

## 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. The changes would increase many fines, decrease some fines for pleading guilty prior to a hearing, and substitute fixed fines for a number of range fines; and would make other changes as explained in more detail in the “statement of basis and purpose of proposed rule,” below.

**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, May 19, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, 19<sup>th</sup> 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 – 22<sup>nd</sup> 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](mailto: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](http://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 May 19, 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 May 13, 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, May 12, 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, 22<sup>nd</sup> Floor, New York, NY.

**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 included in the Commission’s regulatory agenda for this Fiscal Year.

**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**

The following proposed rule seeks to increase many of the Taxi and Limousine Commission’s (the TLC’s) fines, decrease some fines for pleading guilty prior to a hearing, and substitute fixed fines for a number of range fines; and to make several other changes as explained below.

The TLC has not undertaken a systematic review of its fines for rule violations since 1992, when the rules were compiled pursuant to the City Administrative Procedure Act. The TLC last conducted a broad review of its penalty rules in 1998, when it revised a number of penalty provisions.

During this rulemaking process, the TLC staff conducted an extensive analysis of existing penalties that included reviewing the penalty provisions of every rule for which at least 50 or more summonses were written over a 30-month period. The TLC applied six principles to its review:

1. *Reduce the number of “range fines,” where the rule imposes a fine that can vary within a range.* Imposing a fine within such a range requires that the respondent appear personally at the hearing; conversely, a fixed fine allows for adjudication without a personal appearance by the respondent. By reducing the number of required personal appearances for adjudications, the TLC intends to reduce the burden of adjudications on respondents.
2. *Provide an incentive for respondents to plead guilty without requiring hearings.* The proposed rules provide for reduced penalties in a large number of cases where a respondent pleads guilty, either by mail or in person, without a hearing. By eliminating unnecessary hearings and court appearances respondents will not lose income by having to take time off the job to attend a hearing, and the TLC’s adjudications staff will be able to focus on cases with disputed summonses.

3. *Raise penalties that are too low.* At a time when the standard Parking Violations Bureau fine for a parking ticket is \$115, the TLC retains large numbers of fines as low as \$25. Issuance and adjudication of a summons that yields a \$25 fine imposes significant net costs on the TLC. The proposed rules increase the minimum fine from \$25 to \$50, for all violations included in this review. Many other fines are increased for this reason as well.
4. *Impose similar penalties for similar offenses.* The TLC staff found that violations can be grouped by subject, for example: safety, licensure, customer service provided by licensees, or compliance with law enforcement or TLC directions. This rules revision aims to provide similar penalties for all violations within the same group.

This revision also seeks to make the penalties for the same violations consistent across categories of licensees (e.g., for-hire vehicle driver, taxicab driver, etc). In some instances, the TLC added new rules so that the same standards will apply to licensees in different industries. For example, existing rules prohibit taxi, for-hire vehicle and paratransit drivers, but not commuter van drivers, from threatening, abusing or harassing the public. This rulemaking adds this rule for commuter van drivers.

5. *Ensure that more serious violations have larger fines than less serious violations.* The fine for a more serious violation should be higher than the fine for a less serious violation - a violation related to safety, for example, should yield a higher fine than a violation related to the appearance of the vehicle.
6. *Increase penalties to address persistent problems.* The TLC will enhance its enforcement efforts by dramatically increasing fines where current enforcement efforts have been unsuccessful despite persistent application of existing fines. The most notable example of this is violation of section 60B-18(b), which since July 2008 has required paratransit base station owners to transmit trip records to the TLC electronically each month. Although the large majority of paratransit base stations comply with this requirement, a small number still do not. The TLC will therefore increase the penalty from \$250 to \$500 for a pre-hearing guilty plea, and from \$250 to \$1,000 for an adjudicated violation.

While reviewing these fines, the TLC staff identified additional problems and made three other categories of changes:

1. *Apply the same rules to all licensed industries.* While comparing similar rules for the licensed industries, TLC staff found omissions and variations. For

example, existing rules require a taxi driver, but not a fire-hire vehicle driver, to update a license photograph when the driver’s likeness has changed. This rulemaking adds the requirement to the for-hire vehicle driver rules, and corrects other, similar inconsistencies.

2. *Incorporate penalties required under the City Administrative Code.* The City Administrative Code requires that all taxicabs and for-hire vehicles be equipped with a working trouble light, and establishes a penalty of \$175 and suspension until the condition is corrected. This rulemaking increases the fine from \$100 to \$175 as mandated.
3. *Restore “missing” penalties in the newly revised rules.* The TLC inadvertently dropped several fines when it restructured and renumbered all of its rules last year. This rulemaking corrects that mistake and reinstitutes those penalties (e.g., absence of a partition or in-vehicle camera system in a for-hire vehicle).

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend paragraphs (3) and (4) of subdivision (n) of section 54-04 (n) of Title 35 of the Rules of the City of New York to read as follows:

**§54-04 Licensing – Requirements**

(n) *Wheelchair Passenger Assistance Training.*

(3) *Proof of Completion Required.* No Driver may operate an Accessible Taxicab unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above.

(4) *Proof must be Kept in Vehicle.* Each Driver must keep a copy of the certificate of completion in the Accessible Taxicab and available for inspection.

§54-04(n) (3)-(4)	Fine: \$50 <u>if plead guilty before a hearing</u> ; \$75 <u>if found guilty following a hearing</u>	Appearance NOT REQUIRED
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Section 2. It is proposed to amend subdivisions (a) and (b) of section 54-11 of Title 35 of the Rules of the City of New York to read as follows:

**§54-11 Comply with Laws – Unlicensed Activity Prohibited**

- (a) *Driver Must Have Valid Taxicab Driver’s License.* A driver must not operate a Taxicab in the City of New York while his or her Taxicab Driver's License is revoked, suspended or expired.

§54-11(a)	Fine: [\$50-\$350 and/or suspension up to 30 days] <u>\$400 and Summary Suspension until compliance.</u>  [Points: 2]	Appearance <u>NOT</u> REQUIRED
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- (b) *Driver Must Have Valid Chauffeur’s License.*

- (1) A Driver must not operate a Taxicab without a Valid Chauffeur's License.

§54-11(b)(1)	Fine: [\$100-\$350 and/or suspension up to 30 days] <u>\$400 and Summary Suspension until compliance</u>  Points: 2	Appearance <u>NOT</u> REQUIRED
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Section 3. It is proposed to amend subdivisions (a), (b), (h), (i) and (j) of section 54-12 of Title 35 of the Rules of the City of New York to read as follows:

**§54-12 Comply with Laws – Proper Conduct**

- (a) *Bribery.* A Driver or anyone acting on behalf of the Driver must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§54-12(a)	Fine: \$10,000 and revocation  <u>Points: 6</u>	Appearance REQUIRED
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- (b) *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.

§54-12(b)	Fine: [\$100] <u>\$1,000 and/or suspension up to 30 days or revocation</u> Points: 3	Appearance REQUIRED
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- (h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission in writing within 15 calendar days after any criminal conviction of the Licensee.
- (2) Licensee must also provide the Commission with a certified copy of the certificate of disposition issued by the clerk of the court within 15 days after sentencing.

§54-12(h)	Fine: [\$50-\$250] <u>\$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.</u> Points: 3	Appearance <u>NOT</u> REQUIRED
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- (i) *Cooperate with the Commission.*

- (1) A Driver must truthfully answer all questions and promptly comply with all communications, directives, and summonses issued by the Commission or its representatives, including the NYC Department of Investigation.
- (2) Upon request of the Commission, a Driver must produce any license, Rate Card, Trip Record or other documents Licensee is required to have or be reasonably able to obtain, whenever the Commission requires it.

§54-12(i)(1)-(2)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance Points: 2	Appearance REQUIRED
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- (j) *Cooperate with Law Enforcement.*

- (1) A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission including dispatchers at public transportation terminals and at authorized group-ride Taxicab lines.
- (2) Cooperation includes, but is not limited to, responding to a request for the Driver’s name, License number, Rate Card, Trip Records, and any other documents the Driver is required to have in his or her possession.

§54-12(j)	Fine: [\$50-\$350] <u>\$300 if plead guilty before a hearing; \$400 if found guilty following a hearing.</u>  Points: 2	Appearance <u>NOT</u> REQUIRED
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Section 4. It is proposed to amend section 54-13(a) of Title 35 of the Rules of the City of New York to read as follows:

**§54-13 Comply with Laws – Traffic Laws & Miscellaneous**

(a) *Comply with Traffic Laws.* Taxicab Drivers must comply with all applicable traffic laws, rules, and regulations. Taxicab Drivers are subject to additional fines and penalties that will be imposed by the Commission for violating the traffic laws as follows:

- (1) Laws, rules or regulations governing stationary vehicles.

§54-13(a)(1)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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- (2) Laws, rules or regulations governing moving vehicles, *other than hazardous moving violations* defined by paragraph (3) of this subdivision.

§54-13(a)(2)	Fine: [\$150] <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:

§54-13(a)(3)	<p>Fine: [\$250] \$300 if <u>plead guilty before a hearing</u>; \$400 if <u>found guilty following a hearing</u>, for each violation below.</p> <p>Points: As listed below.</p>	Appearance NOT REQUIRED
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Section 5. It is proposed to amend section 54-14(e)(1) of Title 35 of the Rules of the City of New York to read as follows:

**§54-14 Operations – Passenger and Driver Safety**

- (e) *Use of Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§54-14(e)(1)	<p>Fine: [\$200] \$250 if <u>plead guilty before a hearing</u>; \$350 if <u>found guilty following a hearing</u>, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.</p> <p>Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.</p>	Appearance NOT REQUIRED
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Section 6. It is proposed to amend subdivisions (d), (f), (g), (l) and (m) of section 54-15 of Title 35 of the Rules of the City of New York to read as follows:



**§54-15 Operations – General Rules During Operation of Vehicle**

(d) *Locking Taxicab Doors.*

- (1) While on duty, a Driver must not lock either of the rear doors except with the consent or at the request of a Passenger or for a reason specified in these rules.
- (2) A Driver is permitted to lock the front doors. However, a Driver must not refuse to transport a party of four, where one person must occupy the front seat, because the front doors are locked.

§54-15(d)	Fine: [\$50-\$250] <u>\$300 if plead guilty before a hearing; \$400 and/or suspension up to 30 days if found guilty following a hearing.</u> Points: 2	Appearance REQUIRED
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(f) *E-ZPass® Rules*

- (1) A Driver must not operate a Taxicab for hire that is not equipped with an *E-ZPass®* tag.
- (2) The Driver must use *E-ZPass®* at all crossings within the jurisdiction of the Metropolitan Transportation Authority, Triboro Bridge and Tunnel Authority, and wherever else *E-ZPass®* is accepted.
- (3) Drivers may use personal *E-ZPass®* tags to meet this requirement.

§54-15(f)(1)-(3)	Fine: [\$50] <u>\$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (g) *Overloading Vehicle.* A Driver must not permit more than four Passengers to ride in a four- Passenger Taxicab, nor more than five Passengers in a five- Passenger Taxicab, except that an additional Passenger must be accepted if the Passenger is under the age of seven (7) and is held on the lap of an adult Passenger seated in the rear.

§54-15(g)	Fine: [ <u>\$50</u> ] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (l) *Courtesy.* A Driver must be courteous to passengers.

§54-15(l)	Fine: [ <u>\$150</u> ] <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>  Points: 2	Appearance NOT REQUIRED
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- (m) *Off Duty Procedures.*

- (1) When the Taxicab is operated for personal use, "Personal Use--Off Duty" must be keyed into T-PEP (or made on the written Trip Record), and the "Off Duty" light must be turned on.

§54-15(m)(1)	Fine: [ <u>\$25</u> ] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 7. It is proposed to amend subdivisions (a) and (d) of sections 54-16 of Title 35 of the Rules of the City of New York to read as follows:

**§54-16 Operations – Comply with Reasonable Passenger Requests**

- (a) *Request for Specific Route.* The Driver must comply with all reasonable and lawful routing requests of the Passenger. Unless a Passenger makes a specific request, a Driver must proceed to the Passenger’s destination by the shortest reasonable route.

§54-16(a)	Fine: [ <u>\$50-\$100.</u> ] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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(d) *[Request to Provide] Passenger Receipt.* A Driver must give a Passenger a receipt for payment of the fare at the end of the trip. The receipt must state the date, time, Medallion number, fare paid, extras and the “311” Commission Complaint telephone number.

§54-16(d)	Fine: [ <del>\$25</del> ] <u>\$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>  Points: 1.	Appearance NOT REQUIRED
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Section 8. It is proposed to amend paragraph (3) of subdivision (e) of section 54-17 of Title 35 of the Rules of the City of New York to read as follows:

**§54-17 Operations – Rates, Charges and Payment**

(e) *Must Accept Credit/Debit Card Payment.*

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(3) If a customer’s effort to pay by debit/credit card at the end of the trip is prevented not by the Taxicab’s T-PEP system, but because the communication network is unable to process debit/credit card payments at that time, the Driver must offer the customer the option of either:

- (i) Paying cash or
- (ii) Having the Taxicab Driver continue to a location where the wireless payment system can communicate with its network.

§54-17(e)(2)-(3)	Fine: [ <del>\$50-\$350 and/or suspension up to 30 days</del> ] <u>\$200 if plead guilty before a hearing; \$300 and/or suspension up to 30 days if found guilty following a hearing.</u>  Points: 1	Appearance NOT REQUIRED
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Section 9. It is proposed to amend paragraph (7) of subdivision (a) and subdivision (b) of section 54-19 of Title 35 of the Rules of the City of New York to read as follows:

**§54-19 Operations – Passenger Solicitation and Engagement**

(a) *Limits on Driver Solicitation of Passengers.*

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(7) A Driver must not solicit or cruise for the purpose of soliciting Passengers:

- (i) At Kennedy, La Guardia or Newark Airports
- (ii) Within 100 feet of any authorized Taxi Stand
- (iii) Within the private streets of Lincoln Center
- (iv) In any area of the City of New York where Taxicab cruising is prohibited

§54-19(a)(7)	Fine: [ <del>\$50</del> ] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>  Points: 1	Appearance NOT REQUIRED
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(b) *Taxi Stands.*

(1) A Driver has the right to take a position at any Taxi Stand having a vacancy, and no other Taxicab Driver may interfere with that right.

§54-19(b)(1)	Fine: \$100 <u>if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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(2) A Driver must not occupy a Taxi Stand in order to repair his Taxicab, except for minor emergency repairs.

§54-19(b)(2)	Fine: [ <del>\$50</del> ] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT
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	<u>hearing.</u>	REQUIRED
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- (3) A Driver must not overcrowd, crash into or back into a front position on a Taxi Stand; a Driver must take the rear position on the line formed at such a stand, unless it is a relief stand that has a vacancy.

§54-19(b)(3)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (4) A Driver must only occupy a Taxi Stand when on duty or for no longer than one hour while on Relief Time or for Personal Use-Off Duty.

§54-19(b)(4)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (5) The Drivers of each of the first two Taxicabs on a Taxi Stand, (other than a Relief Stand), must remain in the driver's seat ready to accept Passengers. Any other Driver on a Taxi Stand must be no more than 15 feet from his or her Taxicab unless he or she is off duty and the required "Off Duty" light or "Relief Time" sign is visibly displayed.

§54-19(b)(5)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (6) Except where expressly forbidden, a Taxicab is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a street where parking is not prohibited, provided the Driver remains seated in his Taxicab, ready for operation at all times.

§54-19(b)(6)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 10. It is proposed to amend section 54-22(b) of Title 35 of the Rules of the City of New York to read as follows:

**§54-22 Vehicle – Operation and Condition**

(b) *Inspection by Driver of Vehicle Condition.* A Driver must not operate a Taxicab without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and Passenger seatbelts and shoulder belts are in good working order.

§54-22(b)	Fine: [\$25] <u>\$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 11. It is proposed to amend subdivisions (a) and (b) of section 54-23 of Title 35 of the Rules of the City of New York to read as follows:

**§54-23 Vehicle – Items Required in the Vehicle.**

(a) *Items Required in Taxicab.* A Driver must not operate a Taxicab unless the Taxicab is equipped or provided with the following:

(1) The Taxicab Technology System (T-PEP) (*or a written Trip Record, when required and permitted*).

§54-23(a)(1)	Fine: [\$30] <u>\$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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(2) The Taxicab Driver's License in the appropriate frame.

§54-23(a)(2)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>  Points: 2	Appearance NOT REQUIRED
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- (3) The Rate Card assigned to the Taxicab, beside the frame containing the Taxicab Driver's License.

§54-23(a)(3)	Fine: \$50 <u>if plead guilty before a hearing;</u> \$100 <u>if found guilty following a hearing.</u>  Points: 1	Appearance NOT REQUIRED
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- (4) A New York City five (5) borough indexed street map.

§54-23(a)(4)	Fine: \$25 <u>if plead guilty before a hearing;</u> \$50 <u>if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (5) Receipts for Passengers.

§54-23(a)(5)	Fine: \$25 <u>if plead guilty before a hearing;</u> \$50 <u>if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (b) *Clear View for Passengers.*

- (1) A Driver must not block a Passenger's view of the Taximeter, his or her Driver's License, or the Rate Card.

§54-23(b)(1)	Fine: [ <del>\$50</del> ] \$100 <u>if plead guilty before a hearing;</u> \$150 <u>if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 12. It is proposed to amend section 54-26(b) of Title 35 of the Rules of the City of New York to read as follows:

**§54-26 Vehicle Equipment – Taximeters**

- (b) *Taximeter Operation.*

- (1) *Setting Taximeter to Record.* As soon as a Passenger enters the Taxicab, the Driver must immediately place the Taximeter in the recording or

“Hired” position and must keep it in that position until arrival at the destination.

§54-26(b)(1)	Fine: [\$100] <u>\$200</u>  Points: 1	Appearance NOT REQUIRED
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Section 13. It is proposed to amend subdivisions (a) and (b) of section 55-10 of Title 35 of the Rules of the City of New York and to add a new subdivision (d), to read as follows:

**§55-10 Licensing – Care and Use of License**

- (a) *Loss or Theft of License.* A Driver, within [24] 72 hours (not counting holidays and weekends), must notify the Commission of the loss or theft of his or her For-Hire Driver’s License.

§55-10(a)	Fine: [\$25] <u>\$50</u>	Appearance NOT REQUIRED
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- (b) *Unreadable License.* A Driver must immediately surrender any unreadable or unrecognizable For-Hire Driver's License to the Commission.

§55-10(b)	Fine: [\$25] <u>\$50</u>  <u>Points: 1</u>	Appearance NOT REQUIRED
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- (d) *Keep Likeness Updated.* Whenever a Driver’s physical appearance has changed to any significant extent, the Driver must contact the Commission and arrange to have a new photograph of him- or herself taken at the Commission offices.



<u>§55-10(d)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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Section 14. It is proposed to amend section 55-11(b) of Title 35 of the Rules of the City of New York to read as follows:

**§55-11 Comply with Laws – Unlicensed Activity Prohibited**

(b) *Driver Must Have a Valid Chauffeur’s License.*

(1) A Driver must not operate a For-Hire Vehicle without a valid Chauffeur’s License.

<u>§55-11(b)(1)</u>	Fine: [\$100 - \$350 and/or suspension up to 30 days;] <u>\$400 and</u> Summary Suspension until compliance  <u>Points: 2</u>	Appearance <u>NOT REQUIRED</u>
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(2) A Driver will immediately surrender his or her For-Hire Driver’s License to the Commission upon the restriction, suspension or revocation of his Chauffeur's License.

<u>§55-11(b)(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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Section 15. It is proposed to amend paragraph (3) of subdivision (a), subdivision (h), paragraphs (1) and (2) of subdivision (i), and subdivisions (j) and (k) of section 55-12 of Title 35 of the Rules of the City of New York to read as follows:

**§55-12 Comply with Laws – Proper Conduct**

(a) *Bribery.*

\* \* \*

- (3) *Failure to Report Bribery.* A Licensee must immediately report to the Commission 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.

§55-12(a)(3)	Fine: \$1,000 [up to] <u>and/or suspension up to 30 days or revocation</u> Points: [6] <u>3</u>	Appearance REQUIRED
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(h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission in writing within 15 calendar days after any felony conviction of the Licensee.

§55-12(h)(1)	Fine: [\$50] <u>\$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.</u> Points: [2] <u>3</u>	Appearance NOT REQUIRED
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(i) *Cooperate with the Commission.*

- (1) A Driver must truthfully answer all questions and comply as directed with all communications, directives, and summonses from the Commission or its representatives.

- (2) Within 10 days following a request from the Commission, a Driver must produce any License or other document the Driver is required to have or be reasonably able to obtain.

§55-12(i)(1)&(2)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance <b>REQUIRED</b>
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(j) *Cooperate with Law Enforcement.*

- (1) A Licensee must cooperate with all law enforcement officers and authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, providing his or her name, License number and any other document that is required to be in the Driver's possession.

§55-12(j)	Fine: [\$15-\$150] <u>\$300 if plead guilty before a hearing; \$400 if found guilty following a hearing.</u>  Points: 2	Appearance <u>NOT</u> <b>REQUIRED</b>
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(k) *Courtesy.* A Licensee will be courteous to Passengers.

§55-12(k)	Fine: [\$150] <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance <b>NOT</b> <b>REQUIRED</b>
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Section 16. It is proposed to amend section 55-13(a) of Title 35 of the Rules of the City of New York to read as follows:

**§55-13 Comply with Laws – Traffic Laws**

- (a) *Compliance with Traffic Laws.* A For-Hire Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose the following fines and penalties in addition to any fines and penalties imposed by the underlying law:

- (1) Laws, rules or regulations governing stationary vehicles.

§55-13(a)(1)	Fine: [\$50] \$100 if <u>plead guilty before a hearing</u> ; \$200 if found guilty following a <u>hearing</u> .	Appearance NOT REQUIRED
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- (2) Laws, rules or regulations governing moving vehicles, *other than hazardous moving violations* defined by paragraph (3) of this subdivision.

§55-13(a)(2)	Fine: [\$150] \$200 if <u>plead guilty before a hearing</u> ; \$300 if found guilty following a <u>hearing</u> .	Appearance NOT REQUIRED
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- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations defined as follows:

§55-13(a)(3)	Fine: [\$250] \$300 if <u>plead guilty before a hearing</u> ; \$400 if found guilty following a <u>hearing</u> .  Points: As listed below	Appearance NOT REQUIRED
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Rule	VIOLATION	Points
§ 55-13(a)(3)(i)	1. SPEEDING	
	1 to 10 miles above posted speed limit	3
	11 to 20 miles above posted speed limit	4

	21 to 30 miles above posted speed limit	5
	31 to 40 miles above posted speed limit	6
	41 or more miles above speed limit	8
§ 55-13(a)(3) (ii)	2. Failing to stop for school bus	5
§ 55-13(a)(3) (iii)	3. Following too closely	4
§ 55-13(a)(3) (iv)	4. Inadequate brakes (own vehicle)	4
§ 55-13(a)(3) (v)	5. Inadequate brakes (employer's vehicle)	2
§ 55-13(a)(3) (vi)	6. Failing to yield right of way	3
§ 55-13(a)(3) (vii)	7. Traffic signal violation	3
§ 55-13(a)(3) (viii)	8. Stop sign violation	3
§ 55-13(a)(3) (ix)	9. Yield sign violation	3
§ 55-13(a)(3) (x)	10. Railroad crossing violation	3
§ 55-13(a)(3) (xi)	11. Improper passing	3
§ 55-13(a)(3) (xii)	12. Unsafe lane change	3
§ 55-13(a)(3) (xiii)	13. Driving left of center	3
§ 55-13(a)(3) (xiv)	14. Driving in wrong direction	3
§ 55-13(a)(3) (xv)	15. Leaving scene of an accident involving property damage or injury to animal	3

Section 17. It is proposed to amend section 55-14(g) of Title 35 of the Rules of the City of New York to read as follows:

**§55-14 Operations – Passenger and Driver Safety**

(g) Use of an Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

<p>§55-14(g)(1)</p>	<p>Fine: [\$200] <u>\$250 if plead guilty before a hearing; \$350 if found guilty following a hearing</u>, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.</p> <p>Points: 3 for the first offense and for the second offense in any 15-month period; 4 for third offense in any 15-month period.</p>	<p>Appearance NOT REQUIRED</p>
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Section 18. It is proposed to amend section 55-23(a) of Title 35 of the Rules of the City of New York to read as follows:

**§55-23 Vehicle – Items Required to be in the Vehicle During Operation**

(a) *Licenses and Certificates.* A Driver must not operate a For-Hire Vehicle without the following:

- (1) 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; and
  - (ii) The insurance card or a legible copy of it.
- (2) In a protective holder attached to the back of the driver’s seat in the Vehicle:
  - (i) The For-Hire Vehicle Driver’s license of the Driver; and

- (ii) The For-Hire Vehicle License.
- (3) Exception for Black Cars and Luxury Limousines.
- (i) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver's seat to display:
    - A. The For-Hire Vehicle Driver's License; and
    - B. The For-Hire Vehicle License.
  - (ii) Those items must, however, be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

§55-23(a)(1)-(3)	Fine: [\$50 for each violation of this rule; however, no fine for a violation of this rule will exceed \$100] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>  Points: 2	Appearance <u>NOT</u> REQUIRED
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Section 19. It is proposed to amend subdivisions (c), (d) and (e) of section 56-10 of Title 35 of the Rules of the City of New York to read as follows:

**§56-10 Licensing -- Care of License**

- (c) *Loss or Theft of License.* A Driver must notify the Commission in writing of the loss, theft or mutilation of his Paratransit Driver's License within 72 hours of that loss (not counting weekends and holidays). A Driver must report in person to apply for a replacement Paratransit Driver's License and must be re-photographed.

§56-10(c)	Fine: [\$25] <u>\$50</u>	Appearance <u>NOT</u> REQUIRED
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- (d) *Unreadable License.*

- (2) A Driver must immediately surrender any unreadable, unrecognizable, or mutilated Paratransit Driver's License to the Commission.

§56-10(d)(2)	Fine: [\$25] <u>\$50</u>	Appearance <u>NOT REQUIRED</u>
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- (e) *Keep Photo Updated.* A Driver must come to the Commission to be re-photographed whenever his or her physical appearance has changed.

§56-10(e)	Fine: [\$25] <u>\$50</u>	Appearance <u>NOT REQUIRED</u>
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Section 20. It is proposed to amend subdivisions (b), (c) and (d) of section 56-11 of Title 35 of the Rules of the City of New York to read as follows:

**§56-11 Comply with Laws -- Unlicensed Activity Prohibited**

- (b) *Driver Must be Licensed.* A driver of a New York City Paratransit Vehicle for hire must be licensed as a Paratransit Driver by the Commission.

§56-11(b)	Fine: [\$100 – 1 <sup>st</sup> Offense \$250 – 2 <sup>nd</sup> Offense \$350 – 3 <sup>rd</sup> Offense \$500 – 4 or more offenses within 12 months] <u>\$400 and Summary Suspension until compliance.</u>	Appearance <u>NOT REQUIRED</u>
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- (c) *Driver Must Have Valid Chauffeur's License.* A Driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Chauffeur's License.

§56-11(c)	Fine: [\$100-\$250 and/or suspension up to 30 days unless exempted by the Commission; summary suspension until compliance] <u>\$400 and Summary Suspension until compliance.</u>	Appearance <u>NOT REQUIRED</u>
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- (d) *Driver Must Possess Valid Paratransit License.*



- (1) A driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Paratransit Driver's License.

§56-11(d)(1)	Fine: [ <del>\$100</del> ] <del>\$400</del> and <u>Summary Suspension until compliance.</u>	Appearance <u>NOT REQUIRED</u>
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Section 21. It is proposed to amend section 56-12 of Title 35 of the Rules of the City of New York to read as follows:

**§56-12 Comply with Laws – Proper Conduct**

- (a) *No Bribery.* An Applicant or Driver (or anyone representing the Driver) must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§56-12(a)	Fine: [ <del>\$1,000</del> ] <del>\$10,000</del> [up to] <u>and</u> revocation	Appearance REQUIRED
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- (b) *Report Request for Bribe.* A Driver must immediately report to the Commission any request or demand for a gift, gratuity or thing of value from him or his representative by any employee, representative or member of the Commission or any other public servant.

§56-12(b)	Fine: \$1,000 [up to] <u>and/or suspension up to 30 days or revocation</u>	Appearance REQUIRED
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- (c) *No Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§56-12(c)	Fine: [ <del>\$25-\$350</del> and/or suspension up to 30 days] <del>\$350-\$1,000</del> and/or <u>suspension up to 60 days or revocation</u>	Appearance REQUIRED
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- (d) *No Willful Acts of Omission.* While performing the duties and responsibilities of a 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.

§56-12(d)	Fine: [\$25-\$350] <u>\$150-\$350</u> and/or suspension up to 30 days or revocation	Appearance REQUIRED
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- (e) *No Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with any other, any act that is against the best interests of the public although not specifically mentioned in these rules.

§56-12(e)	Fine: [\$25-\$350] <u>\$150-\$350</u> and/or suspension up to 30 days or revocation	Appearance REQUIRED
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- (f) *Notify of Criminal Conviction.*

- (1) A Driver must notify the Commission within 15 calendar days after the Driver is convicted of any crime.
- (2) The Driver must deliver to the Commission a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction, within 15 days of sentencing.

§56-12(f)	Fine: [\$25-\$150] <u>\$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.</u>	Appearance <u>NOT REQUIRED</u>
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- (g) *Cooperate with the Commission.*

- (1) A Driver must answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.
- (2) A Driver must produce any licenses, Trip Records, or other documents required by the Commission.

§56-12(g)(1)(2)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance REQUIRED
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- (h) *Cooperate with Law Enforcement.* A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Driver's name, License number, and any documents Driver is required to have in his or her possession.

§56-12(h)	Fine: [ \$15-\$150] <u>\$300 if plead guilty before a hearing; \$400 if found guilty</u>	Appearance <u>NOT REQUIRED</u>
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	<u>following a hearing.</u>	
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(i) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Driver must not threaten, harass, or abuse any person or distract or attempt to distract any Service Animal.

§56-12(i)	Fine: [\$50-\$350] <u>\$350-\$1,000</u> and/or suspension up to 30 days	Appearance REQUIRED
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(j) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee, a Driver must not use or attempt to use any physical force against a person or Service Animal.

§56-12(j)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$500-\$1,500 and/or suspension up to 60 days or revocation.</u>	Appearance REQUIRED
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Section 22. It is proposed to amend section 56-13(a) of Title 35 of the Rules of the City of New York to read as follows:

**§56-13 Comply with laws – Miscellaneous**

(a) *Traffic Laws.* [A Driver must operate his or her Paratransit Vehicle in full compliance with:

- (1) All New York State and City traffic laws, rules and regulations;
- (2) All applicable New York and New Jersey Port Authority and Triboro Bridge and Tunnel Authority rules and regulations;
- (3) The rules and regulations of any other regulatory body or government agency having jurisdiction over motor vehicles.]

[§56-13(a)]	[Fine: \$25-\$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.]	[Appearance REQUIRED]
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A Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose fines and penalties in addition to any fines and penalties imposed by the underlying law as follows:

(1) Laws, rules or regulations governing stationary vehicles.

<u>§56-13(a)(1)</u>	<u>Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(2) Laws, rules or regulations governing moving vehicles, *other than hazardous moving violations* defined by paragraph (3) of this subdivision.

<u>§56-13(a)(2)</u>	<u>Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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(4) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:

- speeding;
- failing to stop for school bus;
- following too closely (tailgating);
- inadequate brakes, either your own vehicle or your employer's vehicle;
- failing to yield right of way;
- traffic signal violation;
- stop sign violation;
- yield sign violation;
- railroad crossing violation;
- improper passing;
- unsafe lane change;
- driving left of center;
- driving in wrong direction; and,
- leaving scene of an accident involving property damage or injury to animal.

<u>§56-13(a)(3)</u>	<u>Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing, for each violation below.</u>	<u>Appearance NOT REQUIRED</u>
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Section 23. It is proposed to amend subdivisions (a), (b) and (i) of section 56-14 of Title 35 of the Rules of the City of New York to read as follows:

**§56-14 Operations – Passenger and Driver Safety**

- (a) [*Safe Driving*. A Driver must not operate a Vehicle unless it is in safe operating condition, and it meets and is operated under all the requirements of New York State and New York City vehicle and traffic laws, and all Commission requirements under these rules.] **RESERVED.**

[§56-14(a)]	[Fine: \$50-\$150.]	[Appearance <u>NOT</u> REQUIRED]
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- (b) *Reckless Driving Rule*. A [Paratransit Driver] must not operate [his or her vehicle] a Paratransit Vehicle in a manner or speed that unreasonably endangers [others or their property] users of other vehicles, pedestrians, or the Passengers.

§56-14(b)	Fine: [\$25-\$250] <u>\$350-\$1,000</u> and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within [a 12-month] <u>an 18-month</u> period.	Appearance REQUIRED
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- (i) *Use of an Electronic Communication Device*.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§56-14(i)(1)	Fine: [\$200] <u>\$250 if plead guilty before a hearing; \$350 if found guilty following a hearing</u> , and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.	Appearance NOT REQUIRED
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Section 24. It is proposed to amend section 56-15(q) of Title 35 of the Rules of the City of New York to read as follows:

**§56-15 Operations -- General Rules During Operation of Vehicle**

- (q) *Courtesy.* A Driver must be courteous to passengers.

§56-15(q)	Fine: [\$25.] \$200 if <u>plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 25. It is proposed to amend Title 35 of the Rules of the City of New York by adding a new section 57-10, to read as follows:

**§57-10 [RESERVED] Care of Licenses**

- (a) *Loss or Theft of License.* A Driver, within 72 hours (not counting holidays and weekends), must notify the Commission of the loss or theft of his Commuter Van Driver's License.

<u>§57-10(a)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (b) *Unreadable License.* A Driver must immediately surrender any unreadable or unrecognizable Commuter Van Driver's License to the Commission.

<u>§57-10(b)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (c) *No Alteration.* A Driver must not alter in any way any portion of his Commuter Van Driver's License or the attached photograph.

<u>§57-10(c)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (d) Keep Likeness Updated. Whenever a Driver’s physical appearance has changed to any significant extent, the Driver must contact the Commission and arrange to have a new photograph of him- or herself taken at the Commission offices.

§57-10(d)	Fine: \$50	Appearance NOT <u>REQUIRED</u>
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Section 26. It is proposed to amend subdivisions (a), (b) and (c) of section 57-11 of Title 35 of the Rules of the City of New York to read as follows:

**§57-11 Comply with Laws – Unlicensed Activity Prohibited**

- (a) *Driver Must Be Licensed.* A person must not operate a for-hire Commuter Van without having a Valid Commuter Van Driver’s License.

§57-11(a)	Fine: [ <del>\$300</del> ] <u>\$400 and Summary Suspension until compliance.</u>	Appearance NOT REQUIRED
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- (b) *Driver Must Have a Valid Chauffeur’s License.* A driver must not operate a Commuter Van unless he or she possesses a Valid Chauffeur’s License.

§57-11(b)	Fine: [ <del>\$300</del> ] <u>\$400 and Summary Suspension until compliance.</u>	Appearance NOT REQUIRED
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- (c) *Driver Must Be in Compliance with Article 19-A.* A Commuter Van Driver must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a Commuter Van in noncompliance with Article 19-A is considered to be the same as if the individual were driving a Commuter Van without a Valid Commuter Van License.

§57-11(c)	Fine: [ <del>\$300</del> ] <u>\$400 and Summary Suspension until compliance.</u>	Appearance NOT REQUIRED
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Section 27. It is proposed to amend section 57-12 of Title 35 of the Rules of the City of New York to read as follows:

**§57-12 Comply with Laws – Proper Conduct**

(a) *No Bribery.*

(1) *Must Not Offer Bribe.*

- (i) A Driver or any person acting as his representative must not offer or give any gift, gratuity or thing of value to any member, employee, or representative of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
- (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§57-12(a)(1)	Fine: [\$1,000 and/or suspension or revocation] <u>\$10,000 and revocation.</u>	Appearance before OATH REQUIRED
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(2) *Report Request for Bribe.*

- (i) A Commuter Van Driver must immediately report to the Commission and to the New York City 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 public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
- (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§57-12(a)(2)	Fine: \$1,000 and/or suspension <u>up to 30 days</u> or revocation	Appearance before OATH REQUIRED
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(b) *No Fraud, Misrepresentation.* While performing the duties and responsibilities of a Driver, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§57-12(b)	Fine: [Refusal to renew or revocation] <u>\$350-1,000 and/or suspension up to 60</u>	<u>Appearance REQUIRED</u>
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	<u>days or revocation.</u>	
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- (c) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Driver or any act in connection with those duties, a Driver must not use or attempt to use any physical force against any person nor harm or distract any Service Animal.

§57-12(c)	Fine: [\$50-\$350 and/or suspension or revocation] <u>\$500-\$1,500 and or suspension up to 60 days or revocation.</u>	Appearance <b>REQUIRED</b>
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- (d) *Report Criminal Conviction.*

A Driver must notify the Commission within five calendar days after any criminal conviction of the Driver.

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.

§57-12(d)	Fine: [\$50-\$250 and/or suspension or revocation] <u>\$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.</u>	Appearance <b>NOT REQUIRED</b>
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- (e) *Cooperate with Law Enforcement and the Commission.* Commuter Van Drivers must:

- (1) Answer all questions truthfully and comply as directed with all communications, directives and summonses from the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to Commuter Vans;

§57-12(e)(1)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance <b>REQUIRED</b>
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- (2) Produce any documents required by this section to be kept in the Commuter Van upon the demand of any authorized person or entity; and

§57-12(e)(2)	Fine: [ \$50] \$300 if <u>plead guilty before a hearing; \$400 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (3) Produce any document required by this chapter to be kept by no later than 10 days following a request from the Commission.

§57-12(e)(3)	Fine: [ <u>\$75-\$350 and/or suspension</u> ] \$300 and <u>Summary Suspension</u> until compliance	Appearance REQUIRED
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*[Reserved.]* (f) No Willful Acts of Omission. While performing the duties and responsibilities of a 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.

§57-12(f)	Fine: \$150-\$350 and/or suspension up to 30 days or revocation.	Appearance REQUIRED
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*[Reserved.]* (g) No Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a 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.

§57-12(g)	Fine: \$150-\$350 and/or suspension up to 30 days or revocation.	Appearance REQUIRED
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- (h) *Courtesy.* A Licensee will be courteous to Passengers.

§57-12(h)	Fine: [ \$25] \$200 if <u>plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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(i) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person, and must not distract or attempt to distract any Service Animal.

§57-12(i)	Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation.	Appearance <u>REQUIRED</u>
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Section 28. It is proposed to amend section 57-13(c) of Title 35 of the Rules of the City of New York to read as follows:

**§57-13 Comply with Laws – Traffic Laws & Miscellaneous**

(c) Compliance with Traffic Laws. A Commuter Van Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose fines and penalties in addition to any fines and penalties imposed by the underlying law as follows:[.]

(1) Laws, rules or regulations governing stationary vehicles.

§57-13(c)(1)	Fine: [\$25-250 and/or suspension up to 30 days. If Driver is found guilty of having violated this rule more than 3 times in a 12 month period, the Commuter Van Driver’s License will be revoked.] <u>\$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	Appearance <u>NOT REQUIRED</u>
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(2) Laws, rules or regulations governing moving vehicles, other than hazardous moving violations defined by paragraph (3) of this subdivision.

§57-13(c)(2)	Fine: <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance <u>NOT REQUIRED</u>
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- (4) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:
- speeding;
  - failing to stop for school bus;
  - following too closely (tailgating);
  - inadequate brakes, either your own vehicle or your employer’s vehicle;
  - failing to yield right of way; traffic signal violation; stop sign violation;
  - yield sign violation; railroad crossing violation; improper passing;
  - unsafe lane change; driving left of center; driving in wrong direction; and,
  - leaving scene of an accident involving property damage or injury to animal.

<u>§57-13(c)(3)</u>	<u>Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing, for each violation below.</u>	<u>Appearance NOT REQUIRED</u>
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Section 29. It is proposed to amend section 57-14 of Title 35 of the Rules of the City of New York to read as follows:

**§57-14 Operations – Passenger and Driver Safety**

(a) *[Safe Driving Behavior.*

- (1) Applicants must maintain safe and lawful driving behavior.
- (2) The Commission will not issue or renew a Commuter Van Driver’s License if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of such License.]

Reckless Driving Rule. A Driver must not operate a Commuter Van in a manner or at a speed that unreasonably endangers users of other vehicles, pedestrians, or the Passengers.

<u>§57-14(a)</u>	<u>Fine: \$350-\$1,000 and/or suspension up to 30 days, or revocation if Driver is found guilty of having violated this rule more</u>	<u>Appearance REQUIRED</u>
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	<u>than three times within an 18-month period</u>	
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(b) Use of an Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§57-14(b)(1)	Fine: [ <del>\$200</del> ] <u>\$250 if plead guilty before a hearing; \$350 if found guilty following a hearing</u> , and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.	Appearance NOT REQUIRED
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Section 30. It is proposed to amend section 58-06(c) of Title 35 of the Rules of the City of New York to read as follows:

**§58-06      Licensing – Term of License**

(c) Filing for Renewal.

(1) Unless the time to renew the License has been extended by the Chairman, a renewal application must be filed no later than April 30<sup>th</sup> of each year in which a License is scheduled to expire.

(2) It is the Owner’s responsibility to obtain a renewal application in order to comply with the filing deadline.

§58-06(c)	Fine: [ <del>\$50-\$350</del> ] <u>\$300</u> and/or suspension up to 30 days	Appearance REQUIRED
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Section 31. It is proposed to amend subdivisions (a) and (e) of section 58-11 of Title 35 of the Rules of the City of New York to read as follows:

**§58-11 Licensing – Care of Medallion License & Rate Card**

- (a) *Do Not Alter Rate Card.* An Owner must not change, mark, cross out or make any unauthorized entries on a Taxicab’s Rate Card, or display a Rate Card that contains wrong information.

§58-11(a)	Fine: [\$100] <u>\$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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\* \* \*

- (e) *Surrender Medallion and Rate Card.* An Owner must surrender Owner’s Medallion and Rate Card to the Commission:

- (1) Within 48 hours of notice that Owner’s Taxicab License has been suspended or revoked
- (2) Prior to the sale of Owner’s Taxicab
- (3) Prior to removal of Owner’s Taxicab from service for a period of 30 or more consecutive days

§58-11(e)	Fine: [\$100] <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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Section 32. It is proposed to amend subdivisions (a) and (d) of section 58-12 of Title 35 of the Rules of the City of New York to read as follows:

**§58-12 Compliance with Law – No Unlicensed Activity**

- (a) *No Unlicensed Taxicabs.* An Owner must ensure that all of Owner’s Taxicabs in operation for hire are Validly licensed by the Commission and have a Valid Medallion attached to the vehicle.

§58-12(a)	Fine: [\$50-\$350] <u>\$300</u> and/or suspension up to 30 days	Appearance REQUIRED
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\* \* \*

- (d) *No Unlicensed Drivers.*

- (1) No Taxicab can be operated for hire unless the driver has in his or her possession a Valid Taxicab Driver’s License.

§58-12(d)(1)	Fine: [\$100-\$350] <u>\$400</u> and/or suspension up to 30 days	Appearance REQUIRED
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- (2) *Exceptions.* An Owner can permit a person who does not possess a Taxicab Driver’s License to drive the vehicle only when all of the following limited circumstances are met:

- (i) The vehicle is being driven to or from the Commission’s centralized Taxicab inspection facility or a repair facility;
- (ii) The off-duty light is illuminated;
- (iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is “Off-Duty” and why;
- (iv) The rear doors are locked;
- (v) The person driving the vehicle is licensed to drive a motor vehicle;
- (vi) The person driving the vehicle is not a person whose Taxicab Driver’s License is suspended or revoked.

§58-12(d)(2)	Fine: [\$100-\$350] <u>\$400</u> and/or suspension	Appearance REQUIRED
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	up to 30 days	
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Section 33. It is proposed to amend paragraph (3) of subdivision (a) and subdivisions (c), (d) and (i) of section 58-15 of Title 35 of the Rules of the City of New York to read as follows:

**§58-15 Compliance with Law – Personal Conduct**

(a) *Bribery.*

\* \* \*

(3) *Failure to Report Bribery.* An Owner 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 group-ride taxi line.

§58-15(a)(3)	Fine: [ <del>\$100</del> ] <u>\$1,000 and/or suspension up to 30 days or revocation.</u>	Appearance [NOT] REQUIRED
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\* \* \*

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

§58-15(c)	Fine: \$150-\$350 and/or <u>Suspension up to 30 days or revocation.</u>	Appearance REQUIRED
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(d) *Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, an Owner 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.



§58-15(d)	Fine: \$150-\$350 and/or Suspension up to 30 days or revocation.	Appearance REQUIRED
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\* \* \*

(i) *Cooperate with the Commission*

- (1) An Owner 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.

§58-15(i)(1)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance REQUIRED
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Section 34. It is proposed to amend section 58-16(a) of Title 35 of the Rules of the City of New York to read as follows:

**§58-16 Compliance with Law – Miscellaneous**

- (a) *Compliance with Commission Rules and Regulations, Generally.* An Owner must comply with the Commission’s Taxicab specifications, the Marking Specifications for Taxicabs, all pertinent provisions of the Administrative Code and other laws, rules or regulations governing Taxicab Owners.

§58-16(a)	Fine: [\$50] <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 35. It is proposed to amend section 58-20(c) of Title 35 of the Rules of the City of New York to read as follows:

**§58-20 Operations – Responsibilities with Respect to Drivers**

- (c) *Wheelchair Passenger Assistance Training.*

- (1) *Training Must be Approved by Commission.* The Owner of an Accessible Taxicab must make sure each Driver of such Accessible Taxicab has attended a Commission-approved training course regarding Wheelchair Passenger assistance.
- (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
  - (iv) Sensitivity awareness, including customer service and conflict resolution policies.
- (3) *Vehicle Owner Must Pay for Training.* The Accessible Taxicab Owner is responsible for paying any fees required to train each of Owner's Drivers.
- (4) *Vehicle Owner Responsibility.* The Accessible Taxicab Owner must ensure that each of Owner's Accessible Taxicabs is driven only by a Driver who has completed the Wheelchair Passenger assistance training provided for in this section.

§58-20(c)	Fine: [ <del>\$50</del> ] <u>\$100 if plead guilty before a hearing;</u> <u>\$150 if found guilty following a hearing.</u>	Appearance NOT Required
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Section 36. It is proposed to amend section 58-30(a) of Title 35 of the Rules of the City of New York to read as follows:

**§58-30 Vehicle Condition – Meet Safety Standards**

- (a) While a taxicab 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.

§58-30(a)	Fine: [ <del>\$100.</del> ] <u>\$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	Appearance [N/A] <u>NOT REQUIRED</u>
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Section 37. It is proposed to amend subdivisions (a) and (f) of section 58-31 of Title 35 of the Rules of the City of New York to read as follows:

**§58-31 Vehicle Condition – Miscellaneous**

- (a) *Clean.* The Taxicab’s exterior and interior must be clean.

§58-31(a)	Fine: [ <del>\$25</del> ] <u>\$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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\* \* \*

- (f) *Medallion Number on Roof Light.* The Medallion number on the front and rear of the roof light must be clean and unobstructed so that the Medallion number is plainly visible.

§58-31(f)	Fine: <u>\$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 38. It is proposed to amend section 58-32(c) of Title 35 of the Rules of the City of New York to read as follows:

## §58-32 Vehicle – Markings & Advertising

(c) *Other Approved Markings.* An Owner must not display any lettering, emblem, advertising or marking of any kind on the exterior of a Taxicab, including windows and exterior accessories, unless authorized by the Commission, 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 Owner has obtained a permit from the Commission
- (3) *Accessible Taxicab Insignia*
  - (i) The design for insignia that will identify the vehicle as an Accessible Taxicab will be provided by the Commission on its website or through other means presented on its website.
  - (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 Taxicab, and will be visible to passengers entering the accessible Taxicab.
- (4) *Clean Air Taxicab Insignia.*
  - (i) The design for insignia that will identify the vehicle as a Clean Air Vehicle will be provided by the Commission on its website or through other means presented on its website.
  - (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 Taxicab, and will be visible to passengers entering the clean air Taxicab.

§58-32(c)	Fine: [ <del>\$25</del> ] <u>\$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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Section 39. It is proposed to amend section 58-34(d) of Title 35 of the Rules of the City of New York to read as follows:

**§58-34 Vehicle Equipment**

- (d) *Trouble Lights.* An Owner must equip all Taxicabs with a help or distress signaling light system meeting the requirements of §67-11.

§58-34(d)	Fine: [ <del>\$100</del> ] <u>\$175</u> and suspension until the condition is corrected. <u>Respondent must provide a condition corrected form issued by the TLC’s Safety and Emissions Division.</u>	Appearance <u>NOT</u> REQUIRED
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Section 40. It is proposed to amend section 58-36(a) of Title 35 of the Rules of the City of New York to read as follows:

**§58-36 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 Taxicab must be equipped with an IVCS that meets the specifications of §67-12; the system must be installed and maintained by the manufacturer’s authorized installer or a Taximeter Business that meets the requirements of §67-12 of these Rules; and the IVCS must be functioning and maintained in good working order.

§58-36(a)	Fine: [ <del>\$50</del> ] <u>\$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and</u>	Appearance <u>NOT</u> REQUIRED
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	<u>Emissions Division; \$450 if found guilty following a hearing. Summary Suspension until the condition is corrected.</u>	
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Section 41. It is proposed to amend paragraph (3) of subdivision (e) of section 58-39 of Title 35 of the Rules of the City of New York to read as follows:

**§58-39 Vehicle Equipment – Taximeter Tampering**

(e) *Inspections by Authorized Person.*

(3) These two inspections 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.

§58-39(e) (3)(i)	Fine: [\$100] <u>\$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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Section 42. It is proposed to amend section 58-41(a) of Title 35 of the Rules of the City of New York to read as follows:

**§58-41 Vehicle Equipment – Taxicab Technology System (T-PEP) Operation**

(a) *Good Working Order.* Owners must ensure that the Taxicab Technology System equipment is constantly maintained, is in good working order, and that each of the four core services functions properly.

§58-41(a)	Fine: [\$250 and suspension until compliance] <u>\$150 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and</u>	Appearance <u>NOT</u> REQUIRED
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	<u>Emissions Division; \$200 if found guilty following a hearing. Summary Suspension until the condition is corrected.</u>	
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Section 43. It is proposed to amend subdivisions (d) and (e) of section 59A-11) of Title 35 of the Rules of the City of New York to read as follows:

**§59A-11 Compliance with Law – No Unlicensed Activity**

(d) *Validity of For-Hire Vehicle License Requires Valid State Registration.*

- (1) A For-Hire Vehicle License will be Valid only while the state registration of the Vehicle remains Valid.
- (2) A For-Hire Vehicle Owner must immediately surrender his For-Hire Vehicle License to the Commission upon the expiration, restriction, suspension, or revocation of the Vehicle’s state registration.

§59A-11(d)	Fine: [\$100-\$350 and/or suspension up to 30 days; summary suspension until compliance] <u>\$400 and Summary Suspension until compliance.</u>	Appearance REQUIRED
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(e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner must not dispatch or permit another person to dispatch Owner’s Vehicle unless:

- (1) It is affiliated with a Validly Licensed Base
- (2) The base dispatching the Vehicle is Validly Licensed
- (3) The Vehicle is being dispatched *from* its affiliated Base, unless:
  - (i) The Vehicle is an Accessible Vehicle being dispatched to transport a Person with a Disability, or
  - (ii) The Base informs the customer that the Vehicle is from another Base.

§59A-11(e)	Fine: [\$150 plus penalties applicable for unlicensed operation] <u>\$400</u>	Appearance NOT REQUIRED
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Section 44. It is proposed to amend section 59A-13(j) of Title 35 of the Rules of the City of New York to read as follows:

**§59A-13 Compliance with Law – Personal Conduct**

(j) *Cooperation with the Commission.* A Licensee must comply with the following required actions:

- (1) Answer truthfully all questions and comply as directed with all communications, directives, and summonses from the Commission or its representatives.
- (2) Within ten days following a request from the Commission, produce any Licenses or other documents the Licensee is required to have.

§59A-13(j)(1)&(2)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension until compliance</u>	Appearance REQUIRED
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Section 45. It is proposed to amend section 59A-27(e) of Title 35 of the Rules of the City of New York to read as follows:

**§59A-27 Vehicles – Meets Safety Standards**

(e) *Daily Personal Inspection by Owner.* A For-Hire Vehicle Owner must not permit a For-Hire Vehicle to be operated without daily personal inspection and reasonable determination that all 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.

§59A-27(e)	Fine: [\$25 – 250] <u>\$150 if plead guilty before a hearing; \$200 if found guilty</u>	Appearance <u>NOT</u> REQUIRED
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	<u>following a hearing.</u>	
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Section 46. It is proposed to amend section 59A-28(b) of Title 35 of the Rules of the City of New York to read as follows:

**§59A-28 Vehicles –Miscellaneous Requirements and Vehicle Retirement**

(b) *Proper Vehicle Identification Required.*

- (1) *License Plate Number Matches.* The license plate number on the motor vehicle tax stamp, on the state registration certificate, and on the Commission Decals must match each other and must match the number on the license plates applied to the Vehicle.

§59A-28(b)(1)	Fine: [\$100] <u>\$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 47. It is proposed to amend paragraph (4) of subdivision (a) of section 59A-30 of Title 35 of the Rules of the City of New York to read as follows:

**§59A-30 Vehicles – Items Required to be in Vehicle**

(a) *Required Items.* Each For-Hire Vehicle must have:

\* \* \*

(4) *Livery Passengers’ Bill of Rights.*

- (i) Every Livery Vehicle Owner must post a Livery Passengers’ Bill of Rights in a form and format prescribed by the Commission.
- (ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.
- (iii) The Livery Passengers’ Bill of Rights must be placed in a protective holder attached to the back of the front Passenger’s seat.

§59A-30(a)(4)	Fine: \$100 <u>if plead guilty</u>	Appearance	NOT
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	<u>before a hearing; \$150 if found guilty following a hearing.</u>	REQUIRED
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Section 48. It is proposed to amend section 59A-31(d) of Title 35 of the Rules of the City of New York to read as follows:

**§59A-31 Vehicle – Equipment**

(d) *Distress Signaling Light – Livery Vehicle.*

- (1) *Requirement.* The Vehicle must be equipped with a help or distress signaling light system as required by the specifications in §59C-03 of these Rules.

<u>§59A-31(d)</u>	<u>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.</u>	<u>Appearance NOT REQUIRED</u>
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Section 49. It is proposed to amend section 59A-32(a) of Title 35 of the Rules of the City of New York to read as follows:

**§59A-32 Vehicle Equipment – Partitions for Livery Vehicles**

- (a) *Requirement.* A For-Hire Livery Vehicle must be equipped with a partition that isolates the Driver from the rear seat Passengers as described in §59C-02 of Subchapter C of these Rules.

<u>§59A-32(a)</u>	<u>Fine: [\$350 and suspension until the condition is corrected] \$350 if plead</u>	<u>Appearance NOT REQUIRED</u>
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	<u>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.</u>	
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Section 50. It is proposed to amend section 59A-33 of Title 35 of the Rules of the City of New York to read as follows:

**§59A-33 Vehicle Equipment – In-Vehicle Camera System**

- (a) *Requirements for In-Vehicle Camera System.* When an existing in-vehicle camera system is required to be replaced or when the system is installed as one of the three safety devices specified in §59A-32, it must meet the requirements described in §59C-01 of these Rules; and the IVCS must be functioning and maintained in good working order.

<u>§59A-33(a)</u>	<u>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.</u>	<u>Appearance NOT REQUIRED</u>
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- (b) *Required Signage About In-Vehicle Camera System.* Each For-Hire Vehicle equipped with an in-vehicle camera system must display Decals on each rear Passenger window, visible to the outside, that contain the following information in letters at least one-half inch high: “This vehicle is equipped with camera security. You will be photographed.”

<u>§59A-33(b)</u>	<u>Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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Section 51. It is proposed to amend section 59B-19(b) of Title 35 of the Rules of the City of New York to read as follows:

**§59B-19 Operations – Trip Record Information**

(b) *Maintenance of Required Information.*

- (1) A Base Owner must make sure that all required information listed above is kept and made available for inspection by Commission representatives during regular business hours.
- (2) Required operational records must be safely maintained at the Base for a period of six months; inspection records must be kept for 12 months.

§59B-19(b)	Fine: [\$25-\$100] <u>\$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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Section 52. It is proposed to amend section 59B-21(f) of Title 35 of the Rules of the City of New York to read as follows:

**§59B-21 Operations – Additional Records to be Maintained and Reported**

(f) *Compliance with all Record Keeping Rules.* A Base Owner must comply with all record-keeping procedures established and required by the Commission.

§59B-21(f)	Fine: [\$25 - \$100] <u>\$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	Appearance <u>NOT</u> REQUIRED
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Section 53. It is proposed to amend paragraph (3) of subdivision (c) of section 59B-31 of Title 35 of the Rules of the City of New York to read as follows:

**§59B-31 Vehicle – Equipment**

(c) *Distress Signal Light – Livery Vehicle.*

\* \* \*

- (3) *Requirement.* A Base Owner must not dispatch a Livery Vehicle unless it is equipped with a help or distress signaling light system meeting the specifications in Sub-chapter §59C-03 of these Rules.

§59B-31(c)	<u>Fine: \$175 and suspension of the vehicle license until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC’s Safety and Emissions Division.</u>	<u>Appearance NOT REQUIRED</u>
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Section 54. It is proposed to amend section 59B-33(a) of Title 35 of the Rules of the City of New York to read as follows:

**§59B-33 Vehicle Equipment – In-Vehicle Camera System (IVCS)**

- (a) *Requirements for In-Vehicle Camera System.* If a Livery Vehicle is equipped with an IVCS as one of the requirements for exemption from installing a partition:

- (1) The IVCS must meet the specifications described in §59C-01 of these Rules and must be functioning and maintained in good working order.

§59B-33(a)(1)	<u>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.</u>	<u>Appearance NOT REQUIRED</u>
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- (2) *Sign.* The Vehicle must display signs on each rear Passenger window, clearly visible to the outside that say “***This Vehicle is equipped with camera security. You will be photographed.***” In letters at least one-half inch high.

§59B-33(a)[(1) and] (2)	Fine: \$50	Appearance NOT REQUIRED
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Section 55. It is proposed to amend subdivisions (a), (b), (c), (d), (e) and (j) of section 60A-12 of Title 35 of the Rules of the City of New York to read as follows:

**§60A-12 Compliance with Laws – Proper Conduct**

- (a) *Bribery.* A Vehicle Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§60A-12 (a)	Fine: [\$1,000 up to] <u>\$10,000 and</u> revocation	Appearance REQUIRED
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- (b) *Failure to Report Bribery.* A Vehicle Owner must immediately report to the Commission 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.

§60A-12 (b)	Fine: \$1,000 [up to] <u>and /or suspension up to 30 days or</u> revocation	Appearance REQUIRED
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- (c) *Fraud, Theft.* While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§60A-12 (c)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$350-\$1,000 and suspension up to 60 days or</u> revocation.	Appearance REQUIRED
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- (d) *Willful Acts of Omission.* While performing the duties and responsibilities of a Vehicle Owner, 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.

§60A-12 (d)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$150-\$350 and/or suspension up to 30 days or revocation</u>	Appearance REQUIRED
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- (e) *Willful Acts of Commission.* While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public.

§60A-12 (e)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$150-\$350 and/or suspension up to 30 days or revocation</u>	Appearance REQUIRED
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\* \* \*

- (j) *Failure to Cooperate with the Commission.*

- (1) A Vehicle Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§60A-12 (j)(1)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance REQUIRED
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Section 56. It is proposed to amend section 60A-18(c) of Title 35 of the Rules of the City of New York to read as follows:

**§60A-18 Records – Trip Record Information**

- (c) *Transmit Monthly.* All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

§60A-18(c)	Fine: [\$250 and suspension until compliance] <u>\$500 if plead guilty before a hearing; \$1,000 if found guilty following a</u>	Appearance NOT required
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	<u>hearing. Summary Suspension until compliance.</u>	
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Section 57. It is proposed to amend subdivisions (a), (b), (c), (d), (e) and (j) of section 60B-12 of Title 35 of the Rules of the City of New York to read as follows:

**§60B-12 Compliance with Laws – Proper Conduct**

- (a) *Bribery.* A Base Station Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§60B-12 (a)	Fine: [\$1,000 up to] <u>\$10,000 and revocation</u>	Appearance REQUIRED
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- (b) *Failure to Report Bribery.* A Base Station Owner must immediately report to the Commission 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.

§60B-12 (b)	Fine: \$1,000 [up to] <u>and/or suspension up to 30 days or revocation</u>	Appearance REQUIRED
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- (c) *Fraud, Theft.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§60B-12 (c)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$350-\$1,000 and suspension up to 60 days or revocation.</u>	Appearance REQUIRED
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- (d) *Willful Acts of Omission.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not deliberately fail to perform any act, alone or with another, where this failure is against the best interests of the public.

§60B-12 (d)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$150-\$350 and/or suspension up</u>	Appearance REQUIRED
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	<u>to 30 days or revocation.</u>	
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- (e) *Willful Acts of Commission.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not perform or attempt to perform, alone or with another, any act that is against the best interests of the public.

§60B-12 (e)	Fine: [\$25-\$350 and/or suspension up to 30 days] <u>\$150-\$350 and/or suspension up to 30 days or revocation.</u>	Appearance REQUIRED
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\* \* \*

- (j) *Failure to Cooperate with the Commission.*

- (1) A Base Station Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§60B-12 (j)(1)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance REQUIRED
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Section 58. It is proposed to amend section 60B-18(b) of Title 35 of the Rules of the City of New York to read as follows:

**§60B-18 Records – Trip Record Information (Electronic)**

- (b) *Transmit Monthly.* All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

§60B-18(b)	Fine: [\$250 and suspension until compliance] <u>\$500 if plead guilty before a hearing; \$1,000 if found guilty following a hearing. Summary Suspension until compliance.</u>	Appearance NOT required
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Section 59. It is proposed to amend section 61A-10(d) of Title 35 of the Rules of the City of New York to read as follows:

**§61A-10 Comply With Laws – No Unlicensed Activity**

(d) *Driver Must Be Licensed.* The Commuter-Van Vehicle Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle in the operation of a Commuter-Van Service has:

- (1) A Valid driver’s license that qualifies as a Chauffeur’s License, and
- (2) A Valid Commuter-Van Driver’s License.

§61A-10(d)	Fine: [\$300 and suspension] <u>\$500 and Summary Suspension</u> of Commuter-Van license until compliance	Appearance REQUIRED
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Section 60. It is proposed to amend subdivisions (e), (f), (g) and (h) of section 61A-12 of Title 35 of the Rules of the City of New York to read as follows:

**§61A-12 Comply With Laws – Proper Conduct**

(e) *Cooperate with the Commission.* A Commuter-Van Vehicle Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§61A-12(e)(1)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance REQUIRED
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(f) ***[Reserved.] No Willful Acts of Omission.*** While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, 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.

§61A-12 (f)	Fine: \$150-\$350 and/or suspension up to <u>30 days or revocation</u>	Appearance <u>REQUIRED</u>
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- (g) *[Reserved.] No Willful Acts of Commission. While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public.*

§61A-12 (g)	Fine: \$150-\$350 and/or suspension up to <u>30 days or revocation</u>	Appearance <u>REQUIRED</u>
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- (h) *Fraud, Misrepresentation, Theft. While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.*

§61A-12 (h)	Fine: \$350-\$1,000 and suspension up to 60 <u>days or revocation</u>	Appearance <u>REQUIRED</u>
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Section 61. It is proposed to amend subdivisions (a), (b) and (c) of section 61A-16 of Title 35 of the Rules of the City of New York to read as follows:

**§61A-16 Operations – Service Requirements (Passengers)**

- (a) *No Pick-Ups Outside Authorized Area.* No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Commuter-Van Service Owner’s Authorization.
- (b) *No Pick-Ups Along Bus Routes.*
- (1) *Restriction.* No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers along any Official Bus Route.
- (2) *Grandfathered Exception.*

- (i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area.
- (ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

§61A-16(a), (b)	Fine: [ <del>\$75</del> ] <u>\$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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- (c) *Service Must Be Pre-Arranged.* No Commuter-Van Vehicle Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§61A-16(c)	Fine: <u>\$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 62. It is proposed to amend section 61B-10(c) of Title 35 of the Rules of the City of New York to read as follows:

**§61B-10 Comply with Laws – No Unlicensed Activity**

- (c) *Driver Must Be Licensed.* The Commuter-Van Service Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle affiliated with the Owner’s Service has:

- (1) A Valid driver’s license that qualifies as a Chauffeur’s License, and
- (2) A Valid Commuter-Van Driver’s License.

§61B-10(c)	Fine: [ <del>\$300 and suspension</del> ] <u>\$500 and Summary Suspension</u> of Commuter-Van	Appearance REQUIRED
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	license until compliance Multiple violations: See Mandatory Penalties (§61B-02(d))	
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Section 63. It is proposed to amend subdivisions (e), (f), (g) and (h) of section 61B-12 of Title 35 of the Rules of the City of New York to read as follows:

**§61B-12 Comply with Laws – Personal Conduct**

(e) *Cooperate with TLC.* A Commuter-Van Service Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives;

§61B-12(e)(1)	Fine: [\$200 and suspension] <u>\$300 and Summary Suspension</u> until compliance	Appearance <b>REQUIRED</b>
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(f) ***[Reserved.]*** No Willful Acts of Omission. While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, 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.

§61B-12 (f)	Fine: \$150-\$350 and/or suspension up to <u>30 days or revocation</u>	Appearance <b>REQUIRED</b>
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(g) ***[Reserved.]*** No Willful Acts of Commission. While performing the duties and responsibilities of a Commuter-Van Vehicle Owner, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public.

§61B-12 (g)	Fine: \$150-\$350 and/or suspension up to <u>30 days or revocation</u>	Appearance <b>REQUIRED</b>
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(h) Fraud, Misrepresentation, Theft. While performing the duties and responsibilities of a Commuter-Van Service Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§61B-12 (h)	Fine: \$350-\$1,000 and suspension up to 60 days or revocation	Appearance <b>REQUIRED</b>
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Section 64. It is proposed to amend subdivisions (a), (b) and (c) of section 61B-16 of Title 35 of the Rules of the City of New York to read as follows:

**§61B-16 Operations – Service Requirements (Passengers)**

- (a) *No Pick-Ups Outside Authorized Area.* No Commuter-Van Service Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Owner’s Authorization.

§61B-16(a)	Fine: [ <del>\$75</del> ] <u>\$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	Appearance <b>NOT REQUIRED</b>
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- (b) *No Pick-Ups Along Bus Routes.*

- (1) *Restriction.* No Commuter-Van Service Owner will permit the pick up or discharge of passengers along any Official Bus Route.

§61B-16(b)(1)	Fine: [ <del>\$75</del> ] <u>\$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.</u>	Appearance <b>NOT REQUIRED</b>
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- (2) *Grandfathered Exception.*

- (i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area

- (ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.
- (c) *Service Must Be Pre-Arranged.* No Commuter-Van Service Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§61B-16(c)	Fine: \$50 <u>if plead guilty before a hearing;</u> \$100 <u>if found guilty following a hearing.</u>	Appearance NOT REQUIRED
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Section 65. It is proposed to amend section 68-07(a) of Title 35 of the Rules of the City of New York to read as follows:

**§68-07 Respondent Options Based on Violation’s Appearance Requirements**

- (a) *Options When Attendance Is Not Required.* For violations where the Respondent’s personal appearance is not required, the Respondent can choose from the following options:
  - (1) The Respondent can plead guilty and pay the scheduled fine in person or by mail (or in any other manner approved by the Commission) [prior to] before the beginning of the scheduled Hearing or deadline. Some Rules provide for reduced fines for Respondents who plead guilty. By pleading guilty, the Respondent admits the charges contained in the summons or notice of violation and waives any right to appeal the ALJ’s determination or assessment of penalties.

**NEW YORK CITY LAW DEPARTMENT**

**DIVISION OF LEGAL COUNSEL**

**100 CHURCH STREET**

**NEW YORK, NY 10007**

**212-788-1087**

**CERTIFICATION PURSUANT TO**

**CHARTER §1043(d)**

**RULE TITLE: Amendment of Fines**

**REFERENCE NUMBER: 2011 RG 017**

**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

Date: April 6, 2011

Acting Corporation Counsel



**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**

**253 BROADWAY, 10<sup>th</sup> FLOOR**

**NEW YORK, NY 10007**

**212-788-1526**

**CERTIFICATION / ANALYSIS**

**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Fines**

**REFERENCE NUMBER: TLC-1**

**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
- (iii) Does not provide a cure period because a cure period would present a substantial risk to public safety.

/s/ Francisco Navarro

Mayor's Office of Operations

April 6, 2011

Date