

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes rules increasing taxicab reinspection fees in accordance with Administrative Code section 19-504(f), and notifying that for-hire vehicles with maximum gross weight (MGW) of more than 8,500 pounds cannot undergo emissions testing at the TLC’s vehicle inspection facility.

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2010, because the need for them was not anticipated at the time the regulatory agenda was prepared.

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

Written comments in connection with these proposed rules must be received no later than December 15, 2010. Comments may be submitted through the New York City website at www.nyc.gov/nycrules, or may be submitted to the office of Legal Affairs at:

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

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

New material is underlined. **[Except underlined, italicized subsection headings]**
[Material inside brackets indicates deleted material.]

Section 1. It is hereby proposed that subsection (e) of Section 8-07 of Chapter 8 of Title 35 of the Rules of the City of New York be amended to read as follows:

§8-07 Licensing - Fees

- (e) *Reinspection Fee.* [There is no additional fee for the first re-inspection. If a second re-inspection is required, the fee is \$35. No additional fees will be charged for the third or subsequent reinspections.] There is a reinspection fee only if reinspection is required because the Taxicab failed the component of the inspection required by Section 301 of the New York State Vehicle and Traffic Law. In that case, the reinspection fee is thirty five dollars (\$35). If reinspection is required because the Taxicab failed any other component of the inspection, there is no reinspection fee.

Section 2. It is hereby proposed that a new subsection (c) be added to Section 8-28 of Chapter 8 of Title 35 of the Rules of the City of New York to read as follows:

§8-28 Vehicle Condition - Inspections

- (c) *Components of Taxicab Inspections.* A Taxicab inspection consists of (1) inspection to verify compliance with the inspection items required by Section 301 of the New York State Vehicle and Traffic Law, (2) visual inspection of the interior and exterior of the Taxicab to verify compliance with these Rules, and (3) inspection to verify compliance with any other applicable laws, rules and requirements. If a Taxicab fails any component of the inspection, it must be reinspected until it passes all components of the inspection.

Section 2. It is hereby proposed that subsections (e) and (f) of Section 9A-04 of Chapter 9 of Title 35 of the Rules of the City of New York be amended to read as follows:

§9A-04 Licensing – General Requirements

- (e) *Inspection Required for a New Vehicle License.*

- (6) *Nature of the Inspection.*

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- (ii) If the vehicle is a year 1996 or later model:

- A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
- (iii) If the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle's maximum gross weight (MGW) as recorded on the registration card is 8,501 pounds or more:
 - A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.

(f) Inspection Required to Renew a Vehicle License.

(6) Nature of the Inspection.

- (i) If the vehicle is a year 1996 or later model:
 - A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
- (ii) If the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle's maximum gross weight (MGW) as recorded on the registration card is 8,501 pounds or more:
 - A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.

Section 4. It is hereby proposed that subsection (a) of Section 9A-26 of Chapter 9 of Title 35 of the Rules of the City of New York be amended to read as follows:

§9A-26 Vehicle Inspections

(a) Tri-annual Inspections. For-Hire Vehicles must be regularly inspected three times every year, including at least once every four months. Section [9A-4e(1)] 9A-04(e)(1) and [f(1)] (f)(1) specifies that inspections required for new and renewal applications must be done at the [Commission] Commission's Safety and Emissions Division facility, except as specifically set forth in Section 9A-04 (e) and (f); the other required inspections can be done at any DMV registered facility.

§9A-26(a)	Fine: \$100 and suspension of the Vehicle Owner License until any defect found is corrected	Appearance REQUIRED
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Statement of Basis and Purpose of Rules

This rule amends the version of the Taxi and Limousine Commission's rules that become effective April 1, 2011, in three respects:

- A reinspection fee is imposed for each taxicab reinspection. The fee is imposed only if the reinspection is done because the taxicab failed the state-mandated portion of the inspection.
- Emissions testing is eliminated from the state-mandated for-hire vehicle inspection for vehicles with maximum gross weight over 8,500 pounds. Emissions testing is eliminated from the inspection because the state Department of Motor Vehicles requires these vehicles to be subjected to emissions testing using High-Enhanced (Dynamometer or Idle Test) equipment, which the TLC does not have. These vehicles will have to have state-mandated emissions testing done at another DMV-certified facility. Currently, there is no vehicle model approved for taxicab service that exceeds 8,500 pounds, but some of these larger vehicles have recently been licensed as for-hire vehicles, making this amendment necessary.
- The components of a taxicab or for-hire vehicle inspection are enumerated more uniformly for taxicabs and for-hire vehicles. Except where specified otherwise, the inspection consists of (i) inspection to verify compliance with the inspection items required by Section 301 of the New York State Vehicle and Traffic Law, (ii) visual inspection of the interior and exterior of the Taxicab to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements. If a Taxicab fails any component of the inspection, it must be reinspected until it passes all components of the inspection.