

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 amended rules governing taxicab drivers.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

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 October 2, 2009 at 2:30 p.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than September 25, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than October 1, 2009 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
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Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 4 thereto, to read as follows:

New Material is underlined.

Chapter 4

Medallion Taxicab Drivers

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§4-01 Scope of This Chapter

- (a) To establish procedures for the licensing, monitoring and regulation of Taxicab Drivers.
- (b) To establish operating rules to protect the customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§4-02 Penalties

- (a) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend a Hearing.
- (b) *General Penalty.* Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §18-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
- (c) *Discretionary Penalties.* In the alternative to any of the specific penalties established in this Chapter, the Commission can, in its discretion, impose a penalty of License revocation, License suspension of up to six months, and/or a fine, not to exceed \$1,000 for each violation, against a Licensed Driver. (See Chapter 18 Adjudications, §18-02)
- (d) *Mandatory Penalties.* If a Licensee has violated a Rule listed below, or any combination of these Rules, the Commission will impose the following mandatory penalties and fines.

<u>VIOLATION Description</u>	<u>Rule</u>	<u>Mandatory Penalty/Fine - ALL</u>
<u>1. Overcharging Passengers</u>	<u>§4-17(a)(1) & (2)</u>	<u>First violation: \$200 - \$350</u>
<u>2. Refusal of service – seeking destination before Passenger is seated inside vehicle</u>	<u>§4-20(a)(4)</u>	<u>Second violation (any combination of violations) w/in 24 months: \$350 - \$500 suspension of License up to 30 days</u>
<u>3. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties</u>	<u>§4-20(a)(1)</u>	<u>Third violation (any combination of violations) w/in 36 months: Revocation of License</u>
<u>4. Refusal of service – Requiring assistant for disabled Passengers, or seeking to charge additional fares for such an assistant</u>	<u>§4-20(a)(2)</u>	<u>In addition, Drivers may be required to obtain a certificate of attendance for the required hours of instruction in taxi-related subjects at a Commission-approved school.</u>
<u>5. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for disabled Passengers</u>	<u>§4-20(a)(3)</u>	

- (1) *\$10-or-More Overcharge.* If a Driver charges or attempts to charge \$10 or more above the approved rate of fare, the Commission will revoke the Driver’s License and may require a Driver to return any overpayment to the Passenger.
- (2) *Calculating Time Periods.* The Commission will count the 24- and 36-month penalty periods going backwards, from the date of the last violation.
- (3) *No License Issued for Period of One Year Following Certain Violations.* A Driver who has had his or her Taxicab Driver's License revoked for any of the above violations will not be able to receive any Commission License for a period of one year from the date of revocation.

§4-03 Definitions Specific to This Chapter

- (a) *Defined Terms are Capitalized.* All terms defined in this Chapter or in Chapter 1 (“Definitions”) appear in this text with the initial letter in each word of the term capitalized (Example: Taxicab License, not taxicab license.)
- (b) *General Terms are Specific to “Taxicabs” in this Chapter.* When used in this Chapter, capitalized terms such as Driver, Vehicle, License, etc., will mean Taxicab Driver, Taxicab Vehicle, Taxicab Driver’s License, etc.
- (c) *Definitions*
 - (1) *Applicant* in this chapter refers to an Applicant for an original or renewal Taxicab Driver’s License.

- (2) Authorized Taxicab Training refers to a course of training approved by the Commission that contains at least 80 hours of instruction on Commission-required topics such as Commission rules and procedures, geography, map reading, Passenger relations, and courtesy.
- (3) Authorized Taxicab Training Refresher Course refers to a four-hour course of training approved by the Commission that is required for renewal of a Probationary License, and that includes topics such as an update of Rule changes, a review of Driver Responsibilities and duties, passenger relations, and an awareness of serving passengers with disabilities.
- (4) Chauffeur's License. As used in these Rules, Chauffeur's License means:
 - (i) A valid NYS driver's license Class A, B, C or E; or
 - (ii) A valid license of similar class from another state of which the Licensee is a resident
- (5) Critical Driver's Program imposes additional penalties on a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her driver's license within a certain amount of time.
- (6) Defensive Driving Course refers to a course in defensive driving given by a school, facility or agency approved by the Commission and certified by the New York State Department of Motor Vehicles.
- (7) Feed Line is the line of Taxicabs that feeds into the specific pick-up location to pick up a Passenger.
- (8) Long-Haul is a concept created and implemented at certain transportation terminals to indicate that Taxicabs in the Feed Line designated as a "Long Haul" line must only accept customers who are requesting trips of at least a certain distance or time.
- (9) Participating Driver is a Driver of an Accessible Taxicab who has successfully completed the accessible driver training authorized by the Commission
- (10) Persistent Violator Program establishes additional penalties for Drivers who repeatedly violate these Commission Rules within a certain amount of time. Persistent Violator penalties are determined based on points accrued as part of the penalties established by this Chapter.
- (11) Personal Use—Off Duty is the designation made when a Driver is no longer operating the Taxicab for hire and is usually for a longer period than Relief Time.

- (12) Relief or Relief Time is a limited period of time when a Driver is off duty to fulfill personal needs.
- (13) Short Haul is a concept created and implemented at certain transportation terminals to indicate that Taxicabs in the Feed Line designated as a “Short Haul” line must only accept customers who are requesting trips of less than a certain distance or time.
- (14) Taxi Stand is a place where Taxicabs are authorized (either by NYC Department of Transportation or a transportation terminal operator) to line up and wait for customers.
- (15) Valid, when referring to a License or other document, means that it is not expired, suspended, revoked or restricted as to use for violation of traffic laws or regulations.

§4-04 Licensing – Requirements

- (a) Age. An Applicant for a Taxicab Driver's License must be at least 19 years of age.
- (b) Identification. An Applicant for an original Taxicab Driver’s License must produce both of the following proofs of identity:
 - (1) A Valid Government-issued photo ID.
 - (2) A Valid, original Social Security card.
- (c) Chauffeur’s License. An Applicant must have a Valid Chauffeur’s License.
- (d) Summary of Driving Record. An Applicant whose driver’s license has been issued by a state other than New York must provide the Commission with an abstract of his or her driving record from the Applicant’s state of residence, dated no more than 30 days prior to the date of the Application.
- (e) Physical Fitness for the Job.
 - (1) The Applicant must be of sound mental and physical condition and fit to safely operate a vehicle.
 - (2) The Applicant’s fitness must be certified by a physician licensed by NYS or the Applicant’s state of residence on forms provided by the Commission.

- (3) The Commission can, for good cause, require the Applicant to be examined by a licensed physician chosen by the Commission.
- (4) An existing License can be suspended or revoked if the Driver fails to be examined for a physical or mental condition.
- (f) Speak and Understand English. An Applicant must be able to speak, read, write and understand the English language. An Applicant is required to pass a test approved by the Commission.
- (g) Familiar with New York. Applicant must be familiar with the following:
 - (1) The geography, streets and traffic regulations of the City of New York
 - (2) The rules and regulations of the New York City Taxi and Limousine Commission
 - (3) The Vehicle and Traffic Law of the State of New York.
- (h) Pass Drug Test.
 - (1) All Applicants for new Taxicab Driver's Licenses, except New York City Police Officers, must be tested, at the Applicant's expense, for drugs or controlled substances.
 - (2) The Commission designates who can perform the drug test and will only designate an individual or entity that has a permit issued by the New York State Department of Health.
 - (3) If an Applicant tests positive for drugs or controlled substances, the Commission will deny the Applicant's license. This decision is final.
- (i) Fingerprinting for the Purpose of Determining Good Moral Character. Applicant must be of good moral character, and the Commission requires that all Applicants provide fingerprints.
- (j) Agreement to Accept Legal Notices or Processes.
 - (1) An Applicant must agree to accept service of any sort of notice or legal process issued by any agency of the City of New York upon the Applicant (Licensee) at the Applicant's Mailing Address.
 - (2) These official notices can be left with a member of the Applicant's family or any other person who also lives at the Licensee's Mailing Address.

- (k) Training. The Commission requires that Applicants for a new License pass all prescribed tests, both oral and written, as administered by the Commission or at its direction.
- (1) Defensive Driving Course. Applicants must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within six months prior to the application date.
 - (2) Authorized Taxicab Training. Applicants must be able to prove (by showing a certificate of attendance) that they attended an Authorized Taxicab Training course, successfully completed the course and passed an examination approved by the Commission on proficiency in English and other mandatory subjects.
 - (3) Authorized Taxicab Training Refresher Course. During the last 60 days of the initial one-year Probationary term, Probationary Licensees must attend and pass an Authorized Taxicab Training Refresher course in order to qualify for a renewal License.
 - (4) Military Exemption. Any Applicant for a License who previously held a Valid Taxicab Driver's License will not be required to take the Authorized Taxicab Training course, provided that Applicant meets the following conditions:
 - (i) The Applicant's Taxicab Driver's License expired solely because the Applicant was not available to renew his or her License because he or she was engaged in active military service.
 - (ii) The Applicant's military service began before the expiration date of his or her prior License.
 - (iii) The Applicant filed an application within 90 days of completing active military service, and in no event later than three years following expiration of the prior License.
 - (iv) The Applicant provided proof of the dates of active military service.
 - (v) Applicant meets all other requirements for obtaining a new License.
 - (5) Exemption for New York City Police Officers. Any Applicant for a License who is a New York City Police Officer will not be required to take the Authorized Taxicab Training, provided that Applicant meets the following conditions:

- (i) Applicant must present a letter from his or her commanding officer approving the application
 - (ii) Applicant must pass an examination authorized by the Commission.
 - (iii) Applicant must meet all other requirements for obtaining a new License.
- (l) Training Providers. Providers of Authorized Taxicab Training and Refresher Training services must be approved by the Commission, must administer the curriculum required by the Commission, and must have Commission approval of all fees charged to Taxicab Drivers License Applicants.

§4-04(l)	Fine: \$25	Appearance NOT REQUIRED
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- (m) Continuing Training Requirements. All renewal Applicants are required to attend and complete a Defensive Driving Course at least every three years. No Taxicab Driver’s License will be renewed unless the Applicant submits a certificate of completion of the Course dated less than three years prior to the date of the renewal application.
- (n) Sign and File in Person. Applicants must sign their own applications for Licenses, and must file the applications in person with the Commission on the forms provided by the Commission.

§4-05 Licensing – Probationary Licenses

- (a) Issuing Probationary Licenses.
- (1) Upon approval of an Applicant for a new Taxicab License, the Commission will issue a Probationary License valid for one year.
 - (2) At the end of the one-year probationary period, the Commission will evaluate the Applicant and determine if renewing the License is appropriate.
 - (3) To make this decision, the Commission will consider the Applicant’s driving record, the Applicant’s violation of any Taxicab Drivers Rules, or other evidence that suggests that the Driver no longer meets all requirements for a License.
- (b) Automatic Refusal or Revocation.
- (1) The Commission will not issue a renewal License following the probationary period, and can revoke an issued Probationary License at any time if any of the following occurs:

- (i) The Driver is convicted of a crime in any jurisdiction.
 - (ii) The Driver is convicted of driving while impaired by alcohol or drugs.
 - (iii) The Driver is convicted of refusing to submit to a breathalyzer or other chemical test.
 - (iv) The Driver is convicted of leaving the scene of an accident.
 - (v) The Driver accumulates eight or more points against his or her Chauffeur's License. (Point totals will include points existing on the Driver's state license prior to his or her application for a License with the Commission.)
 - (vi) The Driver is convicted of three or more moving violations.
 - (vii) The Driver is convicted of two or more speeding violations.
 - (viii) The Driver accumulates four or more points in a manner or time frame consistent with the Commission's Persistent Violator Program (see §4-27(b)).
 - (ix) The Driver is convicted of two or more violations that carry the Mandatory Penalties listed in §4-02 of this Chapter
- (2) For the purpose of §4-05(b)(1) above, the Commission will look at the date a violation occurred (rather than date of conviction) to determine whether the violation is within the probationary period.

§4-06 Licensing – Term of License

- (a) New (Probationary) License Term. A License issued to a new Applicant will expire one year from the date the License was issued.
- (b) Renewal License Term. A License issued to a renewing Applicant will expire two years from the date on which the previous License expires.
- (c) Extensions. The Commission can extend the expiration date of a renewal License by up to an additional 31 days. If an expiration date is extended, the required drug test must be dated within 30 days before (and no later than) the extended expiration date.
- (d) Advancement. If a Licensee will not be available for drug testing during the 30 days before his or her License is scheduled to expire, the Licensee can ask the

Commission to move and reset the License expiration to an earlier date, provided that:

- (1) A Licensee in the second year of his or her License has satisfactorily completed the required drug test for Licensees in the first year.
- (2) A Licensees makes only one such request during the term of a License.
- (3) The request is complete and accurate and submitted on the proper Commission form.
- (4) The term of the renewal License is two years from the NEW expiration date.

§4-07 Licensing – Fees

- (a) Fee for License. The fee for a Taxicab Driver's License will be \$60 annually.
- (b) When Fee is Paid. The fee for an original or renewal License must be paid at the time the application is filed.
- (c) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves the application.
- (d) Late Filing Fee. The Commission will charge s fee of \$25 for late renewal application, and may choose not to accept it at all.
- (e) License Replacement Fee. The Commission will charge a fee of \$25 for each License it issues to replace a lost, stolen or mutilated License.
- (f) Refresher Training Course Fees. The authorized providers of an Authorized Taxicab Training Refresher Course will charge each participant a fee of \$20.

§4-08 Licensing – Process and Causes for Denial

- (a) Failure to Meet Requirements. The Commission will deny the original or renewal License of any Applicant who fails to meet the requirements. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.
- (b) Failure to Continue to Meet Requirements. If at any time the Commission becomes aware that a Driver no longer meets the requirements the Commission can deny Driver's renewal application or suspend or revoke his or her License.
- (c) Bribery. The Commission can deny an application for a new or renewal License if the Applicant directly or indirectly offers or gives any gift, gratuity or thing of value to an employee, representative or member of the Commission or any public

servant. Applicants must immediately report to the Commission any direct or indirect request for a gift, gratuity or thing of value from any public servant.

- (d) Material Misrepresentation or Falsification. The Commission can deny a Driver's License application and can suspend or revoke a renewal application if the Applicant provides any material misrepresentation in the application, or if the Applicant fails to inform the Commission of any material change in the application. The Commission may also impose other sanctions.

§4-09 RESERVED (Licensing – Transfer of License)

§4-10 Licensing – Care and Use of License

- (a) Loss or Theft of License. A Driver must notify the Commission in writing of the loss or theft of his or her Taxicab Driver's License within 72 hours (not counting weekends and holidays).

<u>§4-10(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 Taxicab Driver's License to the Commission for replacement and reissue.

<u>§4-10(b)</u>	<u>Fine: \$50</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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- (c) Restrictions on License. A Driver must comply with all restrictions upon his or her Taxicab Driver's License.

<u>§4-10(c)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (d) May Have Only One. A Driver must not apply for or accept more than one Taxicab Driver's License without the Commission's written permission.

<u>§4-10(d)</u>	<u>Fine: \$100-\$350 and/or suspension up to 30 days</u> <u>Points: 3</u>	<u>Appearance REQUIRED</u>
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- (e) 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>§4-10(e)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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§4-11 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.

§4-11(a)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 2	Appearance <u>REQUIRED</u>
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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.

§4-11(b)(1)	Fine: \$100-\$350 and/or suspension up to 30 days Summary Suspension until compliance Points: 2	Appearance <u>REQUIRED</u>
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(2) A Driver must immediately surrender his or her Taxicab Driver's License to the Commission upon the suspension or revocation of his or her Chauffeur's License.

§4-11(b)(2)	Fine: \$100 Points: 1	Appearance <u>NOT REQUIRED</u>
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(c) Vehicle Must Be Licensed. A Driver must not knowingly operate a Taxicab for hire unless that vehicle is licensed by the Commission and the License is Valid.

§4-11(c)	Fine: \$25-\$350 and/or suspension up to 30 days Summary Suspension until compliance Points: 3	Appearance <u>REQUIRED</u>
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(d) No Unauthorized Use of Taxicab Driver's License. A Driver must not permit any other person to use the Driver's Taxicab Driver's License while operating any vehicle.

§4-11(d)	Fine: \$10,000 and revocation	Appearance <u>REQUIRED</u>
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(e) No Unlicensed Use of Taxicab.

(1) A Driver must not permit the Taxicab to be operated for hire by a person who does not have a Valid Taxicab Driver's License.

§4-11(e)(1)	Fine: \$100-\$300 and/or suspension up to 30 days	Appearance <u>REQUIRED</u>
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(2) During the work shift a Driver must not allow another person to operate the Taxicab or occupy the Driver's seat, except in the event of an emergency.

§4-11(e)(2)	Fine: \$50	Appearance <u>NOT REQUIRED</u>
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§4-12 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.

§4-12(a)	Fine: \$25-\$350 and/or suspension up to 30 days Summary Suspension until compliance Points: 3	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.

§4-12(b)	Fine: \$100 Points: 3	Appearance REQUIRED
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- (c) Fraud, Theft. While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§4-12(c)	Fine: \$350-\$1,000 and/or suspension up to 60 days or revocation, Points: 4	Appearance REQUIRED
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- (d) Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit any willful act of omission that is against the best interests of the public.

§4-12(d)	Fine: \$150-\$350 and/or suspension up to 30 days or revocation, Points: 3	Appearance REQUIRED
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- (e) Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit any willful act of commission that is against the best interests of the public.

§4-12(e)	Fine: \$150-\$350 and/or suspension up to 30 days or revocation, Points: 3	Appearance REQUIRED
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- (f) 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.

§4-12(f)	Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation, Points: 3	Appearance REQUIRED
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- (g) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal.

§4-12(g)	Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation, Points: 4	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.

§4-12(h)	Fine: \$50-\$250 Points: 3	Appearance 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.
- (3) A Driver must report any change of Mailing Address to the Commission in person or by registered or certified mail within seven days (exclusive of weekends and holidays). [NOTE: Any notice from the Commission shall be deemed sufficient if sent to the Mailing Address furnished by the Driver.]

§4-12(i)(1)-(3)	Fine: \$200 and suspension until compliance Points: 2	Appearance REQUIRED
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- (4) A driver must remove all currency from the Taxicab's interior prior to its examination by any Commission personnel.

§4-12(i)(4)	Fine: \$50	Appearance NOT 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.

§4-12(j)	Fine: \$50-\$350 Points: 2	Appearance <u>REQUIRED</u>
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- (k) No Use of Taxicab for Unlawful Purpose. A Driver must not use or permit any other person to use his Taxicab for any unlawful purpose.

§4-12(k)	Fine: \$100-\$350 and/or suspension up to 30 days Points: 3	Appearance <u>REQUIRED</u>
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- (l) Report Attempt to Use Taxicab for Unlawful Purpose. A Driver must report immediately to the police any attempt to use his Taxicab to commit a crime or escape from the scene of a crime.

§4-12(l)	Fine: \$100-\$350 and/or suspension up to 30 days Points: 3	Appearance <u>REQUIRED</u>
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- (m) No Concealment of Crime. A Driver must not conceal any evidence of a crime or voluntarily aid violators to escape arrest.

§4-12(m)	Fine: \$350-\$1,000 and/or suspension up to 30 days Points: 3	Appearance <u>REQUIRED</u>
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§4-13 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.

§4-13(a)(1)	Fine: \$50	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.

§4-13(a)(2)	Fine: \$150	Appearance <u>NOT REQUIRED</u>
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- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:

§4-13(a)(3)	Fine: \$250 for each violation below. Points: As listed below.	Appearance NOT REQUIRED
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Rule	VIOLATION	Reference	Points
§4-13(a)(3)(i)	<u>SPEEDING</u>	1 to 10 miles above posted speed limit	<u>3</u>
		11 to 20 miles above posted speed limit	<u>4</u>
		21 to 30 miles above posted speed limit	<u>5</u>
		31 to 40 miles above posted speed limit	<u>6</u>
		41 or more miles above speed limit	<u>8</u>
§4-13(a)(3)(ii)	<u>Failing to stop for school bus</u>		<u>5</u>
§4-13(a)(3)(iii)	<u>Following too closely (tailgating)</u>		<u>4</u>
§4-13(a)(3)(iv)	<u>Inadequate brakes (own vehicle)</u>		<u>4</u>
§4-13(a)(3)(v)	<u>Inadequate brakes (employer's vehicle)</u>		<u>2</u>
§4-13(a)(3)(vi)	<u>Failing to yield right of way</u>		<u>3</u>
§4-13(a)(3)(vii)	<u>Traffic signal violation</u>		<u>3</u>
§4-13(a)(3)(viii)	<u>Stop sign violation</u>		<u>3</u>
§4-13(a)(3)(ix)	<u>Yield sign violation</u>		<u>3</u>
§4-13(a)(3)(x)	<u>Railroad crossing violation</u>		<u>3</u>
§4-13(a)(3)(xi)	<u>Improper passing</u>		<u>3</u>
§4-13(a)(3)(xii)	<u>Unsafe lane change</u>		<u>3</u>
§4-13(a)(3)(xiii)	<u>Driving left of center</u>		<u>3</u>
§4-13(a)(3)(xiv)	<u>Driving in wrong direction</u>		<u>3</u>
§4-13(a)(3)(xv)	<u>Leaving scene of an accident involving property damage or injury to animal</u>		<u>3</u>

- (4) Report Before Leaving Scene. A Driver who knows or should have known that a traffic accident involving the Driver's Taxicab resulted in personal injury to another or to another's property, must stop before leaving the scene of the accident, and must:
- (i) Show his or her Chauffeur's License, Taxicab Driver's License, and Rate Card to the other party involved in the incident.
 - (ii) Give the other involved party his or her name, residence address, Chauffeur's License number, Taxicab Driver's number, and Taxicab Medallion number, as well as the name of the Taxicab's insurance carrier and the insurance policy number.

§4-13(a)(4)	Fine: \$50-\$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period Points: 3	Appearance REQUIRED
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- (5) Notify Taxicab Vehicle Owner of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Taxicab.

§4-13(a)(5)	Fine: \$75-\$150 Points: 3	Appearance <u>REQUIRED</u>
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(b) Workers' Compensation Laws.

- (1) A Driver who suffers a disabling work-related injury and has filed for Workers' Compensation benefits will:

- (i) Surrender his or her Taxicab Driver's License to the Commission
(ii) Cease driving while claiming a disability.

(2) Return to Work.

- (i) The Driver's License will be returned when the Driver submits documentation to the Commission that he or she has recovered and is no longer receiving Workers' Compensation benefits.
(ii) The owner of the Taxicab is required to provide the Driver with documentation indicating that the Workers' Compensation benefits have ended, as provided in Chapter 8, §8-14(d) of these Rules.

§4-13(b)	Fine: \$75-\$150	Appearance <u>REQUIRED</u>
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§4-14 Operations – Passenger and Driver Safety

- (a) Reckless Driving Rule. A Driver must not operate his or her Taxicab in a manner or at a speed that unreasonably endangers users of other vehicles, pedestrians, or the Passengers.

§4-14(a)	Fine: \$350-\$1,000 and/or suspension up to 30 days, or revocation if Driver is found guilty of having violated this rule more than three times within an 18-month period Points: 4	Appearance <u>REQUIRED</u>
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(b) Driving While Impaired.

- (1) A Driver must not operate a Taxicab while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content), drugs or other controlled substances.

- (2) A Driver must not drive or occupy his or her Taxicab for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any drugs or other controlled substances.

§4-14(b)	Fine: Revocation	Appearance REQUIRED
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(c) Drug Testing.

- (1) Drug Testing for Cause. If the Commission has a reasonable suspicion that a Driver has used a drug or controlled substance that makes him or her unfit to operate a Taxicab safely, the Commission can direct the Driver to be tested, at the Driver’s expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

§4-14(c)(1)	Fine: Suspension until compliance or revocation of license	Appearance NOT REQUIRED
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(2) Annual Drug Testing.

- (i) All Drivers except Drivers who are City of New York Police Officers must be tested annually, at the Driver’s expense, for drugs or controlled substances in order to retain Valid Licenses.
- (ii) The drug testing must be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.
- (iii) For Drivers in the first year of a two-year License, the testing must occur no sooner than 30 days before the one-year anniversary date of the License, and not after the one-year anniversary date.

§4-14(c)(2)(iii)	Fine: Summary Suspension until compliance. If testing occurs after the one-year anniversary date, but within 30 days after that date, there will be a \$200 penalty for reinstatement	n/a
(iv) F		
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r Drivers in the second year of a two-year License, the annual drug testing must occur no sooner than 30 days before the License expiration date, and in no case after the expiration date.

§4-14(c)(2)(iv)	If the Driver fails to be tested within this time period, his or her License will expire and will not be renewed	n/a
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- (3) Results of Drug Test. Driver must pass every drug test, including “For Cause” drug tests under §4-14(c)(1) and “Annual” drug tests under §4-14(c)(2). If the results of either test are positive, the Driver’s License can be revoked after a hearing.

§4-14(c)(3)	Fine: Suspension or revocation of license	Appearance REQUIRED
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- (d) Limits on Consecutive Hours of Driving. A Driver must not operate a Taxicab for more than 12 consecutive hours.

§4-14(d)	Fine: \$25 Point: 1	Appearance NOT REQUIRED
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§4-15 Operations – General Rules During Operation of Vehicle

- (a) No Weapons. While operating a Taxicab, a Driver must not have a Weapon or any other instrument intended to be used as a weapon in his or her possession or in the vehicle without the written permission of the Chairperson.

§4-15(a)	Fine: Revocation	Appearance REQUIRED
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- (b) Driver Neat & Clean. A Driver must be clean and neat in dress and person. A Driver must not wear, as outer clothing, underwear, tank tops, tube tops, body shirts, swimwear, bathing trunks, or cut off shorts.

§4-15(b)	Fine: \$25	Appearance NOT REQUIRED
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- (c) No Smoking. A Driver must not smoke in a Taxicab.

§4-15(c)	Fine: \$150	Appearance REQUIRED
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- (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.

§4-15(d)	Fine: \$50-\$250 and/or suspension up to 30 days. Points: 2	Appearance REQUIRED
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- (e) No Phone Use. A Driver must not use a telephone/cell phone while operating a Taxicab, unless the Taxicab is lawfully standing or parked.

§4-15(e)	Fine: \$200 Points: 2	Appearance NOT 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.

§4-15(f)(1)-(3)	Fine: \$50	Appearance NOT REQUIRED
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(4) A Driver must forward all tolls paid by the Passengers to the holder of the E-ZPass® tag at the end of his or her shift or lease period.

(5) If Driver has been required to establish a replenishment account, as described in §8-26(d)(2) of the Taxicab Owners chapter, the Driver must maintain the required balance in the account.

§4-15(f)(4)-(5)	Fine: \$50 plus restitution to the E-ZPass® tag holder of any amount not reimbursed, and suspension until compliance	Appearance 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.

§4-15(g)	Fine: \$50	Appearance NOT REQUIRED
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(h) Use of Front Seat.

(1) A Passenger who is unable to enter or ride in the rear seat of the Taxicab must be permitted to occupy the front Passenger seat.

(2) If a Passenger's luggage, wheelchair, crutches, other mobility aid or other property occupies the rear seats of the Taxicab, a Passenger must be permitted to occupy the front Passenger seat.

§4-15(h)	Fine: \$75 for a violation involving a person; \$25 for a violation involving luggage	Appearance NOT REQUIRED
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(i) No Property-Only Transport. A Driver must not transport property, except blood or vital human organs, unless such property is in the possession of a Passenger.

§4-15(i)	Fine: \$100	Appearance NOT REQUIRED
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(j) No Marketing to Passengers. A Driver must not sell, advertise or recommend any service or merchandise to any Passenger without prior written Commission approval.

§4-15(j)	Fine: \$50-\$350 and/or suspension up to 30 days.	Appearance <u>REQUIRED</u>
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(k) Proper Driver Authorization.

(1) A Driver must not operate a Taxicab unless either:

- (i) The Driver’s name has been entered onto the Rate Card by the Commission and, if the Driver is leasing the Taxicab, the Lease has not yet expired; or
- (ii) The term “Unspecified Drivers” has been entered onto the Rate Card by the Commission.

§4-15(k)(1)	Fine: \$100-\$350; for the third or subsequent violation within 36 months, the license may also be suspended for up to 30 days. Points: 1	Appearance <u>REQUIRED</u>
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(2) A Driver who is leasing a Taxicab must not sublease the Taxicab.

§4-15(k)(2)	Fine: \$100-\$350; for the third or subsequent violation within 36 months, the license may also be suspended for up to 30 days.	Appearance <u>REQUIRED</u>
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(l) Courtesy. A Driver must be courteous to passengers.

§4-15(l)	Fine: \$150 Points: 2	Appearance <u>NOT REQUIRED</u>
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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.

§4-15(m)(1)	Fine: \$25	Appearance <u>NOT REQUIRED</u>
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(2) A Driver must turn on the "Off Duty" light only by use of a manually operated switch on the Taxicab dashboard

§4-15(m)(2)	Fine: \$75	Appearance <u>NOT REQUIRED</u>
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§4-16 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.

§4-16(a)	Fine: \$50-\$100.	Appearance <u>REQUIRED</u>
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- (b) Requests to Change Destination. Passengers may ask the Driver to change their destination or end their ride during their trip. Drivers must comply with these requests unless it is impossible or unsafe. The Passenger will pay the amount shown on the Taximeter or information monitor when the trip ends.

§4-16(b)	Fine: \$50-\$200 Points: 2.	Appearance <u>REQUIRED</u>
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- (c) Request to Load Luggage. Upon the request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property into or out of the Taxicab's interior or trunk compartment, and must securely close the door or trunk compartment.

§4-16(c)	Fine: \$50	Appearance <u>NOT REQUIRED</u>
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- (d) Request to Provide 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.

§4-16(d)	Fine: \$25 Points: 1.	Appearance <u>NOT REQUIRED</u>
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- (e) Request to Adjust Audio.

- (i) At the request of a Passenger, the Driver must adjust the volume or turn on or off any audio or video equipment within his or her control. Passengers are also entitled to select what is played on any audio or video equipment in the Taxicab.
- (ii) Whether or not there is a Passenger in the Taxicab, an audio or video device can only be played at a normal volume and must not violate NYC noise regulations.

§4-16(e)	Fine: \$25	Appearance <u>NOT REQUIRED</u>
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- (f) Request to Adjust Air Conditioning/Heat. At the request of a Passenger, the Driver must turn the air conditioning or heating equipment on or off.

§4-16(f)	Fine: \$25	Appearance <u>NOT REQUIRED</u>
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- (g) Other Reasonable Passenger Requests. A Driver must comply with all the reasonable requests of a Passenger, including but not limited to giving his or her name, Taxicab Driver's License number and the Medallion number.

§4-16(g)	Fine: \$50-\$200 Points: 2	Appearance <u>REQUIRED</u>
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§4-17 Operations – Rates, Charges and Payment

- (a) No Overcharges.

- (1) A Driver must not charge or attempt to charge a fare above the Commission-approved rates.
- (2) A Driver must not impose or attempt to impose any additional charge for transporting a person with a disability, a service animal accompanying a person with a disability, or a wheelchair or other mobility aid.

§4-17(a)(1)-(2)	Mandatory penalties as set forth in §4-02	Appearance <u>REQUIRED</u>
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- (3) A Driver must not collect or attempt to collect separate fares from individual Passengers who have shared a Taxicab for part or all of a trip unless such fares are specifically authorized as part of a Group Riding program established by the Commission.

§4-17(a)(3)	Fine: \$50-\$150 Points: 2	Appearance <u>REQUIRED</u>
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- (4) A Driver must give the correct change to a Passenger who has paid the fare.

§4-17(a)(4)	Fine: \$50-\$150 Points: 2	Appearance <u>REQUIRED</u>
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- (5) A Driver must not ask a Passenger for a tip or indicate that a tip is expected or required.

§4-17(a)(5)	Fine: \$50	Appearance <u>NOT REQUIRED</u>
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- (b) Non-Paying Customers. If a Passenger refuses to pay the metered fare, the Driver must place the meter in the off or “Vacant” position, illuminate the “Off Duty” light, and:

- (1) Record the amount of fare on the Taximeter onto the Trip Record through the Taxicab Technology System, or onto the written Trip Record if the T-PEP is not working, and

(2) Proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

(c) Currency. A Driver must accept United States currency as payment for services.

§4-17(c)	Fine: \$100.	Appearance NOT REQUIRED
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(d) Making Change.

(1) A Driver must always be capable of making change for a \$20 bill during his or her work shift.

(2) If the Driver is not able to change a \$20 bill, the Driver will, with the Passenger's consent, take the following steps:

(i) Place the meter in an off or "Vacant" position and illuminate the "Off Duty" light.

(ii) Transmit the relevant information to an electronic database for entry on the electronic trip record or make an appropriate written trip record entry.

(iii) Proceed to the nearest location where he or she may reasonably expect to obtain change.

§4-17(d)	Fine: \$25.	Appearance NOT REQUIRED
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(e) Must Accept Credit/Debit Card Payment.

(1) All Taxicabs are required to be equipped with T-PEP and Drivers must accept a Passenger's choice to pay by credit/debit card.

§4-17(e)(1)	Fine: \$100.	Appearance REQUIRED
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(2) A Driver must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging the Taximeter, the Driver advises the passenger that he/she will not be able to use a credit or debit card for payment

(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.

<u>§4-17(e)(2)-(3)</u>	<u>Fine: \$50-\$350 and/or suspension up to 30 days</u> <u>Points: 1</u>	<u>Appearance REQUIRED</u>
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- (f) No Mark-up for Credit Payment. A Driver must not charge any additional fee (mark-up) to any Passenger for credit/debit card transactions.

<u>§4-17(f)</u>	<u>Fine:</u> <u>First violation: \$200</u> <u>Second violation: \$300</u> <u>Third violation: \$500</u> <u>In addition to the penalty payable to the Commission, the administrative law judge may order the Driver to pay restitution to the Passenger, equal to the excess amount that was charged to the Passenger.</u>	<u>Appearance REQUIRED</u>
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- (g) Trips Beyond the City.

- (1) In General. For a trip anywhere beyond the City of New York (other than to Westchester or Nassau counties or Newark Airport), the following rules and charges apply:

- (i) The Driver must negotiate a flat rate trip charge with the Passenger before beginning the trip. (NOTE: A “flat” rate means a dollar amount; “double the meter” is NOT a flat rate.)

<u>§4-17(g)(1)(i)</u>	<u>Fine: \$100.</u> <u>Points: 2</u>	<u>Appearance NOT REQUIRED</u>
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- (ii) The Driver must place the Taximeter in a recording position at the beginning of the trip and allow it to continue recording

<u>§4-17(g)(1)(ii)</u>	<u>Fine: \$100.</u> <u>Points: 2</u>	<u>Appearance NOT REQUIRED</u>
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- (2) For a trip to Westchester or Nassau County, the following charges and rules apply:

- (i) The Driver must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.

<u>§4-17(g)(2)(i)</u>	<u>Fine: \$100.</u>	<u>Appearance NOT REQUIRED</u>
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- (ii) Before starting the trip, the Driver must inform the Passenger how the trip charges will be calculated, including the payment of tolls both to and from the destination.

- (iii) The rate of fare will be the amount shown on the Taximeter for the portion of the trip within the City, plus twice the amount shown on the Taximeter for the portion of the trip outside the City limits (See Chapter 8, §8-25(d)(2)).
- (iv) The Driver must tell the Passenger when the Taxicab crosses the City limits so that the Passenger can check the reading on the Taximeter at that time.
- (v) The Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

<u>§4-17(g)(2)(ii)-(v)</u>	<u>Fine: \$25</u> <u>Points: 2.</u>	<u>Appearance NOT REQUIRED</u>
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(3) For a trip to Newark Airport, the following charges and rules apply:

- (i) The Driver must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.

<u>§4-17(g)(3)(i)</u>	<u>Fine: \$100.</u>	<u>Appearance NOT REQUIRED</u>
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- (ii) Before starting the trip, the Driver must inform the Passenger how the trip charges will be calculated, including the cost of the tolls.
- (iii) The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$15.00 (See Chapter 8, §8-25(d)(3)).
- (iv) The Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

<u>§4-17(g)(3)(ii)-(iv)</u>	<u>Fine: \$25</u> <u>Points: 2.</u>	<u>Appearance NOT REQUIRED</u>
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(4) For all out-of-City trips, the Driver must record the charges and the out-of-city destination on the written Trip Record, if T-PEP is not working.

<u>§4-17(g)(4)</u>	<u>Fine: \$25.</u> <u>Points: 2</u>	<u>Appearance NOT REQUIRED</u>
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§4-18 Operations – Lost Property

- (a) Inspection Following Trips from Airports. Immediately after completing a trip to Kennedy, La Guardia or Newark Airports, the Driver must inspect the interior of

the Taxicab and the trunk compartment, if used, to ensure that Passengers have collected their property.

§4-18(a)	Fine: \$25	Appearance NOT REQUIRED
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- (b) Handling of Lost Property. Property found by a Driver in a Taxicab must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.

§4-18(b)	Fine: \$25-\$250	Appearance REQUIRED
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- (c) Notifying Commission Regarding Lost Property. If the property is not returned to the Passenger, the Driver must promptly inform the Commission of the details regarding the found property and the police precinct where it is held.

§4-18(c)	Fine: \$25	Appearance NOT REQUIRED
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§4-19 Operations – Passenger Solicitation and Engagement

- (a) Limits on Driver Solicitation of Passengers.

- (1) A Driver must solicit Passengers only from the driver's seat of his or her Taxicab and only using the words "taxi" or "cab" or "Taxicab."

§4-19(a)(1)	Fine: \$50 Point: 1	Appearance NOT REQUIRED
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- (2) A Driver must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or an Accessible Taxicab dispatcher, to solicit Passengers.

§4-19(a)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (3) A Driver must not give false or misleading information to someone in an effort to convince him or her to hire the Taxicab by implying, for instance, that the trip will be shorter or cheaper than it will be. For example, the Driver must not give a false departure time for a train, bus or airplane in order to suggest that the Taxicab can get the Passenger to the terminal in time.

§4-19(a)(3)	Fine: \$50-\$200 Points: 3	Appearance REQUIRED
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- (4) A Driver must not solicit Passengers within 100 feet of any bus stop. Drivers must not stop at bus stops unless hailed.

§4-19(a)(4)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (5) A Driver must not pick up additional Passengers during a trip except at the Passenger's request.

<u>§4-19(a)(5)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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- (6) A Driver must not suggest to a current Passenger that an additional person be accepted as a Passenger.

<u>§4-19(a)(6)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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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

<u>§4-19(a)(7)</u>	<u>Fine: \$50</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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- (8) A Driver who has illuminated the "Off Duty" light must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is returning the Taxicab to his or her garage or home.
- (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)".
- (iii) The Passenger's destination is directly on the route to the Driver's home or garage.
- (iv) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

<u>§4-19(a)(8)</u>	<u>Fine: \$75</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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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.

§4-19(b)(1)	Fine: \$100	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.

§4-19(b)(2)	Fine: \$50	Appearance NOT 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.

§4-19(b)(3)	Fine: \$50	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.

§4-19(b)(4)	Fine: \$50	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.

§4-19(b)(5)	Fine: \$50	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.

§4-19(b)(6)	Fine: \$50	Appearance NOT REQUIRED
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(c) Terminals.

- (1) The rules regarding Taxi Stands also apply to special Taxi Stands and Feed Lines at air, rail, bus and ship terminals.

- (2) Where a terminal provides Taxicab holding areas:

- (i) Drivers must park the Taxicab in a taxi holding area before leaving on Relief Time.
- (ii) Upon returning from Relief Time, the Driver must join the end of the Feed Line.

- (iii) Drivers are not permitted to bring Passengers into a holding area.

<u>§4-19(c)(2)</u>	Fine: \$50	Appearance NOT REQUIRED
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- (3) Where an airport Taxi Stand offers both Long Haul and Short Haul lines, if there are Taxicabs available in both lines:

- (i) A Driver in the Short Haul line must not accept a Passenger for a Long Haul

- (ii) A Driver in the Long Haul line must not accept a Passenger for a Short Haul.

<u>§4-19(c)(3)</u>	Fine: \$100	Appearance NOT REQUIRED
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§4-20 Operations – Refusing Passengers

- (a) Must Not Refuse to Transport Passengers. Unless the Driver has justifiable grounds, the Driver must not refuse to transport in any of the following circumstances:

- (1) Mandatory Transport. A Driver must not refuse by words, gestures or any other means, to take a Passenger, including a person with a disability and any service animal accompanying this individual, to any destination within the City of New York, the counties of Westchester or Nassau, or Newark Airport.

<u>§4-20(a)(1)</u>	(Mandatory penalties as set forth in §4-02)	Appearance REQUIRED
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- (2) Attendant for Disabled Passengers. A Driver must not require a person with a disability to be accompanied by an attendant. However, if a person with a disability is accompanied by an attendant, the Taxicab Driver must not impose or attempt to impose any additional charge for transporting the attendant.

<u>§4-20(a)(2)</u>	(Mandatory penalties as set forth in §4-02)	Appearance REQUIRED
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- (3) Luggage and Mobility Aids. A Driver must not refuse to transport a Passenger's luggage, wheelchair, crutches, other mobility aid or other property.

<u>§4-20(a)(3)</u>	(Mandatory penalties as set forth in §4-02)	Appearance REQUIRED
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- (4) Destination in Advance. A Driver must not attempt to learn the destination of a Passenger before the Passenger is seated in the Taxicab.

§4-20(a)(4)	(Mandatory penalties as set forth in §4-02)	Appearance <u>REQUIRED</u>
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- (b) Justifications for Refusing Passenger. The following are permitted reasons for refusing to transport:
- (1) Another Passenger is already seated in the Taxicab.
 - (2) The Driver has already acknowledged a hail from another person, and that other person is being picked up or is about to be picked up. (CAUTION: A Driver must not acknowledge the hail of one person over another in order to avoid transporting the person whose hail was not acknowledged.)
 - (3) The Passenger is carrying or is in possession of any article, package, case or container which the Driver reasonably believes will cause damage to the Taxicab. (CAUTION: This does NOT include wheelchairs, crutches, a service animal or other mobility aid used by disabled Passengers. Mobility aids must be accepted.)
 - (4) The Driver is discharging his last Passenger or Passengers prior to going off duty, and has already:
 - (i) Illuminated his “Off Duty” light, and
 - (ii) Transmitted or entered the appropriate data.
 - (5) The Driver is ending his or her work shift, and has already:
 - (i) Illuminated the “Off Duty” sign,
 - (ii) Locked both rear doors, and
 - (iii) Transmitted or entered the appropriate data.
 - (6) The Driver must take the Taxicab out of service for required repairs to T-PEP, and has already:
 - (i) Illuminated the “Off Duty” light sign or properly placed the Relief Time sign in the Taxicab,
 - (ii) Locked both rear doors, and
 - (iii) Transmitted or entered the appropriate data.
 - (7) The Passenger is accompanied by an animal that is not properly secured in a suitable container. (CAUTION: This does not apply to service animals accompanying people with disabilities.)

- (8) The Passenger's destination is Newark Airport or someplace in Nassau or Westchester County, and the Driver has been operating the Taxicab for more than eight hours of any continuous 24-hour period.
- (9) The Passenger is disorderly or intoxicated. (CAUTION: Drivers must not refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (10) A Passenger asks a Driver on the airport Long Haul line for a Short Haul trip and there are Taxicabs available in the Short Haul line.
- (11) A Passenger asks a Driver in the airport Short Haul line for a Long Haul trip and there are Taxicabs available in the Long Haul line.
- (12) If a Passenger is smoking and has refused the Driver's request to stop, the Driver can discharge the Passenger in a safe location. (CAUTION: The Driver must ask the Passenger at least twice to stop smoking before requiring him or her to leave the Taxicab.)

§4-21 RESERVED (Operations – Cooperation with Issuing Jurisdictions)

§4-22 Vehicle – Operation and Condition

- (a) 3-Minute Idle. Drivers must comply with the Air Pollution Control Code of NYC, including the provision that the Driver must not cause or permit the engine of the Taxicab to idle for longer than three minutes.

§4-22(a)	Fine: \$25	Appearance NOT REQUIRED
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- (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.

§4-22(b)	Fine: \$25	Appearance NOT REQUIRED
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- (c) RESERVED. (No On-street Maintenance other than Emergency.)

- (d) Clean Interior. During his or her work shift, a Driver must keep the Taxicab's interior clean.

§4-22(d)	Fine: \$50	Appearance NOT REQUIRED
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- (e) Exterior Clean and Identification Visible. During his or her work shift, a Driver must keep the Medallion number on the front and rear of the roof light clean and unobstructed so that it can be seen at all times.

<u>§4-22(e)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (f) No Unauthorized Equipment. A Driver must not operate a Taxicab that uses or has installed any equipment or mechanical devices not specifically listed in these rules, unless authorized in writing by the Commission.

<u>§4-22(f)</u>	<u>Fine: \$50-\$350 and/or suspension up to 30 days</u> <u>Points: 1</u>	<u>Appearance REQUIRED</u>
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- (g) No Unauthorized Signage. A Driver must not place any signs in a Taxicab not specifically listed in these rules, unless authorized in writing by the Commission.

<u>§4-22(g)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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- (h) Operation of Roof lights and Taximeters. While on duty, a Driver must not operate a Taxicab unless:

- (1) The roof light is lit when the Taximeter is not in use, and
- (2) The roof light is off when the Taximeter is in use.

<u>§4-22(h)</u>	<u>Fine: \$50-\$250 and/or suspension up to 30 days</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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§4-23 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).

<u>§4-23(a)(1)</u>	<u>Fine: \$30</u>	<u>Appearance NOT REQUIRED</u>
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- (2) The Taxicab Driver's License in the appropriate frame.

<u>§4-23(a)(2)</u>	<u>Fine: \$50</u> <u>Points: 2</u>	<u>Appearance NOT REQUIRED</u>
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- (3) The Rate Card assigned to the Taxicab, beside the frame containing the Taxicab Driver's License.

<u>§4-23(a)(3)</u>	<u>Fine: \$50</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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- (4) A New York City five (5) borough indexed street map.

§4-23(a)(4)	Fine: \$25	Appearance NOT REQUIRED
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(5) Receipts for Passengers.

§4-23(a)(5)	Fine: \$25	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.

§4-23(b)(1)	Fine: \$50	Appearance NOT REQUIRED
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(2) A Driver must not operate a Taxicab after sunset unless the face of the Taximeter, his or her Driver’s License, and the Rate Card are illuminated so that they are clearly visible from the rear seat by a Passenger with normal vision.

§4-23(b)(2)	Fine: \$25 for violation of each subdivision. No fine for multiple violations in one incident will exceed \$50.	Appearance NOT REQUIRED
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§4-24 Vehicle – Trip Records.

(a) Record of Passenger Trip Information. The Trip Record is the record of all data collected from every for-hire trip made by a Taxicab and must include the following information:

- (1) The Taxicab Medallion number
- (2) The Taxicab Driver’s License number
- (3) The location where each Passenger(s) was picked up
- (4) The time each Passenger(s) was picked up
- (5) The number of Passengers
- (6) The location where each Passenger(s) was dropped off
- (7) The time each Passenger was dropped of
- (8) The total trip mileage
- (9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)

- (10) Method of payment
- (11) The Taximeter readings
- (12) The concluding time of Driver's work shift
- (13) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger
- (14) The trip number
- (15) All other entries required by these rules

<u>§4-24(a)</u>	<u>Fine: \$15 per missing entry on an electronic or written trip record. The total penalty for violation of this rule will not exceed \$30 per electronic or written trip record.</u>	<u>Appearance NOT REQUIRED</u>
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(b) Electronic Trip Records--Taxicab Technology System (T-PEP).

- (1) A Driver is required to log in and operate T-PEP in order to obtain the Trip Record data for each trip.

<u>§4-24(b)(1)</u>	<u>Fine: \$100-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (2) If necessary, the Driver will transmit any corrections electronically, using T-PEP.

<u>§4-24(b)(2)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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(c) Written Trip Records

- (1) If the T-PEP is inoperable, the Driver must keep written Trip Records if he or she operates the Vehicle during the period of time the Taxicab is permitted to operate without a working T-PEP system. (See §4-25).
- (2) Drivers must submit all written Trip Sheets to the Taxicab Owner at the conclusion of the Driver's shift or lease period.

<u>§4-24(c)(1)-(2)</u>	<u>Fine: \$100-\$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (3) Before beginning each work shift, a Driver must sign and certify on the Trip Record that the Taxicab and its equipment are in good working condition, and that the items required in the Taxicab are present. [Exception to Certification: If the Taxicab Technology System is not in operation, the certification must note that the Taxicab equipment is in good working order except for the Taxicab Technology System.]

§4-24(c)(3)	Fine: Failure to comply with 10-day notice to correct: \$200 and suspension until compliance.	Appearance <u>REQUIRED</u>
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- (4) When correcting a written Trip Record, a Driver:
- (i) Must not erase any entry or make it completely unreadable.
 - (ii) Must correct a wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change.
 - (iii) Must not leave blank lines between entries on any written Trip Record.

§4-24(c)(4)	Fine: \$25	Appearance <u>NOT REQUIRED</u>
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- (5) A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission.

§4-24(c)(5)	Fine: \$250	Appearance <u>NOT REQUIRED</u>
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§4-25 Vehicle Equipment – Taxicab Technology System (Electronic Trip Record System)

- (a) Taxicab Technology System (T-PEP). The T-PEP is a system of hardware and software that provides the following four Core Services, electronically, in the Taxicab vehicle:
- (1) The ability for Passengers to pay using a credit, debit or prepayment card
 - (2) The ability for Drivers to send and receive text messages
 - (3) The ability to collect and transmit Trip Record data, electronically
 - (4) A Passenger Information Monitor (PIM) that provides Passengers:
 - (i) A map of the route being traveled
 - (ii) Information about Taxicab fares, Passenger Bill of Rights and public service announcements
 - (iii) Commercial advertising and sponsorships
 - (iv) The ability to turn off all audio and visual presentations

- (b) Good Working Order. T-PEP equipment must be in good working order and each of the four core services must function at all times.

§4-25(b)	Fine: \$250 and suspension until compliance	Appearance <u>REQUIRED</u>
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- (c) T-PEP System(s) Malfunction. In the event the Taxicab Technology System malfunctions or fails to operate:

- (1) The Driver must file an incident report with the authorized T-PEP provider within one (1) hour after Driver knows (or should have known) of the system failure, or the end of the Driver’s shift, whichever occurs first.
- (2) If the Taxicab Owner or Taxicab Agent previously filed a timely incident report of the T-PEP failure, the Driver will not be required to file a separate incident report. The Driver must get the incident report number from the Owner.

§4-25(c)(1)--(2)	Fine: \$250 and suspension until compliance	Appearance <u>REQUIRED</u>
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- (3) A Driver is not permitted to operate a Taxicab in which any of the four core services of T-PEP are inoperative for more than 48 hours following the timely filing of an incident report.

§4-25(c)(3)	Fine: \$250 and suspension until compliance	Appearance <u>REQUIRED</u>
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- (d) Unauthorized Devices or Repairs.

- (1) A Driver must not connect any unauthorized device to the T-PEP.
- (2) The Driver must not tamper with, repair or attempt to repair the T-PEP seals, cable connections or electrical wiring.
- (3) The Driver must not make any change in the Taxicab’s mechanism or its tires which would affect the operation of the T-PEP system.

§4-25(d)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance <u>REQUIRED</u>
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- (4) It will be an affirmative defense to a violation of this provision, §4-25(d)(2) that the Driver:
 - (i) Did not know of or participate in the alleged T-PEP tampering, and
 - (ii) Exercised due diligence to ensure that T-PEP tampering did not occur.

- (e) Passenger Information Monitor (PIM) Malfunction. If the Taxicab’s PIM is not operational and can be made operational by the Driver, the Driver must do so.

§4-25(e)	Fine: \$100	Appearance NOT REQUIRED
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§4-26 Vehicle Equipment – Taximeters

- (a) Taximeter Condition.

- (1) Defective Condition. A Driver must not pick up or transport a Passenger when the Taximeter in his or her Taxicab is defective.

§4-26(a)(1)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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- (2) Repair and Replacement. A defective Taximeter must be repaired or replaced at a licensed Taximeter shop. A Taximeter must only be replaced with a Taximeter that has been inspected, sealed and approved within the preceding 12 months.

§4-26(a)(2)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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- (3) Seals and Serial Number. A Driver must not drive a Taxicab unless all Taximeter seals and cable housing seals are in good condition and pressed by the Commission or its authorized designee. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the Taxicab.

§4-26(a)(3)	Fine: \$100 Points: 2	Appearance NOT REQUIRED
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- (4) Receipt Paper. A Driver must not pick up or transport a Passenger unless the Taximeter is properly equipped with paper for printing receipts.

§4-26(a)(4)	Fine: \$25	Appearance NOT REQUIRED
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- (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.

§4-26(b)(1)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (2) Entering Passenger with a Disability.

- (i) If the Passenger is a Person with a Disability, the Taxicab Driver must not place the Taximeter in the recording or “Hired” position while the Driver is assisting a person with a disability to enter the Taxicab or while assisting with that Passenger Passenger’s mobility aid.

<u>§4-26(b)(2)(i)</u>	<u>Fine: \$100</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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- (ii) If a Participating Driver is responding to an Accessible Taxicab dispatch, the Driver can turn on the meter while waiting for the Passenger, provided the Driver is at the pick-up location and the actual pick-up time has arrived.

<u>§4-26(b)(2)(ii)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (3) *Exiting Passenger with a Disability.* If the Passenger is an individual with a disability who requires assistance to exit the Taxicab, the Driver must place the Taximeter in a non-recording position before assisting such Passenger and must leave the Taximeter in a non-recording position until such Passenger has paid the fare and safely exited the cab.

<u>§4-26(b)(3)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (4) *Non-Paying Passenger.* If the Passenger is not being charged a fare, the Driver must not activate the meter, but must:

- (i) Illuminate the “Off Duty” light
- (ii) Transmit (or manually add to the written Trip Record) that he or she is off duty and transporting a non-paying Passenger and details of the time and distance of the free fare.
- (iii) Include the reason the Passenger is not being charged.

<u>§4-26(b)(4)</u>	<u>Fine: \$25</u> <u>Points: 1</u>	<u>Appearance NOT REQUIRED</u>
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- (5) *Flat Fare Trip.* When the Taxicab is engaged in a flat fare trip from between Kennedy Airport and Manhattan, the Driver must key the information into T-PEP (or enter on a written Trip Record) that this is a

flat fare trip to or from Kennedy Airport and include the time and distance of the trip.

§4-26(b)(5)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (6) End of Trip. Upon reaching the Passenger's destination, the Driver must place the Taximeter in a non-recording or "Time Off" position, inform the Passenger of the fare due and leave the Taximeter in a non-recording position until the fare is paid.

§4-26(b)(6)	Fine: \$50	Appearance NOT REQUIRED
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- (7) Re-setting the Taximeter. Immediately after the Passenger leaves the Taxicab, the Driver must clear the Taximeter, placing it in an off or "Vacant" position in which it must remain until the next Passenger enters the Taxicab.

§4-26(b)(7)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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(c) Taximeter Tampering.

- (1) Seal Tampering.

- (i) A Driver must not operate a Taxicab if the official seals attached to it have been tampered with, broken or altered in any manner.
- (ii) The Commission will assume that a Driver who operates a Taxicab with a broken Taximeter seal knew of the tampering or alteration and deliberately operated the Taxicab in violation of this Rule, and will take appropriate action against the Driver.

§4-26(c)(1)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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- (2) Unauthorized Devices or Repairs.

- (i) A Driver must not connect any unauthorized device to the Taximeter.
- (ii) The Driver must not tamper with, repair or attempt to repair the Taximeter seals, cable connections or electrical wiring.
- (iii) The Driver must not make any change in the Taxicab's mechanism or its tires which would affect the operation of the Taximeter system.

§4-26(c)(2)(i)-	Fine: \$50-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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(iii)	Points: 3	
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- (iv) It will be an affirmative defense to a violation of this provision, §4-26(c)(2), that the Driver:
 - A. Did not know of or participate in the alleged Taximeter tampering, and
 - B. Exercised due diligence to ensue that Taximeter tampering did not occur.

(3) Roof Light and other Electrical Connections.

- (i) A Driver must not tamper with the roof light or any of the interior lights or connections except to replace a defective bulb or fuse.
- (ii) The roof light of a Taxicab must be automatically controlled only by the movement of the Taximeter button or ignition switch so that it is lighted only when the Taximeter is in an off or "Vacant" position and unlighted when the Taximeter is in a recording or "Hired" position.
- (iii) The Commission will assume that a Driver who operates a Taxicab with an unauthorized installation or device controlling interior or roof lighting knew of the unauthorized installation or device and deliberately operated the Taxicab in violation of this Rule, and the Commission will take appropriate action against the Driver.

§4-26(c)(3)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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- (4) Defect(s) that Arise During Shift. If the Taximeter breaks down during a trip so that the fare can no longer be monitored, the Driver must immediately tell the Passenger and offer him or her the option of:
 - (i) Continuing the trip after mutually agreeing to a reasonable fare, or
 - (ii) Terminating the trip and paying the fare shown on the Taximeter to that point.

§4-26(c)(4)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1	Appearance REQUIRED
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- (5) Procedures for Terminating Use of Taxicab with Defective Taximeter. Upon terminating a trip because of a defective Taximeter or T-PEP, the Driver must:
 - (i) Illuminate the "Off Duty" light

- (ii) Lock the rear doors
- (iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if T-PEP system is inoperative)
- (iv) Return the Taxicab immediately to the garage of record or a licensed Taximeter repair shop.

<u>§4-26(c)(5)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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(d) Report Signs of Tampering to TLC. A Driver must notify the Owner and the Commission by telephone immediately, and in writing within 24 hours, upon the discovery of any of the following:

- (1) A Taximeter other than the Taximeter approved by the Commission and indicated on the Rate Card, has been installed in the Taxicab operated by the Driver.
- (2) A Taximeter seal in the Taxicab operated by the Driver has been removed or tampered with.
- (3) An unauthorized device that may affect the operation of a Taximeter has been connected to the Taximeter, seal, cable connection or electrical wiring of the Taxicab operated by the Driver.
- (4) Any intervening connections, splices, “Y” connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the Taxicab operated by the Driver.

<u>§4-26(d)</u>	<u>Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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§4-27 Special Driver Penalty Programs

(a) Critical Driver’s Program (“Points” in this Section refers to points assessed by the Department of Motor Vehicles).

- (1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver’s license (whether issued by New York or another state), the Commission will suspend the Driver’s Taxicab Driver’s License for 30 days.
- (2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver’s license (whether issued by New

York or another state), the Commission will revoke the Driver's Taxicab Driver's License.

- (3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
 - (4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points.
 - (5) Date of Point Accumulation. For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date the violation occurred.
 - (6) Multiple Points from a Single Incident. For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
 - (7) Point Reduction for Voluntary Course Completion.
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the Commission.
 - (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) If the Driver completed the course on or after September 1, 1999, the Commission will not reduce total points more than once in any five-year period.
- (b) Program for Persistent Violators of Taxicab Drivers' Rules ("Points" in this Section refers to points assessed by the Commission; these points are included in the penalties for specific violations of rules in this Section).

- (1) *Required Remedial Course Attendance for Persistent Violators.*
 - (i) Any Driver who has been found guilty of three or more violations within a 15-month period and whose license has not been revoked must attend a remedial or refresher course. The Commission will also add one point to that Taxicab Driver's License.
 - (ii) Any Driver who does not complete such a course after being notified of the requirement by the Commission will have his License suspended until he or she complies.
- (2) *Revocation – Points and Time Periods.*
 - (i) Any Driver who has accumulated six or more Commission-issued points against his or her Taxicab Driver's License within a 15-month period and whose License has not been revoked will have his or her License suspended for 30 days.
 - (ii) The Commission will revoke the License of any Driver who has accumulated ten or more points against his or her Taxicab Driver's License within a 15-month period.
- (3) *Multiple Violations from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (4) *More Severe Penalties at Discretion of Commission.* The Commission can impose more severe or additional penalties to any penalties stated in this section.
- (5) *Hearing Process and Imposition of Penalties.*
 - (i) The Commission will impose penalties described in this section following the hearing at which the Driver is found to have violated the rule(s) triggering these penalties.
 - (ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.
- (6) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any

Licensee who voluntarily attends and satisfactorily completes a remedial or refresher course approved by the Commission.

- (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) If the Driver completed the course on or after September 1, 1999, the Commission will not reduce total points more than once in any 18-month period.
- (7) It will be an affirmative defense that the act that formed the basis for the violation was beyond the control and influence of the Taxicab Driver.

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 2, Taxicab Drivers Rules	Chapter 4, Medallion Taxicab Drivers

The proposed rules make several substantive changes to the provisions of current rules governing commuter van drivers. Specifically, the proposed rules:

- Eliminate as obsolete certain transition provisions governing driver continuing education.
- Eliminate as obsolete certain transition provisions regarding the TPEP system.
- Eliminate as obsolete certain transition provisions concerning the persistent violator program set forth in section 4-27(b).
- Require that non-New York State driver license abstracts be no more than 30 days old, to align the rule to actual TLC practice regarding abstracts.

- Eliminate penalties for failure to complete Authorized Taxicab Training as being obsolete; completion of such training is a condition of licensure.
- Provide, consistent with TLC practice, that applicants for new or replacement licenses come to the TLC to be photographed, rather than supply photographs to the TLC.
- Align penalties for failure to update a driver address to those for failure to comply with a TLC directive, which is the practical effect of the failure to update penalty under the prior rules.
- Eliminate references to drug addiction that are contrary to the Americans with Disabilities Act.
- Add the concept of Relief Time which is consistent with existing taxi stand provisions.
- Clarify that the rules regarding idling are derived from provisions of the Administrative Code.
- Clarify that a driver with a non-paying passenger must illuminate the off-duty light.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.