

# **NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

## **Notice of Promulgation**

Notice is hereby given in accordance with section 1043(f) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates rules to increase the penalties for stationary and non-hazardous moving violations and to consider certain out-of-state convictions for fitness revocation hearings.

The rule is promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. This rule was published in the City Record on February 7, 2025 for public comment. On March 12, 2025 a public hearing was held virtually by the TLC and the rules were adopted by the Commission on \*\_\_\_\_\_.\*

## **Statement of Basis and Purpose**

In support of Vision Zero initiatives to eliminate traffic crashes leading to death and serious injuries, TLC is amending Rules §80-13(a)(1) and §80-13(a)(2) penalties for stationary or non-hazardous moving violations. Rules §80-13(a)(1) and §80-13(a)(2) include a multitude of unsafe traffic violations (e.g., crosswalks, double-parking, no standing, bike lanes). Within a 15-month period from October 2022 through December 2023, TLC adjudicated 28,000 §80-13(a)(1) and §80-13(a)(2) violations. Over 2,000 of these violations were issued to drivers who committed multiple §80-13(a)(1) and §80-13(a)(2) violations within that period. TLC is increasing the penalty for these violations by imposing points and the completion of a remedial driver education course following multiple §80-13(a)(1) or §80-13(a)(2) violations. This escalation is intended to act as a deterrent to repeat offenders and to promote the safety of passengers, pedestrians, bicyclists, and other motorists.

Additionally, TLC is amending its special procedures for fitness revocation hearings under Rule §68-14(a)(3). When determining whether an individual is fit to hold a license following convictions for certain qualifying criminal offenses under New York State statutes, TLC will also consider convictions for the functional equivalent of those same offenses in other jurisdictions. Convictions for these offenses, whether in New York State or outside of New York State, implicate an individual’s ability to safely transport members of the public.

After the public comments from the March 12, 2025 hearing held on this rule, TLC has made the following changes to these rules.

- The penalty for the first §80-13(a)(1) and §80-13(a)(2) violation will remain unchanged to include a fine, but no points, and no remedial driver education course, a change from the inclusion of one point and remedial driver education course in addition to a fine contained in the initial rule proposal.

- The penalty for the second §80-13(a)(1) and §80-13(a)(2) violation within a fifteen-month period will include a fine and one point, a change from the inclusion of two points and remedial driver education course in addition to a fine contained in the initial rule proposal.
- The penalty for the third §80-13(a)(1) and §80-13(a)(2) violation within a fifteen-month period will include an increased fine, one point, and a remedial driver education course, a change from the inclusion of two points in addition to a fine contained in the initial rule proposal.

TLC received substantial feedback from several disability advocates and advocacy groups, such as Downstate New York ADAPT, the Center for Independence of the Disabled, New York, and the Disability Justice Program at New York Lawyers for the Public Interest, regarding the need for accommodations for picking up and dropping off passengers with disabilities, such as a designated pick-up and drop-off area with a pedestrian ramp on every block for exclusive use by passengers with disabilities. TLC also received feedback from these groups concerning the impact of shared roadways on their travel experience and safety. These rules do not modify existing State traffic rules relating to designated discharge and pick up zones with pedestrian or wheelchair ramps. The large-scale creation of on street access facilities for passengers with disabilities is beyond the jurisdiction of TLC and the scope of this rulemaking. TLC anticipates these rules will reinforce safer roadway behavior, to the benefit of passengers with disabilities. In any case, TLC does not expect passengers with disabilities to risk injury by crossing bike lanes for pick-ups and drop-offs. In circumstances where TLC has issued a summons for an §80-13(a)(1) or §80-13(a)(2) violation, the tribunal will consider evidence of the pick-up and drop-off of passengers with disabilities as a defense to these charges.

Advocates also expressed concern that increased penalties for such violations, as provided by the proposed rule's addition of points and a remedial driver education course, might incentivize Drivers to ignore §53-10(a), which requires assisting a passenger who uses a wheelchair or a passenger with other disabilities when entering a vehicle from the sidewalk or exiting from the vehicle to the curb. Concerns over the proposed rule's increased penalties were also expressed by many drivers and driver advocacy groups, such as the Taxi Driver Union of New York, the Independent Drivers Guild, the New York Taxi Workers Alliance, and Mobilization for Justice, Inc. In response, TLC has removed any increase in costs associated with the penalty for the first §80-13(a)(1) or §80-13(a)(2) violation in order to focus on repeat violators. TLC has also considered the costs associated with a penalty that includes a point as well as a fine and a remedial driver education course for all second §80-13(a)(1) and §80-13(a)(2) violations, and has removed the requirement to complete a remedial driver education course for such violations.

This penalty structure balances Vision Zero safety initiatives and effective enforcement strategies for the protection of roadway users with the operational flexibility necessary for the real-time road conditions and financial strain faced by Drivers. TLC also remains committed to working with our regulated industries and partner enforcement agencies to address enforcement and logistical challenges with the design and shared use of public roadways, including the

development of relief stations, the safe pick-up and discharge of all passengers, and customer service.

TLC also reviewed public comments regarding amendment to its special procedures for fitness revocation hearings under Rule §68-14(a)(3) and has not made any changes to this rule in that regard. In particular, Mobilization for Justice, Inc. suggested that this amendment is unclear and an unnecessarily punitive measure that would be employed against a class of people already subject to numerous licensing requirements, and that out-of-state criminal records relied on by TLC could be inaccurate, particularly with regard to the outcomes of arrests, expunged convictions, and erroneous records. TLC believes these concerns are misplaced. A “functional equivalent” out-of-state offense refers to an offense with the same or substantially similar essential elements to the same offense as defined in New York State Penal Law, and the same or similar classification type (*i.e.*, felony or misdemeanor). Since this conviction would be considered within the proceedings governing fitness revocation, there is no additional licensing requirement, and a licensee would have the same opportunity to testify and challenge any inaccuracies in the record as they do under current procedures.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Paragraph (3) of subdivision (a) of Section 68-14 of Title 35 of the Rules of the City of New York is amended by adding a new subparagraph (T), to read as follows:

(T) The functional equivalent of the above-referenced convictions in other jurisdictions.

Section 2. Paragraphs (8) through (10) of subdivision (j) of section 80-04 of Title 35 of the Rules of the City of New York are renumbered as paragraphs (9) through (11), and a new paragraph (8) is added, to read as follows:

(8) *Vision Zero and Accessibility Remedial Education Course: A driver convicted of a third or subsequent 80-13(a)(1) or (2) violation must complete the Vision Zero Remedial Education Course no later than 60 days after the date of conviction.*

Section 3. Paragraphs (1) and (2) of subdivision (a) of section 80-13 of Title 35 of the Rules of the City of New York are amended to read 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, provided the Driver remains seated in his or her Vehicle, ready for operation at all times.

§80-13(a)(1)	<p>First Violation: Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.</p> <p><u>Second violation within 15 months:</u> <u>Fine and Point: \$100 and 1 point if plead guilty before a hearing; \$200 and 1 point if found guilty following a hearing.</u></p> <p><u>Third (and subsequent) violation(s) within 15 months:</u> <u>Fine and Points: \$200 and 1 point if plead guilty before a hearing, and suspension; \$300 and 1 point if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period, the Driver will not be suspended.</u></p>	Appearance NOT REQUIRED
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- (2) Laws, rules or regulations governing moving vehicles, other than those defined by paragraph (3) of this subdivision.

§80-13(a)(2)	<p>First violation: Fine: \$200 if plead guilty before a hearing; \$300 found guilty following a hearing.</p> <p><u>Second violation within 15 months:</u> <u>Fine and Points: \$200 and 1 point if plead guilty before a hearing; \$300 and 1 point if found guilty following a hearing.</u></p> <p><u>Third (and subsequent) violation(s) within 15 months:</u> <u>Fine and Points: \$300 and 1 point if plead guilty before a hearing, and suspension; \$400 and 1 point if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period, the Driver will not be suspended.</u></p>	Appearance NOT REQUIRED
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