



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 8, 2012:

BATTERY MARITIME BUILDING LEASE
MANHATTAN CB - 1 20125571 PNM
Application pursuant to §1301(2)(f) of the New York City Charter concerning the proposed maritime lease at the Battery Maritime Building between the Department of Small Business Services and the Governors Island Corporation d/b/a The Trust for Governors Island.
a25-m8

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, May 8, 2012:

MAMAJUANA CAFÉ
MANHATTAN CB - 12 20125338 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Café Inc., d/b/a Mamajuana Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street.

SERAFINA
MANHATTAN CB - 2 20125364 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Serafina Meatpacking LLC, d/b/a Serafina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 79th Avenue.

MILL BASIN
BROOKLYN CB - 18 C 070512 MMK
Application submitted by the Department of Small Business Services pursuant to Sections 1302, 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street;
- the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin (such Marginal Street, Wharf or Place, where the same is shown on any existing plans for the waterfront or portion thereof, shall be incorporated, as modified herein, into the City Map, in accordance with Section 1302(a) of the New York City Charter);
- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in accordance with Map Nos. Z-2703 and Z-2704, dated July 30, 2008 and signed by the Borough President.

MILL BASIN

BROOKLYN CB - 18 C 120108 ZMK
Application submitted by NYC Department of Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 29a and 29c, changing from a C3 District to a C8-1 District property bounded by a line perpendicular to the northeasterly street line of Flatbush Avenue distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, a line 100 feet northeasterly of Flatbush Avenue, a line at an angle of 42 degrees to Flatbush Avenue and passing through a point on the northeasterly street line of Flatbush Avenue distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, a line 400 feet northeasterly of Flatbush Avenue, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 420 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated November 28, 2011.

MILL BASIN

BROOKLYN CB - 18 N 120109 ZAK
Application submitted by NYC Department of Small Business Services for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts.

MILL BASIN

BROOKLYN CB - 18 C 120111 PPK
Application submitted by the NYC Department of Small Business Services (DSBS), pursuant to Section 197-c of the New York City Charter for disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction

prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 8, 2012.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, May 8, 2012:

92 WEST TREMONT AVENUE
BRONX CB - 5 C 120107 HAX
Application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 92 West Tremont Avenue (Block 2867, Lot 125) as an Urban Development Action Area; and
 - An Urban Development Action Area project for such area;
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate the development of a six-story building with approximately 61 dwelling units to be developed under HPD's Low Income Rental Program.
m2-8

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, New York, on Wednesday, May 9, 2012 at 10:00 A.M.

BOROUGH OF QUEENS

No. 1

SILVERCREST SENIOR HOUSING

CD 8 C 110042 ZSQ
IN THE MATTER OF an application submitted by Silvercrest Center for Nursing and Rehabilitation pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a 6-story non-profit with sleeping accommodations on property located at 144-45 87th Avenue a.k.a. 86-19 144th Street (Block 9724, Lots 96 and 196), in an R4-1 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY, 10007.

No.2

83 WALKER STREET

CD 1 C 100149 ZSM
IN THE MATTER OF an application submitted by 83 Walker LLC pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712 of the Zoning Resolution to modify the height regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 23-692 (Height limitations for narrow buildings or enlargements) to facilitate the development of a nine-story residential building, on property located at 83 Walker Street

(Block 195, Lot 12), in a C6-2A District within the Tribeca East Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

a26-m9

CIVILIAN COMPLAINT REVIEW BOARD

■ PUBLIC MEETING

The next monthly public board meeting of the Civilian Complaint Review Board will take place on **Wednesday, May 9, 2012 at 10:00 A.M.** at 40 Rector Street, 2nd Floor, New York, NY 10006. It will be preceded by a meeting of the Operations Committee at 9:15 A.M. Photo ID is required to enter the building.

If you wish to attend the meeting and have limited English proficiency, the CCRB can provide an interpreter. Please contact Marcos Soler on (212) 442-8736 prior to the date of the meeting if you need this service.

m3

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, May 7, 2012 at 7:30 P.M., M.S. 158, 46-35 Oceania Avenue, Bayside, NY

BSA# 60-12-BZ

An application submitted to the NYC Board of Standards and Appeals requesting permission to build in the bed of a mapped street at 240-27 (40th Avenue), Douglaston, Queens.

BSA# 59-12-BZ

An application submitted to the NYC Board of Standards and Appeals requesting to build within the required front yard at 240-27 Depew Avenue, Douglaston, Queens.

An application submitted to the NYC Board of Standards and Appeals for a special permit for the existing physical culture establishment located at 41-19 Bell Boulevard, Bayside, N.Y.

m1-7

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 10 - Thursday, May 3, 2012 at 7:45 P.M., Knights of Columbus Hall, 135-45 Lefferts Boulevard, South Ozone Park, NY

Agenda

118-05 North Conduit Avenue, South Ozone Park
 Pursuant to the New York State Mental Hygiene Law, Section 41-34, it is the intent of Independence Residence, Inc., to establish a community residence(s) for six adults with developmental disabilities.

Department of City Planning will present a proposal for the revised Waterfront Revitalization Program, pursuant to Section 197-a of the New York City Charter, the proposed action would facilitate the revision of the Waterfront Revitalization Program as called for in Vision 2020, the City's Comprehensive Waterfront Plan.

The Director of the Service Design will advise of revisions planned for the MTA Bus Company's Q21 bus route.

a27-m3

EMPLOYEES RETIREMENT SYSTEM

■ REGULAR MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, May 10, 2012 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

m3-9

FINANCE

TREASURY

■ MEETING

BANKING COMMISSION MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A Meeting of the Banking Commission on Wednesday, May 9, 2012 at 2:00 P.M. in the Conference Room at 210 Joralemon Street, 5th Floor, Brooklyn.

a30-m8

FRANCHISE AND CONCESSION REVIEW COMMITTEE

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, May 9, 2012, at 2:30 P.M., at 22 Reade Street, Spector Hall, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call VERIZON relay service.

a30-m9

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

FRANCHISE ADMINISTRATION

■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, May 7, 2012 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan in the matter of approval of a change of control of mobile telecommunications franchisee Mobilitie Investments II, LLC ("Mobilitie") arising from the sale of all of the equity interests of Mobilitie by the parent company of Mobilitie, Mobilitie Holdings II, LLC to SBA Monarch Acquisition, LLC. Mobilitie's franchise from the City of New York ("the City") grants the non-exclusive right to install, operate and maintain telecommunications equipment and facilities on City owned and managed street light poles, traffic light poles, highway sign support poles and certain utility poles ("utility" being defined as it is defined in 47 U.S.C. Section 224). The franchise runs until November 14, 2019. The franchisee is limited to the use of 3,000 poles City-wide during the term of the franchise.

Copies of organizational charts reflecting the controlling ownership of the franchisee before and after the above-described change of control (including name changes for the franchisee and its parent), and a copy of Mobilitie's existing franchise agreement with the City, may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from April 16, 2012 through May 7, 2012, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of Mobilitie's franchise agreement with the City and copies of the organizational charts may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The franchise agreement and copies of the organizational charts may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC Media Group channels.

a13-m7

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 8, 2012 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-0937 - Block 266, lot 30-210 Joralemon Street - Borough Hall Skyscraper Historic District
 A neo-Classical style civic building designed by McKenzie Voorhees & Gmelin and built in 1923-26. Application is to modify window openings at the ground floor, replace second story windows and install awnings and signage.
 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8078 - Block 244, lot 17-177 Montague Street - Former Brooklyn Trust Company Bank - Individual Landmark, Interior Landmark
 A neo-Italian Renaissance style bank building and banking hall designed by York & Sawyer and built in 1913-16. Application is to install HVAC units at the roof and HVAC controls within the banking hall. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-9037 - Block 247, lot 35-214-216 Hicks Street, aka 82-84 Montague Street - Brooklyn Heights Historic District

A commercial building designed by Murray Klein and built in 1930. Application is to alter an existing storefront, and install new storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-6998 - Block 2120, lot 36-368 Adelphi Street - Fort Greene Historic District
 An Italianate style rowhouse built c. 1858. Application is to legalize the removal of ironwork without Landmarks Preservation Commission permits and install new ironwork.
 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8403 - Block 2090, lot 37-206 Adelphi Street - Fort Greene Historic District
 An Italianate style frame rowhouse built circa 1866. Application is to demolish an existing rear yard addition and construct a new rear yard addition. Zoned R6B.
 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8323 - Block 2090, lot 44-220 Adelphi Street - Fort Greene Historic District
 A highly altered Italianate style rowhouse built in the 1860s. Application is to demolish the existing rear yard addition and construct a new rear yard addition. Zoned R6B.
 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-2897 - Block 312, lot 8-285 Clinton Street - Cobble Hill Historic District
 A Greek Revival style rowhouse built between 1845 and 1854. Application is to legalize the construction of a rear yard addition without Landmarks Preservation Commission permits. Zoned R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8582 - Block 1061, lot 53-223 Berkeley Place - Park Slope Historic District
 A neo-Grec style rowhouse with Italianate style features built in 1874. Application is to construct a rear addition. Zoned R7B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7776 - Block 149, lot 29-287 Broadway - 287 Broadway Building - Individual Landmark
 An Italianate/Second Empire style bank and office building designed by John B. Snook and built in 1871-1872. Application is for structural and facade work to right the leaning building, and to raise the rooftop cresting, install storefront infill and a ramp. Zoned C6-4A.
 Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6956 - Block 46, lot 3-100 Broadway - American Surety Company Building - Individual Landmark
 A neo-Renaissance style office building built in 1894-96 designed by Bruce Price, and enlarged in the 1920s with additions designed by Herman Lee Meader. Application is to install signage. Zoned C5-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5412 - Block 220, lot 35-46 Laight Street - Tribeca North Historic District
 An Italianate style tenement building designed by William H. Waring and built in 1874. Application is for installation of new ground floor infill, extension of a chimney, alterations at the roof level, and installation of air-conditioning equipment without permits. Zoned M1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0434 - Block 228, lot 7-371 Canal Street - SoHo-Cast Iron Historic District
 A cast-iron store building designed by Samuel Warner and built in 1883-84. Application is to alter the cast iron facades and reinforce the fire escape. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0939 - Block 7510, lot 475-60 Grand Street - SoHo-Cast Iron Historic District
 A neo-Classical style building designed by Cleverdon and Putzel and built in 1895-96. Application is to install a painted wall sign. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8104 - Block 487, lot 30-83 Wooster Street - SoHo-Cast Iron Historic District
 A neo-Grec style store and loft building designed by J.B. Snook and built in 1876. Application is to modify storefront infill and the loading dock to provide barrier free access.
 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0884 - Block 544, lot 72-27 East 4th Street - NoHo Historic District Extension
 A garage and repair shop designed by Herman Kron and built in 1945-46. Application is to demolish existing building and construct a new building. Zoned M1-5B.
 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9612 - Block 640, lot 66-24 Bethune Street - Greenwich Village Historic District
 A Greek Revival style rowhouse built in 1844-45. Application is to reconstruct the facade. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7860 - Block 588, lot 12-30 Grove Street - Greenwich Village Historic District
 A vernacular Greek Revival style townhouse with early Italianate style and transitional features built in 1851-52. Application is construct rooftop and rear yard additions and alter the ironwork. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9115 - Block 620, lot 1-

520-524 Hudson Street, aka 243-247 West 10th Street - Greenwich Village Historic District
An apartment building designed by Samuel Roth and built in 1947. Application is to install storefront infill and excavate the cellar. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9605 - Block 591, lot 4-88-90 7th Avenue South, aka 305-307 Bleecker Street - Greenwich Village Historic District
An Art Deco style building built in 1931. Application is to install storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9114 - Block 622, lot 38-278 West 11th Street - Greenwich Village Historic District
An Italianate style house built in 1853 and altered. Application is to construct a stoop and alter windows, and construct a rear yard addition. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-3893 - Block 644, lot 51 & 52-10-12 Little West 12th Street - Gansevoort Market Historic District
Two vernacular rowhouses built circa 1849. Application is to legalize the installation of storefront infill, signage, and the construction of a rear yard addition, without Landmarks Preservation Commission permits. Zoned M1-5 Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7343 - Block 744, lot 20-333 West 20th Street - Chelsea Historic District
A rowhouse built in 1855, and altered in 1893. Application is to construct a rear yard addition. Zoned R7B. Community District 4.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-0241 - Block 1257, lot 2-Bryant Park - Scenic Landmark
A formal French-style garden designed in 1933 by Lusby Simpson and reconstructed and partially redesigned by Hanna/Olin in 1988-91. Application is to establish a master plan governing seasonal installations. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0066 - Block 1378, lot 70-825 Fifth Avenue - Upper East Side Historic District
A neo-Classical style apartment building designed by J.E.R. Carpenter and built in 1926. Application is to reconstruct balconies and railings. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0199 - Block 1408, lot 20-149 East 73rd Street - Upper East Side Historic District Extension
A Renaissance Revival style apartment building designed by J. E. R. Carpenter and built in 1924. Application is to establish a Master Plan governing the future installation of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9093 - Block 1409, lot 50-170 East 75th Street - Upper East Side Historic District Extension
An Art and Craft style rowhouse designed by Hill and Stout and built in 1880-81, and converted into an automobile stable in 1902.. Application is to construct additions. Zoned C1-8X. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8722 - Block 1504, lot 29-63 East 92nd Street - Carnegie Hill Historic District
A rowhouse built in 1886 and altered in the neo-Colonial style in 1928 by Edward Webber. Application is to construct rooftop and rear yard additions and alter front and rear facades. Zoned R8B. Community District 8.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-1115 - Block 2106, lot 1-2301 Amsterdam Avenue - Highbridge Play Center - Individual Landmark
An Art Moderne style pool complex designed by architect Aymar Embury II, landscape architects Gilmore D. Clarke and Allyn R. Jennings, and civil engineers W. Earle Andres and William H. Latham, and built in 1934-36. Application is to demolish a mezzanine and install new infill within the breezeway. Community District 12.

a25-m8

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, May 15, 2012 at 9:00 A.M.**, at the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks and Landmark Sites. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

ITEMS TO BE HEARD

PUBLIC HEARING ITEM NO.1
LP-2087
BRINKERHOFF CEMETERY, 69-65 182nd Street, (aka 69-63 182nd Street), Queens.
Landmark Site: Borough of Queens Tax Map Block 7135, Lots 54 and 60
[COMMUNITY DISTRICT 8]

PUBLIC HEARING ITEM NO. 2
LP-2518
BOWERY BANK OF NEW YORK BUILDING, 124-126 Bowery (aka 230 Grand Street), Manhattan
Landmark Site: Borough of Manhattan Tax Map Block 470, Lot 64
[COMMUNITY DISTRICT 2]

PUBLIC HEARING ITEM NO. 3
LP-2520
FIREHOUSE, ENGINE COMPANY 83, HOOK & LADDER 29, 618 East 138th Street (aka 618-620 East 138th Street), Bronx
Landmark Site: Borough of the Bronx Tax Map Block 2550, Lot 28
[COMMUNITY DISTRICT 1]

PUBLIC HEARING ITEM NO. 4
LP-2521
FIREHOUSE, ENGINE COMPANY 41, 330 East 150th Street, Bronx.
Landmark Site: Borough of the Bronx Tax Map Block 2331, Lot 33
[COMMUNITY DISTRICT 1]

PUBLIC HEARING ITEM NO. 5
LP-2522
FIREHOUSE, ENGINE COMPANY 305, HOOK and LADDER COMPANY 151, 111-02 TO 111-04 Queens Boulevard (aka 111-50 75th Avenue), Queens.
Landmark Site: Borough of Queens Tax map Block 3294, Lot 20
[Community District 6]

m1-14

MAYOR'S OFFICE OF OPERATIONS**REPORT AND ADVISORY BOARD REVIEW COMMISSION**

■ NOTICE

PUBLIC HEARING NOTICE

The Report and Advisory Board Review Commission will hold its first public hearing to solicit public feedback on whether the Commission should waive the 21 reporting requirements and advisory boards listed below.

- **DATE:** Friday, May 11, 2012
- **TIME:** 2:00 P.M.
- **PLACE:** Department of City Planning, Spector Hall
22 Reade Street
MANHATTAN

Members of the public may also provide comments to Commission staff by email (ReportsandBoards@cityhall.nyc.gov), or by mail: The Report and Advisory Board Commission, Mayor's Office of Operations, Attn: Alexis Offen, 253 Broadway, 10th Floor, New York, NY, 10007. As of April 20, 2012, all new comments sent by mail or email to the Commission will be posted on a weekly basis to www.nyc.gov/ReportsandBoards. Publishing of comments is subject to policies posted on the Commission's website.

Individuals requesting sign language interpreters or other reasonable accommodation for a disability at the public hearing should contact Rosa Reinat by emailing rreinat@cityhall.nyc.gov or by calling (212) 788-1400.

Press may contact the Mayor's Press Office at (212) 788-2958.

Background

In November 2010, New York City voters approved a Charter Revision Commission referendum proposal to review and assess the continued usefulness of certain reporting requirements and advisory boards. The Commission is chaired by the Director of the Mayor's Office of Operations and consists of representatives from the City Council, the Office of the Corporation Counsel, the Office of Management & Budget (OMB), and the Department of Information Technology and Telecommunications (DOITT).

More information about the Commission is available at www.nyc.gov/ReportsandBoards or by contacting the Commission staff at ReportsandBoards@cityhall.nyc.gov.

Items for Potential Waiver

Statutory provisions for the following can be found at www.nyc.gov/ReportsandBoards and the Charter and Administrative Code can be reviewed at the City Hall Library, 31 Chambers Street, Room 112, New York, NY, 10007:

Reports

1. Arson Strike Force Report (Administrative Code §15-303)
A report to be published annually on arson-related statistics.
2. Class Size Report (partial waiver) (Charter §522(c)-(f))
A report to be published twice a year comparing the number of classes by school, grade, and program to the number of students in the same categories, in order to show the average class size. Note: The Commission is considering a partial waiver of this report in order to change the frequency of the report from biannual to annual.
3. Criminal Justice Account Allocation of Funds Report (Administrative Code §5-605)
A report to be published annually on the allocation of funds from the criminal justice account and status of the implementation of the safe streets-safe city program.
4. Drug Enforcement/Drug Abuse Task Force Report (Administrative Code §3-111)
A report to be published quarterly on the task force's ongoing coordination activities, as well as a formal

annual report on findings and recommendations of the task force.

5. Horse Drawn Cab Stand Report (Administrative Code §19-174)
A report to be published annually on existing locations of horse draw cab stands, as well as any proposals to establish or eliminate horse drawn cab stands.
6. Industrial and Commercial Incentive Program Report (Administrative Code §11-267)
A report to be published annually on the status of the Industrial and Commercial Incentive Program and its effects in the City.
7. Outreach Programs Report (Charter §612(a)(7))
A report to be published quarterly on Department of Homeless Services or contractor outreach programs, and the number of chronically homeless individuals placed into permanent or temporary housing.
8. Permanent Housing Needs Report (Charter §614)
A report to be published annually on expected needs for permanent housing and transitional housing and services in the upcoming fiscal year.
9. Preliminary Mayor's Management Report (Charter §12)
A report to be published annually showing a mid-year snapshot of agency performance across all mayoral agencies.
10. Sustainable Stormwater Management Plan Report (Administrative Code §24-526.1)
A report to be published biennially on the status of the sustainable stormwater management plan.
11. Temporary and Non-Standard Classroom Report (Charter §522(b))
A report to be published annually on the use of non-standard classrooms within the public school system.
12. Ultra Low Sulfur Diesel Fuel for Ferries Report (Administrative Code §19-307)
A report to be published annually on the use of ultra low sulfur diesel fuel and the best available technology for reducing the emission of pollutants for diesel fuel-powered City ferries.
13. Use of Refuse Burning Equipment without Control Apparatus Report (Administrative Code §24-158)
A report to be published twice a year on the extent of compliance with the law prohibiting unauthorized incinerator use.
14. Zoning and Planning Report (Charter §192(f))
A report to be published every four years on the planning agenda and zoning reform of the Department of City Planning.

Advisory Boards

1. Arson Strike Force (Administrative Code §15-301)
A multi-agency strike force to foster cooperation in controlling incidences of arson.
2. Consumers Council (Charter §2204)
A council representing consumer interests to advise the Department of Consumer Affairs on needed programs, reports, and cooperative efforts.
3. Drug Enforcement and Drug Abuse Task Force (Administrative Code §3-111)
A multi-agency task force to foster cooperation and coordination in the battle against drug use and in providing abuse services.
4. Inter-Agency Advisory Council on Towing (Administrative Code §20-521)
A council to make recommendations to the Department of Consumer Affairs concerning the criteria for issuing towing company licenses and participation in the rotation tow and directed accident programs.
5. NYC Commission for the Foster Care of Children (Administrative Code §21-118)
A commission to study and recommend programs and standards addressing phases, facilities, and services of foster care.
6. Resource Recovery Task Force (Charter §1403)
A Department of Environmental Protection and Department of Sanitation task force to advise and make recommendations on the planning and implementation of energy and materials recovery for solid and liquid wastes.
7. Tattoo Regulation Advisory Committee (Administrative Code §17-361)
A Department of Health and Mental Hygiene committee to advise the Commissioner on health issues relating to tattooing.

a20-m11

SMALL BUSINESS SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITION AND DISPOSITION PUBLIC HEARING, in accordance with Section 1301(2)(g) of the New York City Charter, will be held on Tuesday, June 5, 2012 at 10:00 A.M. at 22 Reade Street, Main Floor, in the Borough of Manhattan.

In the matter of a proposed lease between the City of New York (the "City"), as landlord, and Brooklyn Navy Yard Development Corporation ("BNYDC"), as tenant, which provides for the leasing of certain portions of the Brooklyn Navy Yard, comprised of (1) an approximately 262 acre parcel of land, together with improvements thereon, known as Block 2023, Lot 1, (2) the Naval Station Annex, consisting of an approximately 28 acre parcel of land, together with the improvements thereon, known as Block 2023, Lot 150, and (3) Admiral's Row, consisting of an approximately 6 acre parcel of land, together with improvements thereon, known as Block 2023, Lot 50. The proposed term of the lease will be a total of ninety-nine (99) years from the Commencement Date as defined in the lease, which term includes extension periods.

1 RCNY § 28-02(e)(2) states: Existing buildings. Buildings in existence on November 1, 2004, and buildings with work permits issued prior to November 1, 2004, may, in the alternative, be equipped with battery-operated CO alarms compliant with RS 17-14 § 5.2.3 or plug-in type CO alarms with a back-up battery compliant with RS 17-14 § 5.2.4, except where such buildings are substantially improved or altered on or after November 1, 2004.

§2. Section 12-06 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows:

§12-06 Owner Responsibilities for CO Alarms for Class A Multiple Dwellings.

Pursuant to §27-2046.1 of the administrative code of the city of New York, the owner of a Class A multiple dwelling that is required to be equipped with carbon monoxide detecting devices pursuant to [article 7 of subchapter 17 of chapter 1 of title 27 of the administrative code of the city of New York] section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, and as prescribed by the Department of Buildings (“DOB”) pursuant to chapter 28 of title 1 of the rules of the city of New York shall comply with the following requirements:

(a) Provide and install one or more approved and operational CO alarms in each dwelling unit, provided that there shall be installed at least one approved and operational CO alarm within 15 feet of the primary entrance to each room lawfully used for sleeping purposes, and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(b) Post a notice in a form approved by the Commissioner of the Department of Housing Preservation and Development (“HPD” or “the Department”) in a common area of a Class A multiple dwelling, readily visible and preferably in the area of the inspection certificate informing the occupants of such building that:

(1) the owner is required by law to install one or more approved and operational CO alarm in each dwelling unit in the building within 15 feet of the primary entrance to each room lawfully used for sleeping purposes and to periodically replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(2) each occupant is responsible for the maintenance and repair of such alarms and for replacing any or all such alarms that are stolen, removed, missing, or rendered inoperable during the occupancy of such dwelling unit; and

(3) the occupant of a dwelling unit in which a CO alarm is newly installed or in which a CO alarm is installed by the owner as a result of such occupant’s failure to maintain such alarm or where such alarm has been lost or damaged by such occupant, or where such alarm is replaced upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code, shall reimburse the owner in the amount of \$25.00 per device for the cost of such work, and such occupant shall have one year from the date of installation to make such reimbursement.

(4) An owner may choose to post a single notice that complies with this provision as well as the provisions of 28 RCNY §12-01(b).

(5) The notice required by this subdivision shall conform with the following requirements:

- (i) the notice shall have letters not less than three-sixteenths of an inch in height;
- (ii) the lettering of the notice shall be of bold type and shall be properly spaced to provide good legibility and the background shall be of contrasting colors;
- (iii) the notice shall be durable and shall be substantially secured to the common area where posted;
- (iv) the notice shall be of metal, plastic, or decal;
- (v) lighting shall be sufficient to make the notice easily legible; and

(c) Replace any CO alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant before the commencement of a new occupancy of the dwelling unit and replace such alarm upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code;

(d) Replace within 30 calendar days after receipt of written notice any such alarm that becomes inoperable within one year of the installation of such alarm due to a defect in the manufacture of such alarm through no fault of the occupant of the dwelling unit;

(e) Provide written information regarding the testing and maintenance of CO alarms to at least one adult occupant of each dwelling unit, including, but not limited to, general information concerning carbon monoxide poisoning and what to do if a CO alarm goes off, that CO alarms have a useful life limitation and that the owner has a duty to replace such alarms upon the expiration of such useful life. Such information may include material that is distributed by the manufacturer or any material prepared or approved by DOB and shall be provided at the time of installation;

(f) Keep the following records, on the premises [unless another location is approved by HPD] or in the business office of the owner or managing agent, relating to the installation and maintenance of CO alarms in the building:

- (1) date notice posted pursuant to §12-06(b) of this chapter;
- (2) date of installation of each CO alarm and the expiration date of the useful life of such alarm;
- (3) whether each CO alarm receives its primary power from the building wiring with secondary battery back-up, is a battery-operated alarm, or is a plug-in type CO alarm with a back-up battery;

- (4) apartment number and location within apartment where each alarm was installed;
- (5) date each alarm tested to determine if it is in operable condition;
- (6) maintenance work performed on each alarm; and
- (7) date occupant requested replacement/repair.

These records must be made available to HPD, DOB, the Fire Department, or the Department of Health and Mental Hygiene (“DOHMH”) upon request; and

(g) File a certification of satisfactory installation [within 10 days] electronically, or using a form available at each HPD Borough Office location after [completion] the first replacement of a new CO alarm that complies with §§28-312.1 and 28-312.2 of the administrative code, and within 10 days after completion for each subsequent installation of a CO alarm, [with the HPD Borough Division of Code Enforcement in the borough where the dwelling is located. This certification shall be set forth on a form available at each HPD Borough Office and/or on HPD’s website.] An owner must have a current, valid property registration on file for the property in order to file a certification of satisfactory installation.

§3. Section 12-07 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows

§12-07 Owner Responsibilities for CO Alarms for Private Dwellings.

Pursuant to §27-2046.1 of the administrative code of the city of New York, the owner of a private dwelling that is required to be equipped with CO alarms pursuant to [article 7 of subchapter 17 of chapter 1 of title 27 of the administrative code of the city of New York] section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code and as prescribed by DOB pursuant to chapter 28 of title 1 of the rules of the city of New York shall comply with the following requirements:

(a) Provide and install one or more approved and operational CO alarm in each dwelling unit, provided that there shall be installed at least one approved and operational CO alarm within 15 feet of the primary entrance to each room lawfully used for sleeping as prescribed in the DOB rules and regulations relating to CO alarms, and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;]

(b) For purposes of (c) through (g) of this section, “private dwelling” shall mean a dwelling unit in a one-family or two-family home that is occupied by a person or persons other than the owner of such unit or the owner’s family;.]

(c) Provide notice in a form approved by the Department to the occupants of such dwelling that:

(1) the owner is required by law to install an approved and operational CO alarm in each dwelling or dwelling unit in the building, within 15 feet of the primary entrance to each room lawfully used for sleeping and to periodically replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(2) each occupant is responsible for the maintenance and repair of such alarms and for replacing any or all such alarms that are stolen, removed, missing, or rendered inoperable during the occupancy of such dwelling or dwelling unit; and

(3) the occupant of a dwelling or dwelling unit in which a CO alarm is newly installed, or in which a CO alarm is installed by the owner as a result of such occupant’s failure to maintain such alarm, or where such alarm has been lost or damaged by such occupant or where such alarm is replaced upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code, shall reimburse the owner in the amount of \$25.00 per alarm for the cost of such work, and the occupant shall have one year from the date of installation to make such reimbursement;

(d) Replace any CO alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling or dwelling unit and that has not been replaced by the prior occupant before commencement of a new occupancy of the dwelling or dwelling unit;

(e) Replace within 30 calendar days after receipt of written notice any such alarm that becomes inoperable within one year of the installation of such alarm due to a defect in the manufacture of such alarm through no fault of the occupant of the dwelling or dwelling unit;

(f) Provide written information regarding the testing and maintenance of CO alarms to at least one adult occupant of each dwelling or dwelling unit, including, but not limited to, general information concerning carbon monoxide poisoning and what to do if a CO alarm goes off and that CO alarms have a useful life limitation and that the owner has a duty to replace such alarms upon the expiration of such useful life. Such information may include material that is distributed by the manufacturer or any material prepared or approved by DOB and shall be provided at the time of installation; and

(g) Keep the following records relating to the installation and maintenance of CO alarms in the dwelling or dwelling unit:

- (1) date of installation of each CO alarm and the expiration date of the useful life of such alarm;
- (2) whether each CO alarm receives its primary power from the building wiring with secondary battery back-up, is a battery-operated device, or is a plug-in type CO alarm with a back-up battery;
- (3) location within dwelling or dwelling unit where each alarm is installed;
- (4) date each alarm was tested to determine if it is in operable condition;
- (5) maintenance work performed on each alarm; and

- (6) date occupant requested replacement/repair.

These records must be made available to HPD, DOB, the Fire Department, or DOHMH upon request.

§4. Section 12-08 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows

§12-08 Occupant Responsibilities for CO Alarms for Class A Multiple Dwellings and Private Dwellings.

(a) Pursuant to §27-2046.1 of the administrative code of the city of New York, it shall be the sole duty of the occupant of each unit in a Class A multiple dwelling and the occupant of a dwelling or dwelling unit in a private dwelling in which a CO alarm has been provided and installed by the owner to:

- (1) keep and maintain such CO alarm in good repair; and
- (2) replace any alarm that is either stolen, removed, missing, or rendered inoperable during the occupancy of such dwelling or dwelling unit.

(b) The occupant of a dwelling or dwelling unit in which a CO alarm is newly installed, or in which a CO alarm is installed by the owner as a result of such occupant’s failure to maintain such alarm, or where such alarm is replaced upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code shall reimburse the owner in the amount of \$25.00 per alarm for the cost of such work. Such occupant shall have one year from the date of installation to make such reimbursement.

(c) Except as provided in §12-06(c) and (d) and §12-07(d) and (e) above, an owner who has provided and installed a CO alarm in a dwelling or dwelling unit shall not be required to keep and maintain such alarm in good repair or to replace any such alarm that is stolen, removed, or rendered inoperable during the occupancy of such dwelling or dwelling unit.

§5. Section 12-09 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows

§12-09 Owner Responsibilities for CO Alarms for Class B Multiple Dwellings.

Pursuant to §27-2046.2 of the administrative code of the city of New York, the owner of a Class B multiple dwelling that is required to be equipped with one or more CO alarms pursuant to [article 7 of subchapter 17 of chapter 1 of title 27 of the administrative code of the city of New York] section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code and as prescribed by DOB pursuant to chapter 28 of title 1 of the rules of the city of New York shall:

(a) Provide and install one or more approved and operational CO alarm in each dwelling unit and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code, or in the alternative, provide and install a line operated zoned CO detecting system with central annunciation and central office tie-in for all public corridors and public spaces;

(b) Keep and maintain CO alarms or systems in good repair and replace such alarm upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code;

(c) Replace any CO alarm that has been stolen, removed, found missing, or rendered inoperable prior to the commencement of a new occupancy of a dwelling unit;

(d) Keep the following records, on the premises [unless another location is approved by HPD] or in the business office of the managing agent or owner, relating to the installation and maintenance of CO alarms or systems:

(1) date of installation of each CO alarm or system and the expiration date of the useful life of such alarm;

(2) whether the CO alarm receives its primary power from the building wiring with secondary battery back-up, is a battery-operated alarm, is a plug-in type CO alarm with a back-up battery, or in the alternative whether it is a line operated zoned CO detecting system with central annunciation and central office tie-in for all public corridors and public spaces;

(3) room number and location within room where each CO alarm was installed;

(4) date each alarm was tested to determine if it is in operable condition;

(5) maintenance work performed on each alarm;.]

These records must be made available to HPD, DOB, the Fire Department, or DOHMH upon request; and

(e) File a certification of satisfactory installation [within 10 days] electronically, or using a form available at each HPD Borough Office location after [completion] the first replacement of a new CO alarm that complies with §§28-312.1 and 28-312.2 of the administrative code, and within 10 days after completion for each subsequent installation of a CO alarm, [with the HPD Borough Division of Code Enforcement in the borough where the dwelling is located. This certification shall be set forth on a form available at each HPD Borough Office and/or on HPD’s website.] An owner must have a current, valid property registration on file for the property in order to file a certification of satisfactory installation.

§6. Section 12-10 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows

§12-10 Form for Notices for CO Alarms.

[A sample form for providing notice to occupants pursuant to §12-06 is attached and made a part of this chapter.

NOTICE

The owner, _____, of this building located

Hail Licenses that remain unissued three months after first issuance. The Vehicle Service Chapter outlines the duties and responsibilities of the holders of Street Hail Livery Licenses. Specifically, the rules provide the following:

- General Street Hail Livery License ("License") qualifications, including:
 - No one may own more than one License, although someone may own up to 5 Accessible Street Hail Licenses;
 - 20 percent of all Licenses must be used with vehicles accessible to persons in wheelchairs
- Term of License, License fees and rules governing transfer of Licenses, including:
 - Up to 6,000 licenses issuable each year for the first three years;
 - Priority will be given to current For-Hire Vehicle Driver and Vehicle Licensees during the initial three year issuance period
- Activities Licensees are prohibited from engaging in:
 - Street hail service can be provided only outside the "yellow zone." That means, street hail service is NOT permitted at airports or in Manhattan south of West 110th Street and south of East 96th Street.
 - Pre-Arranged service by a street hail livery can be provided for trips beginning outside Manhattan and in Manhattan north of West 110th Street and north of East 96th Street and also for trips beginning at the airports. Pre-Arranged service is NOT permitted for trips beginning in Manhattan south of West 110th Street and south of East 96th Street.
 - These restrictions do not affect the ability of validly licensed for-hire vehicles that are not street hail liveries to operate by pre-arrangement, or of paratransit vehicles to provide paratransit service.
- Other Licensee requirements addressed in this Chapter:
 - Licensee insurance requirements
 - Method of Operating a Street Hail Livery
 - Data collection and other reporting requirements
 - Rates of fare for Street Hail Liveries
 - Inspection requirements
 - Requirement for vehicles to be painted a designated color, and to have certain uniform markings
 - Requirements for vehicle condition, required equipment (including roof light, credit card processing equipment, and meter) and certain restrictions on advertisements and markings
 - Authorization for Licensees to obtain roof top advertising and approval for advertising devices
 - Hack up requirements.

New material is underlined.
[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 59A-01 of Title 35 of the Rules of the City of New York is amended to add subdivision (c) to read as follows:

(c) Except as otherwise provided, this chapter does not apply to For-Hire Vehicles that are Street Hail Liveries. The requirements for Street Hail Livery service are provided in Chapter 82 of these Rules.

§2. Section 59A-07(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Vehicle License Fee, The fee for each For-Hire Vehicle License will be \$275 annually.

(1) Exception for Vehicles used with Street Hail Livery Licenses Issued in Initial Street Hail Livery License Issuance Period: There will be no fee for a For-Hire Vehicle License for a Vehicle used as a Street Hail Livery for up to two years (for a maximum of \$550) if the Vehicle is used with a Street Hail Livery License issued during the Initial Street Hail Livery License Issuance Period. This exception will apply only to the fee for the For-Hire Vehicle License for the Vehicle affiliated with the Street Hail Livery License when the Street Hail Livery License is first issued.

(2) Exception for Vehicles used with Street Hail Livery Licenses Issued in Second Street Hail Livery License Issuance Period: There will be no fee for a For-Hire Vehicle License for a Vehicle used as a Street Hail Livery for up to one year (for a maximum of \$275) if the Vehicle is used with a Street Hail Livery License issued during the Second Street Hail Livery License Issuance Period. This exception will apply only to the fee for the For-Hire Vehicle License for the Vehicle affiliated with the Street Hail Livery License when the Street Hail Livery License is first issued.

(3) Exception to Exceptions. The exceptions in (a)(1) and (2) do not apply to Vehicles used as Accessible Street Hail Liveries.

§3: Title 35 of the Rules of the City of New York is amended to add a new Chapter 82 to read as follows

Chapter 82: Street Hail Livery Service

Subchapter A

§82-01 Subchapter A: Scope of this Subchapter

- (a) To establish the procedures and requirements for obtaining a Street Hail Livery License
- (b) To establish the rules and regulations for operating a Street Hail Livery
- (c) To establish the penalties for violating the Rules

§82-02 Penalties

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing

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 or Authorization from the Commission 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 the Hearing.
 - (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation.
 - (2) If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).
 - (3) If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.
 - (4) 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 ten 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) Suspension and Revocation.
 - (1) If a penalty in this Chapter specifies suspension or revocation, the suspension or revocation includes both the Street Hail Livery License plus the Vehicle's For-Hire or Paratransit Vehicle License.
 - (2) If a For-Hire or Paratransit Vehicle License for a vehicle used as a Street Hail Livery is suspended or revoked as a result of the imposition of a penalty under another Chapter of these Rules, the suspension or revocation is also applicable to the Street Hail Livery License.

§82-03 Definitions Specific to this Chapter

- (a) Applicant in this chapter means the individual or Business Entity applying for an original or renewal Street Hail Livery License under this Chapter in whose name the License applied for will be issued.
- (b) Business Entity in this Chapter includes corporations, partnerships and limited liability companies.
- (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 or a Paratransit Driver who is driving an Accessible Street Hail Livery. During the Livery Driver Authorization Period, as defined in § 51-03 of these rules, a Driver can also be a For-Hire Driver when driving a Street Hail Livery. See Chapter 54 of these Rules for Driver requirements.
- (d) Flat Rate is a definite dollar amount that will be charged to a Street Hail Livery passenger for a specific trip, and is fixed before the trip begins (NOTE: "double the Taximeter" is not a Flat Rate).
- (e) License in this Chapter means a Street Hail Livery License.
- (f) Licensee in this Chapter means the holder of a Street Hail Livery License.
- (g) MTA Tax is the 50 cent tax on taxicab and certain Street Hail Livery trips imposed by Article 29-A of the NYS Tax Law.
- (h) Rooftop Advertising Fixture means a device that incorporates the functions of a Roof Light with an advertising display.
- (i) Rooftop Advertising Fixture Provider means the entity responsible for supplying the Rooftop Advertising Fixture to the Street Hail Livery Licensee and maintaining the advertising material.
- (j) Street Hail Livery Technology System or LPEP shall have the same meaning given such term in § 51-03 of these Rules.
- (k) Street Hail Livery Technology System Provider or LPEP Provider shall have the same meaning given such term in § 51-03 of these Rules.
- (l) Trip Data shall have the same meaning given such term in § 51-03 of these Rules.
- (m) Vehicle in this Chapter shall mean the Commission-licensed Vehicle in use with a Street Hail Livery License.
- (n) Wheelchair Passenger is a Passenger using a wheelchair.

§82-04 Licensing - General Requirements

- (a) Identification. An individual or all Business Entity

Persons of a Business Entity applying for a Street Hail Livery License must provide to the Commission proof of identity in the form of:

- (1) A Valid Government-issued photo ID and
 - (2) A Valid, original Social Security Card.
- (b) Age. An individual or all Business Entity Persons of a Business Entity applying for a Street Hail Livery License or its renewal must be at least 18 years of age.
 - (c) Good Moral Character.
 - (1) An individual or all Business Entity Persons of a Business Entity applying for a Street Hail Livery License must be fingerprinted and must be of good moral character. Fingerprinting for the purpose of investigating good moral character is also required of the following, unless waived by the Chairperson in his or her discretion:
 - (i) Any new Business Entity Persons added by a Licensee.
 - (2) Applicant's criminal history will be considered in a manner consistent with the Correction Law of the State of New York.
 - (d) Fit to Hold a License. An individual or Business Entity must demonstrate to the satisfaction of the Commission that the Applicant is Fit to Hold a Street Hail Livery License.
 - (e) Drivers Designated as Agents to Accept Service.
 - (1) The Applicant must designate each and every Driver who operates the Applicant's Street Hail Livery as an agent to accept service of Commission notices to correct defects in the Street Hail Livery.
 - (2) Delivery of a notice of defect to a Driver will be adequate service of notice to the Licensee.
 - (f) Liability Insurance. The Applicant must have liability insurance coverage by bond or policy as required by the State of New York and these Rules. See § 82-14 of this Chapter.
 - (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, but is not limited to, 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.
 - (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.
 - (h) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.
 - (i) Affiliation with only one Base A Street Hail Livery License and the Vehicle with which the License is used can affiliate with only one Base at a time and that Base must be a Validly licensed Street Hail Livery Base.

- (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 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 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 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 Driver's License in good standing.

§82-06 Licensing – Special Requirements

- (a) Only One Street Hail Livery License.
 - (1) No person or Business Entity may own or have an interest in more than one Street Hail Livery License.
 - (2) Exception: A Person or Business Entity may own or have an interest in up to five Street Hail Livery Licenses restricted to accessible vehicles. No Licensee whose License is restricted to accessible vehicles may own or have an interest in more than five total Street Hail Livery Licenses and each of those must be an Accessible Street Hail Livery License. A Person or Business Entity which owns or has an interest in one or more Accessible Street Hail Livery License may not also have an interest in a Street Hail Livery License that is NOT an Accessible Street Hail Livery License.
 - (3) No person or Business Entity that currently owns or has an interest in a Valid or suspended Street Hail Livery License may apply for another Street Hail Livery License, except as provided in paragraphs (1) and (2).
 - (4) For purposes of this Rule, a person or Business Entity has an interest in a Street Hail Livery License if the person or Business Entity has an ownership or financial interest, but not including an interest pledged as security, in a Street Hail Livery License, or if the person or Business Entity has a fiduciary relationship with, an ownership interest in, or is otherwise a member of any other entity, including but not limited to a corporation, partnership, joint venture or association, that owns a Street Hail Livery License.
 - (5) To determine if a Street Hail Livery License will be attributed to the Applicant or Licensee, the Commission will include any Street Hail Livery License held by any of the following:
 - (i) any Business Entity Persons of the Applicant or Licensee;
 - (ii) any Business Entity of which the Applicant or Licensee is a Business Entity Person; and
 - (iii) any Business Entity of which a Business Entity Person of Applicant or Licensee is also a Business Entity Person.

§82-06(a) Fine: Revocation Appearance REQUIRED

(b) Licensing – Vehicle Requirements.

- (1) Except as provided in paragraph (2) below, a Street Hail Livery License may only be used with a For-Hire Vehicle licensed by the Commission under Chapter 59A that meets all of the requirements set forth in Subchapter B of this Rule (Street Hail Livery Hack-Up).
- (2) A Street Hail Livery License that is restricted to use with an accessible vehicle may be used with a For-Hire Vehicle licensed by the Commission under Chapter 59A or with a Paratransit Vehicle licensed by the Commission under Chapter 60, provided that the vehicle meets all of the requirements for accessible vehicles set forth in Subchapter B of this Rule (Street Hail Livery Hack-Up), including § 82-50 (Standard Specifications for Accessible Street Hail Liveries).
- (3) A Street Hail Livery License must be placed into service with a For-Hire Vehicle within 90 days of issuance. Exception: A Street Hail Livery License that is restricted to use with an accessible vehicle must be placed into service with a For-Hire Vehicle or a Paratransit Vehicle within 180 days of issuance. The

Chairperson can extend the date by which a vehicle must be placed in service for any Licensee for good cause shown.

(c) Licensing – Special Requirements for Business Entities.

- (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.
 - (i) If the Applicant is a corporation it must file the following with its Street Hail Livery License application:
 - A. A certified copy of its certificate of incorporation and a certified copy of the filing receipt;
 - B. A list of officers and shareholders; and
 - C. A certified copy of the minutes of the meeting at which the current officers were elected.
 - (ii) No corporate or trade name will be accepted by the Commission that is similar to a name already in use by another Licensee.
 - (iii) All corporate officers and shareholders are subject to the same standards and criteria as individual Licensees.
 - (iv) The Commission will only recognize corporate officers that have been approved by the Commission; this means that the Commission will not accept transactions pertaining to the License from persons not approved as officers.
 - (v) It is a violation of these Rules for a corporate Licensee to appoint a new officer without the approval of the Commission.
 - (vi) Temporary approval contingent on final approval can be permitted in cases where an officer has resigned or died and another individual must be able to continue the regular daily operation of the Licensee corporation.
 - (vii) The standards and criteria for holding a Street Hail Livery License are equally applicable when the shares of a corporate Licensee are held by another Business Entity.
- (3) Limited Liability Companies (LLCs).
 - (i) If the Applicant is a limited liability company it must file the following with its Street Hail Livery License application:
 - A. A copy of its articles of organization;
 - B. A copy of its operating agreement; and
 - C. A list of the members, with the percentages of the Applicant owned by each.
 - (ii) No LLC or trade name will be accepted by the Commission that is similar to a name already in use by another Licensee.
 - (iii) All members of the Street Hail Livery License Applicant are subject to the same standards and criteria as individual Licensees.
 - (iv) The Commission will only recognize members that have been approved by the Commission; this means that the Commission will not accept transactions pertaining to the License from persons not approved as members.
 - (v) It is a violation of these Rules for a Licensee that is an LLC to add a new member without the approval of the Commission.
 - (vi) The standards and criteria for holding a Street Hail Livery License are equally applicable when membership interests in a LLC Owner are held by another Business Entity.

(d) Licensing – Special Requirements Accessible Street Hail Liveries. Any Street Hail Livery License required to be used with an Accessible Street Hail Livery may only be used with a Commission-licensed Accessible Street Hail Livery and must continue to be used with an Accessible Street Hail Livery vehicle while the license is Valid. Any such License cannot be used with a vehicle that is NOT an Accessible Street Hail Livery.

§82-06(d) Fine: \$1000 and suspension until compliance; revocation may be ordered Appearance REQUIRED

§82-07 Licensing – Term of License

- (a) New License. The term of a new Street Hail Livery License is three years.
- (b) Renewal License. The term of a renewal License is three years.
- (c) When to File for Renewal.
 - (1) The right to renewal is automatic, upon payment of the renewal fee, provided that the Licensee is in good standing.
 - (2) 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.

(3) 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. The late fee will be assessed in addition to any penalties that may be specified for a violation of this Rule.

(4) The date of filing for an application filed by mail is the postmark date. The date of filing for an application filed in person is the date of submission.

(5) 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. Additional penalties may be specified for a violation of this rule.

(6) It is the Licensee's responsibility to obtain a renewal application in order to comply with the filing deadline.

(7) Extension. The Commission may extend the expiration date of the License by up to an additional 31 days.

(d) Suspended Licenses.

(1) If a License is suspended, the Licensee must apply for renewal as required in subdivision (c) above in order to renew the License. Failure to complete the renewal requirements will subject the Licensee to the penalties provided for in subdivision (c).

(2) A License that is suspended is not Valid and cannot be used until the suspension ends, even if the Applicant has filed an application for a renewal.

(e) Advertising Licenses. A license to display exterior advertising runs for one year or less and each license will expire on the 31st day of August.

§82-08 Licensing – Fees

(a) Street Hail Livery License Fee.

- (1) The Street Hail Livery License fee is:
 - (i) \$1500 in the Initial Street Hail Livery License Issuance Period,
 - (ii) \$3000 in the Second Street Hail Livery License Issuance Period, and
 - (iii) \$4500 in the Third Street Hail Livery License Issuance Period. Exception for Accessible Street Hail Liveries During the Initial Street Hail Livery License Issuance Period, there will be no fee for a Street Hail Livery License required to be used with an accessible vehicle, however the vehicle licensee will have to pay a fee to license the vehicle as either a For-Hire Vehicle or a Paratransit Vehicle.
 - (iv)
- (2) The Street Hail Livery License will be valid for a three year term, prior to renewal.
- (3) The Street Hail Livery License fee must be paid with the application.

(b) Renewal Fee. (Reserved)

(c) Late Filing Fee. The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.

(d) When Fee is Paid. The fee for an original or renewal Street Hail Livery License must be paid at the time the application is filed.

(e) Vehicle License Replacement Fee. The Commission will charge a fee of \$25 for each replacement Street Hail Livery License or Decal.

(f) License Plate Replacement Fee. The Commission's fee for replacement of license plates issued by the New York State Department of Motor Vehicles will be \$25 per vehicle.

(g) Inspection Fee. The Commission's fee for a required Street Hail Livery Safety and Emissions inspection is \$90; this fee includes the certificate of inspection issued when the Street Hail Livery passes the inspection. Inspection fees must be prepaid with each application and renewal application. Note: Paratransit Vehicles licensed as Accessible Street Hail Liveries will be subject only to a visual inspection to assure that they are accessible and that the accessibility features are operating, and a meter test.

(h) Reinspection Fee. There is a reinspection fee only if reinspection is required because the Street Hail Livery failed the component of the inspection required by Section 301 of the New York State Vehicle and Traffic Law. In that case, the reinspection fee is thirty five dollars (\$35). If reinspection is required because the Street Hail Livery failed any other component of the inspection, there is no reinspection fee.

(i) Advertising Permit Fee. The fee for a Street Hail Livery Licensee to display exterior advertising is \$10 annually. If a license is surrendered in less than 6 months, one half of the fee will be refunded.

(j) Vehicle Transfer Fees

- (1) A Licensee can change the Street Hail Livery Vehicle's affiliation from one Base to a different Base after approval by the Chairperson and payment of a \$25 fee.
- (2) A Licensee can transfer a Street Hail Livery License from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.
- (3) A Licensee can replace the license plates on a Street Hail Livery after approval by the Chairperson and payment of a \$25 fee.
- (4) A Licensee can transfer the license plates

- from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.
- (5) A Licensee must pay a separate fee for each separate transfer. This is true even if the Licensee wants to do several types of vehicle transfer all at one time.
- (k) *License Transfer Fee.* An Applicant who is seeking to acquire a Street Hail Livery License, or an interest in a Street Hail Livery License, from a current Licensee must pay a processing fee of \$25.
- (l) *No Refund if Application Denied.* The Commission will not the refund fees in subdivisions (b) through (k) of this section if it denies or disapproves the application. The Commission will not refund any fee if an applicant for a license fails to complete the application or fails to fulfill the requirements for licensure.
- §82-09 Licensing – Causes for Denial**
- (a) *Failure to Meet Requirements.* The Commission can deny the application for a License or its renewal of any Applicant who fails to meet the requirements of these rules. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.
- (b) *Material Misrepresentation or Falsification.* The Commission will deny an application for a License or its renewal, or can impose other sanctions (such as taking action against other licenses held by the applicant), if any of the following occurs:
- (1) The Applicant makes a material misrepresentation in the application.
- (2) The Applicant fails to inform the Commission of a material change in the information contained in the application.
- (3) The Applicant attempts to conceal the identity of a party having an interest in the ownership of a Street Hail Livery.
- (c) *No Longer Meets Requirements.* The Commission will deny an application for a License or its renewal and can revoke or suspend any License if the Commission becomes aware of information that the Licensee no longer meets the requirements for a Street Hail Livery License.
- (d) *Violation of the Rules.* The Commission will deny an application for a License if, within the past two years, the Applicant (or any Business Entity Person of a Business Entity Applicant) has engaged in any of the following:
- (1) Assault of a passenger, official or member of the public in any way relating to a Street Hail Livery or other TLC-licensed Vehicle;
- (2) Any instance of bribery or unlawful gratuity, or attempted bribery or offer of unlawful gratuity, toward a city employee;
- (3) Providing the Commission with false information;
- (4) Two or more unlawful passenger service refusals;
- (5) Two or more incidents of overcharging, as a Driver;
- (6) Three failures to respond to an official communication from the Commission;
- (7) Three or more vehicle safety violations for a particular Street Hail Livery or other Commission-licensed Vehicle;
- (8) Operating a Street Hail Livery License designated for an Accessible Street Hail Livery with a vehicle that is not an Accessible Street Hail Livery;
- (9) Whether as an individual or as a Business Entity Person of a Business Entity, has:
- (i) Ten or more outstanding unexcused failures to appear at scheduled Commission hearings, or
- (ii) Ten or more unsatisfied Commission fines or fines that remained unsatisfied until renewal.
- (e) *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 45 days of the date the application is filed.
- (2) The Chairperson will not deny an application under this Rule if (a) completion is delayed because the Chairperson has not issued a final decision in any matter related to the Street Hail Livery License application pending before the Chairperson, and (b) the Applicant has complied with any requests made by the Chairperson.
- (f) *Non-Use.* A Street Hail Livery License will be revoked for non-use if:
- (1) For 30 or more days, the Licensee fails to maintain a Base affiliation (as required by § 82-12(g) of this Chapter).
- (2) For 60 or more days, the Licensee fails to maintain insurance coverage (as required by § 82-14 of this Chapter).
- (3) For 60 or more days, the License holder fails to comply with the inspection requirements (as required by § 82-30 of this Chapter).
- (g) *Prior Revocation.*
- (1) If an Applicant has had a previous Street Hail Livery License or other Commission-issued Vehicle License revoked, the Chairperson may deny the Applicant's application if the previous revocation shows that the applicant is not Fit to Hold a License.
- (2) To determine if a previously revoked Street Hail Livery License ("Revoked License") will be attributed to this Applicant, the Commission will include any Revoked License held by any of the following:
- (i) All of Applicant's Business Entity Persons, and
- (ii) Any other entity in which any of Applicant's Business Entity Persons also serve as a partner, officer or shareholder.
- (h) *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.
- §82-10 Licensing – Transfer of Vehicle License to a New Vehicle**
- (a) *Transfer of Vehicle License to a New Vehicle.*
- (1) In order to transfer the Street Hail Livery License to a new vehicle, the Licensee must file an application to transfer the License.
- (2) No transfer application will be approved until the Licensee presents the vehicle for inspection by the Commission. (See § 82-30)
- (b) *Only One License per Vehicle.* There can only be one Valid Street Hail Livery License issued for any one Vehicle, as determined by the VIN.
- §82-11 Licensing – Care of Licenses**
- (a) *Unauthorized Entries.* No unauthorized entry can be made on the Street Hail Livery License or the Decal(s). No entry on the Street Hail Livery License or Decal(s) can be changed or defaced.
- §82-11(a) Fine: \$350 for first violation Appearance \$500 for second violation in 24 months REQUIRED Revocation for third violation in 36 months
- (b) *Do Not Alter Rate Card.* A Licensee must not change, mark, cross out or make any unauthorized entries on a Street Hail Livery's Rate Card, or display a Rate Card that contains wrong information.
- §82-11(b) Fine: \$50 if plead guilty before a hearing; \$100 if found guilty Appearance NOT REQUIRED
- (c) *Replace Damaged License or Rate Card.* A Licensee must immediately surrender an unreadable or damaged Street Hail Livery License, Decal, or Rate Card to the Commission for replacement.
- §82-11(c) Fine: Notice to correct within 10 days. Appearance Failure to comply: \$200 and suspension REQUIRED until compliance
- (d) *Replace Lost or Stolen License or Rate Card.* A Licensee must immediately report a lost or stolen License or Rate Card to the Commission for replacement.
- (1) A Licensee must notify the Commission and the Police Department of the theft, loss or destruction of any License or Rate Card within 48 hours (not including weekends and holidays) of the loss.
- (2) The Licensee must also provide any affidavit or information the Commission requires, including the police receipt number.
- (3) A substitute License and Rate Card will be issued by the Commission.
- §82-11(d)(1)-(2) Fine: \$200 Appearance NOT REQUIRED
- (e) *Report Finding Lost License or Rate Card.*
- (1) A Licensee must notify the Commission and the Police Department within 24 hours (not including weekends and holidays) after locating any License or Rate Card that was reported as stolen or lost.
- (2) The Licensee must provide any affidavit or information the Commission requires in connection with that event.
- §82-11(e) Fine: \$200 for the first violation; \$350-\$500 for the second or subsequent violation(s) within 36 months. Appearance NOT REQUIRED
- (f) *Surrender License and Rate Card.* A Licensee must surrender the Licensee's Street Hail Livery License, Decal and Rate Card to the Commission:
- (1) Within 48 hours of notice that the Street Hail Livery License has been suspended or revoked or has expired (and has not been renewed), or that the Licensee's renewal application has been denied;
- (2) Prior to the sale of Licensee's Street Hail Livery Vehicle; or
- (3) Prior to removal of Licensee's Street Hail Livery from service for a period of 30 or more consecutive days.
- (4) The Licensee must surrender the T&LC license plates to the New York State Department of Motor Vehicles upon surrender of the License and Rate Card.
- (5) Upon surrender, revocation or non-renewal of Street Hail Livery License, the Vehicle must be presented to the Commission's inspection facility for the removal of the license decal. *NOTE:* A vehicle which will continue in use with another TLC-issued license (such as a For-Hire Vehicle License) will also be inspected to make sure the meter has been removed and the vehicle repainted.
- §82-11(f) Fine: \$200 if plead guilty before a hearing; \$300 if found guilty Appearance REQUIRED following a hearing.
- (g) *Report Replaced New York License Plates.* A Licensee must report to the Commission the replacement of any lost or stolen New York State license plates within 48 hours (not including weekends and holidays) after getting the new plates.
- §82-11(g) Fine: Notice to correct within 10 days. Appearance Failure to comply: \$200 and suspension REQUIRED until compliance
- §82-12 Compliance with Law – No Unlicensed Activity**
- (a) *No Unlicensed Street Hail Liveries.* A Licensee must ensure that when the Licensee's Street Hail Livery is in operation for hire it is in use with a Vehicle which has a Valid License.
- §82-12(a) Fine: \$300 and/or suspension Appearance up to 30 days REQUIRED
- (b) *Street Hail Livery License and Commission License Plate.*
1. A Street Hail Livery Licensee must not allow a Vehicle to be dispatched unless:
- (i) A Vehicle has NYS license plates embossed with the legend "T & LC"
- §82-12(b)(1)(i) Vehicle Fine: \$350 and summary suspension until compliance Appearance NOT required Penalty Points: 1
- (ii) The Licensee's Street Hail Livery License is Valid.
- §82-12(b)(1)(ii) Vehicle Fine: \$500 for the first offense in 12 months; \$1000 for the second and subsequent offenses within a 12-month period. Appearance NOT required Penalty Points: 1
2. It will be a defense to a charge of operating a Street Hail Livery without a proper License if the Vehicle is listed by the Commission on its Web Site as Valid to operate as a Street Hail Livery.
- (c) *No Advertising as "Taxi" if Unlicensed.* A Licensee who does not have a Valid Street Hail Livery License must not hold himself or herself out to the public providing hail service, or as a "taxi," "Street Hail Livery," "Taxicab" or "hack" service.
- §82-12(c) Fine: \$ 1,500 and/or suspension up to 30 days Appearance REQUIRED
- (d) *No Unregistered Vehicles.*
- (1) A Licensee must ensure that the Licensee's Street Hail Livery is operated only while the NYS registration of the vehicle remains Valid.
- (2) Operating a vehicle without a Valid registration will be considered the same as operating without a Valid Street Hail Livery License.
- §82-12(d) Fine: \$100-\$350 and/or suspension up to 30 days; Summary Suspension until compliance Appearance REQUIRED
- (e) *No Unlicensed Drivers.*
- (1) No Street Hail Livery may be operated for hire unless the Driver has in his or her possession a Valid Driver's License that authorizes the Driver to operate a Street Hail Livery.
- (2) It will be a defense to a charge that a Driver is not authorized to operate a Street Hail Livery if the Driver is listed by the Commission on its Web Site as authorized to operate a Street Hail Livery.
- §82-12(e)(1) Fine: \$400 and/or suspension up to 30 days Appearance REQUIRED Penalty Points: 1
- (3) *Driver Must Have Valid Chauffeur's License.*
- (i) A Driver must not operate a Street Hail Livery without a Valid Chauffeur's License.
- (ii) A Street Hail Livery Licensee is responsible for knowing the status of the state-issued driver's license for any Driver using a Vehicle with a Street Hail Livery License.
- §82-12(e)(3) Fine: \$100 Appearance NOT REQUIRED Penalty Points: 1
- (f) *Validity of License Requires Valid State Registration.*
- (1) A Street Hail Livery License will be Valid only while the NYS registration of the Vehicle remains Valid.
- (2) A Street Hail Livery Licensee must immediately surrender the Street Hail Livery License to the Commission upon the expiration, restriction, suspension, or revocation of the Vehicle's NYS registration.
- §82-12(f) Fine: \$400 and Summary Suspension until compliance. Appearance REQUIRED

(g) **Affiliation with Licensed Base.** A Street Hail Livery Licensee must not operate or allow another person to operate the Licensee's Street Hail Livery unless:

- (1) It is affiliated with a Validly Licensed Street Hail Livery Base at all times
- (2) The Street Hail Livery is being dispatched from its affiliated Base, unless the Street Hail Livery is being dispatched for a Pre-Arranged Trip and the Base dispatching the Street Hail Livery informs the customer that the Street Hail Livery is from another Base.

§82-12(g) Fine: \$100 per day for each day unaffiliated beginning 7 days AFTER the vehicle first becomes unaffiliated and suspension Appearance NOT REQUIRED

§82-13 Compliance with Law – No Hail Service Inside Hail Exclusionary Zone

(a) **Street Hail Livery Operation.**

(1) A Street Hail Livery Licensee must ensure that the Driver of the Street Hail Livery accepts passengers by hail from the street only in the Hail Zone.

(2) A finding that a Driver of a Street Hail Livery accepted a passenger by hail in the Hail Exclusionary Zone will be evidence that a Street Hail Livery Licensee failed to make a good faith effort to deter the commission of that violation. The Chairperson can seize a Street Hail Livery if there is probable cause to believe that the driver of such vehicle is seeking a passenger for a Hail Trip in the Hail Exclusionary Zone.

§82-13(a)(1)-(2) Fine: \$500 for the first violation and, when local law so authorizes, suspension; \$750 for the second violation in 24 months and, when local law so authorizes, suspension for up to 30 days; Revocation for third violation in 120 months Appearance REQUIRED

(3) A Street Hail Livery Licensee must ensure that the Driver of the Street Hail Livery does not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone; a Driver can accept a Pre-Arranged Trip beginning at one of the New York City Airports, Paratransit service by a licensed Paratransit vehicle will not be considered a Pre-Arranged Trip for the purposes of this section. Service provided to the Metropolitan Transportation Authority for transportation of persons with disabilities will not be considered a Pre-Arranged Trip for purposes of this section.

§82-13(a)(3) Fine: \$500 Appearance REQUIRED

(4) Except as provided in this Rule, a Validly Licensed Street Hail Livery with a Validly Licensed Driver may provide transportation by pre-arrangement through its affiliated Street Hail Livery Base throughout New York City, except for trips beginning in the Pre-Arranged Exclusionary Zone.

(5) A Street Hail Livery Licensee will be liable for the penalties provided for in this Chapter for any violation of this section.

§82-14 Compliance with Law – Insurance Coverage

(a) **Maintain Insurance Coverage.**

- (1) Street Hail Livery Licensees must ensure that the Street Hail Livery is covered by liability insurance in the form of a bond or an insurance policy that fully complies with the New York State Vehicle and Traffic Law and the New York State Insurance Law.
- (2) Licensees must maintain all other forms of insurance required by law.

§82-14(a) Fine: \$150-\$350 and/or suspension up to 30 days Appearance REQUIRED

(b) **Submit Proof of Insurance.** Every year in which a Licensee files an application to renew the License of one or more Street Hail Liveries, the Licensee must, at that time, provide the Commission with the name and address of the Licensee's insurance carrier and the policy number for the Licensee's Street Hail Livery, along with proof of coverage.

§82-14(b) Fine: \$100 Appearance REQUIRED

(c) **Notification of Changes in Insurance Coverage.** A Licensee must notify the Commission in writing within 7 business days of any of the following:

- (1) Receipt of notice that Licensee's required liability insurance has been cancelled;
- (2) A change of insurance carrier;
- (3) A change in the policy number of Licensee's liability insurance.

§82-14(c) Fine: \$100 Appearance NOT REQUIRED

(d) **Coverage Requirements.**

- (1) **General Coverage.** All Street Hail Livery Licensees must maintain liability coverage for the Street Hail Livery through an insurance policy or a bond in amounts not less than the following:
 - (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of § 5102 of the New York State Insurance Law
 - (ii) \$100,000 minimum liability and not less than \$300,000 maximum liability for bodily injury or death, as these terms are described and defined in § 370(1) of the Vehicle and Traffic Law.

§82-14(d)(1) Fine: \$350 and suspension until compliance Appearance NOT REQUIRED

- (2) **Coverage for Vehicles with Seating Capacity of Nine to Fifteen.** Each Street Hail Livery Licensee with a seating

capacity of at least 9 but not more than 15 Passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

- (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of § 5102 of the New York State Insurance Law
- (ii) \$1,500,000 minimum liability for bodily injury or death, as those terms are described and defined in § 370(1) of the Vehicle and Traffic Law.

§82-14(d)(2) Fine: \$350 and suspension until compliance Appearance REQUIRED

(3) **Coverage for Vehicles with Seating Capacity of Sixteen or More.** Each Street Hail Livery Licensee with a seating capacity of at least 16 Passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

- (iii) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of § 5102 of the New York State Insurance Law
- (iv) \$5,000,000 minimum liability for bodily injury or death, as those terms are described and defined in § 370(1) of the Vehicle and Traffic Law

§82-14(d)(3) Fine: \$350 and suspension until compliance Appearance REQUIRED

(e) **Report of Accidents.**

- (1) **Report to Insurance Carrier.** Any accident 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

(2) **Report to Commission.**

- (i) A Licensee must immediately report to the Commission in writing all accidents 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

(f) **Surrender Rate Card and License upon Termination of Insurance.** A Licensee must either:

- (1) Surrender the Street Hail Livery's Rate Card, License and Decal(s) to the Commission on or before the termination date of the vehicle's insurance, or
- (2) Submit proof of new insurance effective on the date of termination of the old policy.

§82-14(f) Fine: \$50 Appearance NOT REQUIRED

§82-15 Compliance With Laws – Workers' Compensation

(a) A Street Hail Livery Licensee must comply with the NYS Workers Compensation Law.

§82-16 Compliance with Law – Personal Conduct

(a) **Bribery.**

- (1) **Actual Bribery Attempt.** A Licensee must not bribe or attempt to bribe or offer any gratuity whatsoever to any employee, representative or member of the Commission in return for favorable or preferential treatment.

§82-16(a)(1) Fine: Up to \$10,000 per Street Hail Livery implicated in the violation plus mandatory divestiture of Street Hail Livery License. Appearance REQUIRED

- (2) **Appearance of Bribery.** An Applicant or Licensee must not offer or give any gift or gratuity or any other thing of value to any employee, representative or member of the Commission, or any public servant or dispatcher employed at a public transportation facility.

§82-16(a)(2) Fine: \$10,000 plus revocation Appearance: N/A

- (3) **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 or dispatcher employed at a public transportation facility or authorized groupride taxi line.

§82-16(a)(3) Fine: \$1,000 and/or suspension up to 30 days or revocation. Appearance REQUIRED

- (4) **Offer of Gift to Airport or Transportation Terminal Staff.** A Licensee must not offer or give any gift, gratuity, or thing of value to a person or persons employed at any

airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control, or baggage handling, whether or not the person or persons are employed by the Port Authority of New York and New Jersey, LIRR, Metro-North, or any similar entity.

§82-16(a)(4) Licensee Fine: \$250 – 1,000 Appearance REQUIRED

- (5) **Failure to Remove Cash.** When the Street Hail Livery is in Licensee's possession, Licensee must remove all currency from a Street Hail Livery's interior prior to its inspection by any Commission personnel.

§82-16(a)(5) Fine: \$50 Appearance NOT REQUIRED

(b) **Fraud, Theft.** While performing the duties and responsibilities of a Licensee, the Licensee must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

§82-16(b) Fine: \$350-\$1,000 and suspension up to 60- days or revocation Appearance REQUIRED

(c) **Willful Acts of Omission.** While performing the duties and responsibilities of a Licensee, the 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.

§82-16(c) Fine: \$150-\$350 and/or Suspension up to 30 days or revocation. Appearance REQUIRED

(d) **Willful Acts of Commission.** While performing the duties and responsibilities of a Licensee, the 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.

§82-16(d) Fine: \$150-\$350 and Suspension up to 30 days or revocation. Appearance REQUIRED

(e) **Threats, Harassment, Abuse.** While performing the duties and responsibilities of a Licensee, the Licensee must not threaten, harass or abuse any person.

§82-16(e) Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(f) **Use or Threat of Physical Force.** While performing the duties and responsibilities of a Licensee, the Licensee must not use any physical force against any person except in self defense.

§82-16(f) Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

(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.

§82-16(g) Fine: \$500-1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

(h) **Reporting of Criminal Conviction.**

- (1) A Street Hail Livery Licensee must immediately notify the Commission of any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§82-16(h) Fine: \$50-\$250 Appearance REQUIRED

(i) **Cooperate with Law Enforcement.** A Licensee must cooperate with all law enforcement officers, authorized representatives of the Commission and the NYC Department of Investigation. Cooperation includes, but is not limited to, responding to a request for Licensee's name, License number, Rate Cards, Trip Records, and any other documents required to be maintained by the Street Hail Livery Licensee.

§82-16(i) Fine: \$50-\$350 Appearance REQUIRED

(j) **Cooperate with the Commission.**

- (1) A Licensee must promptly answer all questions and comply with all communications, directives and summonses from the Commission or its representatives and the NYC Department of Investigation or its representatives. This means a Licensee must comply within the period specified in the communication.
- (2) Within ten days following a request from the Commission, the Licensee must produce any Licenses or other documents the Licensee is required to have.

§82-16(j)(1)-(2) Fine: \$300 and Summary Suspension until compliance Appearance REQUIRED

- (3) A Licensee must respond to any contact from the Commission within 48 hours, seven days a week.

§82-16(j)(3) Fine: \$500 Appearance NOT REQUIRED

(k) **Courtesy.** A Licensee must be courteous to Passengers.

§82-16(k) Fine: \$150 Appearance NOT REQUIRED

§82-17 Compliance with Law – Miscellaneous

(a) **Compliance with Commission Rules and Regulations, Generally.** The Licensee must comply with the Commission's Street Hail Livery

- specifications, the Marking Specifications for Street Hail Livery, all pertinent provisions of the Administrative Code and other laws, rules or regulations governing Street Hail Livery Licensees.
- §82-17(a) Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing. Appearance NOT REQUIRED
- (b) Alcohol and Drug Laws. A Street Hail Livery Licensee must not knowingly allow a Street Hail Livery to be operated by a Driver who is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.
- §82-17(b) Fine: \$10,000 and revocation Appearance REQUIRED
- (c) Payment of all Fines and Judgments. The holder of a Street Hail Livery License issued under this Chapter must satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a Qualified Jurisdiction or for a violation of the regulations of a Qualified Jurisdiction.
- §82-17(c) Penalty: Suspension until satisfaction or payment Appearance NOT REQUIRED
- (d) No False Statements.
- (1) A Licensee must not file with the Commission any statement required under the Special Requirements for Business Entities provision, §82-06(c), that the Licensee knows or should know to be false, misleading, deceptive or materially incomplete.
- §82-17(d)(1) Fine: Up to \$10,000 Appearance REQUIRED
- (e) No Unlawful Purpose
- (1) A Licensee must not use or permit any other person to use Licensee's Street Hail Livery, base or office of record for any unlawful purpose.
- §82-17(e)(1) Fine: \$350 – 1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED
- (2) A Licensee must not conceal any evidence of a crime connected with Licensee's Street Hail Livery, base or office of record.
- §82-17(e)(2) Fine: \$350 – 1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED
- (3) A Licensee must report immediately to the police any attempt to use Licensee's Street Hail Livery to commit a crime or to escape from the scene of a crime.
- §82-17(e)(3) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED
- (f) No False Credentials
- (1) A Licensee must not attempt to avoid inspection of a Licensed vehicle by using false credentials to disguise one vehicle as another or by any other means contrary to law or regulation of the Commission.
- §82-17(f)(1) Fine: Up to \$10,000 per Street Hail Livery implicated in the violation, plus mandatory divestiture of Street Hail Livery License Appearance REQUIRED
- (2) A Licensee must not operate or present for inspection a vehicle in which the Vehicle Identification Number has been loosened and reattached, or switched from another vehicle or otherwise altered in a manner not in compliance with Article 17 of the New York State Vehicle and Traffic Law.
- §82-17(f)(2) Fine: Mandatory divestiture of Street Hail Livery License, plus a fine of up to \$10,000 per Street Hail Livery implicated in the violation Appearance REQUIRED
- (3) A Licensee must not present documents to the Commission that falsely indicate compliance with liability insurance and/or Workers' Compensation insurance requirements.
- §82-17(f)(3) Fine: Mandatory divestiture of Street Hail Livery License, plus a fine of up to \$10,000 per Street Hail Livery implicated in the violation Appearance REQUIRED
- §82-18 Operations – Management Oversight**
- (a) Direct Licensee Operations. The Commission will hold the Licensee accountable for operation of the Street Hail Livery.
- (b) Indirect Licensee Operations.
- (1) The use of an employee or a Base will not relieve the Licensee of any obligation under these rules.
- (c) Special Requirements for Licensee's Use of Affiliated Street Hail Livery Base.
- (1) Affiliation With More Than One Base Prohibited. A Licensee may not affiliate with or use more than one Base.
- §82-18(c)(1) Fine: \$200 Appearance NOT REQUIRED
- (2) Provisions of this Section Cannot be Waived by Contract.
- (i) No contract or other agreement between a Street Hail Livery Licensee and a Base may include a provision intended to supersede or impair the effectiveness, in whole or in part, of the provisions of this Chapter.
- (ii) No provision in a contract or other agreement between a Licensee and a Base that attempts to impair the effectiveness of this section will be enforceable.
- §82-19 Operations – Service Requirements (Customers)**
- (a) No Required Ride-Sharing. A Street Hail Livery Licensee may not require that any prospective Passenger share a ride with another prospective Passenger.
- §82-19(a) Fine: \$100 Appearance NOT REQUIRED
- §82-20 Operations – Responsibilities with Respect to Drivers**
- (a) Wheelchair Passenger Assistance Training.
- (1) Training Must be Approved by Commission. The holder of a Street Hail Livery License that has been designated for an Accessible Street Hail Livery must ensure that each Driver of such Accessible Street Hail Livery has attended a Commission-approved training course regarding Wheelchair Passenger assistance (NOTE: The requirements of this section do not apply to a Paratransit Driver who is driving an Accessible Street Hail Livery).
- (2) Requirements of the Course. Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
- (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
- (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures;
- (iii) Training with an actual person using a wheelchair; and
- (iv) Sensitivity awareness, including customer service and conflict resolution policies.
- (3) Licensee Responsibility. The holder of a Street Hail Livery License that has been designated for an Accessible Vehicle must ensure that the Licensee's Street Hail Livery is driven only by a Driver who has completed the Wheelchair Passenger assistance training provided for in this section.
- §82-20(a) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT Required
- §82-21 (Leasing a Street Hail Livery License or Street Hail Livery)**
- §82-22 Records – Trip Record Information**
- (a) Trip Record.
- (1) Trip Data must be collected and stored electronically, through the use of the Street Hail Livery Technology System (LPEP). (Note: Nothing in this Chapter alters or replaces the trip data requirements imposed on Paratransit Vehicles under Chapter 60 of these Rules when a Paratransit Vehicle is providing Paratransit service under those Rules)
- (2) If the LPEP is inoperable, a written Trip Record must be kept during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (See §82-42 of this Chapter)
- (3) A written Trip Record, if required, must be kept until all information is entered into LPEP.
- (4) Information from a written Trip Record must be entered into LPEP within seven days after the Trip Record is made.
- (b) Written Trip Records. A written Trip Record must include the following information:
- (1) The Street Hail Livery License number
- (2) The Street Hail Livery Driver's License number
- (3) The location where each passenger is picked up
- (4) The time each passenger is picked up
- (5) The total number of passengers
- (6) The location where each passenger is dropped off
- (7) The time each passenger is dropped off
- (8) The total trip mileage
- (9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- (10) Method of payment
- (11) The trip number
- (12) Whether the trip is a Hail Trip or a Pre-Arranged Trip
- (13) Other information required by the Commission
- (14) For a Pre-Arranged Trip, the following information is required:
- (i) The time of dispatch.
- (ii) If the dispatch was for a Pre-Arranged Trip to begin with an airport pickup.
- (c) Access to Trip Record.
- (1) Trip Record information must be available to the Commission as specified in Chapter 83 if received by the Licensee, and to the Affiliated Base, and the Street Hail Livery Driver.
- (2) Trip Record information must be available at the end of each shift and/or contract term.
- (3) A Licensee must take possession of any written Trip Records weekly if available.
- §82-22(c)(3) Fine: \$50 Appearance NOT REQUIRED
- (d) Changes and Corrections.
- (1) A Licensee must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record.
- (2) A Licensee must not make erasures or obliterate information on a written Trip Record, or other record that Licensee is required to maintain.
- §82-22(d)(2) Fine: \$50 Appearance NOT REQUIRED
- (3) If a wrong entry is made on any written Trip Record, the Driver, Base or Licensee must correct it and record the date, time, and reason for the change, so long as a record of the manually changed entry exists.
- §82-22(d)(3) Fine: \$50 Appearance NOT REQUIRED
- (4) Except as provided in paragraph three of this subdivision, Trip Records may not be changed either in whole or in part, unless authorized by the Commission.
- §82-22(d)(4) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance NOT REQUIRED
- §82-23 Records – Contact Information**
- (a) Mailing Addresses.
- (1) Each Licensee must designate a Mailing Address. This can be the address of the Affiliated Base but cannot be a post office box number.
- (2) Each Licensee must also designate an Email Address and must have a working Email Address at all times.
- (3) Any communication from the Commission is sufficient if sent to the Mailing Address furnished by the Licensee.
- (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 Licensee.
- (5) Each individual Licensee must also file and maintain with the Commission the Licensee's personal address and a telephone number where the Licensee can be reached directly.
- (6) Each Business Entity Licensee must also file and maintain with the Commission the personal addresses and telephone numbers of each of the Licensee's Business Entity Persons.
- §82-23(a)(1)-(6) Fine: \$100 Appearance NOT REQUIRED
- (7) The Commission is not required to send any communication to the Licensee's personal address, except when notifying Licensee that the License of the Affiliated Base has been revoked. Other communications sent to the Licensee's personal address are at the discretion of the Commission.
- (8) A Licensee must report any change of

Mailing Address or Email Address to the Commission in person or by registered or certified mail within ten days.

§82-23(a)(8) Fine: \$100 Appearance NOT REQUIRED

(b) Telephone Number and Immediate Access. A Licensee must maintain on file with the Commission a current telephone number connected to an answering machine or recording device, a pager number, an answering service telephone number, a voice mailbox, or a similar means of telephone contact, and an Email Address so that the Commission can reach the Licensee on a 24-hour basis.

§82-23(b) Fine: \$100 Appearance NOT REQUIRED

§82-24 Records – Maintenance Requirements

(a) All Licensees must maintain the following additional records for a period of three years:

- (1) Drivers' electronic and written trip records;
- (2) Receipts and disbursements from the Street Hail Livery operations;
- (3) Payments to Drivers;
- (4) Mileage records of each vehicle;
- (5) Workers' compensation insurance coverage, if any;
- (6) Liability insurance coverage;
- (7) Any other information required by the Commission.

§82-24(b)(1)-(7) Fine: \$50 for violation of each paragraph hereof. Appearance NOT REQUIRED

(c) A Licensee must make available to a Driver any records that the Licensee is required to maintain, and any records the Driver may be required to present to the Commission or any other governmental agency. The Licensee may provide photocopies of such records to the driver.

§82-24(c) Fine: \$50 Appearance NOT REQUIRED

§82-25 Reporting Requirements

(a) Report Change in Status.

- (1) When a Licensee has a change of Mailing Address, Email Address, or a change in the office of record, the Licensee must report the changes in person or by mail within 10 days of such change (not including weekends and holidays).
- (2) The Licensee must bring the Rate Card for the Licensee's Street Hail Livery.

§82-25(a) Fine: \$100 Appearance NOT REQUIRED

(b) Lost, Stolen, or Damaged Taximeter. If a Taximeter is lost, stolen or damaged beyond repair, the Licensee must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the loss, theft or destruction, and must provide any affidavit or information that the Commission requires.

§82-25(b) Fine: \$100 Appearance NOT REQUIRED

§82-26 Operations – Rates and Tolls

(a) Metered Rate of Fare When Accepting Passengers by Hail.

- (1) Metered Rate of Fare. The rate of fare for Street Hail Liveries for Passengers in Hail Trips is as follows, regardless of the number of passengers or stops:
 - (i) The charge for the initial unit is \$2.50
 - (ii) The charge for each additional unit is \$.40
 - (iii) The unit of fare is:
 - A. One-fifth of a mile, when the Street Hail Livery is traveling at 12 miles an hour or more; or
 - B. 60 seconds (at a rate of \$.40 per minute), when the Street Hail Livery is traveling at less than 12 miles an hour.
 - (iv) The Taximeter must combine fractional measures of distance and time in accruing a unit of fare. Any combination of distance or time specified in paragraph (iii) above must be computed by the Taximeter in accordance with Handbook 44 of the National Institute of Standards and Technology.
 - (v) The fare must include pre-assessment of the unit currently being accrued; the amount due can therefore include a full unit charge for a final, fractional unit.
- (2) Surcharges. In addition to the metered

rate of fare, Street Hail Liveries will add the following surcharges for Hail Trips, except where surcharges are specifically exempted:

- (i) A rush hour surcharge of \$1.00 for all trips beginning on a weekday after 4:00 P.M. and before 8:00 P.M.; this surcharge will not be applied on legal holidays
- (ii) A nighttime surcharge of \$.50 for all trips beginning after 8:00 P.M. and before 6:00 A.M.

(3) MTA Tax. The MTA Tax must be charged on any Hail Trip that starts in New York City and ends in any of the following:

- (i) New York City;
- (ii) Dutchess County;
- (iii) Nassau County;
- (iv) Orange County;
- (v) Putnam County;
- (vi) Rockland County;
- (vii) Suffolk County;
- (viii) Westchester County.

(b) Flat Rates to Kennedy Airport.

(1) Flat Fare Rate from Manhattan. The fare for a Hail Trip to Kennedy Airport from a location in Manhattan which is in the Hail Zone will be a Flat Rate of \$45, plus any tolls.

- (i) NO surcharge will be added to this Flat Rate.
- (ii) The MTA Tax must be charged in addition to the Flat Rate.
- (iii) The Taximeter must reflect that this trip is a Flat Rate fare.

(2) Metered Fare from Boroughs Other Than Manhattan. All Hail Trips to Kennedy Airport from a borough other than Manhattan are governed by the metered rate of fare as set forth in §82-26(a).

(3) Chairperson's Right to Suspend this Provision. The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport

(c) Group Ride Fares and Multiple Passenger Service.

(1) Experimental Group Ride Programs.

- (i) Additional Pickup Locations. The Chairperson can recommend for Commission approval Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan. Provided, however, that no such plan shall allow pickups by Street Hail Liveries in the Hail Exclusionary Zone or the Prearranged Exclusionary Zone.
- (ii) Demand-Driven Temporary Group Riding Plans. The Chairperson can also recommend for Commission approval Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances. Provided, however, that no such plan shall allow pickups by Street Hail Liveries in the Hail Exclusionary Zone or the Prearranged Exclusionary Zone.
- (iii) Duration. Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:
 - A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or
 - B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.
- (iv) Termination. The Commission can discontinue any Group Riding plan that has not been the subject of final rulemaking upon a determination that continuation of the plan is not in the best interest of the public.

(d) Trips Beyond the City that are Hail Trips.

(1) For a trip beyond the limits of the City of New York, except for Westchester or Nassau County, or Newark Airport, the fare will be a Flat Rate. The MTA Tax must be added to the Flat Rate for any trip that starts in New York City and ends in any of the following:

- (i) Dutchess County;
- (ii) Orange County;
- (iii) Putnam County;
- (iv) Rockland County;
- (v) Suffolk County.

(2) For a trip to Westchester or Nassau County the fare will be the sum of the following amounts:

- (i) The amount shown on the Taximeter for that portion of the trip that is inside the City limits, plus
- (ii) Twice the amount shown on the Taximeter for that portion of the trip that is outside the City limits, plus
- (iii) All necessary tolls to and from the destination, and
- (iv) The MTA Tax must be added to the total fare.

(3) For a trip to Newark Airport the fare will be the sum of the following amounts:

- (i) The amount shown on the Taximeter, plus
- (ii) A surcharge of \$15.00, plus
- (iii) All necessary tolls to and from the destination

(4) Any continuous trip where the point of origin and the destination are both within the limits of the City of New York will not be considered a trip beyond the City limits, even though the shortest and most direct route requires traveling outside the City limits but within contiguous counties. The Taximeter must be kept in the recording position throughout the trip.

(e) Rates of Fare for Pre-Arranged Trips.

(1) Rates Must Not Exceed Scheduled Rates. A Street Hail Livery Licensee or Driver must not quote or charge a fare on a pre-arranged trip that is more than the fare listed in the Rate Schedule filed with the Commission.

(f) No Charge for Luggage or Mobility Aids. There will be no charge for:

- (1) Steamer trunks or other luggage or belongings;
- (2) Wheelchairs, crutches, three-wheeled motorized scooters and other mobility aids transported in the interior of the Street Hail Livery;
- (3) Use of the Vehicle's trunk.

(g) Tolls – How Tolls are Paid.

- (1) All Street Hail Liveries must be equipped with a New York MTA Bridges & Tunnels EZ-Pass®. (See §82-27)
- (2) When a Street Hail Livery drives through a toll plaza with an EZ-Pass®, the MTA Bridges & Tunnels automatically deducts the cost of the toll from an account maintained by the EZ-Pass® tag holder.
- (3) Passengers must pay for the toll, but are only required to pay the actual amount (often a discounted toll) charged to the EZ-Pass®.
- (4) Drivers must collect the proper toll amount from the passenger and forward it to the holder of the EZ-Pass® tag.

(h) Tolls – What Tolls are Paid by Passenger.

- (1) On all trips within the City of New York, the passenger must pay:
 - (i) All tolls incurred driving to the passenger's destination.
 - (ii) No tolls for the Driver's return trip, except for trips over:
 - A. The Cross Bay Veterans Bridge; or
 - B. The Marine Parkway – Gil Hodges Memorial Bridge.
- (2) On trips beyond the City of New York, the passenger must pay all necessary tolls to and from the destination.
- (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 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) of Chapter 54, *Drivers of Taxicabs and Street Hail Liveries* chapter.
- (5) In addition to any other penalty permitted, the Commission may order restitution to a passenger or the EZ-Pass® tag holder.

§82-27 Operations – EZ-Pass® Required

- (a) EZ-Pass® Account.
- (1) All Licensees must participate in the EZ-Pass® New York Program by maintaining a current account with the Metropolitan Transportation Authority, Triborough Bridge and Tunnel Authority (“MTA Bridges and Tunnels” or “MTA B&T”).
- (2) A Licensee may participate in the EZ-Pass® New York Program through the Licensee’s Affiliated Street Hail Livery Base.
- §82-27(a) Fine: \$100 and suspension until compliance Appearance REQUIRED
- (b) EZ-Pass® Tags Required on all Street Hail Liveries.
- (1) Licensees must either:
- (i) Equip the Licensee’s Street Hail Livery vehicle with its own MTA Bridges and Tunnels EZ-Pass® tag, which must be attached as required by MTA B&T, or
- (ii) Allow a Driver to use his or her personal EZ-Pass® tag.
- (2) Licensees must have available at least one MTA Bridges and Tunnels tag for each Street Hail Livery.
- (3) Licensees must maintain a sufficient balance in their EZ-Pass® account, according to what is required by the program.
- §82-27(b) Fine: \$100 and suspension until compliance Appearance REQUIRED

§82-28 Operations

§82-29 Operations – Miscellaneous Requirements

- (a) Passenger Trips by Pre-Arrangement.
- (1) No Street Hail Livery Licensee will allow the Licensee’s Vehicle to transport Passengers for hire on Pre-Arranged Trips other than through pre-arrangement with a Base licensed by the Commission.
- (2) A Street Hail Livery Licensee will be liable for penalties for any violation of this subdivision.
- §82-29 Vehicle: During any license term, \$100 for the first violation during such term, with the penalty increasing by \$100 for each subsequent violation up to a maximum of \$10,000. Appearance NOT REQUIRED
- (b) Lost Property. Passenger lost property found in a Street Hail Livery must be taken without delay to the Vehicle’s Street Hail Livery Base unless it can be returned to its rightful owner within a reasonable time.
- §82-29(b) Fine: \$25 – 250 Appearance REQUIRED
- (c) Lost Property–Notify the Commission. The Street Hail Livery Licensee must promptly inform the Commission of any property that has been taken to the Vehicle’s Base as required by this section
- §82-28(b) Fine: \$25 Appearance NOT REQUIRED

§82-30 Vehicle Condition – Inspections

- (a) Required Inspections. No new or replacement Street Hail Livery can operate for hire unless it has been inspected and approved by the Commission.
- §82-30(a) Fine: \$100 and seizure of the vehicle Appearance NOT REQUIRED
- (b) Biannual Inspection. A Licensee must have the Street Hail Livery inspected every six months at a date and time designated by the Commission and at any other time deemed necessary by the Commission. The Street Hail Livery must be inspected at a Commission inspection facility.
- §82-30(b) Fine: (penalties below are cumulative) 0-30 days past inspection due date: \$100 and Summary Suspension until compliance 31-60 days past inspection due date: \$100-\$250 and Summary Suspension until compliance 61-120 days past inspection due date: \$250-\$500 and Summary Suspension until compliance More than 120 days past inspection due date: \$500 and/or revocation. Appearance REQUIRED
- (c) Components of Street Hail Livery Inspections. Except as provided in (f) below, a Street Hail Livery

inspection consists of (1) inspection to verify compliance with the inspection items required by Section 301 of the New York State Vehicle and Traffic Law, (2) visual inspection of the interior and exterior of the Street Hail Livery to verify compliance with these Rules, and (3) inspection to verify compliance with any other applicable laws, rules and requirements.

- (d) If a Street Hail Livery fails any component of the inspection, it must be reinspected until it passes all components of the inspection. A Street Hail Livery Vehicle which cannot pass inspection must be replaced.
- (e) Street Hail Livery Vehicles Subject to On-Street Inspections. Street Hail Liveries are subject to on-street inspections by TLC or any other agency authorized by law.
- (f) Special Requirements For Accessible Street Hail Liveries.
- (1) Accessible Street Hail Liveries that are For-Hire Vehicles must meet the requirements of subdivisions (a) through (e) above.
- (2) Accessible Street Hail Livery that are Paratransit Vehicles must meet the requirements of (a), (b), (d), and (e) above. Components of the inspection of Paratransit Vehicles performed by the Commission will include only a visual inspection to ensure compliance with the requirements for Accessible Street Hail Liveries and a taximeter test. Paratransit Vehicles remain subject to NYS Department of Transportation Inspection requirements.
- (3) All Accessible Street Hail Liveries are subject to the following additional requirements:
- (i) The License of an Accessible Street Hail Livery which fails to appear for inspection when required or when ordered by the Commission shall be suspended.
- (ii) Upon inspection of an Accessible Street Hail Livery, the date of the inspection and signature of inspector must be recorded and posted in each vehicle.
- (iii) The License of an Accessible Street Hail Livery for which the Licensee has been ordered by the Commission to repair or replace the Vehicle shall be suspended 10 days after service of the notice to repair or replace, unless the Licensee has complied within that period.
- (iv) The License of an Accessible Street Hail Livery which is suspended under this subdivision (f) and is not reinstated within 120 days shall be terminated and may not be renewed or transferred.

§82-31 Vehicle Condition – Meet Safety Standards

- (a) While a Street Hail Livery is in operation, all equipment, including brakes, tires, lights and signals must be in good working order and meet all requirements of the New York State Vehicle and Traffic Law, and the Rules of the Commission.
- §82-31(a) Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. Appearance NOT REQUIRED
- (b) A Licensee must comply with all notices and directives to correct defects in the Street Hail Livery.
- §82-31(b) Fine: \$50 and suspension until the defective condition is corrected. Appearance NOT REQUIRED
- (c) A Licensee must repair or replace a Street Hail Livery when the Commission or the New York State DMV (or the New York State Department of Transportation if the Street Hail Livery is a Paratransit Vehicle) determines that the vehicle is unsafe or unfit for use as a Street Hail Livery and directs the Licensee to remove it from service. The Licensee must surrender the License and Rate Card to the Commission for storage and the License will be suspended. (NOTE: See Section 82-30(f) for special requirements applicable to Accessible Street Hail Liveries).
- (1) If the Chairperson has determined that the Vehicle is unsafe or unfit, the Decals will be confiscated by the Chairperson.
- (2) If the New York State DMV or a DMV inspection facility other than the Commission has determined that the Vehicle is unsafe or unfit, the Licensee must return the Decals to the Chairperson within 72 hours of issuance of the determination.
- (3) If the Chairperson has any reason to believe that any Street Hail Livery is unsafe or unfit for use, the Chairperson can order the Vehicle to report to the Commission’s inspection facility.
- §82-31(c) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED Summary Suspension until compliance

§82-32 Vehicle Condition – Miscellaneous

- (a) Clean. The Street Hail Livery’s exterior and interior must be clean.
- §82-32(a) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Appearance NOT REQUIRED
- (b) Trunk. The trunk compartment must be capable of securely holding passengers’ baggage.
- §82-32(b) Fine: \$75 Appearance NOT REQUIRED
- (c) Shoulder Belts.
- (1) Every Street Hail Livery must be equipped with shoulder belts for both outside front seat positions and both outside rear seat positions.
- §82-32(c)(1) Fine: \$100 - \$250 Appearance REQUIRED
- (2) All seat belts and shoulder belts must be clearly visible, accessible and in good working order.
- §82-32(c)(1) Fine: \$100 - \$250 Appearance REQUIRED
- (d) Correct Defect Directives. A Street Hail Livery Licensee must comply with all Commission notices and directives to correct defects in the Vehicle.
- §82-32(d) Fine: \$50 and suspension until the defective condition is corrected Appearance NOT REQUIRED
- (e) Working Equipment. A Street Hail Livery Licensee must not permit a Street Hail Livery to be operated unless equipment, including brakes, lights, signals, and Passenger seatbelts and shoulder belts, are in good working order and meet all the requirements of the New York State Vehicle and Traffic Law and these Rules.
- §82-32(e) Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. Appearance NOT REQUIRED
- (f) Post-Manufacture Alterations.
- (1) No Street Hail Livery (except for an Accessible Street Hail Livery) can be altered after manufacture:
- (i) To increase its length, width, weight or seating capacity, or
- (ii) To modify its chassis and/or body design.
- (g) Proper Vehicle Identification Required.
- (1) License Plate Number Matches. The license plate number on the state registration certificate, and on the Commission Decals must match each other.
- §82-32(g)(1) Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing. Appearance NOT REQUIRED
- (2) Vehicle Identification Number Matches. The last six digits of the vehicle identification number (VIN) on the Commission Decals must match the last six digits of the VIN on the state registration, and the VIN on the Vehicle.
- §82-32(g)(2) Fine: \$100 Appearance NOT REQUIRED
- (3) T & LC License Plates. A Street Hail Livery must have New York State license plates affixed to the Vehicle that are embossed with the legend “T & LC.” No “vanity” license plates are permitted.
- §82-32(g)(3) Fine: See §82-12(b) and penalties for violation which apply here Appearance NOT REQUIRED
- (h) Two-Door Vehicles Prohibited. No Street Hail Livery can be a two door vehicle.
- §82-32(h) Fine: Suspension of the Street Hail Livery License Appearance REQUIRED
- (i) No Physical Movement of License or Decals. A Licensee must not affix, remove or transfer a License to a new or replacement vehicle without prior authorization of the Commission.
- §82-32(i) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED
- (j) License Number on Roof Light. The License number on the front and rear of the roof light must be clean and unobstructed so that the License number is plainly visible.
- §82-32(j) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Appearance NOT REQUIRED
- (k) Illumination. When a Street Hail Livery is in operation for hire after sunset, the following items must be illuminated so that they are clearly visible from the rear seat:
- (1) The face of the Taximeter;
- §82-32(k)(1) Fine: \$25 Appearance NOT REQUIRED
- (2) The Street Hail Livery Driver’s License;
- §82-32(k)(2) Fine: \$200 Notice to correct within 10 Days Appearance REQUIRED

(3) **The Rate Card.**
 §82-32(k)(3) Fine: \$200 Notice to correct Appearance REQUIRED within 10 Days

(1) **Lighting Control.** The dashboard dimmer switch or any other device must not control the candlepower of the roof light, Taximeter light, card frame light or interior lighting.
 §82-32(l) Fine: \$50 - \$350 and/or suspension Appearance N/A up to 30 days

§82-33 Vehicle – Markings & Advertising

(a) **Approved Exterior Markings.**

(1) **A Street Hail Livery Licensee must apply to the exterior of the Street Hail Livery the following markings approved by the Commission:**

(i) Two Street Hail Livery logo decals
 (ii) Two rate of fare decals
 (iii) Two License number decals

(2) **A Street Hail Livery Licensee must obtain the approved Street Hail Livery markings from a person or entity authorized by the Commission to print and distribute the decals. A depiction of the decals and a list of persons authorized to print and distribute the decals will be available on the Commission’s Website and/or through other means determined by the Commission and announced on its Website.**

(3) **Accessible Vehicle Insignia.**

(i) **The design for insignia that will identify the vehicle as an Accessible Street Hail Livery will be provided by the Commission on its Web site or through other means presented on its Web site.**

(ii) **These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the Accessible Street Hail Livery, and will be visible to passengers entering the Accessible Street Hail Livery.**

(4) **Clean Air Vehicle Insignia.**

(i) **The design for insignia that will identify the vehicle as a Clean Air Vehicle will be provided by the Commission on its Web site or through other means presented on its Web site.**

(ii) **These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such Vehicle, and will be visible to passengers entering the clean air Vehicle.**

§82-33(a) Fine: \$75 Appearance NOT REQUIRED

(b) **Approved Decals and Emblems.**

(1) **A Licensee must not display emblems on the Street Hail Livery exterior, other than an emblem identifying:**

(i) The Street Hail Livery manufacturer.

(2) **New Decals must be placed on the Vehicle by the Commission Safety and Emissions Division:**

(i) **When the License is renewed; or**
 (ii) **If the Vehicle is replaced, changes affiliation, or changes its license plates.**

§82-33(b)(1)-(2) Fine: Notice to correct within 10 days; failure to comply: \$200 Appearance REQUIRED

(c) **Base Station Affiliation Signs.** A Street Hail Livery Licensee may identify the vehicle’s Affiliated Base Station on the exterior of the vehicle if the base station marking conforms to the following specifications:

(1) **The name of the Base Station, its License number and telephone number must be displayed in one of the following ways:**

(i) **In letters and numerals at least one-and-one-half inches in height, on the outside of a door or doors on both sides of the Vehicle, below the windows and at least six inches above the bottom of the door(s);**

(ii) **In letters and numerals at least one inch in height in one location on the rear of the Vehicle below the rear window, and at least six inches above the bottom of the rear of the Vehicle, or**

(iii) **Both on the doors and rear of the Vehicle.**

(2) **The letters and numerals must be of a color that contrasts with the color of the body of the Vehicle so that it is easy to see and read.**

(3) **Lettering and numbering must be spaced to provide easy legibility and, if placed on doors on both sides of the Vehicle, must be identical on both sides.**

(4) **All Decals must be semi-permanent adhesive stickers.**

§82-33(c) Fine: \$25 Appearance NOT REQUIRED

(d) **Other Approved Markings.** A Licensee must not display any lettering, emblem, advertising or marking of any kind on the exterior of a Street Hail Livery, including windows and exterior accessories, except for the following:

(1) **Markings, inscriptions and/or advertising specifically permitted or authorized by the Commission.**

(2) **Advertising that is authorized by the Commission on the Vehicle’s Rate Card and for which the Licensee has obtained a license from the Commission.**

§82-33(d) Fine: \$25 Appearance NOT REQUIRED

(e) **Maintain in Good Condition.** Required inscriptions and markings must be maintained in good condition.

§82-33(e) Fine: \$75 Appearance NOT REQUIRED

(f) **Approved Interior Markings.** A Licensee must not display inside a Street Hail Livery any advertising or other notice not specifically authorized by these rules or the Commission’s Marking Specifications for Street Hail Liveries unless approved by the Commission, except for the following:

(1) **Industry signage/logos of all credit/debit cards accepted by the LPEP, all of equal size, shown in the information content on the PIM, or shown on the screen, or device that reads credit/debit cards in LPEPs without a PIM; and**

(2) **Advertising in the information content on the PIM or as set forth in the Street Hail Livery Marking Specifications table (§82-33(l)) of these Rules.**

§82-33(f) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing Appearance NOT REQUIRED

(g) **Braille and Raised Lettering Plaques.** The Licensee must equip the Street Hail Livery with both of the following:

(1) **A Street Hail Livery Identification Braille Plaque.**

(i) **This plaque must be made of .040 gauge aluminum with a matte finish and measure 3¼ inches in length and 1¼ inches in height, with radius corners.**

(ii) **The plaque must state, in Raster Braille grade two:**

A. **The Street Hail Livery License number centered on the first line.**
 B. **The word “COMPLAINTS” centered on the second line, and**
 C. **The telephone number “311” centered on the third line.**

(iii) **The plaque must be permanently affixed on the door armrest of the horizontal plane of the right rear door, or another location approved by the Chairperson.**

(2) **A Street Hail Livery Identification Raised Lettering Plaque.**

(i) **This plaque must be made of 1/8-inch thick black acrylic plastic and measure 11 inches in length and five inches in height, with radius corners and four holes (one in each corner) for attachment with screws.**

(ii) **The plaque must state, in one inch high white Helvetica lettering that is permanently affixed:**

A. **The License number centered on the first line.**
 B. **The word “COMPLAINTS” centered on the second line, and**
 C. **The telephone number “311” centered on the third line with appropriate spacing between the three words.**

(iii) **The plaque must be permanently affixed on the rear**

of the front right passenger seat or partition, not more than six inches below the lexan or polycarbonate portion of the partition.

§82-33(g)(2) Fine: \$100. No penalty for missing plaque, if condition is corrected within forty-eight hour Appearance N/A

(h) **Valid Registration Sticker.** A Valid registration sticker from the NYS Department of Motor Vehicles must be affixed to the left front windshield so as to be plainly visible.

§82-33(h) Fine: \$100 Appearance NOT REQUIRED

(i) **Inspection Sticker.** A Valid New York State DMV inspection sticker that has no fewer than six months left before the sticker expires must be plainly visible on the front left side of the front windshield.

§82-33(i) Fine: \$100 and suspension of the Street Hail Livery License until any defect found is corrected Appearance REQUIRED Penalty Points: 1.

(j) **Street Hail Livery Color.**

(1) **Street Hail Livery Color.** The exterior of the Street Hail Livery vehicle must be painted Street Hail Livery designated color, except for the trim. The specifications for Street Hail Livery designated color will be posted on the Commission’s Web site.

(2) **Taxicab Yellow Prohibited.** No part of a Street Hail Livery may be painted any shade of Taxicab Yellow.

§82-33(j) Fine: \$350 for the first violation; \$500 for the second violation in 24 months; Revocation for the third violation in 36 months Appearance REQUIRED

(k) **Prohibited Advertising**

(1) **A Licensee must not display any advertising on the exterior of a Street Hail Livery unless the advertising has been authorized by the Commission and a License has been issued following the provisions of the Administrative Code. See §82-35 of this Chapter.**

§82-33(l) Fine: \$50 Appearance NOT REQUIRED

(l) **Marking Specifications for Street Hail Liveries.**

INSCRIPTION	LOCATION	SIZE
(a) Rate of fare decals (required). (Non-detachable type only.)	Both rear doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle. The base line of the rate of fare and Street Hail Livery logo decals must be parallel and the same distance to the bottom door edge.	The size of the approved rate of fare decals must be determined by the Commission.
(b) Street Hail Livery logo decals (required) (Non-detachable type only.)	Both front doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle. The base line of the rate of fare and Street Hail Livery logo decals must be parallel and the same distance to the bottom door edge.	The size of the Street Hail Livery logo decals must be determined by the Commission
(c) License number (required)	Front and rear of roof light.	2½” to 3” high letters ¼” thick.
(d) License number, interior (required). Can be one-piece decal or a stencil. The number must be of a color contrasting with the seat, to provide for easy legibility.	On the back of the front seat. The top of the number must be located not more than two inches below the top of the front seat.	Numbers and letter must be 3” minimum in height.
(e) Passenger Information Sign, (required). Must contain the information required by the Commission.	On the back of the front seat or on a safety partition, displayed in a manner that is clearly visible to the passengers in the back seat. If the vehicle is equipped with a safety partition, the passenger information sign can be placed on the partition behind the Driver’s head, but no higher than a headrest would be.	Approximately 12” wide by 6” high.
(f) “Drivers Wanted” sign. Can include the telephone number of the Owner. (Optional)	Rear of vehicle.	No more than 24” wide by 2” high.
(g) “If this vehicle is parked for over 24 hours, please call Owner at (telephone number)...” (Optional)	Rear of vehicle or horizontal on dashboard.	No more than 24” wide by 3” high.
(h) Brand name of manufacturer of PIM, screen, or device that reads credit/debit cards or Street Hail Livery Technology System (LPEP)	On the bezel of the frame of the PIM or screen, or on the device that reads credit/debit cards	Not to exceed 11/4” in height and 4” in length
(i) “This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED.” (Non-detachable decals only)	On rear passenger window	Letters must be at least one-half inch high.
(j) License number decals (required). (Non-detachable decals only.)	The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and checkerboard are aligned and appear to be one stripe. On some vehicles, such as minivans, the License number can be placed at the rear of the sliding door, but must still align with the checkerboard stripe.	The size of the License number decals must be determined by the Commission.
(k) “Drivers are not allowed to use cell phones or handheld electronics.” Decal or sticker shall be issued by the Commission	Interior of passenger compartment in a location plainly visible to passengers	As issued by the Commission

*Detachable signs suspended from door frames are not permitted.

(m) **Special Exception for Accessible Street Hail Liveries that are also Paratransit Vehicles.**

(1) **Accessible Street Hail Liveries that are also Paratransit Vehicles must also comply with NYS marking requirements.**

(2) **Where such NYS requirements conflict with the requirements of this Chapter, those NYS requirements will supersede the provisions of this Chapter.**

(3) **Where NYS requirements supersede the requirements of this Chapter, the Licensee will work with the Chairperson to determine appropriate placement of Commission markings.**

§82-34 Vehicles – Items Required in Vehicle

- (a) The following must be present in the Street Hail Livery while it is in operation for hire:
 - (1) The Street Hail Livery Driver’s License, in the Driver’s License frame;
 - (2) The Street Hail Livery License;
 - (3) The Rate Card, in the Driver’s License frame;
 - (4) An insurance card or photocopy, unless the Licensee is self insured and has noted this fact on the Rate Card along with any other information required by the Commission;
 - (5) 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;
 - (ii) The insurance card or a legible copy of it;
 - (6) Receipt for payment of NYC Commercial Motor Vehicle Tax;
 - (7) All other notices required to be posted in the Street Hail Livery.
- §82-34(a)(1)-(4) Fine: \$25 for each item not in vehicle, not to exceed \$75 in the aggregate Appearance NOT REQUIRED
- (8) A means of collecting and recording all of the Trip Sheet data which shall be the LPEP, or an alternate means of collecting Trip Sheet data in the case of a LPEP malfunction.
 - (9) Passengers’ Bill of Rights if not on the PIM
 - (10) NYC Map if not on the PIM
 - (11) A NYC Street Map or Automatic Vehicle Location System for the Driver.

§82-35 Vehicle Equipment

- (a) Roof Light. A roof light is required on all Street Hail Liveries, as required by the Hack-Up specifications in Subchapter B of this Chapter; the Street Hail Livery Licensee must ensure compliance with the following:
 - (1) Controlled by Taximeter. The Street Hail Livery roof light must be automatically controlled by the operation of the Taximeter so that it is lighted only when the Taximeter is in an off position and unlighted when the Taximeter is in a recording position or off duty position. A Licensee must not tamper with the operation of the Street Hail Livery’s roof light.
- §82-35(a)(1) Fine: \$50 - \$350 and/or suspension up to 30 days Appearance REQUIRED
- (b) Heating and Air Conditioning. Each Street Hail Livery must be equipped with an operable heating and air conditioning system; when the vehicle is also equipped with a partition, the air conditioning system must be able to provide cool air to the rear passenger area.
- §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
- (c) Distress Signal Lighting. A Licensee must equip the Street Hail Livery with a help or distress signaling light system meeting the requirements set forth in Subchapter B of these Rules.
- §82-35(c) Fine: \$175 and suspension until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC’s Safety and Emissions Division. Appearance NOT REQUIRED
- (d) Optional Rooftop Advertising Fixture.
 - (1) A Licensee may equip a Street Hail Livery Vehicle with an authorized Rooftop Advertising Fixture in accordance with § 82-63
 - (2) The Licensee must remove a Rooftop Advertising Fixture if the TLC terminates such authorization in accordance with § 82-63(d) of these Rules.
 - (3) A Licensee must not use any rooftop advertising fixture unless the Licensee has obtained a permit to use such a fixture.
 - (4) A Licensee can use only an authorized Rooftop Advertising Fixture.
- §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, Summary Suspension until the condition is corrected Appearance NOT REQUIRED
- (5) A Licensee shall be prohibited from

installing any advertising material if a Vehicle Owner reasonably objects to the express or implied content of such material. A Vehicle Owner may, but cannot be compelled to, waive this right to object by providing a Licensee a blanket prior written consent to all advertising material. If such Vehicle Owner does not waive this right, and there is a dispute with respect to such advertising, Licensee and Vehicle Owner shall name a third party who shall decide any such dispute. If the Licensee and Vehicle Owner cannot agree on who shall decide the dispute they may obtain the assistance of any alternate dispute resolution service with offices in the City of New York, the cost of which service will be equally shared by the Licensee and the Vehicle Owner.

- (6) The definition of Vehicle Owner for this subdivision includes the title owner of the Street Hail Livery vehicle, or the long-term lessee of the Street Hail Livery vehicle where the vehicle lease has a conditional purchase agreement for the vehicle.
- §82-35(d)(5) Fine: \$150 for every thirty days the advertising material is posted on the street hail livery, if plead guilty before a hearing; \$200 for every thirty days the advertising material is posted on the street hail livery, if found guilty following a hearing. Appearance NOT REQUIRED

§82-36 Vehicle Equipment – Partitions

- (a) Requirement. A Street Hail Livery must be equipped with a partition that isolates the Driver from the rear seat Passengers and meets the requirements set forth in Subchapter B of these Rules.
- §82-36(a) Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and Emissions Division; \$450 if found guilty following a hearing. Summary Suspension until the condition is corrected. Appearance NOT REQUIRED
- (b) Exemptions
 - (1) A Street Hail Livery will be exempt from the requirements of subdivision (a) if the Vehicle is equipped with all of the following safety devices:
 - (i) An FCC-licensed commercial two-way radio with an emergency button that would notify the dispatcher that the Driver is in trouble or a cellular telephone that has an emergency dialing feature;
 - (ii) The distress signaling light required by § 82-35(c), above;
 - (iii) An approved in-vehicle camera system.
 - (c) Curtain Airbags Modification.
 - (1) A Street Hail Livery that is equipped with factory installed curtain airbags must be equipped with a modified partition that does not extend the full width of the interior of the Street Hail Livery.
 - (2) The modified partition instead must allow a space of six inches at each side, sufficient to license proper deployment of the curtain airbags.
 - (3) The modified partition must conform in all other respects with the applicable requirements of Subchapter B of this Chapter.

§82-36(c) Fine: \$300 and suspension until the condition is corrected Appearance REQUIRED

§82-37 Vehicle Equipment – In Vehicle Camera System (IVCS)

- (a) When an existing in-vehicle camera system is required to be replaced or when the system is installed, the Street Hail Livery must be equipped with an IVCS that meets the specifications of Subchapter B; the system must be installed and maintained by the manufacturer’s authorized installer or a Taximeter Business that meets the requirements of Subchapter B; and the IVCS must be functioning and maintained in good working order.
- §82-37(a) Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and Emissions Division; \$450 if found guilty following a hearing. Summary Suspension until the condition is corrected. Appearance NOT REQUIRED
- (b) Each Street Hail Livery equipped with an IVCS must be equipped with a cellular telephone as set forth in subdivision (b) of § 82-36 of this Chapter.
- §82-37(b) Fine: \$50 Appearance NOT REQUIRED
- (c) Each Street Hail Livery equipped with an IVCS must display decals on each rear passenger window, visible to the outside, that contain the

following information: “This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED.”

§82-37(c) Fine: \$50 Appearance NOT REQUIRED

§82-38 Vehicle Equipment – Taximeters

- (a) Taximeter Requirements. A Street Hail Livery Licensee must equip the Street Hail Livery with a Taximeter subject to the following conditions:
 - (1) The Taximeter must be of a make and type approved by the Commission.
- §82-38(a)(1) Fine: \$50 Appearance NOT REQUIRED
- (2) It must be affixed to the vehicle’s dashboard so that it is clearly readable and visible to all passengers in the vehicle.
- §82-38(a)(2) Fine: \$50 Appearance NOT REQUIRED
- (3) The Taximeter’s serial number must be the same as that shown on the Rate Card assigned to the Street Hail Livery; or entered on the Rate Card by a Licensed Taximeter shop.
- §82-38(a)(3) Fine: \$500 Appearance NOT REQUIRED
- (4) The Street Hail Livery tire size must be the same as that for which the Taximeter is calibrated, as indicated by the Rate Card.
- §82-38(a)(4) Fine: \$50 Appearance NOT REQUIRED
- (5) All Taximeter seals must be installed by a Licensed Taximeter repair shop or agent of the Commission.
- §82-38(a)(5) Fine: \$500 Appearance REQUIRED
- (6) The wiring harness leading from the Taximeter to the speed sensor must be of one piece construction with no intervening connectors, splices, “Y” connections, or direct or indirect interruptions or connections of any kind whatsoever.
- §82-38(a)(6) Fine: \$500 Appearance REQUIRED
- (b) Accuracy of Taximeter. A Street Hail Livery must be equipped with a Taximeter that is in good working condition and will accurately compute the rate of fare currently established by the Commission. Penalties for violation are as follows:
 - (1) 1% Inaccurate. The penalty is \$50, if the Taximeter is found to be at least 52.8 feet (one percent) inaccurate, but less than 264 feet (five percent) inaccurate in computing distance, or more than one percent but less than five percent inaccurate in computing time.
 - (2) 5% Inaccurate. The penalty is \$200, if the Taximeter is found to be at least 264 feet (five percent) inaccurate but less than 528 feet (ten percent) inaccurate in computing distance, or more than five percent but less than ten percent inaccurate in computing time.
 - (3) 10% Inaccurate. The penalty is \$300, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a first violation.
 - (4) Repeated 10% Inaccuracy. The penalty is \$600, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a second or subsequent violation within thirty-six months.

§82-39 Vehicle Equipment – Taximeter Defects

- (a) No Defects in Taximeter or Installation. A Street Hail Livery must not be in service for hire with a defective Taximeter or a Taximeter that has been improperly installed.
 - (b) Repair or Replace Defective Taximeter. Whenever a Taximeter or its installation is defective or whenever a Taximeter computes an inaccurate rate of fare, the Licensee must have the Taximeter:
 - (1) Repaired, tested and certified at a licensed Taximeter Business, or
 - (2) Replaced by the Taximeter Business with an approved Taximeter that has been inspected, tested and sealed;
 - (c) Assembly Must be Certified. After repair or replacement of the Taximeter, the Taximeter/vehicle assembly must be tested and certified in compliance with Commission regulations.
- §82-39(a)-(c) Fine: \$100 Appearance NOT REQUIRED
- (d) Repairs by Licensed Agent. No adjusted, repaired or recalibrated Taximeter or appurtenance of a Taximeter can be installed in a Street Hail Livery unless the adjustment, repair or recalibration was done at a licensed Taximeter repair shop or other authorized facility. The Licensee is responsible for any installation that violates this rule.
- §82-39(d) Fine: \$75 Appearance NOT REQUIRED

§82-40 Vehicle Equipment – Taximeter & LPEP Tampering

(a) *Unauthorized Tampering.* Unless authorized by the Commission, no person may tamper with, alter, repair or attempt to repair any portion of the Taximeter system that would affect the operation of the Taximeter or the LPEP, including, but not limited to:

- (1) The Taximeter
- (2) The LPEP
- (3) Any seal affixed to the Street Hail Livery by a licensed Taximeter repair shop or other authorized facility
- (4) Any cable connection or cable system electrical wiring of a Taximeter or LPEP
- (5) The vehicle’s mechanism or its tires that would affect the operation of the Taximeter or of the LPEP.

(b) *Licensee’s Responsibility.* The Licensee is responsible for any tampering, alteration or any unauthorized repair or attempt to repair.

§82-40(a) & (b) Fine: \$250 – 1,500 and/or suspension up to 30 days. Summary suspension until compliance under to §68-22 of this title Appearance N/A

(c) *Licensee’s Defense.* It will be an affirmative defense to a violation of this section that the Licensee:

- (1) Did not know of or participate in the alleged tampering of the Taximeter or LPEP; and
- (2) Exercised due diligence to ensure that tampering with the Taximeter or LPEP would not occur. Examples of a Licensee’s due diligence include, but are not limited to:
 - (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 Driver’s License;
 - (ii) Including the warning against violating the Taximeter and LPEP tampering rules as a provision in any written lease agreement;
 - (iii) Stamping the warning against violating the Taximeter and LPEP tampering rules on any written Trip Records whenever paper Trip Records must be issued to one or more Street Hail Livery Drivers;
 - (iv) Conducting periodic random comparisons of the odometer and the Taximeter mileage readings of a Street Hail Livery to check for any inappropriate disparities;
 - (v) Conducting periodic random inspections of the Taximeter and the LPEP to detect any evidence of tampering; and
 - (vi) Having all of the Street Hail Livery inspected by a licensed Taximeter shop once every inspection cycle.

(d) *Notify the Commission of Tampered, Unauthorized or Removed Taximeter.* A Licensee must notify the Commission by telephone immediately, and in writing within 24 hours, upon discovering any of the following:

- (1) Any Taximeter other than the Taximeter approved by the Commission (as indicated on the Rate Card) has been installed in the Street Hail Livery;
- (2) Any Taximeter seal in the Street Hail Livery has been removed or tampered with;
- (3) Any unauthorized device has been connected to any Taximeter, or to any seal, cable connection or electrical wiring, in the Street Hail Livery, which can affect the operation of the Taximeter;
- (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 Street Hail Livery.

§82-40(d) (1)-(4) Fine: \$500-\$1,000 and/or suspension up to 60 days or revocation Appearance REQUIRED

(e) *Inspections by Authorized Person.*

- (1) A Street Hail Livery’s Taximeter must be tested for accuracy over a measured mile course and its installation must be tested for compliance with the rules of the Commission.
- (2) Only personnel authorized by the Commission can perform these tests.
- (3) The inspections specified in paragraph one of this subdivision must be completed and the results of the tests indicated on the Rate Card in each of the following circumstances:
 - (i) At least once every 12 months.

§82-40(e) (3)(i) Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. Appearance NOT REQUIRED

- (ii) Whenever a Taximeter is installed in a vehicle.
- (iii) When the transmission or differential is altered, repaired or replaced.

§82-40(e) (3)(ii) Fine: \$100 Appearance NOT REQUIRED

§82-40(e) (3)(iii) Fine: \$50 Appearance NOT REQUIRED

- (iv) When a change is made in any other part of the Street Hail Livery that can affect the Taximeter reading.

§82-40(e) (3)(iv) Fine: \$50 Appearance NOT REQUIRED

- (v) At any other time required by the Commission.

§82-40(e)(3)(v) Fine: \$100 Appearance NOT REQUIRED

§82-41 Vehicle Equipment – Street Hail Livery Technology System (LPEP) Installation

(a) *Street Hail Livery Technology System (LPEP).* The LPEP is an integrated system of Hardware and Software that provides the Core Services in a Street Hail Livery as more fully described in § 83-31 of these Rules.

(b) *Required Installation.* A Licensee must ensure that the Street Hail Livery operating under a Street Hail Livery License is equipped with an LPEP approved by the Commission pursuant to Chapter 83.

§82-41(b) Fine: \$1,000 and suspension until compliance Appearance REQUIRED

§82-42 Vehicle Equipment – Street Hail Livery Technology System (LPEP) Operation

(a) *Good Working Order.* Licensees must ensure that the Street Hail Livery Technology System(LPEP) equipment is constantly maintained, is in good working order, and that each of the Core Services functions properly.

§82-42(a) Fine: \$250 and suspension until compliance Appearance REQUIRED

(b) *Failure to Operate.*

- (1) If the LPEP malfunctions or fails to operate, an incident report must be filed with the LPEP Provider within two (2) hours following the discovery of the malfunction or at such time as the Licensee reasonably should have known of the malfunction.
- (2) If the Street Hail Livery Driver filed the incident report, the Licensee will not be required to file a separate incident report but must verify the filing by obtaining the incident report number.
- (3) The Licensee must meet the appointment for repair scheduled by the LPEP Provider following the incident report.

(c) *48-Hour Repair Deadline.* A Street Hail Livery in which any of the Core Services of the LPEP or any material feature of a Core Service is not functioning must not operate more than 48 hours for Hail Trips (Pre-Arranged Trips are) following the timely filing of an incident report (Pre-Arranged Trips are not subject to this requirement).

§82-42(c) Fine: \$250 and suspension until compliance Appearance REQUIRED

(d) *Inspection upon Multiple LPEP Malfunctions.* The Licensee of any Street Hail Livery requiring six (6) or more repairs of the LPEP in any thirty (30) day period must promptly take the vehicle for inspection to, or schedule an inspection with, the Commission’s Safety and Emissions Facility. This requirement will not apply to the Licensee if compliance is made by the Driver of the vehicle.

§82-42(d) Fine: \$250 Appearance REQUIRED

§82-43 Penalty Points for For-Hire Vehicles

(a) *Four Penalty Points Requires License Revocation.* The License of any Street Hail Livery that accumulates four penalty points for violations during any License term will be revoked.

(b) *Points Accrued but not Assessed Before Renewal.*

- (1) If points are imposed after a Street Hail Livery License has been renewed based

- (2) If the additional Points raise the total number to four or more Points, the Street Hail Livery License will be revoked.

(c) *Revocation Process.*

- (1) The Chairperson can begin revocation proceedings whenever a Licensee has been assessed four or more points during the current term of that License.
- (2) The License can also be revoked as part of the decision imposing the final point necessary for revocation.
- (3) At any time revocation of a Base License is mandated and the last penalty point arises from the same incident that created the Street Hail Livery License revocation mandate, separate proceedings must be held for the Base License revocation and the Street Hail Livery License revocation.

§82-44 License Transfers - Generally

(a) *Applicability of the “License Transfers” Sections.*

- (1) The “License Transfers” sections of this Chapter (§§ 82-44 and 82-45), along with “Licensing” sections (§§ 82-04, 82-05 and 82-06), establish the rules for all Transfers of a Street Hail Livery License between and among private parties, either by:
 - (i) Purchase
 - (ii) Gift
 - (iii) Bequest, or
 - (iv) Operation of law.
- (2) These provisions apply whether an Applicant seeks to acquire an interest directly or indirectly, and also whether an Applicant seeks to acquire full ownership, or only partial ownership, in a Street Hail Livery License. These provisions also apply to any person or Business Entity seeking to purchase an interest in a Business Entity owning a Street Hail Livery License.
- (3) These provisions do not apply to the issuance or reissuance of Street Hail Livery Licenses by the Commission.

(b) *Overview of Requirements to Complete and Effect Transfer.* The transfer of an interest in a Street Hail Livery License will be complete and effective upon all of the following:

- (1) *Documents.* An Applicant must submit an application in the form required by the Commission and all required supporting documentation.
- (2) *Proper Appearances.* All persons described in §82-45(a) below must appear before the Commission.
- (3) *Fulfillment of the Licensing Requirements.* The parties to the transfer must fulfill the Licensing requirements set forth in §§ 82-04, 82-05 and 82-06 of this Chapter.
- (4) *Commission Approval.* No transfer is effective until the Commission approves the application, in writing.

(c) *Comply with Transfer Provisions.*

- (1) No person or entity is permitted to attempt to transfer or participate in the transfer of an interest in any Street Hail Livery License without fulfilling the requirements of subdivision (b) above, as applicable.
- (2) The mere act of submitting a transfer application to the Chairperson will not be considered a violation of this subdivision.

§82-44(c) Fine: \$10,000 per entity, per License and attempted transfer invalid, applicable to any person or persons (transferor, transferee or both) whose actions constituted a violation; Revocation may be ordered. Appearance NOT REQUIRED

§82-45 License Transfers – Special Requirements

(a) *Personal Appearance.*

- (1) All Applicants seeking approval to own an interest in a Street Hail Livery License must appear in person as directed by the Chairperson.
- (2) If the Applicant is a Business Entity, the following Business Entity Persons must appear in person before the Commission (unless the Chairperson waives this requirement):
 - (i) All individual shareholders of a corporate entity
 - (ii) All general partners of a partnership entity

- (iii) All members of a Limited Liability Company.
- (b) Preserve Street Hail Livery Category
An Applicant seeking approval to hold a Street Hail Livery License restricted to use with an Accessible Street Hail Livery or an interest in such License must continue to use that License with an Accessible Street Hail Livery.
Restriction on Number of Licenses. An Applicant seeking approval to hold a Street Hail Livery License or an interest in a Street Hail Livery License must comply with the ownership provisions of Section 82-06(a) of these Rules.

Subchapter B: RULES FOR STREET HAIL LIVERY HACK-UP AND MAINTENANCE

§82-46 Subchapter B: Scope of this Subchapter

- (a) To establish the standards and requirements for preparing a vehicle for Street Hail Livery Licensing, and
- (b) To establish the standards and requirements for Street Hail Livery maintenance, inspection and retirement.

§82-47 Penalties

- (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 which establish specific requirements for Street Hail Livery Drivers and Licensees.

§82-48 Definitions Specific to this Subchapter

- (a) Safety and Emissions Inspection means the required vehicle inspections conducted at the Commission's inspection facility.

§82-49 Standard Specifications for Street Hail Liveries

§82-50 Standard Specifications for Accessible Street Hail Liveries

- (a) An Accessible Street Hail Livery must be designed for the purpose of transporting persons in wheelchairs or must contain a physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs in accordance with the Americans With Disabilities Act.
- (b) An Accessible Street Hail Livery must also be equipped with restraints to secure a wheelchair in place in the vehicle.

§82-51 Requirements for Hacking Up a Street Hail Livery

- (a) A vehicle that is currently licensed as a for-hire vehicle as of July 2, 2012 can be hacked up for use as a Street Hail Livery.
- (b) Continuation in Service. Upon Hack-up, a vehicle may continue in service with the same Street Hail Livery License so long as the vehicle passes inspection pursuant to § 82-30.

§82-52 Requirements for Hack-up – Paint, Finish and Lighting

- (a) Color. The exterior of the vehicle must be painted Street Hail Livery color designated, except for the trim. See Section 82-33(j)
- (b) Front Design. There must be no unnecessary projections such as rigid hood ornaments.
- (c) Signs. The vehicle must be provided with signs that conform to the marking specifications in §82-33 of these rules.
- (d) Roof Light. The vehicle must be equipped with an approved Roof Light.

§82-53 Requirements for Hack-up – Occupant Accommodation

§82-54 Requirements for Hack-up – Taximeters

- (a) Requirement. The vehicle must be equipped with a sealed, tamper-resistant Taximeter installed by a Licensed Taximeter Business according to the rules and regulations in Chapter 64. The Taximeter must be installed in a location approved by the Chairperson which allows safe operation of the vehicle and visibility to the passenger.
- (b) Technical Specifications. The Taximeter must meet the specifications and tolerances published in the most recent National Institute of Standards and Technology Handbook, and must be approved for use in New York by the NYS Department of Agriculture and Markets and by the Commission. Any new Taximeter model will be subject to a minimum three month test period before approval.
- (c) Other Technical Requirements.
- (1) The Roof Light must be controlled by engaging the Taximeter.
- (2) The Taximeter must be capable of calculating and displaying all required rates of fare.
- (3) The Taximeter must be capable of transferring data to the LPEP manufactured by any Commission-

licensed LPEP Provider which has chosen to use the Taximeter.

- (4) The Taximeter and all connections must be secure and tamper proof. All switches, wiring and caps must meet applicable specifications of the Society of Automotive Engineers.
- (5) The Taximeter must not allow a Driver to use an unauthorized rate code in an unauthorized area.

§82-55 Requirements for Hack-up – Street Hail Livery Technology System(LPEP)

- (a) Requirement. The vehicle must be equipped with an LPEP approved by the Commission pursuant to Chapter 83 and installed by an LPEP Provider in accordance with Chapter 83.

(b)

§82-56 Requirements for Hack-up – Partitions

(a) Requirement.

- (1) Unless exempt under §82-36(b) of this Chapter, the vehicle must be equipped with a partition that isolates the driver from the rear seat passengers or all passengers of the vehicle.
- (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 Driver's License, Rate Card, and front windshield.

(b) Technical Specifications.

- (1) The partition must extend from the ceiling to a specific point as recommended by the Chairperson and approved by the Commission, based upon the make and model of the vehicle.
- (2) The transparent portion of the partition must be constructed of a mar-resistant polycarbonate not less than 0.375 inches thick that will provide passengers and drivers with maximum visibility.
- (i) For a flat partition and a partition for a Street Hail Livery with factory installed curtain airbags, the transparent portion must extend from the ceiling to join or overlap with the protective plate of the partition.
- (ii) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition. On the side that extends forward to back between the two front seats, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console located between the two front seats.
- (3) The protective plate must join or overlap with the transparent portion of the partition and extend downward to the floor of the vehicle. The protective plate must be a plate of 0.085-inch thick bullet-resistant ballistic steel or its equivalent recommended by the Chairperson and approved by the Commission. The protective plate must be installed inside and covering the front seat's entire backrest.
- (i) The protective plate must extend from the point that the transparent portion joins it downward to the floor of the Street Hail Livery.
- (ii) If the transparent portion overlaps the protective plate, the protective plate must extend from the point of joinder with the transparent portion downward to the floor of the Street Hail Livery.
- (1) For an L shaped partition, the protective plate must also cover the right side of the center console between the two front seats.
- (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 or sudden stopping, and all surfaces must be free of sharp and rough edges.
- (5) There must be no opening or gap between the partition and the body of the vehicle larger than one inch, except for vehicles equipped with factory installed curtain airbags. In those vehicles, the partition shall allow a space of six inches on each side, sufficient to license proper deployment of the curtain airbags.

(6) In addition to meeting all other technical specifications, a partition may be installed only if it does not impair passenger and driver safety and has the following features:

- (i) Allows passengers and drivers to communicate with each other
- (ii) Allows passengers in the rear passenger compartment to pay fares by cash or by credit card and to receive receipts for payments and transactions.

§82-57 Requirements for Hack-up – Distress Signal Lights

- (a) Requirement. A Licensee must equip the Street Hail Livery with a help or distress signaling light system consisting of two turn signal type "lollipop" lights.
- (b) Technical Specifications.
- (1) One light must be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light must be mounted on top of the rear bumper, to the left of the license plate.
- (2) Each light must be three to four inches in diameter, have a total rated output of 32 candle power, and be amber-colored or have an amber-colored lens so that the light output of the device is the color amber at 32 candle power.
- (3) The activator must be installed within easy reach of the driver, must be silent when operating, and must be fully solid-state.
- (4) The lights must be able to flash between 60 and 120 times per minute.
- (5) The wiring must not affect or interfere with, directly or otherwise, any wiring or circuitry used by the meter for measuring time or distance.

§82-58 Requirements for Hack-up – In-Vehicle Camera System ("IVCS")

- (a) Requirement. When an existing IVCS is required to be replaced or when an IVCS system is installed (including, but not limited to, at Hack-up), it must be functioning and in good working order and meet the specifications and installation requirements below.
- (b) Technical Specifications.
- (1) The IVCS must be connected to the vehicle battery, and the fuse for the connection must be concealed in a tamper-resistant housing.
- (2) Wiring between the recording unit and the camera head must use at either end, tamper-resistant registered jack (RJ) style connectors.
- (3) All electrical connections and wiring must be protected from spikes and dips in vehicle voltage.
- (4) The camera head housing and brackets must be tamper-proof and securely mounted to the right of the rear view mirror. The installation must provide unobstructed vision for the driver.
- (5) The camera's field of view must include the full face of all occupants seated in passenger seats and facing forward.
- (6) Images must be recorded and stored in a unit separate from the camera head.
- (7) The recording unit must be concealed from view and fastened securely with tamper-resistant hardware.
- (8) The IVCS must provide a visual indication of system status that is located on the lower left portion of the dashboard and is visible to the driver and to law enforcement personnel inspecting the vehicle from outside of the driver door.
- (9) The IVCS and components must be sufficiently shock-resistant to withstand typical vehicle movement and collisions.
- (10) The IVCS must have an RS-232 connection or other means for secure image retrieval.
- (11) Images must be sharp, undistorted, and clear enough to enable the viewer to identify all passengers under all lighting conditions, including, for example, dark and bright light, daylight, and backlight.
- (12) Sensor resolution must be, at a minimum, 510 by 480 pixels.
- (13) Storage capacity must be, at a minimum, 7,000 images in an encrypted format, and all access to the storage unit must result in the storage of an electronic "tag" including the installer identification number and date of the event.

- (14) The IVCS must have connection ports for a minimum of two (2) cameras.
- (15) The IVCS must have an event flag or panic button accessible to the driver and located in an inconspicuous location.
- (16) The IVCS must record images and the following information for each image:
 - (i) Date and time;
 - (ii) Street Hail Livery License number;
 - (iii) IVCS serial number;
 - (iv) IVCS indicator for event flags.
- (17) Image capture must be linked to the following events:
 - (i) Vehicle door openings and closings;
 - (ii) Meter engagement;
 - (iii) Event flag button activation;
 - (iv) Event flag in the test mode when the image(s) are recorded for inspection and test purposes;
 - (v) Panic button activation.
- (18) In the event of a panic button activation, systems must record to protected memory a total of three events. The recording must include, at a minimum, the 2.5 minutes immediately before and after the button activation, at one frame per second.
- (19) Image access may be provided only to law-enforcement agencies, including the New York City Police Department.
- (20) If the IVCS has a physical port for secure image retrieval, the port must be located on the right side of the dashboard or in the trunk, installed inconspicuously, and accessible to law enforcement personnel.
- (21) When memory storage capacity is reached, the IVCS must overwrite the oldest images as new images are recorded in sequence.
- (22) Installations and repairs of IVCS may be performed only by installers authorized by the manufacturer and currently licensed by the Department of Consumer Affairs. Installations and repairs may also be performed by Taximeter Businesses currently licensed by the Commission pursuant to chapter 64 of this title.
- (23) A notarized affidavit signed by a manufacturer's authorized installer attesting to the proper functionality of the IVCS must be provided to the Commission by the authorized installer: (i) annually, and (ii) within 14 calendar days after any installation, repair, or modification of the IVCS.

§82-59 Requirements for Hack-up – Credential Holders

- (a) Requirement. A credential holder must be mounted behind the driver in the vehicle in a manner that does not block the driver's view. The holder will be on the partition if there is a partition, or on the headrest if there is no partition.
- (b) Technical Specifications. A credential holder frame mounted on the driver's side of the clear portion of the partition must conform to the following:
 - (1) Be approved by the Commission.
 - (2) Be secured by either rivet or screw at least two inches above the frame supporting the clear portion of the partition and centered on the vehicle's steering column or the headrest on the driver's seat facing the rear passenger's compartment.
 - (3) The frame must have a drop-in or slide-in slot accessible only from the driver's compartment for the rate card and the driver's license.
 - (4) The frame must have sufficient illumination so that the rate card and the driver's license are clearly visible from the rear seat after dark.
 - (5) The frame must be sufficiently padded so as not to cause injury to the driver.

§82-60 Requirements for Hack-up – Air Conditioning

- (a) Requirement. All vehicles must be equipped with an air conditioner. The air conditioner must be in good working condition from May 1st through September 30th each year. In vehicles equipped with a partition, the air conditioner must include an auxiliary unit for the rear seating area.
- (b) Technical Specifications.
 - (1) The auxiliary unit must be either

standard equipment or optional equipment built into the vehicle by the vehicle manufacturer.

- (2) The auxiliary unit must have controls that passengers may operate in the rear passenger area.

§82-61 Scheduled Vehicle Retirement

§82-62 Vehicle Retirement Extensions

§82-63 Authorized Rooftop Advertising Fixture

- (a) Authorized Rooftop Advertising Fixture.
 - (1) Upon payment of an annual Advertising Permit Fee as described in § 82-08(j), a Street Hail Livery Licensee may install and maintain an authorized Rooftop Advertising Fixture.
 - (2) A Street Hail Livery Licensee must not install or maintain a Rooftop Advertising Fixture that is not authorized, or no longer authorized, by TLC.
- (b) Requirements for Obtaining Commission Approval of a Rooftop Advertising Fixture.
 - (1) The Rooftop Advertising Fixture must be tested and certified in accordance with the Department of Defense Test Standard MIL-STD 810f by a licensed Professional Engineer and documentation of testing and certification must be submitted to the Commission. (MIL-STD 810f can be found at <http://www.dtc.army.mil/navigator/>.)
 - (2) The Rooftop Advertising Fixture must be approved by the Commission's Safety and Emissions Division.
 - (3) The Rooftop Advertising Fixture Provider may post advertisements on the Rooftop Advertising Fixture. Such advertisements:
 - (i) must not exceed the physical dimensions of the advertising display surface of the rooftop unit
 - (ii) Exception: An advertisement can exceed the dimensions of the advertising display surface of the rooftop unit by no more than 100 square inches if the certification by a Professional Engineer as required in paragraph one of this subdivision specifically states that the extension is safely supported upon the Rooftop Advertising Fixture.
 - (4) The Rooftop Advertising Fixture must:
 - (i) be two-sided, each side of a shape that is longer across and shorter in height, although not necessarily a rectangle;
 - (ii) display advertising material to the sides of the vehicle, and
 - (iii) not display advertising material to the front and back of the vehicle.
 - (5) Variation in approved design.
 - (i) If the Rooftop Advertising Fixture Provider wants to deviate from an approved design, it must inform the TLC of any material variation in the original, approved design before installing a modified fixture.
 - (ii) The TLC shall, within fourteen (14) business days, inform the Rooftop Advertising Fixture Provider whether an additional authorization is required with respect to the modified Rooftop Advertising Fixture.
- (c) Maintenance of Rooftop Advertising Fixture. The Rooftop Advertising Fixture Provider must maintain the Rooftop Advertising Fixture in accordance with this Rule:
 - (1) The Rooftop Advertising Fixture Provider must ensure that the Rooftop Advertising Fixture
 - (i) is firmly affixed to each Street Hail Livery;
 - (ii) is otherwise operating in a safe manner;
 - (iii) is in good working order; this includes that the advertising displayed on the fixture is firmly affixed; and
 - (iv) displays current advertisements. A current advertisement is one that includes, but is not limited to, a defined event (such as advertisements for movies, concerts or events which have fixed opening or running dates)

and only remains current until 60 days following the completion or termination of the event, or promotes an existing business or consumer product.

- (2) (i) The Rooftop Advertising Fixture Provider must not display advertising that is offensive to public morals or is otherwise in violation of New York Penal Law Section 245.11.

- (ii) The Rooftop Advertising Fixture Provider must remove any advertising in violation of subparagraph (i) from public display within fifteen (15) days after a TLC request to remove such advertising.

(d) Termination of Authorization of Rooftop Advertising Fixture.

- (1) The Chairperson may terminate authorization of a Rooftop Advertising Fixture if the provider has not complied with the requirements stated in this Rule.

- (i) Prior to terminating authorization, the Chairperson will give the Rooftop Advertising Fixture Provider notice of the Chairperson's intent to terminate authorization and shall provide detailed reasons for the action.

- (ii) The Rooftop Advertising Fixture Provider shall have 21 business days after the notice to cure any defect or to respond to any concerns set forth in the notice unless the TLC extends the cure period.

- (iii) If the Rooftop Advertising Fixture Provider fails to cure any defect or fails to respond to any concerns set forth in the Chairperson's notice to the satisfaction of the Chairperson within the time period allotted by the TLC, the Chairperson may promptly terminate authorization.

- (2) Notwithstanding the notice requirements of paragraph one, TLC may immediately terminate authorization of a Rooftop Advertising Fixture if the Chairperson determines there is an imminent threat to the health or safety of members of the public, drivers of Street Hail Liveries, or other individuals.

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Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Tax and Limousine Commission ("TLC") promulgates rules to add a new chapter on Technology System Providers creating a new licensee type for vendors of technology systems for Street Hail Liveries as the result of creation of Street Hail Livery Service.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York, and chapter 602 of the Laws of 2011 and chapter 9 of the Laws of 2012 of New York State.

On April 19, 2012, a public hearing was held by the TLC at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York and these rules were approved at the hearing on April 19. These rules will take effect 30 days after publication.

Statement of Basis and Purpose

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These rules implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The rule changes are organized as follows:

- 1. Amendment to *Definitions* (Chapter 51) to incorporate Street Hail Liveries
- 2. Amendment to *For-Hire Service* (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
- 3. New chapter on *Street Hail Livery Service* outlining licensing, service and vehicle requirements
- 4. Amendments to *Medallion Taxicab Drivers*

(Chapter 54) to incorporate requirements for drivers of Street Hail Liveries

5. New chapter on *Technology Vendors* creating a new license type for vendors of taxicab technology for Street Hail Liveries.

This statement first provides some background on existing street hail service availability and passenger demand for this service, and explains the rationale for the Street Hail Livery program. It then discusses the purpose of some of the more specific rules being proposed to implement the program.

Background: Brooklyn, the Bronx, Queens, Staten Island, & Northern Manhattan Lack Street Hail Service

Currently, yellow taxis with medallions issued by the TLC are the only vehicles authorized to pick up passengers by street hail anywhere in the city. However, according to recent GPS data collected by TLC, 95% of all yellow taxi street hail pickups are in Manhattan's Central Business District (CBD) and at La Guardia or JFK airports. The demand for street hail service in Northern Manhattan, Brooklyn, Bronx, Queens and Staten Island neighborhoods, where 80% of the City's population lives, but where yellow taxis choose not to go, is met (illegally) by livery vehicles, which are licensed to pick up passengers only by prearrangement. TLC staff who recently observed passengers hailing rides at various locations outside Manhattan counted 65 street hails per hour at Mermaid and Stillwell Avenues in Brooklyn, 39 per hour at Jamaica Avenue and Parsons Boulevard in Queens, and 19 per hour at Grand Concourse and 149th Street in the Bronx. All street-hails observed by TLC were picked up by livery vehicles.

The current licensing and street hail regulations mean that:

- Livery drivers who pick passengers up from the street by hail to meet the existing demand, but do so without notification from the base, are put in the position of routinely violating the law.
- Business districts outside of the Manhattan CBD are at a competitive disadvantage because their clients and customers do not have access to safe, legal and convenient street hail service for travel between meetings or home from shopping trips.
- Residents who use the street-hail service from liveries are not protected by nor benefit from key features of yellow taxicab service:
 - **Set Fares:** Fares, determined in a livery street-hail pickup by haggling between the driver and the passenger (who is often uncomfortable with this arrangement), are not metered or otherwise regulated and leave passengers vulnerable to overcharging.
 - **Safety and Security:** Licensed livery vehicles can be difficult for street hail passengers to distinguish from unlicensed vehicles. Many passengers seeking to hail a livery on the street are exposed, without their knowledge, to uninsured and possibly unsafe vehicles and to drivers with unknown safety records.
 - **Convenience and Customer Service:** Most livery vehicles have no GPS locator, which can make it hard to help street-hail passengers recover lost property. Most livery vehicles do not offer passengers the convenience of paying by debit or credit card, an extremely popular feature among yellow taxi passengers.
 - **Wheelchair Access:** Only a minute fraction of existing livery vehicles are accessible to wheelchair users. Although there are currently TLC rules in place that require the for-hire industry to provide service to wheelchair users, the service currently available is insufficient to meet wheelchair users' mobility needs.

Purpose of Rules

The legislation enacted in Albany, which these proposed rules implement, addresses the problems described above by authorizing the City to issue transferable Street Hail Livery licenses. Vehicles with these licenses will be permitted to pick up street hail passengers anywhere in Brooklyn, the Bronx, Staten Island, Northern Manhattan (north of W. 110th St. and north of E. 96th St.), and Queens (excluding airports). They can also pick up passengers by prearrangement anywhere except Manhattan south of W. 110th St. and E. 96th St. This will ensure that these new Street Hail Livery Vehicles serve the neighborhoods that are currently underserved by yellow taxis and protect yellow taxis from competition in the areas of the city they typically serve.

Vehicle Requirements. Street Hail Liveries will have a variety of features, as described in these rules, to make them safer and more convenient for passengers. These features include:

1. Meters calculating a uniform fare for street-hail trips (to provide predictability for passengers, build trust between drivers and passengers, and prevent price gouging)
2. Credit and debit card readers (to make it easier for passengers to pay their fares and reduce the amount of cash drivers carry)
3. GPS locators (to assist with locating lost property and to assist TLC enforcement with preventing Street Hail Liveries from making illegal pickups)
4. Distinguishing markings (a uniform color scheme, text markings, and roof light) so passengers know they are entering a legal car with a licensed driver

Accessibility. The Street Hail Livery program also expands transportation options for individuals who use wheelchairs. As per the state legislation, 20 percent of Street Hail Liveries will be required to be accessible to individuals who use wheelchairs. Individuals who purchase Street Hail Livery

licenses that are part of this accessibility initiative will be eligible for a City subsidy to cover costs of upgrading their vehicles or purchasing new accessible vehicles. This will significantly expand access to both prearranged and hail service for wheelchair users, expanding these individuals' ability to travel around the city.

Driver Requirements. To ensure that Street Hail Livery drivers can safely and effectively operate a Street Hail Livery and provide excellent customer service, these proposed rules require that new Street Hail Livery drivers be licensed by the Commission and be either (1) existing licensed for-hire vehicle drivers, (2) existing licensed yellow taxi ("hack") drivers, or (3) existing licensed paratransit drivers (for accessible vehicles). Individuals who do not fall into any of the three categories above will be required to obtain a yellow taxi hack license to operate a Street Hail Livery.

Service Requirements. To ensure that the public receives good customer service in Street Hail Liveries, these rules outline the service Street Hail Livery drivers must provide. This includes many requirements that are found in the yellow taxi industry, such as rules surrounding service refusals, compliance with reasonable passenger requests, and rates charged.

Service Options. Street Hail Liveries will be permitted to provide both prearranged and street hail service. This gives drivers flexibility to adapt to fluctuations in customers' demand for each of these types of service (e.g., prearranged airport drop-offs in the early morning and street hail rides late-night). This enables drivers to maximize revenue earned and gives bases flexibility to respond to spikes and troughs in demand.

Enforcement. To protect yellow taxis in areas where they are the only vehicles authorized to pick up street hails, these rules clearly define the areas where Street Hail Liveries are not allowed to make pickups and the penalties for violating these rules. Vehicle requirements will include GPS technology that will enable TLC to detect and penalize Street Hail Liveries that make illegal pickups, putting violators' licenses in jeopardy.

Base Requirements. State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. These proposed rules outline the process for bases to become licensed to affiliate a Street Hail Livery, along with these bases' responsibilities. These responsibilities include ensuring their Street Hail Livery vehicles and drivers comply with TLC rules and transmit the 50 cent MTA surcharge on each hail ride to the MTA.

Technology Vendor Requirements. State legislation authorizes the TLC to license vendors of credit card and customer enhancements technology to Street Hail Liveries. The TLC intends to regulate these vendors because it believes that licensure is preferable to the procurement and contract approach used in the taxicab industry. Under a regulatory approach, any vendor who can meet TLC requirements can apply for a license. This will maintain vendor competition and allow the TLC to create and enforce consistent service standards for all licensees. In addition, the TLC believes that a regulatory approach will enable it to revisit and revise standards as technology and other factors advance. Accordingly, the TLC believes that the competition permitted by a regulatory approach is key to both keeping prices affordable and improving service quality. Allowing multiple taxicab technology vendors to develop and provide taxicab technology is important for fostering innovation and giving the for-hire industries choices. Moreover, the TLC believes that the benefits of competition in the for-hire industries may ultimately feed into the taxi industry by permitting advances in technology that may benefit passengers in all the industries the TLC regulates. In order to maintain the ability for multiple vendors to provide taxicab technology—while maintaining TLC oversight and quality control—these proposed rules outline the process and standards for becoming a TLC-licensed technology vendor.

In addition to providing a service to the public, the Street Hail Livery program provides opportunities for the industries TLC regulates:

- Livery drivers and bases that choose to enter the Street Hail Livery business (which is completely optional for both vehicle owners and bases) will expand the ways in which they may legally serve the communities they have been serving for years by providing not only high-quality prearranged service, but also safe, convenient and legal street hail service.
- The street hail business that already exists in many neighborhoods outside the Manhattan CBD will be brought out of the shadows, bringing legitimacy and pride to those providing this service.
- Income-generating opportunities for drivers will increase as more customers will be enticed to take advantage of the predictability and quality of this new street hail service.

Chapter 83 – Licensing & Rules for Street Hail Livery Technology Systems Providers

Each Street Hail Livery Vehicle will be equipped with a Street Hail Livery Technology System (LPEP)¹ which:

- has an electronic payment system, which will allow riders to pay with credit, debit, and prepaid cards,
- has an Automatic Vehicle Location system, which will identify the location of Street Hail Liveries while in operation; and
- will collect and transmit trip, fare and other data.

The LPEP will interface with the meter and together will allow the TLC to regulate fares and enforce violations of the Hail Service Rules stated in Chapter 82.

The Chapter establishes a formal procedure for licensing and supervision of LPEP Providers, sets forth technical requirements for LPEP systems, and establishes the services to be provided.

Licensing Requirements for LPEP Providers include:

- Posting a \$50,000 bond in favor of the City
- Providing an acceptance testing plan and demonstrating that an independent third party certifies that the LPEP and the LPEP Provider meet all of the requirements in Chapter 83
- Providing a security testing certification from an independent third party
- Providing a disaster recovery plan
- Providing proof of various types of insurance, including Commercial General Liability and Professional Liability Insurance
- Completing a financial disclosure form.

General and Business Requirements for LPEP Providers include:

- Providing indemnification for the City
- Filing with the TLC a schedule of fees
- Entering into agreements with end-users (i.e., Street Hail Livery licensees) that contain terms and conditions required by TLC Rules
- Providing warranty for equipment
- Providing a help desk service
- Meeting all required service levels
- Retaining records
- Safeguarding passenger personal information

Technical/Service Requirements for LPEP Providers include:

- Providing a credit, debit and prepaid card payment system
- Providing a system capable of transmitting text messages
- Providing a system that will reliably and accurately collect trip data and transmit this data to the TLC
- Providing an Automatic Vehicle Location data system to collect and transmit certain location data to the TLC

¹ "LPEP" is the acronym for Livery Passenger Enhancements Program and is the short form for Street Hail Livery Technology System.

Chapter 83

Licensing & Rules for Street Hail Livery Technology System Providers

§83-01 Scope of the Chapter

- (a) To establish a formal procedure for the licensing and supervision of businesses that sell, lease, make available for use, install, service and repair Street Hail Livery Technology Systems (LPEP)¹ for Street Hail Liveries.
- (b) To establish technical requirements for the Street Hail Livery Technology System and to issue licenses to Street Hail Livery Technology System Providers whose systems meet such requirements.
- (c) To establish services to be provided by Street Hail Livery Technology System Providers for the benefit of Street Hail Livery Licensees and the public.
- (d) To establish appropriate penalties for the violation of these rules.

¹ "LPEP" is an acronym for Livery Passenger Enhancements Program and stands for Street Hail Livery Technology System.

§83-02 Penalties

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated 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 from the Commission for the Street Hail Livery Technology System.
 - (2) Unlicensed Activity specifically includes the activities listed in §83-10 of these Rules and can result in License suspension, revocation, and other penalties.
- (b) Specific Penalties. If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section will also state whether the violator must attend the Hearing.

Payment of Fines.

- (1) Fines are due within thirty (30) days of the day the Respondent is found guilty of the violation.
- (2) If the Respondent files an appeal of the decision imposing the fines within thirty (30) days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within seven (7) calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of:

 - thirty (30) days from the date of the decision, or
 - twenty-one (21) days from the date the recording is issued.

(3) 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 ten (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) Non-renewal of License; Suspension; Revocation.

(1) Non-renewal of License.

(i) If an LPEP Provider License is not timely renewed, the LPEP Provider must immediately notify:

(A) the Commission of the date of License expiration; and

(B) each Street Hail Livery Licensee who is using the LPEP approved under the expired License that the Street Hail Livery Licensee has ninety (90) days from the date of License expiration to obtain an LPEP and related services from another LPEP Provider.

(ii) Upon expiration of the LPEP Provider License, the LPEP Provider must not enter into any new contracts with Street Hail Livery Licensees for sale, lease or use of the LPEP approved under the expired License, and must not renew the existing contracts with Street Hail Livery Licensees who are using the LPEP approved under the expired License.

(iii) Upon expiration of the LPEP Provider License, the LPEP Provider must continue to provide to each such Street Hail Livery Licensee all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if their LPEP Provider License were not expired for one hundred fifty (150) days after License expiration or until all such Street Hail Livery Licensees have obtained LPEPs and related services from other LPEP Providers, whichever is earlier.

(iv) An LPEP Provider whose License has expired must provide to each Street Hail Livery Licensee who used the LPEP approved under the expired License the following:

(A) De-installation of the LPEP at no charge;

(B) A refund of all installation-related charges and all other non-recurring charges paid or payable by the Street Hail Livery Licensee; and

(C) If the Street Hail Livery Licensee purchased the LPEP for ownership, a refund of the purchase price of the LPEP based on the net book value of such LPEP, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value.

(2) Suspension.

(i) If an LPEP Provider's License has been suspended by the Commission, the LPEP Provider must immediately notify:

(A) the Commission of the period of License suspension; and

(B) each Street Hail Livery Licensee who is using the LPEP approved under the suspended License that:

- The dates during which the License is suspended,
- that the Street Hail Livery Licensee has the option to terminate its contract with the LPEP Provider License, or if its contract will expire during the period of suspension that the Street Hail Livery Licensee has the option to not renew its contract, and,
- that the Street Hail Livery Licensee has ninety (90) days from the end date of the suspension period to obtain an LPEP and related services from another LPEP Provider.

(ii) While the LPEP Provider's License is suspended, the Provider must not enter into any new contracts with Street Hail Livery Licensees for sale, lease or use of the LPEP approved under the suspended License, but may renew, at the option of the Street Hail Livery Licensee, the existing contracts with Street Hail Livery Licensees who are using the LPEP approved under the suspended License.

(iii) While the LPEP Provider's License is suspended, the LPEP Provider must continue to provide to such Street Hail Livery Licensees all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if their LPEP Provider License were not suspended. If the Street Hail Livery Licensee opted to terminate its contract with the LPEP Provider or to not renew its contract while the LPEP license is suspended, the LPEP Provider must provide such services for:

A. one hundred twenty (120) days after the end date of the suspension period, or

B. until all such Street Hail Livery Licensees have obtained LPEPs and related services from other LPEP Providers, whichever is earlier.

(iv) If the Street Hail Livery Licensee opted to terminate or not renew its contract with the LPEP Provider while the LPEP license is suspended, the LPEP Provider must provide de-installation at no charge and refunds as described in subdivision (d)(1)(iv) above to each Street Hail Livery Licensee who used the LPEP approved under the suspended License.

(3) Revocation.

(i) If an LPEP Provider's License has been revoked by the Commission, the LPEP Provider must immediately notify:

(A) the Commission of the date of License revocation; and

(B) each Street Hail Livery Licensee who is using the LPEP approved under the revoked License that:

- its contract with the LPEP Provider will be deemed terminated ninety (90) days following the date of License revocation, or
- may be terminated earlier by the Street Hail Livery Licensee giving written notice of termination, and,
- that the Street Hail Livery Licensee has up to ninety (90) days from the date of License revocation to obtain an LPEP and related services from another LPEP Provider.

(ii) Upon revocation of the LPEP Provider's License, the Provider must not:

A. enter into any new contracts with Street Hail Livery Licensees for sale, lease or use of the LPEP approved under the revoked License, or

B. renew the existing contracts with Street Hail Livery Licensees who are using the LPEP approved under the revoked License.

(iii) Upon revocation of the LPEP Provider License, if the LPEP approved under the revoked License is functioning properly, the LPEP Provider must continue to provide to such Street Hail Livery Licensees all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if their LPEP Provider License were not revoked, for:

A. one hundred fifty (150) days after License revocation, or

B. until all such Street Hail Livery Licensees have obtained LPEPs and related services from other LPEP Providers, whichever is earlier.

(iv) If the LPEP is not functioning

properly, the LPEP Provider must cease its operations with respect to such LPEP.

(v) An LPEP Provider whose License has been revoked must provide de-installation at no charge and refunds as described in subdivision (d)(1)(iv) above to each Street Hail Livery Licensee who used the LPEP approved under the revoked License.

§83-02(d) Penalty: \$500-\$1,000 fine Appearance REQUIRED

§83-03 Definitions Specific to this Chapter

(a) Accessible Street Hail Livery shall have the same meaning given such term in §51-03 of these Rules.

(b) Applicant in this Chapter means an Applicant for an original or renewal LPEP Provider License.

(c) Automatic Vehicle Location System or AVL shall have the same meaning given such term in §51-03 of these Rules.

(d) Core Services shall have the same meaning given such term in §51-03 of these Rules.

(e) Credit, Debit, and Prepaid Card Services. The portion of the LPEP used to process Passenger payment of fare in a Street Hail Livery by credit, debit, or prepaid card as described in §83-31(a) of these Rules.

(f) Critical Performance Failure. A failure of the LPEP or any of its components that satisfies any of the conditions set forth in §83-31(j) of these Rules.

(g) Dispatch shall have the same meaning given such term in §51-03 of these Rules.

(h) Driver Information Monitor or DIM. The display unit that is part of the LPEP, enables Street Hail Livery Drivers at a minimum to receive and send text messages, and has the features described in §83-31(b) of these Rules.

(i) Emergency Public Service Announcement or Emergency PSA. A Public Service Announcement that addresses an imminent public health, safety or welfare concern.

(j) Epilogue. The series of screens to be run on a Passenger Information Monitor that offers advertising at the end of each trip as described in §83-31(d)(4)(i)(A) of these Rules.

(k) Hail Exclusionary Zone shall have the same meaning given such term in §51-03 of these Rules.

(l) Hail Trip shall have the same meaning given such term in §51-03 of these Rules.

(m) Hardware shall have the same meaning given such term in §51-03 of these Rules.

(n) Help Desk. The telephonic and electronic support provided by the LPEP Provider on a 24 x 7 x 365 Basis with the operation of the LPEP. Telephonic support must be accessed by a toll-free number.

(o) Information System. An interconnected set of information resources under the same direct management control that shares common functionality. An Information System normally includes Hardware, Software, information, data, applications, communications, and people.

(p) License. When the term "License" is used by itself in this Chapter—and in this Chapter ONLY—it refers to an LPEP Provider License.

(q) Licensee. When the term "Licensee" is used by itself, in this Chapter—and in this Chapter ONLY—it refers to an LPEP Provider Licensee.

(r) Maintenance Service. All of the services required to be provided by the LPEP Provider pursuant to §83-22 of these Rules.

(s) Merchant shall have the same meaning given such term in §51-03 of these Rules.

(t) Modification of LPEP. Any modification to the LPEP or related services after the Commission has issued a License for such LPEP that would materially alter any of the following:

- (1) functionality, performance characteristics, security measures, or technical environment of the LPEP or related services;
- (2) interfaces to the Software, Hardware, network, or other LPEP components;
- (3) the manner in which the LPEP or related services are provided;
- (4) the manner in which the Commission, Street Hail Livery Licensees, Street Hail Livery Drivers or Passengers use the LPEP or related services; or
- (5) the composition of the LPEP or related services.

A Modification of LPEP excludes:

- (6) fixes and/or maintenance patches necessary to conform the LPEP or any of its components or related services to the requirements set forth in §83-31 of these Rules; and

- (7) security patches to the extent such fixes or patches are necessary in the LPEP Provider's good faith judgment to maintain the continuity of the LPEP or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the LPEP or related services.
- (u) On-duty Hail Exclusionary Zone Positioning. The date, time and geographic position of an on-duty Street Hail Livery (with or without Passengers) upon the point of entering and leaving the Hail Exclusionary Zone, and at each point in the vehicle's route within the Hail Exclusionary Zone in near real time at an interval no less frequent than every thirty (30) seconds.
- (v) On-duty Location Positioning. The date, time and geographic position of an on-duty Street Hail Livery (with Passengers) at the commencement and end of each Passenger fare, and (with or without Passengers) at each point in the vehicle's route in near real time at an interval no less frequent than every thirty (30) seconds.
- (w) Passenger Information Monitor or PIM in this chapter and this chapter only shall mean the interactive screen in the rear of Street Hail Liveries that provides, among other features, fare payment screens at the end of the trip and may or may not display advertising.
- (x) Passenger Route Map. The interactive route map featured in the PIM for viewing by a Passenger and as further described in §83-31(d)(4)(ii) of these Rules.
- (y) Passenger Surveys. In-vehicle surveys on the Passenger Information Monitor that can be taken by Passengers as described in §83-31(d)(4)(i)(C) of these Rules.
- (z) PCI Standards. The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org
- (aa) Performance Failure. An event that causes the LPEP or the related services to fail to satisfy any of the Service Levels required in §83-31(i) of these Rules.
- (bb) Personal Information. Any information that can specifically identify an individual, such as name, address, social security number, unmasked or non-truncated credit, debit, or prepaid card numbers, together with any other information that relates to an individual who has been so identified, and any other information that is otherwise subject to privacy or confidentiality laws and associated rules and regulations. The display or disclosure of only the last four digits of a credit, debit, or prepaid card number is not Personal Information. The name of a Street Hail Livery Driver and the Driver's Commission license number is not Personal Information.
- (cc) **Pre-Arranged Exclusionary Zone shall have the same meaning given such term in §51-03 of these Rules.**
- (dd) Prologue. The series of screens to be run on a Passenger Information Monitor at the start of each trip as described in §83-31(d)(4)(i)(A) of these Rules.
- (ee) Public Service Announcement or PSA. A governmental public service announcement to Passengers and/or Street Hail Livery Drivers from the Commission, the City or any other City agency.
- (ff) Screen shall mean a display screen in a Street Hail Livery which displays at the least fare payment information at the end of a trip.
- (gg) Security Incident. The attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an Information System.
- (hh) Service Levels. The standards of performance of the LPEP and its components that are described in §83-31(i) of these Rules.
- (ii) Software shall have the same meaning given such term in §51-03 of these Rules.
- (jj) Street Hail Livery shall have the same meaning given such term in §51-03 of these Rules.
- (kk) Street Hail Livery Base shall have the same meaning given such term in §51-03 of these Rules.
- (ll) Street Hail Livery Driver shall have the same meaning given such term in §51-03 of these Rules.
- (mm) Street Hail Livery License shall have the same meaning given such term in §51-03 of these Rules.
- (nn) Street Hail Livery Licensee shall have the same meaning given such term in §51-03 of these Rules.
- (oo) Street Hail Livery Technology System or LPEP shall have the same meaning given such term in §51-03 of these Rules.
- (pp) Street Hail Livery Technology System Provider or LPEP Provider shall have the same meaning given such term in §51-03 of these Rules.
- (qq) Street Hail Livery Technology System Provider License or LPEP Provider License. A license issued to a Street Hail Livery Technology System Provider pursuant to this Chapter.
- (rr) Street Hail Livery Technology System Provider Licensee or LPEP Provider Licensee. The Street

- Hail Livery Technology System Provider to whom a Street Hail Livery Technology System Provider License is issued pursuant to this Chapter.
- (ss) Taximeter shall have the same meaning given such term in §51-03 of these Rules.
- (tt) Technical Standards. Performance-based or design-specific technical specifications and related management systems practices.
- (uu) TLC Content. The content defined in §83-31(d)(4)(i) of these Rules.
- (vv) Trip Data shall have the same meaning given such term in §51-03 of these Rules.
- (ww) 24 x 7 x 365 Basis. A level of effort provided by the LPEP Provider that makes the applicable service relating to the LPEP available 24 hours per day, 7 days per week, 365 days per year without regard to local, national, international or other holidays or events.
- (xx) Update. All revisions, updates, modifications, corrections, releases, versions, fixes and enhancements to Software or Hardware that is a component of the LPEP.
- §83-04 Licensing – General Requirements**
- (a) Licensees. An Applicant for an LPEP Provider License or its renewal may be an individual or a Business Entity.
- (b) License for each LPEP. An application for a new or renewal LPEP Provider License must be filed for each LPEP for which Commission approval is sought. A separate LPEP Provider License will be issued or renewed for each approved LPEP. All License requirements of this Chapter apply to each License to be issued or renewed.
- (c) Certification. Any new or renewal application for an LPEP Provider License must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the Application is true, under penalty of perjury.
- (d) Proof of Identity. The individual or Business Entity Person submitting the application for an LPEP Provider License must provide to the Commission proof of identity with all of the following:
- (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
 - (2) A valid, original social security card
- (e) Age. The individual or Business Entity Person applying for an LPEP Provider License or its renewal must be at least 18 years of age.
- (f) Proficiency in the English Language. The individual or Business Entity Person applying for an LPEP Provider License or its renewal must be able to speak, read, write, and understand the English language.
- (g) Fit to Hold a License. The individual or Business Entity Person applying for an LPEP Provider License or its renewal must demonstrate that they are Fit to Hold a License.
- (h) Partnership Filings. When the Applicant is a partnership, it must file with its License application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located. In addition, each partner must satisfy the requirements of identity, age, and English language proficiency, as specified in subdivisions (d) – (f), above.
- (i) Corporate or LLC Filings. When the Applicant is a corporation, it must file with its License application all of the following:
- (1) One of the following certificates:
 - (i) A certified copy(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application
 - (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application
 - (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation
 - (2) A list of its officers and shareholders, including names, residence addresses, telephone numbers, and percentage of ownership interest of each shareholder
 - (3) A certified copy of the minutes of the organizational meeting at which the current officers were elected
 - (4) Limited Liability Companies (LLCs). When the Applicant is a limited liability company, it must file with its application all of the following:

- (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) Uniqueness of Name. The Commission has the right to reject the proposed name of any LPEP Provider that the Commission finds to be substantially similar to any name in use by another LPEP Provider Licensee.
- (k) 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,
 - (iii) NYC Department of Consumer Affairs,
 - (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.
- (l) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §83-17 of these Rules.
- §83-05 Licensing – Specific Requirements**
- (a) LPEP Approval for New License. The Commission shall not issue an LPEP Provider License to any Applicant unless the Commission approves the LPEP proposed for sale, lease or use by the Applicant. In determining whether to approve the LPEP, the Commission will consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to §83-05(b) below adequately demonstrates that the LPEP complies with all of the requirements set forth in §83-31 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section.
- (b) Documentation for LPEP Approval. The Applicant shall submit with its License application the following documentation:
- (1) An acceptance test plan that uses information technology industry testing tools, techniques and methodologies designed to comprehensively test whether the LPEP and related services comply with all of the requirements set forth in §83-31(a)-(e) and (i) of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section;
 - (2) Documentation demonstrating that an independent third party with relevant expertise, acceptable to the Commission, has performed acceptance testing consistent with the acceptance test plan, and certification by the independent third party of the successful results of the acceptance testing;
 - (3) Documentation demonstrating that an independent third party with relevant expertise, acceptable to the Commission, has performed security testing of the LPEP and related services to determine compliance with the security standards set forth in §83-31(f) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and certification by the independent third party of the successful results of the security testing; and
 - (4) A disaster recovery plan that complies with the requirements set forth in §83-31(g) of these Rules;
- (c) Modification of LPEP. If after the LPEP Provider License is issued pursuant to this Chapter, the LPEP Provider Licensee wants to implement a Modification of LPEP, the Licensee must submit an application for approval of a Modification of LPEP by submitting all documentation required by subdivision (b) of this section and the fee required in §83-08(c) of these Rules. The Commission will treat the submission as an application for a new LPEP Provider License. If the Commission approves the Modification of LPEP, the existing LPEP

Provider License will apply to the modified LPEP.

(d) LPEP Approval Upon Renewal. If upon renewal of the LPEP Provider License,

(1) the Licensee seeks approval of a Modification of LPEP, the Licensee must meet all of the requirements applicable to a Modification of LPEP pursuant to subdivision (c) of this section; or

(2) the Licensee does not seek approval of a Modification of LPEP and there has been no Modification of LPEP since the prior Commission approval of the License or prior Commission approval of a Modification of LPEP, the Licensee must certify this and also certify that all prior certifications by independent third parties submitted to the Commission are still valid.

(e) Required Insurance. After submission of an application for a new LPEP Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision (e) when the Commission requests it. Upon submission of an application to renew an LPEP Provider License, the Licensee must provide to the Commission proof of the insurance required in this subdivision (e).

(1) Commercial General Liability Insurance.

(i) The Applicant shall maintain Commercial General Liability ("CGL") Insurance covering the Applicant as Named Insured and the City as an Additional Insured in the amount of at least Five Million Dollars (\$5,000,000) per occurrence. Such insurance must protect the City and the Applicant from claims for property damage and/or bodily injury, including death that may arise from any of the operations performed or to be performed by or on behalf of the Applicant in connection with any of the activities licensed under this Chapter. Coverage under this insurance must be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and must be "occurrence" based rather than "claims-made."

(ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's CGL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own CGL Insurance subject to all other requirements herein.

(iii) Such CGL Insurance must name the City, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recently issued ISO Form CG20 10.

(2) Professional Liability Insurance.

(i) In the Commission's discretion, if professional services will be performed by the Applicant in connection with any of the activities licensed under this Chapter, the Applicant must maintain and submit evidence of Professional Liability ("PL") Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars (\$1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error, omission or negligent act of the Applicant or anyone employed by the Applicant.

(ii) If the Applicant's subcontractor(s) is/are performing or will perform professional services in connection with any of the activities licensed under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant's PL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.

(iii) Claims-made policies will be accepted for Professional Liability Insurance. All such policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available

as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of such insurance unless a new policy is secured with a retroactive date, including at least the last policy year.

(3) Crime Insurance.

(i) The Applicant must maintain crime insurance to protect against employee dishonesty, covering tangible property or monies against loss, damage or destruction resulting from larceny, theft, embezzlement, forgery, robbery, misappropriation, willful misapplication or other fraudulent or dishonest acts committed by the Applicant's employees or agents. The liability limits under the policy shall be at least One Million Dollars (\$1,000,000) per occurrence.

(ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's crime insurance under item (i) above must cover the subcontractor(s) employees or agents or such subcontractor(s) must maintain its/their own crime insurance subject to all other requirements herein.

(4) Workers' Compensation, Disability Benefits, and Employer's Liability Insurance.

The Applicant must maintain, and ensure that its subcontractor(s) who is/are performing or will perform services in connection with any of the activities licensed under this Chapter maintain, Workers' Compensation Insurance, Disability Benefits Insurance, and Employer's Liability Insurance in accordance with the laws of the State of New York on behalf of, or with regard to, all employees performing services to the Applicant in connection with any of the activities licensed under this Chapter. For clarity, this paragraph (4) shall not be applicable to Street Hail Livery Drivers, and individuals or business entities employed by any LPEP Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.

(5) Unemployment Insurance. To the extent required by law, the Applicant must provide Unemployment Insurance for its employees.

(6) Business Automobile Liability Insurance.

(i) If vehicles are being used or will be used by the Applicant in connection with any of the activities licensed under this Chapter, then the Applicant must maintain Business Automobile Liability ("BAL") Insurance in the amount of at least One Million Dollars (\$1,000,000) each accident combined single limit for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles to be used in connection with any of the activities licensed under this Chapter. Coverage must be at least as broad as the most recently issued ISO Form CA0001.

(ii) If vehicles are being used or will be used by the Applicant's subcontractor(s) in connection with any of the activities licensed under this Chapter, either the Applicant's BAL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own BAL Insurance subject to all other requirements herein.

(iii) For clarity, this paragraph (6) shall not apply to any Street Hail Livery, Street Hail Livery vehicle owner or Street Hail Livery Driver, and the LPEP Provider as such shall not be responsible for obtaining any insurance for Street Hail Liveries.

(7) General Requirements for Insurance Coverage and Policies.

(i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at

least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Commission.

(ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.

(iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which such policies are subject, whether or not the City is an insured under the policy.

(iv) There must be no self-insurance program with regard to any insurance required under this subdivision (e) unless approved in writing by the Commission. Any such self-insurance program must provide the City with all rights that would be provided by traditional insurance required under this subdivision (e), including but not limited to the defense obligations that insurers are required to undertake in liability policies.

(v) The City's limits of coverage for all types of insurance required under this subdivision (e) must be the greater of:

(A) the minimum limits set forth in this subdivision (e); or

(B) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(8) Proof of Insurance.

(i) For Workers' Compensation Insurance, Disability Benefits Insurance, and Employer's Liability Insurance, the Applicant must file one of the following:

(A) C-105.2 Certificate of Workers' Compensation Insurance;

(B) U-26.3 — State Insurance Fund Certificate of Workers' Compensation Insurance;

(C) Request for WC/DB Exemption (Form CE-200);

(D) Equivalent or successor forms used by the New York State Workers' Compensation Board; or

(E) Other proof of insurance in a form acceptable to the Commission

ACORD forms are not acceptable proof of workers' compensation coverage.

(ii) For each policy required under this subdivision (e), except for Workers' Compensation Insurance, Disability Benefits Insurance, Employer's Liability Insurance, and Unemployment Insurance, the Applicant must file a Certificate of Insurance with the Commission. All Certificates of Insurance must be:

(A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits;

(B) accompanied by the endorsement in the Applicant's Commercial General Liability Insurance policy by which the City has been made an additional insured pursuant to subdivision (e)(1)(iii) above; and

(C) accompanied by either a duly executed "Certification by Broker" in the form provided by the Commission or copies of all policies referenced in the Certificate of Insurance. If complete policies have not yet been issued, binders are acceptable, until such time as the complete policies have been issued, at which time such policies must be submitted.

(iii) The Applicant must provide the Commission with a copy of any policy required under this subdivision (e) upon demand by the Commission or the New York City Law Department.

(iv) Acceptance by the Commission of a certificate or a policy does not excuse the Licensee from maintaining policies consistent with all provisions of this subdivision (e) (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.

(vi) If the Licensee receives notice from an insurance company or other person, that any insurance policy required under this subdivision (e) will expire, be cancelled, or terminated for any reason, the Applicant must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

NYC Taxi and Limousine Commission
Attn: General Counsel
33 Beaver Street 22nd Floor
New York, New York 10004

New York City Comptroller
Attn: Office of Contract Administration
Municipal Building, One Centre Street,
Room 1005
New York, New York 10007.

(9) Miscellaneous Insurance Provisions.

(i) Whenever notice of loss, damage, occurrence, accident, claim or suit is required under a Commercial General Liability policy maintained in accordance with this subdivision (e), the Licensee must provide the insurer with timely notice thereof on behalf of the City. Such notice must be given even where the Licensee may not have coverage under such policy (for example, where one of Licensee's employees was injured). Such notice must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured" and contain the following information:

- the number of the insurance policy;
- the name of the named insured;
- the date and location of the damage, occurrence, or accident;
- the identity of the persons or things injured, damaged, or lost; and
- the title of the claim or suit, if applicable.

The Licensee must simultaneously send a copy of such notice to:

The City of New York c/o
Insurance Claims Specialist,
Affirmative Litigation Division,

New York City Law Department,
100 Church Street, New York,
New York 10007.

If the Licensee fails to comply with the requirements of this subdivision (e)(9)(i), the Licensee must indemnify the City for all losses, judgments, settlements and expenses, including reasonable attorneys' fees, arising from an insurer's disclaimer of coverage citing late notice by or on behalf of the City.

(ii) Insurance coverage in the minimum amounts required in this subdivision (e) shall not relieve the Licensee of any liability for indemnification under this Chapter.

(iii) The Licensee waives all rights against the City, including its officials and employees for any damages or losses that are covered under any insurance required under this subdivision (e) (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the Licensee and/or its subcontractors required to be licensed under this Chapter.

(iv) If the Licensee requires any subcontractor to procure insurance in connection with any of the activities licensed under this Chapter and requires the subcontractor to name the Licensee as an additional insured under such insurance, the Licensee must ensure that such entity also names the City,

including its officials and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

(f) **Renewals of Required Insurance Policies.** The LPEP Provider Licensee must submit to the Commission Certificates of Insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (e) above expires. Certificates of Insurance must comply with the requirements of subdivision (e)(8)(i) or (ii) above, as applicable.

§83-05(f) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(g) **Waivers or Modifications.** Except where expressly prohibited by law, the Commission may, in its discretion, waive or modify any requirements for licensing under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Commission.

§83-06 Licensing – Bond Required

(a) **Amount of Bond.** An Applicant for an LPEP Provider License or renewal must deposit or have deposited with the Commission a fifty thousand dollar (\$50,000) bond per LPEP Provider payable to the City of New York. The bond must be provided by one or more sureties approved by the Commission.

(b) **Bond Guarantees.** The bond must guarantee that the License Applicant or Licensee will:

- comply with all applicable provisions of law and rules of the Commission,
- pay all fines imposed by the Commission, and
- pay all judgments or settlements arising from any action connected in any way with the LPEP Provider License.

(c) **Fines and Judgments.** The LPEP Provider Licensee is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal. If the fine is not paid as required by § 83-02(c) of these Rules, the Commission may draw upon the bond.

§83-07 Licensing – Financial Disclosure

Each individual Applicant and each Business Entity Person of a Business Entity Applicant for a new or renewal LPEP Provider License must file a financial disclosure statement with the Commission. This financial disclosure statement must be on a form approved by the Chairperson and must include a list of assets, liabilities and bank accounts and must specify any interest in any Street Hail Livery and any other information requested by the Chairperson.

§83-08 Licensing – Fees and Term of License

(a) **Annual Fee.** Every application for a new or renewal LPEP Provider License must be accompanied by a non-refundable application fee of \$500 for each License to be issued or renewed for the term as provided in subdivision (h) of this section. If the License term is for more than six months and less than one year, the fee will be prorated.

(b) **Half-Year Fee.** The application fee for any LPEP Provider License to be issued for a term of six months or less will be one-half of the annual fee.

(c) **Modification of LPEP Fee.** Every application for approval of a Modification of LPEP must be accompanied by a non-refundable application fee of \$500 for each LPEP for which a Modification of LPEP is sought.

(d) **Form of Payment.** All application fees must be paid by credit card, money order, or certified check.

(e) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves the application.

(f) **License Replacement Fee.** The fee to replace any lost, damaged or destroyed License is \$25.

(g) **Late Filing Fee.** If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.

(h) **Term of License.** The term of an LPEP Provider License will be one year or less and each License will expire on October 31st.

(i) **When to File for Renewal.**

- (1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.
- (2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a "late application". The fee for the late application will be \$25.
- (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.
- (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.

(j) **Suspended Licenses.**

(1) If a License is suspended and it is also due to be renewed, the Licensee must apply for renewal as required in subdivision (i) 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.

§83-09 Licensing – Cause for Denial

(a) **Failure to Continuously Comply.** Whenever the Commission determines that the LPEP Provider Licensee no longer meets the requirements for the License, the Commission may suspend or revoke the License and deny any application for renewal.

(b) **Summary Suspension.** Nothing in this section limits the authority of the Commission to summarily suspend any LPEP Provider License when a threat to public health, safety, or welfare exists.

(c) **Failure to Complete Application Requirements**

(1) The Chairperson may deny an application for a new License if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.

(2) The Chairperson may 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.

(d) **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 a denial of the application.

§83-10 General Requirements – Unlicensed Activity

LPEP Provider License Required. An individual or Business Entity must not sell, lease, make available for use, install, maintain, service or repair an LPEP in any Street Hail Livery, or enter into or renew a contract with a Street Hail Livery Licensee for the sale, lease, use, installation, maintenance, service or repair of an LPEP without a Valid LPEP Provider License.

§83-10 Penalty: \$10,000 Appearance REQUIRED

§83-11 General Requirements – Compliance with Applicable Law

(a) **Licenses and Permits.** An LPEP Provider Licensee must obtain licenses and permits required by applicable local law, state or federal law.

(b) **Occupational Safety & Health Administration.** An LPEP Provider Licensee must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the Licensee's place of business, as well as all other federal, state, and local laws governing its business.

(c) **Payment of All Fines and Fees.** An LPEP Provider Licensee must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.

(d) **Workers' Compensation Laws.** An LPEP Provider Licensee must comply with all laws regarding workers' compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§83-11(a)-(d) Penalty: \$500-\$1,000 fine and/or suspension until compliance Appearance REQUIRED

§83-12 General Requirements – Indemnification

(a) **General Indemnification.** An LPEP Provider Licensee must defend, indemnify and hold the City, its officers and employees harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of any operations of the LPEP Provider Licensee and/or its employees, agents or subcontractors in connection with any of the activities licensed under this Chapter to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this Chapter. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the LPEP Provider Licensee, the City shall be partially indemnified by the LPEP Provider Licensee to the fullest extent permitted by law.

(b) Infringement Indemnification. An LPEP Provider Licensee must defend, indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the LPEP Provider Licensee, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the LPEP Provider Licensee, the City shall be partially indemnified by the LPEP Provider Licensee to the fullest extent permitted by law.

(c) Not Limited by Insurance. The indemnification obligations set forth in this section shall not be limited in any way by the LPEP Provider Licensee's obligations to obtain and maintain insurance as provided in §83-05(e) of these Rules.

§83-12(a)-(b) Penalty: \$500-\$1,000 fine and/or suspension until compliance Appearance REQUIRED

§83-13 Business Requirements – Premises

An LPEP Provider must operate its business only within the structures described in the certificate of occupancy for the premises. No installation, service, or repairs of any type can be performed on a public street or any facility other than the LPEP Provider's premises.

§83-13 Penalty: \$500-\$1,000 fine Appearance REQUIRED

§83-14 Business Requirements – Signage

(a) At all times, an LPEP Provider must maintain a sign that displays its business name, LPEP Provider License number and the words, "Licensed Street Hail Livery Technology System Provider". This sign must meet the specifications of the Commission and be hung or mounted on the outside of the premises so that it is easily visible to the public. An LPEP Provider must not display the foregoing sign if its LPEP Provider License or any other necessary license is expired, suspended, or revoked.

(b) Each Licensed LPEP Provider must also display, on each of its business premises, a printed sign bearing its business name, License number, and the TLC complaint number. This sign must be affixed to the inside of a front window or glass pane so that it is clearly legible from the outside. This sign is not required when the business premises do not have any front windows or glass panes.

§83-14(a)-(b) Penalty: \$100 fine Appearance NOT REQUIRED

§83-15 General Requirements – Unlawful Activities Prohibited

(a) An LPEP Provider Licensee must not use or permit any other person to use his business premises or office of record for any unlawful purpose.

§83-15(a) Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation Appearance REQUIRED

(b) An LPEP Provider Licensee must not conceal any evidence of a crime connected with his business premises or office of record.

§83-15(b) Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation Appearance REQUIRED

(c) An LPEP Provider Licensee must immediately report to the Commission and the police any attempt to use his business premises to commit a crime.

§83-15(c) Penalty: \$100-\$350 fine and/or suspension up to 30 days Appearance REQUIRED

(d) An LPEP Provider Licensee must not file with the Commission any statement that he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

§83-15(d) Penalty: \$10,000 fine and revocation Appearance REQUIRED

§83-16 General Requirements – Notice to TLC

(a) Material Change in Information. An LPEP Provider Licensee must notify the Commission of any material change in the information contained in its current LPEP Provider License application or renewal.

§83-16(a) Penalty: \$500-\$1,000 fine and/or suspension up to 30 days Appearance REQUIRED

(b) Suspension or Revocation of License. An LPEP Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the Licensee, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.

§83-16(b) Penalty: \$500-\$1,000 fine and suspension until compliance Appearance REQUIRED

§83-17 Business Requirements – Mailing and Email Address

(a) Each LPEP Provider must designate and provide the Commission the street address of its primary

LPEP Provider location as its Mailing Address.

(b) An LPEP Provider must have and provide the Commission a working Email Address and telephone number at all times.

(c) An LPEP Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail within ten days.

§83-17(a)-(c) Fine: \$100 Appearance NOT REQUIRED

(d) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the LPEP Provider.

(e) 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 LPEP Provider.

§83-18 Business Requirements – Change in Business Ownership

(a) Approval for Transfer of Ownership. An LPEP Provider Licensee must not transfer any ownership interest in the LPEP Provider or make any change in the officers, directors, members, partners or general partners without the prior consent of the Commission. This prohibition covers the transfer of any ownership interest or any agreement to transfer an ownership interest in the future.

§83-18(a) Penalty: \$1,000-\$5,000 fine and suspension until consent of Commission is obtained or change in business ownership is withdrawn, or revocation Appearance REQUIRED

(b) Approval for Change to Application Information. An LPEP Provider Licensee must obtain the Commission's approval before making any change in the location of its business premises where it interacts with customers, the location of its facility where installation and/or repairs of LPEPs are performed, mailing address, corporate name, trade name, or any other material deviation from the description of the LPEP Provider as stated in the original or renewal application.

§83-18(b) Penalty: \$500-\$1,000 fine Appearance REQUIRED

§83-19 Business Requirements – Fees Charged by Licensees

(a) Filing of Fee Schedule with TLC. An LPEP Provider Licensee must file with the Commission a current schedule of fees for:

- (1) Services related to the sale, lease, use, installation, maintenance, service or repair of the LPEP approved under this Chapter;
- (2) Credit, debit, and prepaid card processing charges imposed by the LPEP Provider and by the credit/debit/prepaid card services provider;
- (3) Training provided by the LPEP Provider over and above the training required by §83-20(i) of these Rules;
- (4) Late payment charges, if any, for undisputed, invoiced amounts that are not paid by the Street Hail Livery Licensee on or before thirty (30) days from the due date;
- (5) De-installation of an LPEP; and
- (6) Moving an LPEP from one vehicle to another.

§83-19(a) Penalty: \$50 fine Appearance NOT REQUIRED

(b) Filing of Fee Changes with TLC. An LPEP Provider Licensee must file any change in fees with the Commission at least ten (10) days before the fees are scheduled to change.

§83-19(b) Penalty: \$50 fine Appearance NOT REQUIRED

(c) Prominent Display of Fee Schedule. An LPEP Provider Licensee must not engage in any activity required to be licensed under this Chapter unless a current fee schedule as set forth in Rule 83-19(a) is displayed clearly to the public on the business premises. All fee schedules must be filed with the Commission before being displayed.

§83-19(c) Penalty: \$50 fine Appearance NOT REQUIRED

(d) Overcharges Prohibited. In any transaction involving LPEPs and related services, an LPEP Provider Licensee must not charge more than the fees set by its fee schedule.

§83-19(d) Penalty: \$50 fine Appearance NOT REQUIRED

(e) Advertising and Sponsorship Rates. An LPEP Provider Licensee must file with the Commission a schedule of current rates for commercial advertising and sponsorships on the Passenger Information Monitor or in the content displayed thereon, and must file any changes in such rates at least ten (10) days before the rates are scheduled to change.

§83-19(e) Penalty: \$50 fine Appearance NOT REQUIRED

§83-20 Business Requirements – Sale, Lease or Use of LPEP

All of the following conditions apply with regard to an LPEP Provider's sale, lease, making available for use, and

installation of an LPEP for use in a Street Hail Livery:

(a) The LPEP Provider must not sell, lease, make available for use, or install an LPEP for use in a Street Hail Livery unless the LPEP has been approved by the Commission pursuant to this Chapter and the LPEP installed in the Street Hail Livery is identical to the LPEP that was approved;

(b) Prior to the sale, lease, making available for use, or installation of an LPEP, an LPEP Provider must present to the Street Hail Livery Licensee a contract for execution by the LPEP Provider and the Street Hail Livery Licensee that meets the requirements set forth in §83-21 of these Rules;

(c) The LPEP and its components may be new or operate and appear as if new with no functional or outwardly apparent deficiencies;

(d) The LPEP Provider must install the LPEP in the Street Hail Livery and conduct customer acceptance testing of the LPEP to demonstrate, to the reasonable satisfaction of the Street Hail Livery Licensee, that the LPEP complies with all of the requirements set forth in §83-31 of these Rules;

(e) The LPEP Provider must provide the results of customer acceptance testing to the Street Hail Livery Licensee;

(f) If the Street Hail Livery Licensee has a reasonable good faith basis to conclude that the LPEP will not operate in substantial compliance with any of the requirements set forth in §83-31 of these Rules, the Street Hail Livery Licensee is not obligated to accept the LPEP and may request the LPEP Provider to correct any deficiencies disclosed by the customer acceptance testing or identified by the Street Hail Livery Licensee. If the Street Hail Livery Licensee requests correction(s) of such deficiencies, the LPEP Provider shall perform such corrections until the Street Hail Livery Licensee is reasonably satisfied that the LPEP substantially complies with all of the requirements set forth in §83-31 of these Rules. If the Street Hail Livery Licensee is not reasonably satisfied with the corrections, the Street Hail Livery Licensee is not obligated to complete the contract for sale, lease or use of the LPEP.

(g) Upon the Street Hail Livery Licensee's acceptance of the LPEP, the LPEP Provider shall present a customer acceptance form for the Street Hail Livery Licensee's signature.

(h) The LPEP Provider must not enable any LPEP to be operated in a Street Hail Livery until such LPEP has been accepted by the Street Hail Livery Licensee as evidenced by the Street Hail Livery Licensee's signature on the customer acceptance form.

(i) Prior to installation of an LPEP, or prior to making an LPEP operational, the LPEP Provider must offer to the Street Hail Livery Licensee, Street Hail Livery Driver(s) and affiliated Street Hail Livery Base, at no additional charge, at least one training session on the proper use and operation of the LPEP. The LPEP Provider must also train others designated by the Street Hail Livery Licensee to conduct training sessions (i.e., train-the-trainer training). The content of the training shall be sufficient to enable the Street Hail Livery Licensee, Street Hail Livery Driver(s) and affiliated Street Hail Livery Base to properly use and operate the LPEP.

(j) At the request of the Commission, any LPEP Provider that has completed a contract for sale, lease or use of one or more LPEPs must provide at no cost to the Commission training sessions to personnel of the Commission or its designee on the proper use and operation of the LPEP and on the proper way to access and use data required to be maintained by the LPEP Provider pursuant to §83-31 of these Rules.

§83-20 (a)-(j) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(k) An LPEP Provider may require a Street Hail Livery Licensee to enter into an agreement with a credit, debit, and prepaid card services provider as a condition of the sale, lease or use of an LPEP.

§83-21 Business Requirements – Contract with Street Hail Livery Licensee

The contract between the LPEP Provider and the Street Hail Livery Licensee for the sale, lease or use of an LPEP must contain provisions specifying that:

(a) The LPEP Provider agrees to charge fees for services provided that do not exceed the fees set forth in the fee schedule filed with the Taxi and Limousine Commission pursuant to § 83-19(a) of the Commission Rules;

(b) The LPEP Provider agrees to comply with the conditions for sale, lease or use of an LPEP set forth in §83-20(a), (c)-(i) of the Taxi and Limousine Commission Rules;

(c) The LPEP Provider agrees to provide Maintenance Service in accordance with §83-22 of the Taxi and Limousine Commission Rules;

(d) The LPEP Provider agrees to comply with the LPEP requirements and Service Levels as required by §83-23 of the Taxi and Limousine Commission Rules, including the obligation to provide credits to the Street Hail Livery Licensee for Performance

- Failures as required by §83-24 of the Taxi and Limousine Commission Rules;
- (e) The LPEP Provider agrees that it shall be responsible for any and all physical damage to any Street Hail Livery incurred by a Street Hail Livery Licensee where such damage is caused by the negligence or willful conduct of the LPEP Provider or its agents while installing or maintaining the LPEP in such Street Hail Livery; For clarity, modifications to the Street Hail Livery, including without limitation, replacing the partition, drilling holes in the dashboard, etc., that are consistent with standard installation of LPEPs shall not constitute physical damage to the Street Hail Livery.
- (f) The LPEP Provider agrees to maintain the insurance required by §83-05(e) of the Taxi and Limousine Commission Rules;
- (g) Each party agrees to defend, indemnify and hold harmless the other party from and against any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from or in connection with third-party claims attributable to any of the following:
- (1) the death or bodily injury of any agent, employee, business invitee, or business visitor or other person proximately caused by the tortious or willful conduct of the indemnifying party; or
 - (2) the damage, loss or destruction of any real or tangible personal property proximately caused by the tortious or willful conduct of the indemnifying party; for clarity, modifications to the Street Hail Livery, including without limitation, replacing the partition, drilling holes in the dashboard, etc., that are consistent with standard installation of LPEPs shall not constitute physical damage to the Street Hail Livery.
- (h) The LPEP Provider agrees to defend, indemnify and hold harmless the Street Hail Livery Licensee or any agent thereof against any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from or in connection with any third-party claims or actions alleging infringement of a third party's intellectual property rights attributable to the provision by the LPEP Provider, or use by any Street Hail Livery Licensee or Passenger, of the LPEP, any component thereof, or any service related to the LPEP. The LPEP Provider shall have no obligation to defend and indemnify to the extent the alleged infringement is attributable to the Street Hail Livery Licensee's or any Street Hail Livery Driver's:
- (1) unauthorized modification of the LPEP, component thereof, or service related to the LPEP; or
 - (2) use of the allegedly infringed element in a manner that is not consistent with the purpose for which it was intended;
- (i) The LPEP Provider agrees that if:
- an injunction is or may be obtained against the Street Hail Livery Licensee's use of the LPEP, any of its components, or against any service related to the LPEP provided by the LPEP Provider, by reason of the allegations of infringement, or
 - in the opinion of the LPEP Provider the LPEP, any of its components, or any service related to the LPEP, is likely to become the subject of a claim of intellectual property infringement, the LPEP Provider shall at its option and expense take one of the following actions:
- (1) procure for the Street Hail Livery Licensee the right to continue using the LPEP, any component thereof, or any service related to the LPEP; or
 - (2) replace or modify the LPEP, any component thereof, or any service related to the LPEP so that it is non-infringing, provided that such replacement or modification does not materially impair the intended use of the LPEP, any component thereof, or any service related to the LPEP.
- If neither (1) nor (2) are feasible, the LPEP Provider must direct the Street Hail Livery Licensee to discontinue using the affected LPEP, its components, or service related to the LPEP. The LPEP Provider at its expense must:
- (3) de-install the affected LPEP at no charge;
 - (4) refund to the Street Hail Livery Licensee all installation-related charges and all other non-recurring charges paid or payable by the Street Hail Livery Licensee; and
 - (5) if the Street Hail Livery Licensee purchased the LPEP for ownership, refund to the Street Hail Livery Licensee the purchase price of the LPEP based on the net book value of such LPEP, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value
- (j) Each party agrees that any limitation of liability in the contract shall not apply to:
- (1) the obligations to provide indemnification required in §83-21(g)-(i) above; or
 - (2) any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from direct claims between the parties based on damage to real or tangible personal property, death or bodily injury caused by the tortious or willful conduct of a party;
- (k) The term of the contract may be for periods of time up to three (3) years including renewals, but such contract renewals shall be subject to the renewal of the LPEP Provider's License;
- (l) Termination of the contract is permitted as follows:
- (1) If either party defaults in the performance of any of its material obligations under the contract, and does not cure the default within thirty (30) days of receipt of a notice of default from the other party, then the non-defaulting party may terminate the contract for cause by giving a written notice of termination;
 - (2) The Street Hail Livery Licensee may terminate the contract by giving written notice of termination if:
 - a Street Hail Livery is taken out of service because the LPEP and/or the LPEP Provider is not in compliance with the LPEP requirements and Service Levels as required by §83-23 of the Taxi and Limousine Commission Rules, and
 - the LPEP Provider fails to cure the noncompliance within ten (10) days after receiving written notice of such noncompliance by the Street Hail Livery Licensee;
 - (3) (i) If the LPEP Provider's License is not renewed, the LPEP Provider must immediately notify the Street Hail Livery Licensee of the expiration date of the License, and the contract will be deemed terminated by the Street Hail Livery Licensee on the ninetieth (90th) day after the expiration date or may be terminated earlier by the Street Hail Livery Licensee by giving written notice of termination.
 - (ii) When the LPEP Provider's License expires, the LPEP Provider must continue to provide to the Street Hail Livery Licensee all services required by Chapter 83 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §83-22 of those Rules. The contract provisions shall survive termination for one hundred fifty (150) days after the date of expiration of the LPEP Provider's License or until the Street Hail Livery Licensee has obtained an LPEP and related services from another LPEP Provider, whichever is earlier.
 - (4) (i) If the LPEP Provider's License has been suspended by the Taxi and Limousine Commission, the LPEP Provider must immediately notify the Street Hail Livery Licensee of the dates during which the License is suspended. The Street Hail Livery Licensee will have the option to terminate the contract, or if its contract will expire during the period of suspension, the Street Hail Livery Licensee will have the option to not renew the contract. The Street Hail Livery Licensee must give written notice to the LPEP Provider of the exercise of any such option. If either option is exercised, the contract will:
 - be deemed terminated by the Street Hail Livery Licensee, or
 - will expire on the ninetieth (90th) day after the end date of the suspension period, or may be terminated earlier by the Street Hail Livery Licensee by giving written notice of termination.
 - (ii) During the period of suspension of the LPEP Provider's License and after termination or expiration of the contract if the Street Hail Livery Licensee opts for termination or expiration, the LPEP Provider shall continue to provide to the Street Hail Livery Licensee all services required by Chapter 83 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §83-22 of those Rules. The contract provisions shall survive during the suspension period and after termination or expiration for one hundred twenty (120) days after the end date of the suspension period or until the Street Hail Livery Licensee has obtained an LPEP and related services from another LPEP Provider, whichever is earlier.
- (m) Upon the expiration or earlier termination of the contract, the LPEP Provider shall remove the LPEP on the dates reasonably agreed upon by the parties. Except where the Street Hail Livery Licensee terminates the contract pursuant to §83-21(l)(1),(2), (3), (4), (5) or (8)(ii) above, or where the contract expires pursuant to §83-21(l)(4) above, the LPEP Provider may charge the Street Hail Livery Licensee a de-installation charge for each LPEP removed;
- (n) The LPEP Provider must reimburse the Street Hail Livery Licensee for any and all Fines caused by:
- (1) a failure of the LPEP or any of its
- has been revoked by the Taxi and Limousine Commission, the LPEP Provider must immediately notify the Street Hail Livery Licensee of the revocation date. The contract will be deemed terminated by the Street Hail Livery Licensee on the ninetieth (90th) day after the revocation date or may be terminated earlier by the Street Hail Livery Licensee giving written notice of termination.
- (ii) Upon the revocation of the LPEP Provider's License, if the LPEP is functioning properly, the LPEP Provider shall continue to provide to the Street Hail Livery Licensee all services required by Chapter 83 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §83-22 of those Rules. The contract provisions shall survive termination for one hundred fifty (150) days after the date of revocation of the LPEP Provider's License or until the Street Hail Livery Licensee has obtained an LPEP and related services from another LPEP Provider, whichever is earlier. If the LPEP is not functioning properly, the LPEP Provider must cease its operations with respect to the LPEP.
- (6) If the Street Hail Livery Licensee terminates the contract for the reasons provided in §83-21(l)(1), (2), (3), (4) or (5) above and §83-21(8)(i) below, or if the contract expires pursuant to §83-21(l)(4) above, the LPEP Provider must provide to the Street Hail Livery Licensee:
- (i) De-installation of the LPEP at no charge;
 - (ii) A refund of all installation-related charges and all other non-recurring charges paid or payable by the Street Hail Livery Licensee; and
 - (iii) If the Street Hail Livery Licensee purchased the LPEP for ownership, a refund of the purchase price of the LPEP based on the net book value of such LPEP, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value;
- (7) The Street Hail Livery Licensee may terminate the contract at any time and for any reason if:
- at least thirty (30) days written notice is given to the LPEP Provider and
 - if the Street Hail Livery Licensee pays a termination charge which will constitute a liquidated damage agreed upon by the parties.
- The termination charge must not be more than twenty-five percent (25%) of all monthly charges applicable to the LPEP multiplied by the number of months remaining in the term of the contract, plus a de-installation charge. The termination charge will not apply to any termination of the contract where the Street Hail Livery Licensee is:
- permitted to terminate the contract without incurring liability or
 - where at the Street Hail Livery Licensee's request the LPEP is removed from one vehicle and installed in another vehicle to be operated under the same Street Hail Livery Licensee;
- (8) A party may terminate the contract upon ten (10) days written notice to the other party if:
- (i) such other party ceases to do business as a going concern; or
 - (ii) of the insolvency of, or commencement of any proceeding by or against, the other party, either voluntarily or involuntarily, under the Bankruptcy Code, or relating to the insolvency, receivership, liquidation, or composition of the other party for the benefit of creditors.

components to perform in accordance with the LPEP requirements and Service Levels as required by §83-23 of the Taxi and Limousine Commission Rules where such failure is not attributable to the acts or omissions of the Street Hail Livery Licensee or Street Hail Livery Driver, the abuse or misuse of the LPEP or other circumstances beyond the control of the LPEP Provider; or

(2) breach by the LPEP Provider of any term or condition of the contract.

The Street Hail Livery Licensee must make reasonable efforts to mitigate the amount of the Fine, including not operating the Street Hail Livery if the Street Hail Livery Licensee knows or has reason to know the LPEP is malfunctioning. For purposes of this provision, the term "Fine" means any and all fees, fines, or financial penalties imposed on a Street Hail Livery Licensee or Street Hail Livery Driver by the City, the Commission or other City agency.

(o) The LPEP Provider must provide to a Street Hail Livery Licensee all intellectual property licenses needed to operate and use the LPEP. If Street Hail Livery Licensee assigns its rights in any LPEP to an assignee approved by the LPEP Provider, the intellectual property licenses shall be transferable to the assignee without payment of any additional charge;

(p) Neither party may assign the contract, or any of its rights and obligations under the contract, without the prior written consent of the other party. Consent must not be unreasonably withheld or delayed;

(q) If the LPEP Provider subcontracts any services related to the LPEP, the LPEP Provider will be fully responsible to the Street Hail Livery Licensee for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by such subcontractors as the LPEP Provider is for the acts and omissions of any person directly employed by it;

(r) The parties agree that the contract shall be deemed to be executed in the City and State of New York, regardless of the domicile of the parties, and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States, where applicable.

(s) The parties agree that any and all claims asserted by or against either party arising under or related to the contract shall solely be heard and determined either in the courts of the United States located in the City of New York or in the courts of the State located in the City and County of New York.

§83-22 Business Requirements – Maintenance of LPEP

(a) Warranty Service.

(1) The LPEP Provider must pass through to the Street Hail Livery Licensee all standard warranties of third party manufacturers of Hardware, Software or other components of the LPEP.

(2) During the applicable warranty periods of the standard warranties described above, the LPEP Provider must provide or pass through warranty service at no additional charge in accordance with the warranty terms applicable to the LPEP component.

§83-22(a) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(b) Maintenance Service on Fixed Fee Basis. The LPEP Provider must provide to a Street Hail Livery Licensee such maintenance services as are necessary to maintain the LPEP in good working order and in accordance with the requirements in §83-31 of these Rules. Such maintenance services must be provided on a 24 x 7 x 365 Basis for a fixed fee, and must include but not be limited to:

(1) Providing preventive and remedial maintenance of the LPEP at a maintenance facility;

(2) Providing and installing replacement parts, and Hardware and Software Updates;

(3) Providing technical support by means of a Help Desk which meets the requirements of subdivision (c) below; and

(4) Maintaining a maintenance log for each LPEP installed by the LPEP Provider that states in detail all preventive maintenance, remedial maintenance and other actions performed on such LPEP. The LPEP Provider must provide a copy of the maintenance log when a Street Hail Livery Licensee or the Commission request one.

§83-22(b) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(c) Help Desk Service. The LPEP Provider must provide Help Desk services as follows:

(1) Service may be requested on a 24 x 7 x 365 Basis by calling a telephone line and/or sending an electronic message.

(2) All communications by telephone and electronic message must be recorded and logged; if service or repair to the LPEP is needed, that is considered an incident and the Help Desk must open a service ticket. If the service or repair is needed to resolve credit, debit or prepaid card disputes, the Help Desk will not consider these service or repairs to be an incident and will not need to open a service ticket.

(3) The Help Desk must report any incident not resolved within twenty-four (24) hours to the Commission in a format prescribed by the Commission.

§83-22(c) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(d) Maintenance Service on Time and Materials Basis. The LPEP Provider must correct any problem, error, or malfunction of the LPEP caused by any of the following events, and may charge the Street Hail Livery Licensee on a time and materials basis or as may be otherwise agreed to by the LPEP Provider and the Street Hail Livery Licensee:

(1) Any alteration of the Street Hail Livery by the Street Hail Livery Licensee, Street Hail Livery Driver or their agent where such alteration:

(i) results in the LPEP failing to comply with the requirements in §83-31 of these Rules;

(ii) is made without the LPEP Provider's prior consent; and

(iii) is not required by applicable law;

(2) Vandalism of, or deliberate and unauthorized modification or repair to, the LPEP or components thereof by someone other than the LPEP Provider, where such vandalism or unauthorized modification or repair is not due to the fault or negligence of the LPEP Provider;

(3) Accidental damage to the LPEP not due to the fault or negligence of the LPEP Provider; or

(4) The Street Hail Livery Licensee's failure to follow all written operation and user instructions provided by the LPEP Provider.

§83-22(d) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(e) Maintenance Service Levels. The LPEP Provider must provide Maintenance Services in compliance with the Service Levels in §83-31(i)(6) of these Rules.

§83-22(e) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(f) Inspection Upon Repair. The LPEP Provider must inspect the LPEP upon completion of a repair to verify that the LPEP operates in compliance with all of the requirements set forth in §83-31 of these Rules.

§83-22(f) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

§83-23 Business Requirements – Compliance with LPEP Requirements and Service Levels

(a) Credit, Debit, and Prepaid Card Payment.

(1) An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides Credit, Debit, and Prepaid Card Services in compliance with the requirements in §83-31(a) and the Service Levels in §83-31(i)(1) of these Rules.

(2) An LPEP Provider must ensure that when Passengers pay by credit, debit, or prepaid card, the Merchant receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the LPEP **except for incidents when there is a fraud investigation.**

§83-23 (a) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(b) Text Messaging. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides text messaging in compliance with the requirements in §83-31(b) and the Service Levels in §83-31(i)(2) of these Rules.

§83-23(b) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(c) Trip Data Collection and Transmission. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides Trip Data collection and transmission in compliance with the requirements in §83-31(c) and the Service Levels in §83-31(i)(3) of these Rules.

§83-23(c) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(d) Passenger Information Monitor, Screen or Other

Credit/Debit Card/Prepaid Device. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides either a Passenger Information Monitor, a screen or other device that reads credit/debit/prepaid cards in compliance with the requirements in §83-31(d), including all requirements relating to content on an LPEP with a Passenger Information Monitor or screen, and the Service Levels in §83-31(i)(4) of these Rules.

§83-23(d) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(e) Automatic Vehicle Location System and Location Services. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides an Automatic Vehicle Location System and location services in compliance with the requirements in §83-31(e) of these Rules and the Service Levels in §83-31(i)(5) of these Rules.

§83-23(e) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(f) Security. An LPEP Provider must ensure that with respect to an LPEP that has been installed in a Street Hail Livery, the LPEP Provider is in compliance with the security requirements in §83-31(f) of these Rules.

§83-23(f) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(g) Disaster Recovery. An LPEP Provider must ensure that with respect to an LPEP that has been installed in a Street Hail Livery, the LPEP Provider is in compliance with the disaster recovery requirements in §83-31(g) of these Rules.

§83-23(g) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(h) Data Retention. An LPEP Provider must ensure that with respect to an LPEP that has been installed in a Street Hail Livery, all data required to be maintained pursuant to §83-31 of these Rules is maintained for the period required in §83-31(h).

§83-23(h) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(i) Service Level Procedures.

(1) The LPEP Provider must implement and maintain procedures, tools and records to monitor, measure and record performance of the LPEP and related services provided by the LPEP Provider for compliance with the Service Levels required by §83-31(i) of these Rules.

(2) The LPEP Provider must provide the Commission with reasonable access to the procedures, tools and records monitoring, measuring and recording compliance with Service Levels.

§83-23(i) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

(j) Critical Performance Failures. The occurrence of a Critical Performance Failure constitutes a violation of this rule.

§83-23(j) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(k) Inspection by TLC. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery can be inspected by Commission personnel as required in §83-31(k) of these Rules.

§83-23(k) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(l) Affirmative Defense. It shall be an affirmative defense in any proceeding to adjudicate a violation of subdivisions (a)(1), (b), (d), or (e) above that at the time of the violation the LPEP Provider:

(i) did not know or have reason to know of the violation; or

(ii) was making reasonable efforts to remedy such violation as evidenced by documentation.

(m) Commission Ordered Testing. In any proceeding where the LPEP Provider has been found guilty of a violation of subdivisions (a), (b), (c), (d), (e), (f), (g) or (k) above, the Commission may order the LPEP Provider to provide, within sixty (60) days of the final decision on the violation:

- documentation demonstrating that subsequent to the violation an independent third party with relevant expertise, acceptable to the Commission, has performed testing of the LPEP and related services to determine that the condition giving rise to the violation has been corrected, and
- certification by such third party of the successful results of such testing.

§83-24 Business Requirements – Credit for Performance Failures

(a) If the Commission, Street Hail Livery Licensee, Street Hail Livery Base, or Street Hail Livery Driver notifies the LPEP Provider in writing of any Performance Failure with respect to any LPEP

installed in one or more Street Hail Liveries, the LPEP Provider must remedy the Performance Failure within a cure period of thirty (30) days following receipt of notification. If the LPEP Provider does not remedy the Performance Failure within the 30-day cure period, then the LPEP Provider must apply a five percent (5%) credit of the monthly fees for the first month following the cure period to any affected Street Hail Livery Licensee.

- (b) If the Performance Failure continues during the second month and subsequent months following the 30-day cure period, the LPEP Provider must apply a credit of ten percent (10%) of the monthly fees for the second month and for each month thereafter.

§83-24(a)-(b) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

§83-25 Business Requirements – Record-Keeping and Reporting Requirements

- (a) *Record-Keeping and Reporting.* In addition to any records required to be maintained pursuant to this Chapter, an LPEP Provider must maintain the records described below on a monthly basis, and file with the Commission reports of the required information for the preceding month. The information contained in the report must start on the first of the month and cover a full month. All records and reports must be in the form and manner prescribed by the Commission:

- (1) A list of all Street Hail Livery Licensees (by name and license number) for whom an LPEP has been installed by the LPEP Provider in a Street Hail Livery;
- (2) A list of all Street Hail Livery Licensees for whom an LPEP has been de-installed by the LPEP Provider;
- (3) A list of all Help Desk service incidents not resolved within twenty-four (24) hours for each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) and the disposition thereof;
- (4) A description of the performance of each LPEP installed by the LPEP Provider in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) and the performance of the LPEP Provider in attaining or failing to attain the applicable Service Levels, and with respect to deviations from the Service Levels, the steps taken or planned for corrective action;
- (5) A description of all Security Incidents affecting each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) or affecting related services provided by the LPEP Provider, and corrective actions taken in response;
- (6) The itemized gross revenue accruing to the LPEP Provider from each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number), including but not limited to:
 - the revenue obtained by the LPEP Provider from Passenger payment by credit, debit or prepaid card,
 - commercial advertising and sponsorships or other content on LPEPs with Passenger Information Monitors or screens, and
 - a certification from an officer of the LPEP Provider that the revenue report is complete and accurate;
- (7) A description of all content displayed on each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) with a Passenger Information Monitor or screen, and the number of times a Passenger used a screen touch or turned on or off the PIM or screen.

§83-25(a) Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

- (b) *Record Retention Period.* An LPEP Provider must maintain the records required by this section for five (5) years.

§83-25(b) Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

- (c) *Examination of Records.* An LPEP Provider must allow agents of the Commission or other authorized law enforcement officers to examine at any time all of the records the LPEP Provider is required to maintain under this Chapter.

§83-25(c) Penalty: \$500 fine and suspension until compliance Appearance REQUIRED

- (d) *Inspection of Premises.* An LPEP Provider must allow any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time, as permitted by law.

§83-25(d) Penalty: \$500-\$1,000 fine and suspension Appearance REQUIRED

§83-26 Business Requirements – Use of Personal Information and Certain Location-Based Data

- (a) The LPEP Provider must use and process Personal Information provided to it or to which it has access in connection with the activities licensed under this Chapter solely for the purposes of performing such licensed activities and in compliance with all applicable privacy and data protection laws.

- (b) Except to the extent necessary to provide Credit, Debit, and Prepaid Card Services, the LPEP Provider must not collect any Personal Information on any Passenger without such Passenger's express, informed and documented consent. Such prohibition includes but is not limited to collecting Personal Information through any cookie, applet, web bug, beacon or similar technology.

- (c) The LPEP Provider must ensure that Personal Information collected by a credit/debit/prepaid card services provider engaged by the LPEP Provider is stored in database management systems maintained and administered by the credit/ debit/ prepaid card services provider or its processing agent in compliance with the applicable PCI Standards.

- (d) Except as may be permitted in the contract between a Street Hail Livery Licensee and the LPEP Provider or as otherwise required by law, an LPEP Provider must not disseminate, and must not permit its agents to disseminate, to any other person or entity any Street Hail Livery location-based information regarding a Street Hail Livery while it is off-duty.

§83-26(a)-(d) Penalty: \$500-\$1,000 fine and suspension for each subdivision violated Appearance REQUIRED

§83-27 Business Requirements – Cooperation with the Commission

- (a) The LPEP Provider shall make commercially reasonable efforts, as described below, to cooperate with the Commission, its designees and any contractor(s) of the Commission:

(1) in the development and support of any application(s) developed by the Commission or the Commission's designees, where such applications are developed specifically for the purpose of interoperating with the LPEP (including but not limited to smartphone applications); and

(2) in the facilitation of any data connection required by the Commission between the LPEP and any systems of a contractor of the Commission, such as a contractor who will provide services for dispatch of Accessible Street Hail Liveries.

(3) If such cooperation will involve considerable expense by the LPEP Provider, the LPEP Provider shall be entitled to condition such cooperation on obtaining reasonable compensation.

- (b) Cooperation as described in subdivision (a) above may be effectuated by agreements (including non-disclosure agreements) among and/or between the Commission or its designees or contractors, and the LPEP Provider on mutually agreeable terms.

- (c) Upon request of the Commission, an LPEP Provider shall provide at no charge a fully operable demonstration LPEP.

- (d) Upon request of the Commission, an LPEP Provider shall provide at no charge to any Commission-approved driver training school the following:

(1) one complete tabletop demonstration LPEP including the services related to the LPEP; and

(2) one complete driver training manual (in electronic format) and a perpetual license to use and reproduce an unlimited number of copies of the manual.

- (e) Upon request of the Commission, an LPEP Provider must make available personnel who can translate from English to Spanish, Mandarin and/or Urdu, if necessary to interact with the LPEP Provider's actual or potential customers in the sale, lease, use, installation, service or repair of an LPEP.

§83-27(a)-(e) Penalty: \$500-\$1,000 fine and suspension for each subdivision violated Appearance REQUIRED

§83-28 Business Requirements – Notifications to TLC of Unauthorized or Illegal Activity

- (a) An LPEP Provider must notify the Commission immediately by telephone and in writing or by email within 24 hours after the LPEP Provider knows or should have known that any of the following occurs:

(1) A Taximeter has been presented for installation, repair, adjustment or calibration, which the LPEP Provider knows or has reason to know has been reported to the Commission as lost or stolen;

(2) A Taximeter is discovered with one or more seals removed, damaged, broken, or tampered with;

(3) A person has requested that the LPEP Provider engage in any unlawful activity or activity prohibited by these Rules;

(4) Any unauthorized person whom the LPEP Provider knows or should have known to be a Licensee of the Commission or to be acting on behalf of a Licensee has attempted to repair any LPEP or

Taximeter, seal, cable connection, or electrical wiring, and the repair may have affected the operation of the LPEP or Taximeter;

- (5) Any person has attempted to connect any unauthorized device to any LPEP, Taximeter, seal, cable connection, or electrical wiring, and the attempt may have affected the operation of the LPEP or Taximeter; or

- (6) The LPEP Provider discovers the existence of any intervening connections, splices, "Y" connections, or direct or indirect interruptions or connections of any kind whatsoever.

- (b) Any notice required by the Commission pursuant to subdivision (a) of this section must contain, at a minimum, the following information:

- (1) The Street Hail Livery License number;

- (2) The Street Hail Livery Driver's License number of any driver or drivers who presented the vehicle to the LPEP Provider;

- (3) The date of the inspection or repair;

- (4) A detailed description of any items, evidence, or occurrences as described in subdivision (a) of this section; and

- (5) The names and Street Hail Livery Driver's License numbers of each individual listed as a Driver on the Rate Card.

§83-28(a)-(b) Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

§83-29 Business Requirements – LPEP Provider Liability for Conduct of Employees

- (a) *Liability for Employee Conduct.* An LPEP Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. For clarity, this subdivision (a) and the following subdivision (b) shall not be applicable to Street Hail Livery Drivers, and individuals or business entities employed by any LPEP Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.

- (b) *Familiarizing Employees with Rules and Regulations.* An LPEP Provider must ensure that all of its employees, contractors, and agents are fully familiar with all relevant regulatory agency rules and regulations.

- (c) *Compliance with Laws.* An LPEP Provider must ensure that all of its employees, contractors, and agents perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

§83-29(a)-(c) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

§83-30 Comply with Laws – Conduct Rules

- (a) *Acceptance of Gift or Gratuity.* An LPEP Provider Licensee or any person acting on his or her behalf must not accept any gift, gratuity, or thing of value from an owner or driver of any vehicle licensed by the Commission or from anyone acting on behalf of an owner or driver for the purpose of violating any of these rules through acts of commission or omission.

- (b) *Reporting Requests for Gift or Gratuity.* An LPEP Provider Licensee, any person acting on the LPEP Provider's behalf, or any of the Licensee's employees 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 by any public servant.

- (c) *Offer of Gifts and Gratuities.* An LPEP Provider Licensee or any person acting on his or her behalf must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

§83-30(a)-(c) Penalty: \$10,000 fine and revocation Appearance REQUIRED

- (d) *Reporting Offers of Gift or Gratuity.* An LPEP Provider Licensee must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) above.

- (e) *Fraud, Misrepresentation & Larceny.* An LPEP Provider Licensee, while performing his or her duties and responsibilities as an LPEP Provider Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny, or misrepresentation include, but are not limited to:

- calibration of a fare other than that set by the Commission;
- adjustment of the tire size, driving axle, transducer, wiring, or other equipment for the purpose of generating an inaccurate signal of time or distance into the Taximeter or the LPEP;
- the manufacture, sale or installation of any device that is either designed to or does generate a false or inaccurate signal

- into the Taximeter or the LPEP; or falsification of Trip Data.
- §83-30(e) Penalty: \$10,000 fine and revocation Appearance REQUIRED
- (f) *Willful Acts of Omission and Commission.*
 - (1) *Omission.* While performing the duties and responsibilities of an LPEP Provider 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.
 - (2) *Commission.* While performing the duties and responsibilities of an LPEP Provider Licensee, a Licensee must not deliberately perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.
- §83-30(f) Penalty: \$150-\$350 and/or suspension up to 30 days or revocation Appearance REQUIRED
- (g) *Notice of Criminal Conviction.*
 - (1) An LPEP Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the Licensee or any of the Licensee's Business Entity Persons.
 - (2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.
- §83-30(g) Penalty: \$500-\$1,000 and/or suspension up to 30 days Appearance REQUIRED
- (h) *Threats, Harassment, Abuse.* An LPEP Provider Licensee must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing his or her duties and responsibilities as a Licensee.
- §83-30(h) Penalty: \$350-\$1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED
- (i) *Use or Threat of Physical Force.* An LPEP Provider Licensee must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing his or her duties and responsibilities as a Licensee.
- §83-30(i) Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED
- (j) *Failure to Cooperate with Law Enforcement.* An LPEP Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.
- §83-30(j) Penalty: \$250 fine Appearance NOT REQUIRED
- (k) *Failure to Cooperate with the Commission.* An LPEP Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. A Licensee must produce his or her Commission License and other documents whenever the Commission requires.
- §83-30(k) Penalty: \$250 fine and suspension until compliance Appearance REQUIRED
- §83-31 Technical Requirements – Street Hail Livery Technology System (LPEP)**

No LPEP shall be approved by the Commission pursuant to this Chapter unless it complies with the all of the requirements set forth in this section or as such requirements may be waived or modified by the Commission pursuant to §83-05(g) of these Rules.

- (a) *Credit, Debit, and Prepaid Card Payment.* An LPEP must be capable of accepting for payment of fares the following credit, debit, and prepaid cards: Visa, MasterCard, American Express, Discover, and any other cards specified by the Commission. The LPEP must conform to the following specifications:
 - (1) The following information must be provided to Passengers:
 - (i) a prominent notice containing a list of all credit and debit cards accepted for fare payment;
 - (ii) a statement indicating that fares for all trips may be paid using the listed credit or debit cards; and
 - (iii) a statement that no additional fee or surcharge shall be imposed on Passengers who pay by credit, debit, or prepaid card;
 - (2)
 - (i) In an LPEP with a Passenger Information Monitor or a screen, the PIM or screen must be used to provide payment processing by credit, debit, and prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and tip options of 15%, 20% and 25%, and permitting Passengers to manually enter another tip amount or percentage at their option. The PIM or screen must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare due.
 - (ii) In an LPEP with a device that reads credit/debit/prepaid cards but without a Passenger Information Monitor

- or screen, the device must enable a Passenger to complete payment of the total fare by credit, debit or prepaid card and must otherwise comply with requirements of this subdivision (a):
- (3) The LPEP must be able to generate an accurate receipt for payment of fare, whether payment is made by cash, credit, debit, or prepaid card, and such receipt must be offered to the Passenger. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain the following information:
 - (i) License number for the Street Hail Livery License, affiliated Street Hail Livery Base, and Street Hail Livery Driver's License;
 - (ii) trip number;
 - (iii) date and time;
 - (iv) tolls and surcharges;
 - (v) extras and taxes;
 - (vi) tip, if paid by credit/debit/prepaid card, and total fare;
 - (vii) last four digits of credit, debit or prepaid card account number, if applicable. All receipts for credit, debit, and prepaid card transactions must mask account numbers except for the last four digits; and
 - (viii) the "311" Commission complaint telephone number;
- (4) Fare transactions of \$25.00 and under must not require a Passenger signature;
- (5)
 - (i) In an LPEP with a Passenger Information Monitor or a screen, the credit, debit, and prepaid card reader may be either integral to the Passenger Information Monitor or screen or a freestanding unit that is securely attached to the interior structure of the vehicle and located near the Passenger Information Monitor or screen or in a location convenient to the Passenger. A Passenger must be able to enter his or her account number by swiping a credit, debit, or prepaid card through the card reader, tapping the card, placing or waving the card near an appropriate contact point, or other method approved by the Commission.
 - (ii) In an LPEP with a device that reads credit/debit/prepaid cards but without a Passenger Information Monitor or screen, the device must be securely attached to the interior structure of the vehicle and in a location convenient to the Passenger in the rear compartment of the Street Hail Livery or, in the alternative, in a one-device solution, the device may be located in the front of the vehicle and passed to a Passenger in the rear compartment of the vehicle. A Passenger must be able to enter his or her account number by swiping a credit, debit, or prepaid card through the device or other method approved by the Commission;
- (6) If the Commission authorizes credit, debit and prepaid card payment via the LPEP by a Passenger using a smartphone, the LPEP Provider will be required to integrate such technology into the LPEP. In such event, the LPEP Provider must submit an application for approval of a Modification of LPEP pursuant to §83-05(c) of these Rules, provided, however, that the Commission will waive the application fee for a Modification of LPEP;
- (7) The LPEP must comply with all applicable PCI Standards. Credit, debit, and prepaid card magnetic strip information must not be stored in the LPEP after the Street Hail Livery Driver has received authorization for use of the card;
- (8) The LPEP must be able to complete a credit, debit, or prepaid card transaction utilizing floor-limit authorization via a store and forward capability when wireless access is unavailable. The LPEP must authorize and store for later transmission up to five (5) floor-limit approved transactions. The LPEP must automatically provide the floor-limit approval of credit, debit, and prepaid card authorization requests for transactions of \$25.00 and under if either the LPEP does not provide a valid response in less than twenty-five (25) seconds or there is a failure in the wireless network;
- (9) In an LPEP with a Passenger Information Monitor or a screen, if the mechanism for acceptance of credit, debit, or prepaid cards is not operational or the LPEP has stored five (5) floor-limit approved transactions and the Passenger Information Monitor or screen is still operational, the following message must be displayed on the Passenger Information Monitor or screen, as applicable: "Credit Card System Currently Not Available;"
- (10) The LPEP must be capable of generating

- the following data, whether payment is made by cash, credit, debit, or prepaid cards:
 - (i) reasonably detailed data of individual and cumulative payment transactions (including sufficient detail to support daily and monthly reconciliations and to perform problem resolution);
 - (ii) if the payment is by credit, debit, or prepaid card, in addition to the information in subparagraph (i) above, the name of the credit, debit, or prepaid card, and the name of the credit card merchant engaged by the LPEP Provider; and
 - (iii) end-of-shift data summarizing the number of fares, the total fare amount, and as applicable, the number of credit, debit and prepaid card transactions and the total fares of such transactions;
- (11) The data described in paragraph (10) above and its component elements must be stored, maintained and accessible to the Commission and any designee as follows:
 - (i) in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;
 - (ii) by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and
 - (iii) by downloading and transferring data to the Commission on a weekly basis.
- The data must also be accessible to end users such as Street Hail Livery Licensees, affiliated Street Hail Livery Bases, Street Hail Livery Drivers, and Merchants to the extent that such end users are involved in or have any responsibility for the transactions; and
- (12) The LPEP must wipe any credit, debit, and prepaid card transaction data following stored and forwarded payment transaction processing or when any equipment or component of the LPEP is replaced.
- (b) *Text Messaging.* An LPEP must enable the Street Hail Livery Driver to receive and send text messages as provided below. The LPEP must conform to the following specifications:
 - (1) The LPEP must include a Driver Information Monitor that is securely mounted in the driver-seat area with the following capabilities:
 - (i) enables the LPEP to be turned on and interact with the Taximeter only upon log in which requires:
 - (A) entry of a Valid Street Hail Livery Driver's License number and a unique password set up by the Street Hail Livery Driver; and
 - (B) system-initiated search of the Valid Street Hail Livery License number of the vehicle;
 - (ii) enables the Commission, other City agencies, and any other entity approved by the Commission to send text messages to a specific Street Hail Livery, a selected group of Street Hail Liveries and/or all Street Hail Liveries equipped with an LPEP;
 - (A) in real time and future time ranges of up to thirty (30) days in advance;
 - (B) based on location; and
 - (C) to preempt any other message if the message is an emergency;
 - (iii) enables a Street Hail Livery Licensee, an affiliated Street Hail Livery Base, and an LPEP Provider servicing the Street Hail Livery to send text messages to the Street Hail Livery Driver in connection with the conduct of their respective businesses;
 - (iv) provides for the sender of the text message to receive delivery notification of receipt of the message by a Street Hail Livery;
 - (v) enables up to five (5) messages to be scheduled per day and sent up to thirty (30) days in advance;
 - (vi) if transmission of a text message cannot be completed due to loss of communication or other causes, the DIM must:
 - record the attempted transmission;
 - store the message for up to one (1) week for later transmission; and
 - periodically attempt to retransmit the message.

If after one (1) week the message has not been received, the message must be purged and a separate message sent to the sender referencing the purged message and indicating that it has been purged;

(vii) enables the Street Hail Livery Driver to respond to the text message only when the vehicle is not in motion;

(viii) receives and displays text messages of up to 500 bytes. If necessary, a message of 256 bytes or more may be divided into two parts;

(ix) stores received text messages and subsequently displays them;

(x) is able to encrypt text messages;

(xi) displays and prints out the last three trips performed by the vehicle; and

(xii) enables the Street Hail Livery Driver to enter the following "off-duty" two-digit codes and other codes designated by the Commission, by selection of one or two push-buttons:

- 01, personal;
- 02, relief time;
- 03, returning home;
- 04, defective equipment;
- 05, no charge fare; and
- 06, fare dispute.

Upon entry of a code, the LPEP must produce a receipt for the Street Hail Livery Driver showing the two-digit code and descriptor and the date and time of entry of the code;

(2) All text messages sent and received via the Driver Information Monitor, and the date and time that all such messages were sent and received, must be stored, maintained and accessible to the Commission and any designee as follows:

(i) in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;

(ii) by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and

(iii) by downloading and transferring data to the Commission on a weekly basis.

(3) The data described in paragraph (2) above must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the partial or complete license number of a Street Hail Livery and/or a Street Hail Livery Driver, and time and date of the message, and the data retrieved must be capable of identifying the Street Hail Livery and/or Street Hail Livery Driver that received a particular message.

(c) *Trip Data Collection and Transmission.* An LPEP must be capable of collecting and transmitting to the Commission Trip Data as described below. The LPEP must conform to the following specifications:

(1) The LPEP must be capable of collecting and transmitting Trip Data as required in paragraph (5) below for all fare trips for each Street Hail Livery made during a shift;

(2) The Trip Data to be collected and transmitted must include:

(i) date, time and location of Passenger pick-up and drop off;

(ii) trip duration measured in time and mileage;

(iii) trip number;

(iv) itemized fare (time/distance fare, tolls, surcharges, extras, taxes, and tip amount for credit/debit/prepaid card payments);

(v) payment type (cash, credit, debit, or prepaid card);

(vi) total number of Passengers;

(vii) Street Hail Livery identification (i.e., Street Hail Livery License number);

(viii) Street Hail Livery Driver identification (i.e., Street Hail Livery Driver's License number);

(ix) all codes referred to in subdivision (b)(1)(xii) of this section, and the date, time and location when each code is entered by a Street Hail Livery Driver, provided that the date and time is collected from the Taximeter;

(x) Taximeter reading at the start of each shift;

(xi) Taximeter reading at the end of each shift;

(xii) date and time of start of shift;

(xiii) date and time of end of shift;

(xiv) last four digits of credit, debit, and prepaid cards used for paying fares;

(xv) On-duty Location Positioning;

(xvi) On-duty Hail Exclusionary Zone Positioning; and

(xvii) whether each trip is a Hail Trip or was commenced by Dispatch;

(3) (i) The LPEP must display the rate code in effect during a trip, and must collect and transmit the rate of fare and the times and locations such rate of fare was in effect, including but not limited to the time and location time when Rate Code 4 went into effect and the fare at the time Rate Code 4 was initiated;

(ii) The LPEP must collect and transmit all meter-initiated codes.

(4) The LPEP must be equipped with external antennas if necessary to facilitate the LPEP data transfer functions;

(5) The Trip Data for each Street Hail Livery must be stored and maintained by the LPEP Provider in accordance with the following requirements:

(i) The Trip Data and its component elements must be stored and maintained in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;

(ii) The Trip Data must not contain any Personal Information of a Passenger;

(iii) The Trip Data must be accessible to the Commission and any designee as follows:

(A) by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and

(B) by downloading and transferring data to the Commission on a weekly basis;

(iv) The Trip Data relating to a particular Street Hail Livery must be accessible to the Street Hail Livery Licensee, affiliated Street Hail Livery Base, and to the LPEP Provider servicing that Street Hail Livery;

(v) The Trip Data and rate of fare information relating to a particular trip by a Street Hail Livery Driver must be made available by the LPEP Provider to that Driver without charge in electronic or hard copy form within three (3) business days of the LPEP Provider's receipt of a written, electronic or in-person request from that Driver;

(vi) In the event of a failure or interruption in transmission of Trip Data, the LPEP must be capable of saving and restoring transmission of the data without any degradation of data integrity or loss of data;

(vii) The Trip Data must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches, in near real time, at the end of each shift, and for prior trips, and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the following:

(A) any Trip Data elements;

(B) a partial or complete license number of a Street Hail Livery and/or a Street Hail Livery Driver to get the current geographic location or prior geographic location of the Street Hail Livery and/or Driver;

(C) a specific pick up and/or drop off location(s); and

(D) a specific geographic location(s) or area(s);

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

(A) a list of Street Hail Liveries and/or Street Hail Livery Drivers (identified by 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 Street Hail Livery and/or Street Hail Livery Driver (identified by license number) within a specific timeframe; and

(C) the time and location a Street Hail Livery Driver went off duty.

(d) *Passenger Information Monitor, Screen, or Other Credit/Debit/Prepaid Card Device.* An LPEP must have either a Passenger Information Monitor, a dscreen, or other device that reads credit/debit/prepaid cards as provided below. The LPEP must conform to the following specifications:

(1) An LPEP with a device that reads

credit/debit/prepaid cards but without a Passenger Information Monitor or screen must have the following features:

(i) The device is located in the back-seat area of the vehicle, is securely attached to the interior of the vehicle, and provides a Passenger sitting in the rear of the vehicle with an unobstructed view of the device or, in the alternative, in a one-device solution the device may be located in the front of the vehicle and passed to a Passenger in the rear compartment of the vehicle;

(ii) The device must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism; and

(iii) The device permits Passengers to complete payment of the total fare by credit, debit or prepaid card as required in subdivision (a) of this section.

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

(i) The screen is located in the back-seat area of the vehicle and provides a Passenger sitting in the rear of the vehicle with an unobstructed view of the screen;

(ii) The screen must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism;

(iii) The screen measurement must not be greater than 15.5 inches measured diagonally and not less than 2.5 inches measured diagonally;

(iv) The screen displays all information reasonably required for the Passenger to understand and complete electronic payment of the total fare by credit, debit, or prepaid card as required in subdivision (a) of this section;

(v) The screen must display to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid card, tip options of 15%, 20% and 25%, and permit Passengers to manually enter another tip amount or percentage at their option; and

(vi) The screen may display such non-commercial content as may be approved by the Commission.

(3) An LPEP with a Passenger Information Monitor that provides advertising content must have the following features:

(i) The PIM is located in the back-seat area of the vehicle and provides a Passenger sitting in the rear of the vehicle with an unobstructed view of the PIM;

(ii) The PIM must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism;

(iii) The PIM is comprised of a touch screen display that is interactive, has audio capability, full-color display, and its measurement must not be greater than 15.5 inches measured diagonally and not less than 5.5 inches measured diagonally;

(iv) The PIM displays all information reasonably required for the Passenger to understand and complete electronic payment of the total fare by credit, debit, or prepaid card as required in paragraph (4)(iii) below;

(v) The volume of the PIM may be controlled by the Passenger, and may be muted during and following the display of TLC Content known as the Prologue (see paragraph (4)(i)(A) below);

(vi) The PIM may be turned off by the Passenger, with the following conditions:

(A) If a Passenger attempts to turn off the PIM, all information that is required to be shown, such as the Prologue and Epilogue must remain visible for all or a reasonable portion of the Passenger trip; and

(B) The PIM must have the capability to come back on when the Taximeter disengages, to display payment processing information;

(vii) The LPEP must track and record Passenger use of the PIMs, including when a Passenger uses a screen touch and turns the PIM on or off;

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

(i) TLC Content, TLC Content consists of content that is produced by the Commission and submitted to the LPEP Provider for presentation to Passengers via the PIM. The Commission has the sole discretion to select TLC Content, and to decide whether the content is presented in audio and/or video formats. TLC Content includes, but is not limited to, the Prologue and Epilogue, Public Service Announcements, and Passenger Surveys,

as described below in clauses (A) through (C) below. TLC Content does not include the passenger route map described in subparagraph (ii) below, payment processing information described in subparagraph (iii) below, news and entertainment content described in subparagraph (iv) below, commercial advertisements and sponsorships supplied by or for the LPEP Provider as described in subparagraph (v) below, and any other content not supplied by the Commission to the LPEP Provider. TLC Content shall be displayed on the PIM in accordance with the reserved space requirements in clause (D) below and may be updated in accordance with clause (E) below.

(A) Prologue and Epilogue. The Commission will provide the LPEP Provider with a series of screens to be run at the start (Prologue) and end (Epilogue) of each trip. The text and graphic content for the screens will be provided on a CD-Rom, by email or by other method acceptable to the Commission. The Prologue must run for at least thirty-five (35) seconds and will contain a greeting, Passenger information, fare information, credit, debit, or prepaid card payment information, and any Public Service Announcements provided by the Commission. The Epilogue must be either displayed for ten (10) seconds (whether in audio, video, or both) alone on the PIM screen or displayed on the fare payment screen upon the initiation of the payment transaction by an action of the Passenger. Such initiation of the payment transaction includes but is not limited to, depression of a cash selection button or the swiping (or other contact) of a credit, debit or prepaid card. Except as permitted by this paragraph (d)(4), the Prologue and Epilogue must not be interrupted or interfered with by other PIM content.

(B) Public Service Announcements. The PIM must present to Passengers all of the PSAs and Emergency PSAs provided by the Commission from time to time in graphic or text files or other format in the discretion of the Commission. The PSAs and Emergency PSAs must be presented in the manner prescribed by the Commission, such as during the Prologue and/or Epilogue, at other times, and by showing certain PSAs at certain times of the day. The Commission may require that Emergency PSAs preempt all other content on the PIM. The Passenger must have the option of viewing any additional PSAs not in the Prologue or Epilogue.

(C) Passenger Surveys. The PIM must permit the Passenger to take in-vehicle surveys of not more than twenty (20) questions (in yes or no, multiple choice format), the results of which are to be provided to the Commission on a weekly basis electronically, or made accessible to the Commission as described in paragraph (d)(7) below.

(D) Reserved Space Requirements.

(I) The PIM must provide an initial channel for content that is activated when the Taximeter is activated. The initial channel must display the PSAs and Passenger survey. The Commission must be reserved not less than one-third of the viewing time and space on the initial channel (calculated in accordance with the formula in item (III) below) to present PSAs and other content.

(II) The PIM must provide a second channel for content that is capable of being voluntarily activated by a Passenger via a button or tab on the PIM. The PIM must provide a means for a Passenger to return the PIM screen to the initial channel from the second channel. The PIM second channel must display any additional PSAs and other TLC Content submitted to the LPEP Provider. The Commission must be reserved not less than two-thirds of the viewing time and space on the second channel (calculated in accordance with the formula in item (III) below) to present additional PSAs and other TLC Content.

(III) The percentage of PIM content used by the Commission to present TLC Content on each channel (the initial channel and the second channel) shall be calculated using the following formula:

$$\text{TLC Content Percentage} = (\text{Apc} * \text{Tv}) / \text{Tt}$$

Where Apc is the percent of the screen (frame) containing TLC Content, Tv is the scheduled viewing time, and

Tt is the average trip time.

Apc must be at least 25% of the screen unless the Commission approves otherwise.

Tt, the average trip time, shall be twelve (12) minutes initially. The average trip shall, however, be reset every six (6) months following the LPEP installation date to a value equal to the average trip time calculated using actual Trip Data collected via the LPEP during the applicable six (6) month period.

For purposes of calculating the time allotted for presentation of TLC Content, the following shall be excluded: the Prologue and Epilogue, additional PSAs, and any other TLC Content contained therein; and the Passenger viewing time associated with Passenger initiated views

of the PSAs, Passenger surveys or any other content voluntarily selected by Passengers.

(E) Update of TLC Content. The Commission may update its content on the PIM to add new TLC Content, or delete or modify any existing TLC Content, by notifying the LPEP Provider in writing and by providing an update file containing text or graphic content, or modifications thereof, in a CD-Rom, by email or other method acceptable to the Commission, indicating the date such update is to take effect. The LPEP Provider must implement such update on the PIM by the date indicated.

(ii) Passenger Route Map. The PIM must feature an interactive route map for viewing by a Passenger. The route map must be driven by on-board Automatic Vehicle Location System capabilities, where the current start point (location where Taximeter is engaged), ongoing route, and end point (location where Taximeter is disengaged) is clearly displayed in real time with the Street Hail Livery position updated every five (5) seconds. The route map must not be used to provide routing or directions to the Street Hail Livery Driver or Passenger. The route map must display the names of highways and commonly known streets, and be capable of being maximized to the full PIM screen at the Passenger's request for at least fifteen (15) seconds.

(iii) Payment Processing Information. The PIM must be used to process payment by credit, debit, or prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid cards, tip options of 15%, 20%, and 25%, and permitting Passengers to manually enter another tip amount or percentage at their option. The PIM must display all content required to meet the requirements of subdivision (a) of this section.

(iv) News and Entertainment Content. The PIM must feature reasonably fresh and up-to-date news and entertainment-based content, including weather and sports information, in compliance with paragraphs (5) and (6) below.

(v) Commercial Advertising and Sponsorships. At the option of the Street Hail Livery Licensee, the LPEP Provider may provide for the display on a PIM of commercial advertising and sponsorships in compliance with paragraphs (5) and (6) below;

(5) The content on the Passenger Information Monitor must not contain, imply, or declare endorsement by the City, the Commission, or any other agency of the City without the prior written consent of the Commission;

(6) The commercial advertising, commercial sponsorships, and news and entertainment content on the Passenger Information Monitor must not contain any content that falls within the following categories:

(i) Information promoting unlawful or illegal goods, services, or activities;

(ii) Obscene material (see New York Penal Law 235.00, as such provisions may be amended, modified, or supplemented from time to time);

(iii) Material, image, or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character or content, would give rise to a violation of New York Penal Law 235.21 (see also New York Penal Law 235.20) as such provisions may be amended, modified, or supplemented from time to time;

(iv) Information that is libelous or violates New York Civil Rights Law Section 50 as such provisions may be amended, modified, or supplemented from time to time;

(v) Images or information that demeans an individual or group of individuals on account of race, color, religion, national origin, ancestry, gender, age, disability, or sexual orientation;

(vi) Images or information that are so violent, frightening, or otherwise disturbing as to be harmful to minors;

(vii) Image of a person, who appears to be a minor, in a sexually suggestive dress, pose, or context;

(viii) Images or information that would be deemed by a significant segment of the public to be patently offensive, improper, in bad taste, or controversial;

(ix) Advertisements that propose a commercial transaction where the information contained in it is false, misleading, or deceptive;

(x) Advertisements that propose a commercial transaction, and promote tobacco or tobacco-related products;

(xi) Advertisements or any other information that is adverse to the commercial, proprietary, or administrative interests of the Commission, the City, or any other City agency, or is harmful to the morale of employees of the Commission, the City or any other City agency;

(xii) Advertisements that promote an escort service, or sexually oriented business; and

(xiii) Advertisements that do not promote a commercial message, do not propose a commercial transaction, or are not sponsorships by a commercial entity;

(7) The LPEP Provider must provide access to the Commission and any designee to all content on the LPEP with a PIM or screen as follows:

(i) by viewing the content in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and

(ii) by downloading and transferring content to the Commission on a weekly basis;

(e) Automatic Vehicle Location System and Location Services. An LPEP must have an Automatic Vehicle Location System and must provide location services as provided below. The LPEP must conform to the following specifications:

(1) The LPEP must capture and transmit On-duty Location Positioning and Hail Exclusionary Zone Positioning and store and maintain the data in accordance with the requirements of subdivision (c)(5) of this section;

(i) The LPEP must prevent the Street Hail Livery Driver from engaging the Taximeter while in the Pre-Arranged Exclusionary Zone;

(ii) The LPEP must prevent the Street Hail Livery Driver from engaging Rate Code 4 within the five boroughs of New York City or when there is a mandated fare;

(2) The LPEP must capture and transmit all elements of the Trip Data involving geographic location data, and store and maintain the data in accordance with the requirements of subdivision (c)(5) of this section; and

(3) An LPEP with a PIM must capture geographic location data sufficient to display the Passenger Route Map on the PIM in accordance with the requirements of subdivision (d)(4)(ii) of this section.

(f) Security.

(1) All features of the LPEP, including the collection, transmission and maintenance of data by the LPEP Provider, required by this section must conform to the following security standards:

(i) Applicable PCI Standards;

(ii) Department of Information Technology and Telecommunications Citywide Information Security Policy for Service Providers and Encryption Standards ("DOITT Standards") at <http://www.nyc.gov/html/doitt/html/business/security.shtml>; and

(iii) Commission security standards to be promulgated at a later time.

(2) Access to all data required to be collected, transmitted and maintained by this section must be by log-in identification and password controls or other equivalent security measures.

(g) Disaster Recovery. All data required to be collected, transmitted and maintained by the LPEP and the LPEP Provider pursuant to this section must be backed up and recoverable in accordance with a disaster recovery plan prepared by the LPEP Provider and approved by the Commission. The disaster recovery plan must include, but not be limited to, the following:

(1) A duplicate copy of all data must be stored in a separate, secure site for back-up and recovery purposes. In the event of a failure or interruption in the operation of the LPEP or in any services provided by the LPEP Provider relating to data collection, transmission or maintenance, the LPEP and any such services must be capable of saving and restoring all data without any degradation of data integrity or loss of data;

(2) The back-up data center should be geographically dispersed, preferably

located at least 100 miles from the primary data center;

(3) The back-up data center should preferably reside on a separate power grid from the primary data center; and

(4) In the event the back-up data center is located within 100 miles of the primary data center or uses a common power grid with the primary data center, the disaster recovery plan must describe in detail how the plan will ensure the continuity of service and recovery of data when a single disaster affects both primary and back-up data centers.

(h) Data Retention. All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

(i) Service Levels. The LPEP and the LPEP Provider must perform in accordance the requirements of this section and with the following service levels:

(1) Credit, Debit, and Prepaid Card Payment.

(i) The mean response time of an authorization request shall be five (5) seconds or less. Ninety-five percent (95%) of all authorization requests must occur in less than twenty-five (25) seconds. The response time is measured from the time of payment authorization initiation (e.g., card swipe or other triggering event) to the authorization response by the LPEP.

(ii) The availability of the authorization system must be greater than ninety-six percent (96%), if floor-limit authorizations are excluded, and must be greater than ninety-nine percent (99%) if floor-limit authorizations are included. Availability is measured by the ratio of the authorization responses to the authorization requests.

(iii) In an LPEP with a PIM or screen, the payment screen must appear in less than two (2) seconds after the Street Hail Livery Driver presses the button to indicate the end of the fare.

(2) Text Messaging; Driver Information Monitor.

(i) The availability of completing a text message to a single Street Hail Livery on the first attempt shall be greater than ninety-six percent (96%). The availability of completing a text message to all on-duty operating Street Hail Liveries installed by an LPEP Provider on the first attempt shall be greater than ninety-seven percent (97%). Availability is measured by the ratio of completed messages to message transmission requests.

(ii) The availability of the text messaging system shall be greater than ninety-nine percent (99%). Availability is measured by the ratio of uptime to total operating time.

(iii) At least fifty percent (50%) of the messages (256 bytes or smaller) sent from the Commission or other City agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than eight (8) minutes. At least fifty percent (50%) of the messages (above 256 bytes up to 500 bytes) sent from the Commission or other City agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than fifteen (15) minutes. This service level is measured from the time of message departure at the Commission or other City agency to the time of message arrival at the Street Hail Livery.

(iv) At least ninety-five percent (95%) of the messages (256 bytes or smaller) sent from the Commission or other City agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than fifteen (15) minutes. At least ninety-five percent (95%) of the messages (above 256 bytes up to 500 bytes) sent from the Commission or other City Agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than thirty (30) minutes. This service level is measured from the time of message departure at the Commission or other City agency to the time of message arrival at the Street Hail Livery.

(v) The Driver Information Monitor must have a mean time between failures (MTBF) greater than 67,500 hours and a mean time to repair (MTTR) of one (1) hour. The MTBF and MTTR are determined by the record of failures and repairs recorded or logged by the Help Desk.

(3) Trip Data Collection and Transmission.

(i) The LPEP must accurately collect, transmit and maintain Trip Data 99.95% of the time. This service level is measured by the ratio of total Trip Data collected, transmitted and maintained as captured from Taximeter readings taken at the Commission's inspection facility to the total number of trips per Street Hail Livery as recorded in the Trip Data records.

(ii) The availability and accessibility to the Commission of Trip Data must be greater than ninety-nine percent (99%). This service level is determined by the record of failures recorded or logged by the Help Desk.

(iii) The Trip Data must be retrievable by the Commission in response to a

Commission initiated query within five (5) seconds at least fifty percent (50%) of the time and within ten (10) seconds at least ninety-five percent (95%) of the time. This service level is measured from the time of initiating the query to receipt of a response.

(4) PIM, Screen, or Other Credit/Debit/ Prepaid Card Device.

The PIM, screen, or other device that reads credit/debit/prepaid cards must have a mean time between failures (MTBF) greater than 8,000 hours and a mean time to repair (MTTR) of two (2) hours. The MTBF and MTTR are determined by the record of failures and repairs recorded or logged by the Help Desk. The MTTR is measured from the time the Street Hail Livery arrives at an authorized repair facility.

(5) Automatic Vehicle Location System and Location Services.

(i) The AVL must determine the vehicle location in On-duty Location Positioning and On-duty Hail Exclusionary Zone Positioning to within twenty-five (25) meters at least ninety-seven percent (97%) of the time and to within fifty (50) meters at least ninety-nine percent (99%) of the time.

(ii) The availability of the AVL and location services shall be greater than 99.5%. Availability is measured as follows: (drop-off point determination + pick-up point determinations from Taximeter readings taken at Commission inspection facility) / (2 x number of paid trips as recorded in the Trip Data records).

(6) Maintenance Services.

Ninety-nine and nine tenths percent (99.9%) of service tickets or incidents as described in §83-22(c)(2) of these Rules must be resolved by the Help Desk within twenty-four (24) hours. Service ticket or incident resolution time is measured from the time of first reporting of an incident until the time LPEP service is restored enabling the Street Hail Livery to continue service.

(j) Critical Performance Failures. A Critical Performance Failure exists when any of the following conditions are satisfied:

(1) Eight percent (8%) or more of the LPEPs installed by an LPEP Provider are unable to process credit, debit, and prepaid card payment for more than four (4) consecutive hours;

(2) The Commission or other City agencies are unable to transmit an emergency text message to at least twenty-five percent (25%) of the LPEPs installed by an LPEP Provider within four (4) hours; or

(3) During any month, more than eight percent (8%) of PIMS, screens, or other devices that read credit/debit/prepaid cards in LPEPs installed by an LPEP Provider experience a system failure as follows:

(i) For screens or other devices that read credit/debit/prepaid cards, a reported problem prevents a Passenger from making payment by credit, debit, or prepaid card; or

(ii) For PIMS, a reported problem prevents a Passenger from making payment by credit, debit, or prepaid card, viewing (or hearing) PSAs, or tracking the trip on the Passenger route map.

(k) Inspection by TLC. The LPEP Provider must enable the Commission to inspect all components and inner workings of the LPEP by providing Commission inspection personnel with access to the LPEP by magnetic swipe card and/or password, or other secure method. Such components and inner workings include, but are not limited to:

- Hardware,
- Software,
- Driver Information Monitor,
- Passenger Information Monitor,
- screen,
- device that reads credit/debit/prepaid cards,
- AVL receiver, and
- modem.

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SPECIAL MATERIALS

CITY PLANNING

NOTICE

DEPARTMENT OF CITY PLANNING
OFFICE OF MANAGEMENT AND BUDGET
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
NOTICE OF PROPOSED PROGRAM CHANGES TO THE 2012 CONSOLIDATED PLAN
NOTICE OF AVAILABILITY OF THE PROPOSED CITY FISCAL YEAR 2013

COMMUNITY DEVELOPMENT PROGRAM DESCRIPTIONS & BUDGET

TO ALL AGENCIES, COMMUNITY BOARDS, GROUPS AND PERSONS:

Modification to the Community Development Block Grant Program (CD)
Pursuant to Section 91.105(c) of the Department of Housing and Urban Development's (HUD) Consolidated Plan Regulations, the City proposes changes in the 2012 Consolidated Plan/Thirty-Eighth Community Development Program Year (CD 38), effective July 1, 2012. The proposed changes are identified in the "Proposed City Fiscal Year 2013 Community Development Program". This document contains the Proposed City Fiscal Year 2013 budget, the Proposed Revised CD Year 38 budget (which will be incorporated into the Amended 2012 Consolidated Plan) and the Proposed CD 39 budget.

On May 3, 2012, the "Proposed City Fiscal Year 2013 Community Development Program" document will be available, one copy per person or organization, at the following locations:

The Department of City Planning, The Book Store, 22 Reade Street, 1st Floor, New York, New York 10007. Monday: 12:00 P.M. to 4:00 P.M. Tuesday - Friday: 10:00 A.M. to 1:00 P.M.

The Office of Management and Budget, 75 Park Place, 8th Floor Reception Area, New York, New York 10007, Monday - Friday: 10:00 A.M. to 5:00 P.M.

The Proposed City Fiscal Year 2013 Community Development Program document will also be made available for downloading in Adobe PDF format through the internet via the Department of City Planning's website at www.nyc.gov/planning.

Written comments on the proposed changes should be directed to Charles V. Sorrentino, Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4th Floor, New York, New York 10007, (email: amended2012CDBG@planning.nyc.gov) by close of business June 4, 2012.

City of New York:
Amanda M. Burden, Director, Department of City Planning
Mark Page, Budget Director, Office of Management and Budget

Date: April 25, 2012.

a25-m3

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on May 9, 2012, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
2	5699	69
3	5699	72

Acquired in the proceeding, entitled: IONIA AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN LIU
Comptroller

a25-m9

LATE NOTICE

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 01 - Monday, May 7, 2012 at 8:00 P.M., Community Board Office, 1 Edgewater Plaza - Suite 217, Staten Island, NY

Agenda

BSA# 37-93-BZ
Extend the term of an existing variance for a physical cultural establishment at 2040 Forest Avenue.

BSA# 718-56-BZ
Extend the term of an existing variance for an automotive station at 741 Forest Avenue.

BSA# 12-91-BZ
Renew previous zoning variance which expires on April 12, 2012, minor amendments to the previous approval and request to extinguish the term of the variance and modify conditions.

Department of City Planning revised Waterfront Revitalization Program.

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