

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of 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”) promulgates rules changing service requirements for owners of independent taxicabs.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York.

On September 15, 2011, a public hearing was held by the TLC at its offices at 33 Beaver Street., New York, New York, 10004. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

These rules make important changes to the Taxi and Limousine Commission’s owner-must-drive requirements.

Background

At its hearing on June 16, 2011, the Taxi and Limousine Commission modified the driving requirements that apply to owners of independent taxicab medallions who bought their medallions after January 6, 1990. This rule is known as the “owner-must-drive” requirement.

Under both current and former TLC rules, anyone who acquires an interest in an independent medallion after January 6, 1990, including a spouse who acquires the medallion by inheritance, is subject to the owner-must-drive requirement. The June revisions did not address extending the exclusion from the owner-must-drive requirements to spouses who inherit medallion purchased before January 7, 1990. In response to public testimony at the June 16 hearing, the Commission directed the staff to consider that exclusion.

This rule is the result of that review. Under this rule, a spouse or registered domestic partner of the owner of an independent medallion will step into the service requirement held by the deceased spouse. Specifically, if the deceased spouse was not required to drive because he or she acquired the medallion before 1990, the inheriting spouse is also not required to drive. To obtain the benefit of this proposed rule, the inheriting spouse must notify the TLC of the death of the owner within 120 days.

Rule Changes

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 58-20(a)(3)(iv) of Title 35 of the Rules of the City of New York is amended to read as follows:

(iv) *Special Rule for inheriting spouses.* A spouse (including a registered domestic partner) inheriting an interest in an Independent Medallion from the [sole] Owner of that Medallion will not be required to meet the Owner-Must-Drive requirement for 180 days following the Owner's death. In order to benefit from this special rule, the inheriting spouse must notify the Commission of the Owner's death within 120 days, unless this requirement is waived by the Chairperson. This rule does not apply to children or other heirs, and it does not apply to an inheriting spouse's future spouses.

A. After 180 days,

[(1)] the inheriting spouse is subject to the same requirement the deceased Owner was subject to, [(that is, no required shifts, 180 nine hour shifts or 150 seven hour shifts)] if the deceased Owner was required to drive].

[(2) the inheriting spouse is subject to the 180 nine hour shift requirement initially if the deceased Owner was not required to drive because the deceased Owner acquired the Medallion before January 7, 1990.]

B. For purposes of determining compliance with the Owner-Must-Drive requirements, those requirements will be pro-rated on a monthly basis in any applicable calendar years to account for the 180 days for which compliance is excused.

Example: An Owner subject to the 150 day driving requirement dies on December 1, 2011. The minimum applicable requirement for calendar year 2011 will be 137 seven hour shifts. The minimum applicable requirement for calendar year 2012 will be 88 seven hour shifts.