

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates amendments to its rules requiring the posting of signs stating taxicab drivers’ rights.

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year.

These rules were published on October 12, 2011, for public comment in the City Record. On November 17, 2011, a public hearing was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004 and the rules were adopted by the Commission immediately following the public hearing. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will go into effect 30 days following publication in the City Record.

Statement of Basis and Purpose of Rules

The purpose of the rule is to inform taxicab drivers who lease vehicles and/or medallions from taxicab fleets and agents what rights they have under TLC rules. Specifically, TLC wants drivers to know the rules about:

- Maximum lease rates
- Permitted extra charges
- Right to a written lease
- Prohibition against dispatcher requests for tips
- Right to an itemized receipt
- Service and maintenance responsibilities
- Prohibition against retaliation against a complaining driver

The rulemaking amends

- the taxicab medallion owners rules,
- the agent rules and
- the taximeter business and manufacturers rules.

The Commission will determine the text of the sign and state the form and format of the sign. The sign is to be posted in a location where drivers are certain to see it.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 58-17(b) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), to read as follows:

§58-17 Operations – Business Premises

(b) *Requirements of Premises.* The Business Premises must have the following:

* * *

(3) “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.

(i) The Commission will post the proper form and format on its Web site.

(ii) The “Driver’s Bill of Rights” sign must be:

- conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
- free of other signage in the immediate area.

<u>§58-17(b)(3)</u>	<u>Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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Section 2. Section 63-10 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (e), to read as follows:

§63-10 Agent’s Business Premises

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

* * *

(e) “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.

(i) The Commission will post the proper form and format on its Web site.

(ii) The “Driver’s Bill of Rights” sign must be:

- conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
- free of other signage in the immediate area.,

<u>§63-10(e)</u>	<u>Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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Section 3. Section 64-14(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§64-14 Business Requirements – Premises and Equipment

(a) A Taximeter Business and a Taximeter Manufacturer (but not an appointed Manufacturer’s Representative) must ensure that its business premises meet the following conditions at all times:

- (1) Location within an area zoned for this business activity
- (2) Sufficient size to simultaneously accommodate at least three (3) vehicles of the type(s) and model(s) licensed by the Commission
- (3) Sufficient illumination and space in the areas used for inspection, testing, and calibration to enable proper inspections and tests required by these regulations
- (4) Sufficient waiting area and restroom facilities for customers

<u>§64-14(a)(1-4)</u>	<u>Penalty: \$500-\$1,000 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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(5) All signs required by law and these rules displayed, including “Driver’s Bill of Rights” sign must be posted in a form and format prescribed by the Commission.

- (i) The Commission will post the proper form and format on its Web site.
- (ii) The “Driver’s Bill of Rights” sign must be:

- conspicuously posted, such as next to a payment window or other place where drivers regularly conduct business within the Business Premises, and,
- free of other signage in the immediate area.

<u>§64-14(a)(5)</u>	<u>Fine: \$250 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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