

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules about taxicabs that must be driven by owners. The change will permit spouses to inherit the service requirements applicable to a deceased spouse.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, September 15, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at www.nyc.gov/nycrules.
- **By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on September 15, 2011 at 10:00 a.m. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by September 5, 2011.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, September 8, 2011.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY 10004.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year because the need for the rule was not anticipated at the time the regulatory agenda was published.

Where can I find the Commission’s rules? The Commission’s rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

These proposed rules make important changes to the Taxi and Limousine Commission’s owner-must-drive requirements.

Background

At its hearing on June 16, 2011, the Taxi and Limousine Commission modified the driving requirements that apply to owners of independent taxicab medallions who bought their medallions after January 6, 1990. This rule is known as the “owner-must-drive” requirement.

Under both current and former TLC rules, anyone who acquires an interest in an independent medallion after January 6, 1990, including a spouse who acquires the medallion by inheritance, is subject to the owner-must-drive requirement. The June revisions did not address extending the exclusion from the owner-must-drive requirements to spouses who inherit medallion purchased before January 7, 1990. In response to public testimony at the June 16 hearing, the Commission directed the staff to consider that exclusion.

This proposed rule is the result of that review. Under this rule, a spouse or registered domestic partner of the owner of an independent medallion will step into the service requirement held by the deceased spouse. Specifically, if the deceased spouse was not required to drive because he or she acquired the medallion before 1990, the inheriting spouse is also not required to drive. To obtain the benefit of this proposed rule, the inheriting spouse must notify the TLC of the death of the owner within 60 days.

Proposed Rule Changes

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend the provisions of Section 58-20(a)(3)(iv) of Title 35 of the Rules of the City of New York to read as follows:

(iv) *Special Rule for inheriting spouses.* A spouse (including a registered domestic partner) inheriting an interest in an Independent Medallion from the [sole] Owner of that Medallion will not be required to meet the Owner-Must-Drive requirement for 180 days following the Owner's death. In order to benefit from this special rule, the inheriting spouse must notify the Commission of the Owner's death within 60 days, unless this requirement is waived by the Chairperson. This rule does not apply to children or other heirs, and it does not apply to an inheriting spouse's future spouses.

A. After 180 days,

[(1)] the inheriting spouse is subject to the same requirement the deceased Owner was subject to, [(that is, no required shifts, 180 nine hour shifts or 150 seven hour shifts)] if the deceased Owner was required to drive].

[(2) the inheriting spouse is subject to the 180 nine hour shift requirement initially if the deceased Owner was not required to drive because the deceased Owner acquired the Medallion before January 7, 1990.]

B. For purposes of determining compliance with the Owner-Must-Drive requirements, those requirements will be pro-rated on a monthly basis in any applicable calendar years to account for the 180 days for which compliance is excused.

Example: An Owner subject to the 150 day driving requirement dies on December 1, 2011. The minimum applicable requirement for calendar year 2011 will be 137 seven hour shifts. The minimum applicable requirement for calendar year 2012 will be 88 seven hour shifts.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Owner Must Drive Rules (Inheriting Spouses)

REFERENCE NUMBER: TLC-10

RULEMAKING AGENCY: TLC

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (ii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

July 27, 2011
Date

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Owner Must Drive Rules (Inheriting Spouses)

REFERENCE NUMBER: 2011 RG 063

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: July 26, 2011