

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Taxi and Limousine Commission (“TLC”, “Commission”) is proposing a new rule that would: 1) create a new short-term storage program for For-Hire Vehicle (FHV) licenses (“Short-Term FHV Storage Program”); and 2) clarify that, after August 31, 2023, the end date of the previous storage program, created during the height of the COVID-19 pandemic (“COVID-19 FHV Storage Program”), licenses remaining in that program will not transfer over to the new Short-Term FHV Storage Program, and if not expired, will be subject to fines and suspension for failure to follow directives to exit the storage program, as well as revocation for non-use.

When and where is the Hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on August 23, 2023. The public hearing will be held online using Zoom. There will be no in person public hearing. The public hearing will be livestreamed on TLC’s website at www.nyc.gov/tlc. To participate in the public hearing, please e-mail the TLC at tlcrules@tlc.nyc.gov or call TLC at 212-676-1135 by 5:00pm on August 22, 2023. After you have signed up to speak, TLC will provide you with a Zoom URL to enter in on your computer or dial-in via phone number if you prefer to call in.

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

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to tlcrules@tlc.nyc.gov
- **Mail.** You can mail comments to Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver St, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102
- **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 or by emailing at tlcrules@tlc.nyc.gov by August 22, 2023. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit written comments by August 23, 2023.

What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by August 16, 2023.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio only access.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments will be available by request by emailing tlrules@tlc.nyc.gov and a transcript of the hearing will be available online at www.nyc.gov/tlc and 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 laws 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 RULE

In 2020, the TLC created a COVID-19 FHV License Storage Program to give relief to vehicle license holders who could not afford to retain or repair their vehicles during the COVID-19 pandemic. This program ends on August 31, 2023. FHV owners were notified by TLC multiple times through the TLC website and via email that FHV licenses must be taken out of storage by August 31, 2023.

This proposed rule would establish a new, short-term storage program for For-Hire Vehicle (FHV) Licenses called the “Short-Term FHV License Storage Program. This new program will permit active FHV licensees to put their FHV license in storage once during every 2-year license term for up to 60 days. This program will be useful to licensees who may be traveling overseas for an extended period, or who may be experiencing issues with their vehicle. An application must be filed for an FHV license to be placed into storage with the TLC.

To be placed into the Short-Term For-Hire Vehicle License Storage Program, all suspensions must be cleared, all fines and fees must be paid to TLC, and plates must be surrendered to the DMV within 60 days prior to the storage date. (Surrendering plates to the New York State Department of Motor Vehicles alone is insufficient to enter TLC’s storage program.) Licensees with pending base, plate or vehicle transfers will not be permitted to be placed into storage with the TLC. While the FHV license is in storage, the TLC will not enforce insurance or inspection requirements pursuant to subchapter 59A or other applicable TLC rules.

To take a license out of storage, the licensee must submit an application as prescribed by the Commission, and if the period in storage exceeds the renewal date, the licensee must complete any renewal requirements. Any FHV license not taken out of storage when the 60-day period has ended will be subject to a fine of \$300 and suspension until compliance for failure to follow directives to exit the storage program pursuant to Section 59A-13(j)(1), as well as revocation for non-use pursuant to Section 59A-08(c).

The proposed rule would also clarify that FHV licenses remaining in the FHV License Storage Program established during the COVID-19 pandemic (“COVID-19 FHV License Storage Program”) after the program end date, August 31, 2023, will not automatically transfer over to the new Short-Term FHV Storage Program, and, if the license has not expired, the licensee will be subject to fines and suspension for failure to follow directives to exit the storage program pursuant to Section 59A-13(j)(1), as well as revocation for non-use pursuant to Section 59A-08(c).

TLC’s authority for these rules is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subchapter 59A of chapter 59 of Title 35 of the Rules of the City of New York is amended by adding a new section 59A-36, to read as follows:

§ 59A-36. Storage of For-Hire Vehicle Licenses

(1) *Short-Term For-Hire Vehicle License Storage Program.*

(a) *Description of Program.* A Licensee may put their For-Hire Vehicle License in storage with the Commission for up to 60 days once during every two year license term, during which time the TLC will not enforce insurance or inspection requirements set forth in this sub-chapter 59A, or pursuant to any other applicable TLC rules, subject to the following terms.

(b) *Application, Criteria and Approval.* In order to be placed into the Short-Term For-Hire Vehicle License Storage Program:

- (i) *All suspensions must be cleared, and the licensee must pay all fines and fees due to TLC,*
- (ii) *Plates must be surrendered to the DMV within 60 days prior to the storage date,*
- (iii) *The licensee must submit an application as set forth by the Commission, and*
- (iv) *Licenses with pending transfers will not be permitted to go into storage.*

(c) *Removal from Storage.* To remove a license from storage, a Licensee must submit an application as prescribed by the Commission, and if the period the license is in storage exceeds the renewal date, the licensee must complete all renewal requirements.

(d) *Licenses Remaining in Storage at the End of the Storage Period.* Any For-Hire Vehicle License not taken out of storage when the 60-day period has ended will be subject to fines and suspension for failure to follow directives to exit the

storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the 60-day storage period has ended.

(2) COVID-19 For-Hire Vehicle License Storage Program, End of Program.

(a) End of Program. The COVID-19 For-Hire Vehicle License Storage Program established in 2020 ends on August 31, 2023.

(b) Licenses Remaining in Storage at the End of the Program. Any For-Hire Vehicle License not taken out of storage when the COVID-19 For-Hire Vehicle License Storage Program ends on August 31, 2023 will not be transferred to the new Short-Term For-Hire Vehicle License Storage Program. For-Hire Vehicle Licenses in storage after the program end date, August 31, 2023, that are not expired will be subject to fines and suspension for failure to follow directives to exit the storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the program has ended.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Short Term Storage of For Hire Vehicle Licenses

REFERENCE NUMBER: 2023 RG 048

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
Senior Counsel

Date: July 11, 2023

**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: Short Term Storage of For Hire Vehicle Licenses

REFERENCE NUMBER: TLC-137

RULEMAKING AGENCY: Taxi and Limousine Commission

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 a cure period would defeat the purpose of the rule.

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

July 12, 2023
Date