

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes rules to eliminate the requirement that applicants for certain licenses must prove their citizenship or residency status in order to obtain licenses and to set forth standard documentation required for verification of the identity of applicants for all licenses and authorizations.

These rules are proposed pursuant to section 1043 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules are included in the TLC's regulatory agenda for Fiscal Year 2007.

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 25, 2006, at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than October 20, 2006.

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 13, 2006 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
Telephone: 212-676-1117
Fax: 212-676-1102
TTY/TDD: 212-341-9596

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

Statement of Basis and Purpose of Proposed Rules

The proposed rules would amend existing Taxi and Limousine Commission (“TLC”) rules to eliminate the requirement that applicants for certain licenses issued by the TLC must prove their citizenship or residency status in order to obtain licenses. This change is made to enhance consistency of application requirements for the various licenses issued by TLC.

The proposed rules would preserve the TLC’s ability to verify the identity of those applicants who formerly had to prove their citizenship or residency status. Verifying identity is crucial to the completion of accurate background checks and fitness assessments, and therefore is necessary to protect the public interest in the safety and integrity of operations of the for-hire transportation industry. The proposed rules provide that each applicant must establish his or her identity by producing a government-issued photo ID and an original social security card. These standards will apply to applicants who are individuals, and to partners, officers, members and/or shareholders of applicants who are partnerships or corporations. The proposed rules leave unchanged the TLC’s ability to fingerprint applicants for the purpose of conducting criminal background checks.

Section 1. It is hereby proposed that title 35, section 1-02(b) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].
Underscoring indicates new material.

(b)(i) An individual, the members of a partnership, or the officers and shareholders of a corporation, applying for a taxicab license [or its renewal must be] must provide to the Commission proof of identity in the form of

(A) A valid form of photo identification issued by the United States, any state or territory thereof or any political subdivision of such state or territory, and

(B) A valid, original social security card.

(ii) An individual, the members of a partnership, or the officers and shareholders of a corporation applying for a taxicab license or its renewal

(1) must be at least 18 years of age; and

(2) [citizens or permanent residents of the United States

(3)] must be of good moral character.

Section 2. It is hereby proposed that title 35, section 2-02(a) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].
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(a) An applicant for a taxicab driver's license [must be]:

(1) must be at least 19 years of age;

(2) [a citizen or person lawfully resident in the United States]if an applicant for an original license, must provide to the Commission proof of identity in the form of

(A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and

(B) A valid, original social security card;

(3) must be a holder of a valid New York State chauffeur's license, or a holder of an equivalent class of valid license from another state of which he or she is a resident and who provides the Commission with an abstract of his or her driving record from that state. For the purposes of these rules, a valid chauffeur's license, or a license of an equivalent class, shall mean a license, issued by the New York State Department of Motor Vehicles or by the agency of another state which issues such license, which is neither probationary, suspended, revoked, conditional, nor restricted as to use for violations of traffic laws or regulations;

(4) must be of sound physical condition as certified to by a physician licensed to practice in New York State or in the state in which the applicant resides, on forms provided by the Commission. If the Commission has cause to believe that an applicant or driver has a physical or mental impairment that renders him or her unfit for the safe operation of a taxicab, it may direct the applicant or driver to appear before a duly licensed physician designated by the Commission, for an examination of his physical or mental condition. Failure to appear as directed may lead to suspension or revocation of an existing license;

(5) must not be addicted to the use of drugs or intoxicating liquors;

(6) must be able to speak, read, write and understand the English language;

(7) must be of good moral character;

(8) must be familiar with the geography, streets and traffic regulations of the City of New York and the rules and regulations of the New York City Taxi and Limousine Commission, as well as the Vehicle and Traffic Law of the State of New York;

(9) must be the holder of a certificate of attendance for the required hours of instruction in taxi related subjects at a school approved by the Commission; and

(10) must be the holder of a certificate of completion for the required hours of instruction in a defensive driving course from a school, facility or agency authorized by the Commission and certified by the New York State Department of Motor Vehicles. The course must have been completed within six (6) months prior to the date of application.

Section 3. It is hereby proposed that title 35, section 4-03(a) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

- (a) An applicant for a paratransit driver's license [must be]:
- (1) must be at least 18 years of age;
 - (2) [a United States citizen or permanent resident] if an applicant for an original license, must provide to the Commission proof of identity in the form of
 - (A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and
 - (B) A valid, original social security card;
 - (3) must be tested and evince a vision of at least 20/40 in each eye (with corrective lenses if necessary);
 - (4) must be the holder of a valid New York State Motorist License Class A, B, C, or E. For the purposes of these rules, a valid license shall mean a license, issued by the New York State Department of Motor Vehicles, which is neither probationary, suspended, revoked, conditional, nor restricted as to use for violations of traffic laws or regulations.
 - (5) must be of sound mental and physical condition and fit to safely operate and drive a vehicle for hire as certified to by a licensed physician on forms provided by the Commission. The Commission may direct the applicant or driver to appear before a duly licensed physician designated by the Commission, for an examination of his or her physical or mental condition, should the Commission have cause to believe that an applicant or driver has a physical or mental impairment that renders him or her unfit for the safe operation of a paratransit vehicle. An existing license may be suspended or revoked if the driver fails to appear as directed,
 - (6) must not be addicted to drugs or alcohol;
 - (7) must be of good moral character (a certified court transcript of disposition is required if ever convicted of a crime);
 - (8) must be fingerprinted and photographed;
 - (9) must be able to understand, speak, read and write the English language;
 - (10) must be familiar with New York City geography, streets and traffic regulations, as well as New York State Vehicle and Traffic Law.

Section 4. It is hereby proposed that title 35, section 4-04(a) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

- (a) (i) [The basic requirements for a] An individual, the members of a partnership, or the officers and shareholders of a corporation, to apply] applying for an original paratransit vehicle license [or its renewal consists of the following. He must] must provide to the Commission proof of identity in the form of

(A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and

(B) A valid, original social security card.

(ii) An individual, the members of a partnership or the officers and shareholders of a corporation applying for a paratransit vehicle license or its renewal must

(1) have ownership in a wheelchair accessible vehicle;

(2) be at least 18 years of age;

(3) [be a United States citizen or permanent resident

(4)] be of good moral character (a certified court transcript of disposition is required if ever convicted of a crime);

[(5)](4) operate from a base that is licensed;

[(6)](5) have a valid certificate of Operating Authority for the City of New York issued by the New York State Department of Transportation.

Section 5. It is hereby proposed that title 35, section 4-05(b) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

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- (b) The applicant for the base license must complete and file the required Commission application form and also submit:

(1) a copy of the New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority);

- (2) if the base owner is a corporation, a copy of the filing receipt and the certificate of Incorporation;
- (3) if the owner is a partnership, a copy of the partnership agreement if such agreement exists;
- (4) a copy of the current Rate Schedule;
- (5) [acceptable proof of citizenship or alien status.] if an applicant for an original license, proof of identity of the owner, its partners if the owner is a partnership, and, if the owner is a corporation, officers and stockholders, in the form of

(A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision or such state or territory; and

(B) A valid, original social security card.

Section 6. It is hereby proposed that title 35, section 5-02(a) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

- (a) (i) An individual, the members of a partnership, or the officers and shareholders of a corporation, applying for a taxicab broker's license [or its renewal] must provide proof of identity to the Commission in the form of:

(A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and

(B) A valid, original social security card.

- (ii) An individual, the members of a partnership, or the officers and shareholders of a corporation applying for a taxicab broker's license or its renewal:

- (1) shall be at least twenty-one (21) years of age;
- (2) [shall be citizens or permanent residents of the United States]
- 3] shall be of good moral character;

[(4)](3) shall be able to speak, read, write and understand the English language;
and

[(5)](4) shall have actively participated in the taxicab brokerage business under the supervision of a licensed taxicab broker for a period of not less than one (1) year, or shall have had the equivalent experience in the general taxicab business for period of at least two (2) years, the nature of which participation or experience shall be established by affidavit duly sworn to under oath and/or other and further proof as required by the Commission. This requirement may be waived by the Commission in its discretion.

Section 7. It is hereby proposed that title 35, section 15-03(b) of the Rules of the City of New York be amended to read as follows:

[Material inside brackets indicates deleted material].

Underscoring indicates new material.

(b) (i) An individual applicant for a taximeter business license [or its renewal must be] must provide to the Commission proof of identity in the form of:

(A) A valid form of photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and

(B) A valid, original social security card.

(ii) An individual applicant for a taximeter business license or its renewal must be:

(1) at least eighteen (18) years of age;

(2) [a citizen or person lawfully resident in the United States]

3] of good moral character;

[(4)](3) able to speak, read, write, and understand English.