

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 adoption of rules governing for-hire vehicles.

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. Part of these proposed rules, requiring that for-hire vehicle drivers post their licenses in for-hire vehicles, was included in the most recent TLC regulatory agenda. The balance of the proposed rules were not included in the most recent TLC regulatory agenda, since 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 March 8, 2007, at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than March 1, 2007.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs, addressed as follows, and must be received no later than March 1, 2007:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1117
Fax: 212- 676-1102
TTY/TDD: 212- 341-9569

Section 1. The definition of “for-hire operator’s permit” set forth in section 6-01 of chapter 6 of Title 35 of the Rules of the City of New York is amended to read as follows:

For-hire vehicle [operator’s permit] driver’s license. A for-hire vehicle [operator’s permit] driver’s license is a [permit] license issued by the Commission to persons who meet Commission qualifications as for-hire vehicle drivers.

Section 2. Subdivisions (d)(2) and (e)(1), (2) and (3) of section 6-11 of chapter 6 of Title 35 of the Rules of the City of New York are amended to read as follows:

§6-11 For-Hire Vehicle Owner Licensing.

(d) (2) A for-hire vehicle owner, who has received notice that his, her or its liability insurance is to be terminated, shall surrender his, her or its for-hire vehicle permit and decal(s) to the Commission on or before the termination date of the insurance, unless the vehicle owner [of the vehicle] submits proof of new insurance effective on the date of termination of the old policy before the termination of the policy.

(e)(1) No unauthorized entry shall be made on [either] the for-hire vehicle permit or decal(s), nor shall any entry on [either] the for-hire permit or decal(s) be changed or defaced.

(2) An unreadable for-hire vehicle permit or decal(s) shall immediately be surrendered to the Commission for replacement.

(3) A for-hire vehicle owner shall immediately notify the Commission of the theft, loss or destruction of a for-hire vehicle permit or decal(s) of said vehicle, [and] furnish the Commission with an affidavit or information as may be required, and shall replace same.

Section 3. The unlettered introductory paragraph and subdivisions (a), (c), (e), (f)(1) and (l) of section 6-12 of chapter 6 of Title 35 of the Rules of the City of New York are amended and a new subdivision (p) is added, to read as follows:

§6-12 Conditions of Operation Relating to For-Hire Vehicles.

A [for-hire vehicle] base station, black car base, luxury limousine base and a [for-hire] vehicle owner shall be jointly and severally responsible for compliance with the following provisions and liable for violation thereof. No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless the for-hire vehicle is in compliance with the following:

(a) [A] Three valid Commission license decals, issued by the Commission's Licensing Division, [is] are affixed by the Commission's Safety and Emissions Division, one to the front right side of the windshield of the vehicle and one to each of the two rear quarter windows, so as to be plainly visible.

(c)(1) A valid New York State Department of Motor Vehicles inspection sticker, which is no fewer than eight (8) months from the month of expiration on the sticker, is affixed to the front left side of the windshield so as to be plainly visible.

(2) For-hire vehicles shall be inspected three times a year, and at any other time the Commission has reason to believe that said vehicle is unfit or unsafe for use.

(3) Beginning on May 1, 2007, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for issuance of a for-hire vehicle permit, a for-hire vehicle model year 1996 or later shall be inspected at the Commission's Safety and Emissions Division and, as a condition for vehicle permit renewal, said for-hire vehicle model year 1996 or later shall be inspected not less than biennially at the Commission's Safety and Emissions Division, including one inspection not more than sixty (60) days prior to expiration of the permit to be renewed. Such inspection shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the owner and vehicle requirements set forth in this chapter, and shall constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. The fee for such TLC inspections shall be the fee prescribed by regulation of the Department of Motor Vehicles for inspections pursuant to section 305 of the Vehicle and Traffic Law.

(4) Beginning on May 1, 2007, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for issuance of a for-hire vehicle permit, a for-hire vehicle model year 1995 and earlier shall be inspected at the Commission's Safety and Emissions Division, and, as a condition for vehicle permit renewal, said for-hire vehicle model year 1995 and earlier, shall be inspected not less than biennially at the Commission's Safety and Emissions Division, including one inspection not more than sixty (60) days prior to expiration of the permit to be renewed. Such inspection shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the owner and vehicle requirements set forth in this chapter, except that such inspection shall not include emissions testing and shall not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph

(2) of this subdivision. The fee for such inspections shall be the safety inspection fee prescribed by regulation of the Department of Motor Vehicles for inspections pursuant to section 305 of the Vehicle and Traffic Law.

(e) (1) The license plate number on said motor vehicle tax stamp, state registration and Commission decal(s) each match, and match the license plates affixed to the vehicle.

(2) The vehicle identification number (VIN) on said state registration and Commission decal(s) each match, and match the VIN of the vehicle.

(f) (1) The marking requirements of the Commission, including but not limited to: [Exterior identification of] the name of the base [name] station with which the vehicle is affiliated, [and] the base station vehicle number, and the base station telephone number, all in letters and numerals not less than one-and-one-half inches in height, on the exterior of the passenger doors on both sides of the affiliated vehicle, not less than six inches above the bottom of each door. The letters and numerals must be of a color contrasting with the color of the body of the vehicle to provide easy legibility. Lettering and numbering shall be spaced to provide easy legibility and shall be identical on both sides of the livery. All decals shall be non-detachable. Luxury limousines and black cars shall be exempt from the requirements of this paragraph.

. . . .

(l) No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service when the Commission or the New York State Department of Motor Vehicles has determined that the vehicle is unsafe or unfit for use as a for-hire vehicle and the vehicle owner has been directed to repair or remove such vehicle from service. When notified of such determination, the vehicle owner or the base station, black car base or luxury limousine base owner, as applicable, shall surrender the for-hire vehicle permit to the Commission, for storage if the for-hire vehicle is to be repaired, and the for-hire vehicle permit shall be suspended pursuant to section 8-17(b) of this title.

. . . .

(p) The following shall be present in and clearly visible from all rear passenger seats of the for-hire vehicle while it is in operation for hire: the for-hire vehicle driver's license in a frame which is capable of holding three licenses of equal size.

Section 4. The introductory paragraph and paragraph (1) of subdivision (e) of section 6-16 of chapter 6 of Title 35 of the Rules of the City of New York is amended to read as follows:

§6-16 Conditions of Operation for For-Hire Vehicle Drivers.

(e) A driver shall not operate a for-hire vehicle without [a] valid [for-hire vehicle permit] decal issued by the Commission[. Said decal shall be], one decal affixed to the right front windshield and one each affixed to the rear quarter windows as required by section 6-12(a) of this chapter. [and the] The following items shall be present in the for-hire vehicle:

(1) the [affiliated driver's] for-hire vehicle [operator's permit] driver's license in a frame, the passenger's view of which shall not be obstructed by the driver;

Section 5. Section 6-22 of Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding new penalties labeled §6-12(c)(1), (2), (3) and (4); amending the penalty labeled §6-12(l); adding a new penalty labeled §6-12(p); and amending the penalty labeled §6-16(e), as follows:

Rule No.	Penalty	Personal Appearance Required
§6-12(c)(1)	\$[350] <u>100</u> and suspension of the vehicle owner license until the condition is corrected	Yes
§6-12(c)(2)	<u>\$100 and suspension until compliance.</u> <u>If the failure to be inspected continues 31 to 60 days after the license or renewal inspection date or the date of an order to be inspected or re-inspected on other than the biennial schedule, \$100-250 and suspension until compliance.</u> <u>If the failure to be inspected continues 61 to 120 days after the license or renewal inspection date or the date of an order to re-inspect on other than the biennial schedule, \$250-300 and suspension until compliance.</u> <u>If the failure to inspect continues 121 or more days after the license or renewal inspection date or the date of an order to be inspected or re-inspected on other than the biennial schedule, \$500 and/or revocation.</u>	Yes
§6-12(c)(3),(4)	<u>\$100</u>	No

. . . .

§6-12(l) [\$50-500]100-350 and/or suspension up to 30 days; summary suspension until compliance pursuant to section 8-17(b) of this title. Yes

. . . .

§6-12(p) \$50 No

. . . .

§6-16(e) [\$15]50 for each violation of this rule; however, no fine for a violation of this rule shall exceed [\$30]100 No

Statement of Basis and Purpose of Proposed Rules

The proposed rules are intended to enhance the visibility of legal for-hire vehicles, making them more identifiable to the riding public and more readily distinguishable from illegal, unlicensed vehicles. The proposed rules would also provide enhanced safety of for-hire vehicles and reduce air pollutants emitted by such vehicles, by requiring that they be inspected by the TLC once every two years.

The proposed rules would require that a for-hire vehicle be inspected at the TLC inspection facility upon the issuance and every renewal of the for-hire vehicle's license. Presently, both taxicabs and for-hire vehicles are inspected three times per year, but only taxicabs are required to be inspected at the TLC's inspection facility. For-hire vehicles may be inspected at any inspection facility certified by the New York State Department of Motor Vehicles (DMV). In September 2006, the TLC's inspection facility was certified by DMV, and therefore inspection at TLC's facility will satisfy the requirements of an inspection at a DMV-certified facility.

TLC's inspection facility is unable to perform emissions testing for vehicles older than the 1996 model year because those vehicles require tailpipe emission testing equipment which the TLC does not possess. Therefore, for those vehicles, the TLC inspection will not substitute for a required inspection at a DMV-certified facility.

However, for vehicles beginning with the 1996 model year, the TLC facility will perform all of the safety and emissions inspections required by DMV, and therefore for those vehicles the TLC inspection will substitute for one of the required inspections at a DMV-certified facility.

In addition, the proposed rules would require that windshield and rear quarter window decals, provided by the TLC, be placed on for-hire vehicles at the TLC's inspection facility.

The proposed rules would also require that the exterior of passenger doors on both sides of for-hire vehicles be marked in not less than one-and-one-half-inch lettering with the name of the base station with which the vehicle is affiliated, the vehicle number assigned by the base station to the for-hire vehicle, and the telephone number of the base station. Decals of the non-detachable type only would be permitted.

Finally, the proposed rules would require that the for-hire operator's license be posted inside the for-hire vehicle.

The proposed rules also would require that, should the Commission determine that a for-hire vehicle is unfit or unsafe, the owner and base owner shall surrender the for-hire vehicle permit to the Commission and the permit shall be suspended.