement to manage any Medallion(s) while the Agent's license is suspended.
 - (iii) Must notify each Medallion Owner who is using the suspended Agent to manage the Owner's Medallion within five (5) business days of the suspension:
 - I. Of the dates during which the Agent is suspended, and
 - II. that the Medallion Owner has the option to terminate its contract with the Agent, or, if its contract will expire during the period of suspension, that the Medallion Owner has the option to not renew its contract.

§63-05(d)(3)	Fine: \$500-\$1,500	Appearance REQUIRED
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63-06 Licensing – Fees

- (a) *Annual Fee.* The fee for an Agent's License will be five hundred dollars (\$500) 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) *Shorter Term.* If a License is granted for a period of six months or less, the fee will be two hundred and fifty dollars (\$250).
- (d) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (e) *License Replacement Fee.* The fee to replace any lost, damaged or destroyed License is \$25.

63-07 Licensing – Causes for Denial

- (a) *Material Misstatement.* The Commission will deny any application if the Applicant makes a material misstatement or misrepresentation on the application.
- (b) *Unlawful Acts.* The Commission will deny any application if the Applicant commits a fraudulent or unlawful act while acting as an Agent.
- (c) *Criminal Conviction.* The Commission will deny an application, including a renewal application, if the individual Applicant, or any Limited Business Entity Person of the Applicant is convicted of a crime that under Article 23-A of the Correction Law would provide a basis for suspension or revocation of the License.
- (d) *Medallion-Owner Agent Violates Rules.* The Commission will deny an application for an Agent's License if the Applicant owns or manages a Medallion and has violated any Commission Rule where the penalty for that violation is revocation of the License.
- (e) *Violation of the Administrative Code.* The Commission will deny an application if the Applicant has violated any provision of §19-530 of the Administrative Code or any applicable rule of the Commission.
- (f) *Failure to Complete Application Requirements.*
 - (1) The Chairperson will deny an application for a new License if the Applicant has not completed all 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 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.

- (g) *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 (Authorization), 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.

63-08 Proper Conduct

- (a) An Agent must not make a material misrepresentation or omission or commit a fraudulent or unlawful act while acting as an Agent, whether Validly Licensed or not. Such acts will include but not be limited to any of the following:
- (1) Presenting a Taxicab for inspection with a vehicle identification number (“VIN”) other than the one under which the vehicle is licensed by the Commission.
 - (2) Operating a Taxicab with a vehicle identification number that has been removed and reattached, or that is different from the VIN shown on the Taxicab License.
 - (3) Presenting a document to the Commission that falsely states that the insurance requirements for the Taxicab have been met.
 - (4) Bribing or attempting to bribe any officer or employee of the Commission.

§63-08 (a)(1) – (4)	Fine: \$1,000-\$10,000 and/or revocation	Appearance REQUIRED
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- (b) *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.

§63-08(b)	Fine: \$1,000-\$5,000	Appearance REQUIRED
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- (c) *Willful Acts of Omission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

§63-08(c)	Fine: \$1,000-\$5,000	Appearance REQUIRED
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- (d) *Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§63-08(d)	Fine: \$1,000-\$5,000	Appearance REQUIRED
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- (e) *Failure to Cooperate with the Commission.*

- (1) A Licensee must truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission, its representatives or the New York City Department of Investigation.
- (2) Upon request of the Commission, a Licensee must make the Agent's business premises, books and records available for inspection.

§63-08(e)	Fine: \$500-\$1,500 and Suspension until compliance.	Appearance REQUIRED
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- (f) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

§63-08(f)	Fine: \$100-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (g) *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.

§63-08(g)	Fine: \$100-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (h) *Death or Incompetency of Taxicab Owner.* An Agent who becomes aware of the death or incompetency of an owner of an interest in a Taxicab Medallion shall promptly inform the Commission.

§63-08(h)	Fine: \$100	Appearance NOT REQUIRED
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- (i) *Mailing and Email Address.*

- (1) An Agent must have a working Email Address at all times.
- (2) An Agent must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§63-08(i)(1)-(2)	Fine: \$100	Appearance NOT REQUIRED
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- (3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Agent.
- (4) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Agent.
- (j) *Retaliation.*
- (1) An Agent may not retaliate against any Driver or Owner for making a good faith complaint against any Agent.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or Owner or withholding or withdrawing any beneficial condition or consequence from the Driver or Owner.

§63-08(j)	Fine: \$1,000 plus restitution to the driver or owner for losses for the first violation and a fine of \$10,000 plus restitution to the driver or owner for the second violation and subsequent violations within five years.	Appearance NOT Required
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63-09 Personal Conduct – Unlicensed Activity

- (a) An Agent must not dispatch a taxicab or other vehicle that is unlicensed.

§63-09(a)	Fine: \$500-\$2,000 and/or suspension up to 30 days	Appearance REQUIRED
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- (b) An Agent must not dispatch a Taxicab that does not have a current Medallion affixed to the Taxicab.

§63-09(b)	Fine: \$500-\$2,000 and/or suspension up to 30 days	Appearance REQUIRED
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- (c) An Agent must not dispatch a Taxicab or other vehicle unless the registration of such Taxicab or other vehicle is Valid.

§63-09(c)	Fine: \$100-\$350 and/or suspension up to 30 days.	Appearance REQUIRED
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63-10 Agent's Business Premises

An Agent who operates one or more Taxicabs that are returned at the end of a shift must maintain business premises in an appropriately-zoned location. The location must allow or provide for, and the Agent must provide or maintain, all of the following:

- (a) Sufficient off-street parking space at or near the business premises to store the lesser of:
- (1) Twenty-five (25) vehicles, or
 - (2) Fifty percent (50%) of the Taxicabs leased on a daily or shift basis, plus five percent (5%) of the Taxicabs leased for longer than one day
- (b) Sufficient office space to conduct business and keep all records required by the Commission, including trip sheets and Driver records.
- (c) Regular business hours, including the hours of 9:00 a.m. through 5:00 p.m. every weekday other than legal holidays.
- (d) A business address and telephone number on file with the Commission.

§63-10(a)-(d)	Fine: \$500-\$1,000 and suspension until compliance	Appearance REQUIRED
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- (e) “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.
- (i) The Commission will post the proper form and format on its Web site.
 - (ii) The “Driver’s Bill of Rights” sign must be:
 - conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
 - free of other signage in the immediate area.

§63-10(e)	Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.	Appearance NOT REQUIRED
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63-11 Vehicle Operation

- (a) *Provide a List of Taxicabs Being Operated by Agent.* An Agent must provide the Commission with a list of all Taxicabs operated by the Agent, annually and upon request.

§63-11(a)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (b) *Safety.* An Agent must not dispatch a Taxicab unless all equipment, including brakes, tires, lights, signals and trouble lights are in good working order. The Taxicab must meet all requirements and specifications of the New York State Vehicle and Traffic Law and Chapter 67 of these Rules.

§63-11(b)	Fine: \$100	Appearance NOT Required
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(c) *No Unlicensed Drivers.*

- (1) An Agent may not permit a Taxicab to be operated for hire unless the driver has in his or her possession a Valid TLC Driver License.

§63-11(c)(1)	Fine: \$400 and/or suspension up to 30 days.	Appearance Required
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- (2) *Exceptions.* An Agent may permit a person who does not possess a TLC Driver License to drive the vehicle only when all of the following circumstances are met:

- (i) The Roof Light is turned off;
- (ii) The driver has logged from the Technology System.

§63-11(c)(2)	Fine: \$400 and/or suspension up to 30 days.	Appearance REQUIRED
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- (3) The Commission will post on New York City's open data platform a list of Drivers holding Valid TLC Driver Licenses.

(d) *Hours of Operation. Maximum Driving Hours.* An Agent may not require a Driver to operate one or more Taxicabs for more than 12 consecutive hours.

§63-11(d)	Fine: \$50	Appearance NOT Required
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(e) *Agent Responsibility for Accessible Taxicab Operation.*

- (1) An Agent must allow only Licensed Approved Taxicab Drivers to operate an Owner's Accessible Taxicab. The License of a Driver who is not an Approved Driver is not Valid for operation of an Accessible Taxicab.

§63-11(e)(1)	Fine: \$400 and/or suspension up to 30 days	Appearance REQUIRED
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(f) Reserved.

(g) *Agent Responsibility to Remit Collected Funds.* An Agent must remit to the appropriate party all taxes and surcharges collected on behalf of a Medallion Owner. An Agent's responsibility for taxes and surcharges owed with respect to a particular Medallion is limited to such periods that such Medallion is managed by the Agent.

§63-11(g)	Fine: \$1,000-\$10,000 and Suspension until compliance or Revocation; Restitution to the Owner may be ordered.	Appearance NOT REQUIRED
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63-12 Vehicle – Equipment

- (a) *Vehicle Safety Equipment.* An Agent must not dispatch a Taxicab unless it is in compliance with the provisions of §58-35 of the Taxicab Owners Chapter.
- (b) *Distress Signal.* An Agent must not dispatch a Taxicab that is not equipped with a help or distress signaling light system, as required in §58-34(d) and in accordance with specifications established in §67-11.
- (c) *Taximeter.*
 - (1) An Agent must not dispatch a Taxicab unless it is equipped with a Taximeter as required in §58-37 and in accordance with the specifications established in §67-09.
 - (2) An Agent must not tamper with, alter, repair or attempt to repair any of the following:
 - (i) A Taximeter
 - (ii) Any Seal affixed to the taximeter by a licensed Taximeter repair shop or other authorized facility
 - (iii) The Taxicab Technology System
 - (iv) Any cable mechanism or electrical wiring of a Taximeter or Taxicab Technology System
 - (3) An Agent must not make any change in a vehicle's mechanism or its tires that would affect the operation of the Taximeter or of the Taxicab Technology System.

§63-12(c)(1)-(2)	Fine: \$250-\$1,500 and/or suspension up to 30 days	Appearance REQUIRED
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- (d) *Technology System Capable of Servicing Accessible E-Hail Requests.*

- (1) An Agent must not dispatch an Accessible Taxicab unless it is equipped with a Technology System capable of servicing Accessible E-Hail Requests.

§63-12(d)(1)	Fine: \$200	Appearance NOT required
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- (2) An Agent must replace or repair a Technology System that is not capable of servicing Accessible E-Hail Requests promptly upon being notified to do so and in no event later than 48 hours after receiving notification.

§63-12(d)(2)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (3) An Agent must not allow an Accessible Taxicab to operate with a Technology System that is not capable of servicing Accessible E-Hail Requests for more than 48 hours without repair or replacement of such Technology System.

§63-12(d)(3)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (4) An Agent must not
- (i) Tamper with the Technology System; or
 - (ii) Tamper with the geographic locator equipment; or
 - (iii) Disable the Technology System's ability to receive Accessible E-Hail Requests; or
 - (iv) Render the Accessible E-Hail Request functionality inoperable in any way.

§63-12(d)(4)(i-iv)	Fine: \$350 and/or suspension up to 30 days	Appearance Required
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63-13 Vehicle Equipment – Trip Sheet

An Agent must not dispatch a Taxicab unless all of the following are present in the Taxicab:

- (a) An operable Technology System.
- (b) The TLC Driver License.
- (c) The Rate Card, in a frame next to the frame for the TLC Driver License.
- (d) An insurance card or copy, unless the owner is self-insured and has noted this fact on the Rate Card.
- (e) All notices required to be posted in the Taxicab.

63-14 Vehicle Equipment – Taxicab Technology System

- (a) *Equip Taxicabs with Technology System.* An Agent must ensure that each of Agent's Taxicabs is equipped with the Technology System by the compliance date established in §58-39. The Technology System must comply with the specifications established in §67-15.

§63-14(a)	Fine: \$1,000 and suspension until compliance	Appearance REQUIRED
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- (b) *Good Working Order.* For any Taxicab that is required to be equipped with the Technology System, the equipment must be in good working order at all times.

§63-14(b)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (c) *Malfunction or Failure to Operate.*

- (1) If the Technology System malfunctions or fails to operate, the Agent must file an incident report with the licensed Technology System Provider within two hours following the discovery of the malfunction or as soon as the Agent reasonably should have known of such malfunction.
- (2) If the Driver or Taxicab owner previously filed an incident report, the Agent will not be required to file a separate incident report. The Agent must verify that the report has been filed by obtaining the incident report number from the Driver, owner or Technology System Provider.
- (3) Upon instruction from the owner the Agent must meet the appointment for repair scheduled by the Technology System Provider following the incident report.

§63-14(c)(1)-(3)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (d) *48-Hour Repair Deadline.* An Agent must not allow a Taxicab in which the Technology System (or any material feature of the Technology System) is not functioning to be operated more than 48 hours following the timely filing of an incident report.

§63-14(d)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (e) *No Driver Lease Payments through the Technology System.* An Agent may not require or allow a driver to make a lease payment pursuant to section 58-21 of these Rules utilizing the Technology System.

§63-14(e)	Fine: First violation \$500 Second and subsequent violations: \$1000 and/or suspension of the Agent for up to thirty days.	Appearance NOT Required
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63-15 Technology System Provider (TSP) Equipment De-Installation

- (a) An Agent may not de-install the Technology System for medallion taxicab vehicles for which the Agent is not the contractee, or the listed Agent.
- (b) The Agent must inform the Technology System Provider that is providing service to a medallion taxicab of the de-installation of that taxicab's Technology System within twenty-four (24) hours of de-installation.

- (c) The Agent must return the Technology System(s) that the Agent de-installs to the Technology Service Provider within five (5) business days of de-installation.

63-16 Leasing of Medallions from Medallion Owners

- (a) *Lease must be in writing.*

- (1) All lease agreements between Agents and Medallion owners, including any amendments to such leases, must be in writing and signed by the Agent and Medallion or Taxicab owner. Electronic signatures are permissible for electronic leases.
- (2) A copy of the fully executed lease must be provided to the Medallion or Taxicab owner upon lease execution and upon the owner's request.

§63-16(a)	Fine: \$500 per missing lease	Appearance NOT Required
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- (b) *Terms.* Each lease between an Agent and a Medallion owner must provide:

- (1) The amount and frequency of lease payments.
- (2) All costs and fees that may or will be charged to the Medallion Owner by the Agent.
 - (i) For each cost and fee that will be charged, the lease must provide in clear and unambiguous language an explanation of the cost or fee.
 - (ii) For each cost and fee that may be charged, the lease must provide in clear and unambiguous language an explanation of the conditions that will result in the imposition of such cost or fee.
 - (iii) If a cancellation fee is included in the lease, the cancellation fee must be reasonable and the lease must specify the minimum prior notice that must be provided by the owner to avoid the cancellation fee.
- (3) All leases must include the following provisions:
 - (i) The Agent is responsible for paying to New York City and New York State agencies all taxes and surcharges collected on behalf of a Medallion Owner during the periods that such Medallion is leased by the Agent. Failure to pay any taxes or surcharges collected by the Agent should be reported by the Medallion Owner to TLC.

- (ii) TLC rules prohibit Agents from retaliating against owners for complaints filed with the TLC. Any retaliation should be reported to the TLC.
 - (iii) TLC rules prohibit Agents from charging any fees to owners unless specifically provided in the written lease between the Agent and the Medallion Owner. Any charges not specified in such lease should be reported to the TLC.
- (4) If the lease allows the Agent to change the lease payment amount, the agreement must include the following:
 - (i) The Agent must provide the owner with no less than 60 days' notice before changing the lease payment amount.
 - (ii) Such notice must be sent by certified US Mail to the owner.
 - (iii) The Owner has the ability to terminate the lease agreement at any time during the 60-day notice period without any fee or penalty.
- (c) *Timely Payment.* Agents must make all lease payments as required by the lease agreement.
- (d) *No Overcharges.* Agents may not charge or request any additional payment or any fee in excess of any amount set forth in the lease agreement.
- (e) *No interest in Medallion.* A lease agreement may not grant the Agent any rights in or to a Medallion other than the dispatch and operation of the Taxicab to which the Medallion is affixed for the period specified. A lease agreement may not grant an Agent a right or option to purchase.

§63-16(b-e)	Fine: First violation \$500 Second and subsequent violations: \$1000 and/or suspension of the Agent for up to thirty days. In addition to the penalty payable to the Commission, restitution to the owner, equal to the excess or unauthorized charge that was charged to the owner.	Appearance NOT Required
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- (f) *Owner Receipts.* Agents must provide owners with receipts for all payments, deductions and charges, with applicable lease provision cited for any deduction or charge.

§63-16(f)	Fine: \$200	Appearance REQUIRED
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- (g) *Annual Accounting.* Agents must provide to owners an annual accounting of all taxes, fees, insurance and other costs paid or remitted on behalf of the Medallion owner.

§63-16(g)	Fine: \$500	Appearance NOT Required
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(h) *Maintenance of Records.* An Agent must maintain for a period of three years from the date a lease agreement with a Medallion owner expires or is cancelled:

- (1) A copy of the executed lease and any lease amendments;
- (2) Records of all itemized lease payments paid to owners;
- (3) Records of all itemized payments received from owners; and
- (4) Copies of all annual accountings prepared by the Agent for the owner.

§63-16(h)	Fine: \$100 for each missing item	Appearance Required
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