

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed 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”) proposes amending the provisions of Title 35 of the Rules of the City of New York to create standard rules for handling lost passenger property.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2011 as the need for them was not anticipated at the time the agenda was prepared.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on Thursday, December 16, 2010 at 10:00 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than December 9, 2010.

Written comments in connection with these proposed rules must be received no later than December 6, 2010. Comments may be submitted through the NYC Rules website at www.nyc.gov/nycrules, or may be submitted to the Office of Legal Affairs at:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a transcript of all comments received at the hearing will be available for public inspection at that office.

New Material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend Title 35 of the Rules of the City of New York to add a new Section 5-18 to read as follows:

§ 5-18 [Reserved (~~Operations – Lost Property~~)]

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

<u>§5-18(a)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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(b) Handling of Lost Property. Property found by a Driver in a Vehicle must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.

<u>§5-18(b)</u>	<u>Fine: \$25-\$250</u>	<u>Appearance REQUIRED</u>
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(c) Notifying Commission Regarding Lost Property. If the property is not returned to the Passenger, the Driver must promptly inform the Commission of the details regarding the found property and the police precinct where it is held.

<u>§5-18(c)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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Section 2. It is proposed to amend Section 6-18 Title 35 of the Rules of the City of New York to read as follows:

(a) [~~Inspecting for Passenger~~] Handling of Lost Property. [The Driver must inspect the interior of the Paratransit Vehicle after each trip and any property found must be returned to the passenger if possible; otherwise it must be taken immediately to the police precinct closest to where the passenger was discharged.] Property found by a Driver in a Vehicle must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.

<u>§6-18(a)</u>	<u>Fine: \$50-\$250.</u>	<u>Appearance REQUIRED</u>
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(b) Inform Commission of Lost Property. If the property is not returned to the Passenger, t[T]he Driver must promptly inform the Commission of [any] the details regarding the found property

[found and the police precinct where it is held if the property is not returned to the passenger] and the police precinct where it is held.

§6-18(b)	Fine: \$25.	Appearance NOT REQUIRED
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Section 3. It is proposed to amend Title 35 of the Rules of the City of New York to add a new Section 7-18 to read as follows:

§ 7-18 [Reserved (Operations – Lost Property)]

(a) Handling of Lost Property. Property found by a Driver in a Vehicle must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.

§7-18(a)	Fine: \$25-\$250	Appearance REQUIRED
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(b) Notifying Commission Regarding Lost Property. If the property is not returned to the Passenger, the Driver must promptly inform the Commission of the details regarding the found property and the police precinct where it is held.

§7-18(b)	Fine: \$25	Appearance NOT REQUIRED
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Statement of Basis and Purpose

These rules standardize provisions governing drivers licensed by the Commission regarding the disposition of lost property.

Under the proposed rules, any driver who finds property left by a passenger in his or her vehicle must deliver the property to police precinct nearest to where the passenger was discharged and must inform the Commission of the details of the lost property and where such property was delivered. In addition, FHV drivers, like taxi drivers, will have an affirmative obligation to check the vehicle interior and trunk after an airport trip to make sure that there is no passenger property.

This rule amends the version of the Commission's rules that becomes effective April 1, 2011