

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The change would amend the TLC Rules to incorporate additional driver education requirements for medallion taxicab drivers.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on December 18, 2014. The hearing will be in the hearing room at 33 Beaver Street – 19th Floor, New York, NY 10004.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by Thursday, December 18, 2014.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Friday, December 12, 2014.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make

this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rules

Well-trained drivers are essential to a safe, efficient, high-performing for-hire transportation industry. To this end the New York City Taxi and Limousine Commission (“TLC”) has long required that applicants for a taxi driver’s license complete “taxi school,” which is currently offered by several authorized vendors and includes instruction on TLC rules, geography, vehicle technology, and customer service. After completing instruction, applicants must pass a test to demonstrate an understanding of the materials.

Several factors, however, necessitate changes to the current education requirements. First, drivers in the for-hire vehicle (“FHV”) industry, which includes livery cabs, black cars, and limousines, are not required to attend a “taxi school” equivalent before gaining licensure. Because passengers traditionally had control over which FHV service they hire, it was held that there is less of a need for standardized service that a taxi school of sorts seeks to bring about. By contrast, because passengers have little control over which taxi driver responds to a hail, standardized service, and thus taxi school, was necessary. But with more than 70,000 licensed FHV drivers and nearly 50,000 for-hire vehicles on the road today, transporting nearly as many passengers each day as the yellow taxis, the rationale underlying the different education requirements is no longer tenable.

Additionally, wheelchair-accessible vehicles are now a large and growing share of the taxi and FHV fleets, but only 6% of the more than 120,000 licensed drivers have the required training and skills to drive these vehicles.

Finally, except for the requirement that yellow taxi drivers take a refresher course to renew their license after their first year of licensure, drivers of yellow taxis and FHVs are only required to take a defensive driving course every three years to maintain their license. This means that after initial licensure, there is no official venue in which drivers learn about new TLC rules, new street design patterns, or have their skills refreshed on important functions. In a rapidly-changing environment, with a renewed focus on safety and accessibility, as detailed in the Vision Zero Action Plan and the Disability Accessibility Plan, long-time drivers may lack key information to continue to serve the public effectively.

Thus these proposed rules amend the rules governing driver education requirements to expand education requirements to FHV drivers, increase the population of drivers who must take accessibility training, and institute continuing education for taxi and FHV drivers. In addition, these proposed rules advance the goals of a Request for Proposal (“RFP”) that the TLC issued on February 23, 2012. The RFP sought to identify a single vendor to train all drivers on a closely-curated curriculum on topics ranging from traffic safety and customer service to accessibility.

Specifically the proposed rules:

- Add a definition of “Authorized Driver Education Services Provider,” “Point Reduction Course,” and “Wheelchair Passenger Assistance Training.”
- Amend the rules to require that all drivers take the required courses from the Authorized Driver Education Services Provider on or after a date to be set by the Commission.

- Require that applicants for a new FHV Driver’s License take a training course and pass an exam on course contents in order to obtain the license.
- Require that applicants for a renewal Taxi or FHV Driver’s license take a License Renewal Course.
- Require that FHV drivers take Wheelchair Passenger Assistance Training as a condition of licensure.
- Advance the date that current taxi drivers are required to take Wheelchair Passenger Assistance Training, so that it is consistent with the requirements of FHV drivers.
- Require that all new and renewal Commuter Van and Paratransit Driver’s license applicants take a Defensive Driving Course.
- Eliminate the required remedial course for persistent violators, as all drivers, not just persistent violators, will be required to take refresher courses at frequent intervals.

These rules are authorized by Section 2303 of the Charter and Sections 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definitions of the terms “Authorized Taxicab Training,” “Authorized Taxicab Training Refresher Course,” “Defensive Driving Course,” and “Distracted Driving Course” as set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, and new terms, “Authorized Driver Education Services Provider,” “Point Reduction Course,” and “Wheelchair Passenger Assistance Training,” are added, in alphabetical order, to read as follows:

[**Approved Motor Vehicle Accident Prevention Program** is an accident prevention course approved by the New York State Department of Motor Vehicles.]

Authorized Driver Education Services Provider refers to the entity which, under contract with the Commission, will provide courses and exams required by these Rules.

Authorized Driver Education [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.

Authorized [Taxicab Training Refresher] License Renewal Course refers to a [four-hour] course of training [approved by the Commission] that is required for renewal of a [Probationary] Driver’s 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.

Defensive Driving Course refers to a course in defensive driving and accident prevention that is [given by a school, facility or agency] approved by the Commission and [certified] by the New York State Department of Motor Vehicles.

Distracted Driving Course means a course of training that is approved by the Commission [about] and that covers the dangers of driving while [distracted by] Using an Electronic Communication Device and about the rules governing the Using of an Electronic Communication Device. [The course must last at least one hour.]

Point Reduction Course refers to a course that drivers can voluntarily take to reduce points accumulated under the Persistent Violators Program.

Wheelchair Passenger Assistance Training refers to a course of training that contains instruction on the following: (i) the legal requirements that apply to transportation of People with Disabilities; (ii) passenger assistance techniques, including a review of various disabilities, disability etiquette, mobility equipment training (including direct hands-on familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures; (iii) individual hands-on training with an actual person using a wheelchair; (iv) sensitivity awareness, including customer service and conflict resolution policies; and (v) the dispatch of vehicles by an accessible dispatcher.

Section 2. Subdivision (c) of section 53-03 of Title 35 of the Rules of the City of New York is amended to read as follows

- (c) *Approved Driver.* An Approved Driver is a Driver who has a Valid License from the Commission as a Taxicab Driver and who has successfully completed Wheelchair Passenger Assistance Training [the training required in §54-04(n) of these Rules].

Section 3. Subdivision (b) and (c) of section 53-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) *Taxicab Driver must have Valid License and be an Approved Driver.* An Accessible Taxicab can be driven only by an Approved Driver who holds a Valid Taxicab Driver's License and who has successfully completed Wheelchair Passenger Assistance Training [the training required in §54-04(n) of these Rules].
- (c) *Owner Responsibility.*
 - (1) A Taxicab Owner must allow only Licensed Approved Taxicab Drivers who have successfully completed Wheelchair Passenger Assistance Training [the training required in §54-04(n) of these Rules], to operate the Owner's Accessible Taxicab. The License of a Driver who is not an Approved Driver is not Valid for operation of an Accessible Taxicab.

Section 4. Paragraphs (3), (4), and (7) of subdivision (c) of section 54-03 of Title 35 of the Rules of the City of New York are DELETED and paragraphs (5), (6), and (8) through (19) are renumbered (3), (4), and (5) through (16).

Section 5. Subdivision (k) of section 54-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (k) *Training.* The Commission requires that Applicants [for a new License] complete the required courses and 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.]
 - (i) Applicants for a new Taxicab Driver's License 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.
 - (ii) Applicants for a renewal Taxicab Driver's License must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated less than three years prior to the date of the renewal application.
 - (2) Authorized Driver Education [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.] After an application for licensure has been accepted by the Agency, Applicants for a new Taxicab Driver's License must complete the Authorized Driver Education Training course and pass an examination on course subjects as a condition of licensure.
 - (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.] Authorized License Renewal Course. Applicants for a renewal Taxicab Driver's License must complete the Authorized License Renewal Course within 60 days prior to the renewal application date.
 - (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 Driver Education Training [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 Driver Education Training [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.
- (6) Wheelchair Passenger Assistance Training. In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must complete Wheelchair Passenger Assistance Training. (Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery). Applicants for a new Taxicab Driver's license must complete the Wheelchair Passenger Assistance Training as a condition of licensure. Applicants for a renewal Taxicab Driver's License who have never attended and completed Wheelchair Passenger Assistance Training must attend and complete such training in order to renew the Taxicab Driver's License.

Section 6. Subdivisions (l) and (m) and paragraphs (1), (2) and (5) of subdivision (n) of section 54-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (l) *Training Providers.* Providers of training and courses required in this Chapter [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]. On or after a date to be set by the Commission, required training and courses must be taken with the Authorized Driver Education Services Provider.
- (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 Defensive Driving Course from an authorized provider dated less than three years prior to the date of the renewal application.]
- (n) [*Wheelchair Passenger Assistance Training.*
- (1) *Training Must be Approved by Commission.* In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance (*Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery*). Beginning on June 1, 2014, any applicant for a new Taxicab Driver's license must attend and complete the training course as a condition of licensure after an application for licensure has been accepted by the Agency. Beginning on the Accessible Conversion Start Date, any Applicant for a renewal Taxicab Driver's License must attend and complete the training course as a condition of licensure. After the Accessible Conversion Start Date a Taxicab Driver's License must complete the training no later than one year after the Accessible Conversion Start Date.
- (2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
- (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
- (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures
- (iii) Training with an actual person using a wheelchair
- (iv) Sensitivity awareness, including customer service and conflict resolution policies.

- (3) Proof of Completion Required. No Driver may operate an Accessible Taxicab or an Accessible Street Hail Livery unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above. (Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery).
- (4) Proof must be Kept in Vehicle. Each Driver subject to the requirement of this subdivision must keep a copy of the certificate of completion in the Accessible Taxicab or Accessible Street Hail Livery and available for inspection.
- (5) Beginning January 1, 2014, a new Applicant for a Taxicab Driver's License must present proof of completion or other evidence that he or she has completed the training with his or her application. Failure to provide such proof or other evidence will result in denial of the application.]

Section 7. Subdivision (f) of section 54-07 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *[Refresher Training Course] Fees for Trainings and Other Courses.* Participants in a training or course required in this Chapter are responsible for any fees associated with that training or course [of an Authorized Taxicab Training Refresher Course must pay the fee charged by the authorized provider].

Section 8. Paragraph (7) of subdivision (a) of section 54-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (7) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV, or equivalent licensing agency of the state which issued such license, of any Licensee who voluntarily attends and satisfactorily completes a [motor vehicle accident prevention course approved by the NYS DMV that appears on the Licensee's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license] Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course; counting from the date of conviction. Completion of the [motor vehicle accident prevention course] Defensive Driving Course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

Section 9. Paragraph (1) of subdivision (b) of section 54-27 of Title 35 of the Rules of the City of New York, relating to the Required Remedial Course for Persistent Violators, is DELETED and paragraphs (2) through (8) of subdivision (b) of section 54-27 of Title 35 of the Rules of the City of New York are renumbered (1) through (7). New paragraph (5) of subdivision (b) is amended to read as follows:

(5) *Point Reduction for Voluntary Course Completion.*

- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a Point Reduction [remedial or refresher c]Course [approved by the Commission].

Section 10. Subdivision (f) of section 55-03 of Title 35 of the Rules of the City of New York is DELETED and subdivisions (g) through (v) are relettered (f) through (u).

Section 11. Subdivision (j) of section 55-04 of Title 35 of the Rules that of the City of New York is amended to read as follows:

(j) *Training.* The Commission requires that Applicants for a License complete the required courses and pass all prescribed tests, both oral and written, as administered by the Commission or at its direction.

(1) *Defensive Driving Course.* [New Applicants must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within six months of the application date.]

- (i) An Applicant for a new License must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within six months of the application date.

- (ii) An Applicant for a renewal License must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within three years of the date of the renewal application.

(2) [All renewal Applicants must submit a certificate of completion from an authorized provider of a Defensive Driving Course dated within three years of the date of the renewal application.] Authorized Driver Education Training. After an application for licensure has been accepted by the Agency, an Applicant for a new License must complete the Authorized Driver Education Training course and pass an examination on course subjects as a condition of licensure.

- (3) Authorized License Renewal Course. An Applicant for a renewal License must complete the Authorized License Renewal Course within 60 days prior to the renewal application date.
- (4) Wheelchair Passenger Assistance Training. An Applicant for a new License must attend and complete Wheelchair Passenger Assistance Training as a condition of licensure after an application for licensure has been accepted by the Agency. An Applicant for a renewal License who has never attended and completed Wheelchair Passenger Assistance Training must attend and complete such training in order to renew his or her license.

Section 12. Section 55-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (o), to read as follows:

- (o) Training Providers. Providers of training and courses required in this Chapter must be approved by the Commission, must administer the curriculum required by the Commission, and must have Commission approval of all fees charged. On or after a date to be set by the Commission, required courses must be taken with the Authorized Driver Education Services Provider.

Section 13. Section 55-07 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (f) to read as follows:

- (f) Fees for Trainings and Other Courses. Participants in a training or course required in this Chapter are responsible for any fees associated with that training or course.

Section 14. Paragraph (7) of subdivision (a) of section 55-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (7) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license of any Licensee who voluntarily attends and satisfactorily completes a [motor Vehicle accident prevention course approved by the NYS DMV that appears on the Licensee's DMV driving record] Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course; counting from the date of conviction. Completion of the [motor vehicle accident prevention course] Defensive

Driving Course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

Section 15. Paragraph (1) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York, relating to the Required Remedial Course for Persistent Violators is DELETED and paragraphs (2) through (8) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York are renumbered (1) through (7). New paragraph (5) of subdivision (b) is amended to read as follows:

- (5) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a Point Reduction [remedial or refresher c]Course [approved by the Commission].

Section 16. Subdivision (c) of section 56-03 of Title 35 of the Rules of the City of New York is DELETED and subdivisions (d) through (j) are relettered (c) through (i).

Section 17. Subdivision (l) of 56-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (l) **[Reserved.] Training.**
- (1) Defensive Driving Course.
- (i) Applicants for a new Paratransit Driver's License 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.
- (ii) Applicants for a renewal Paratransit Driver's License must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within three years prior to the date of the renewal application.
- (iii) On or after a date to be set by the Commission, Applicants must take the Defensive Driving Course from the Authorized Driver Education Services Provider.

Section 18. Paragraph (7) of subdivision (b) of section 56-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(7) *Point Reduction for Voluntary Course Completion.*

- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license of any Licensee who voluntarily attends and satisfactorily completes a [motor vehicle accident prevention course approved by the NYS DMV that appears on the Licensee's DMV driving record] Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course; counting from date of conviction. Completion of the [motor vehicle accident prevention course] Defensive Driving Course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure. On or after a date to be set by the Commission, a Driver must take the Defensive Driving Course from the Authorized Driver Education Services Provider

Section 19. Paragraph (2) of subdivision (i) of section 56-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from [a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail. On or after a date to be set by the Commission, a Driver must take the Distracted Driving Course from the Authorized Driver Education Services Provider.

Section 20. Subdivision (j) of 57-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(j) **[Reserved.] Training.**

(1) Defensive Driving Course.

- (i) Applicants for a new Commuter Van Driver's License 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.

- (ii) Applicants for a renewal Commuter Van Driver's License must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within three years prior to the date of the renewal application.
- (3) On or after a date to be set by the Commission, Applicants must take the Defensive Driving Course from the Authorized Driver Education Services Provider.

Section 21. Paragraph (7) of subdivision (a) of section 57-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(7) *Point Reduction for Voluntary Course Completion.*

- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license of any Driver who voluntarily attends and satisfactorily completes a [motor vehicle accident prevention course offered by the Authorized Driver Education Services Provider and approved by the NYS DMV that appears on the Licensee's DMV driving record] Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course, counting from date of conviction. Completion of the [motor vehicle accident prevention course] Defensive Driving Course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure. On or after a date to be set by the Commission, a Driver must take the Defensive Driving Course from the Authorized Driver Education Services Provider

Section 22. Paragraph (2) of subdivision (b) of section 57-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course, no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received

proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail. On or after a date to be set by the Commission, a Driver must take the Distracted Driving Course from the Authorized Driver Education Services Provider.

Section 23. Subdivision (c) of section 58-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Wheelchair Passenger Assistance Training.*

- [(1) *Training Must be Approved by Commission.* The Owner of an Accessible Taxicab must make sure each Driver of such Accessible Taxicab has attended a Commission-approved training course regarding Wheelchair Passenger assistance.
- (2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
 - (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
 - (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures
 - (iii) Training with an actual person using a wheelchair
 - (iv) Sensitivity awareness, including customer service and conflict resolution policies.
- (3) *Vehicle Owner Must Pay for Training.* The Accessible Taxicab Owner is responsible for paying any fees required to train each Owner's Drivers.
- (4) *Vehicle Owner Responsibility.*] The Accessible Taxicab Owner must ensure that each of Owner's Accessible Taxicabs is driven only by a Driver who has completed the Wheelchair Passenger [a]Assistance [t]Training [provided for in this section].

Section 24. Subdivision (a) of section 82-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Wheelchair Passenger Assistance Training.*

- (1) *Training Must be Approved by Commission.* The holder of a Street Hail Livery License that has been designated for an Accessible Street Hail Livery must ensure that each of Driver of such Accessible Street Hail Livery has attended a Commission-approved training course regarding Wheelchair Passenger assistance (NOTE: The requirements of this section do not apply to a Paratransit Driver who is driving an Accessible Street Hail Livery).
- (2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
- (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
 - (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures
 - (iii) Training with an actual person using a wheelchair
 - (iv) Sensitivity awareness, including customer service and conflict resolution policies.
- (3) *Licensee Responsibility.]* The holder of a Street Hail Livery License that has been designated for an Accessible Vehicle must ensure that the Licensee's Street Hail Livery is driven only by a Driver who has completed the Wheelchair Passenger [a]Assistance [t]Training [provided for in this section].

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Driver Education Rules

REFERENCE NUMBER: 2014 RG 007

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 14, 2014

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Driver Education Rules
REFERENCE NUMBER: TLC-62
RULEMAKING AGENCY: TLC**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 14 2014
Date