

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates amendments to the rules that correct typos, fix certain cross-references and update certain obsolete provisions. This rule is promulgated pursuant to sections 1043, 2303 and 2304 of the Charter and section 19-503 of the Administrative Code of the City of New York. This rule was published in the City Record on November 18, 2022, for public comment. On December 21, 2022, a public hearing was held virtually by the TLC.

The rule was adopted by the Commission on *_____*.

STATEMENT OF BASIS AND PURPOSE OF RULES

The TLC is amending its rules to:

- Replace obsolete terms like “TLC Tribunal” and “TPEP” with current, plain-English definitions and references;
- Fix typos and inaccurate cross-references;
- Repeal obsolete sections (for example, two-way radios in taxis are no longer in use but they are still referenced in TLC’s rules);
- Clarify ambiguous rules. For example, TLC will calculate the duration of a one-year suspension using the date of the violation as the beginning of the one-year period, as opposed to the date of the conviction; and
- Repeal a statement regarding TLC jurisdiction as unnecessary and redundant, as the agency jurisdiction is defined by the New York City Charter.
- Allow taxi drivers to use smartphones to accept dispatches, as recommended by the Medallion Task Force. This proposed change would remove discrepancies between sectors and align with existing industry practices.
- Remove inspection requirements where six or more repairs of the technology have been necessary in the previous thirty days. TLC rules already require technology systems to be operational and the current iteration of the rules implies that TLC’s Safety & Emissions would be an option for such a repair, which is inaccurate.
- Update references to obsolete driver status codes entered on technology systems (on-duty, off-duty and on-duty unavailable) to reflect current industry practices (log in, log off and log in but marked unavailable for street-hail).
- Specify that the meter is not engaged for trips dispatched by bases to street hail liveries. Trip records for dispatched trips are submitted by the base, therefore engaging the meter created a duplicate trip record.
- Clarify that taximeter businesses can hack up street hail livery vehicles pursuant to the taximeter rules.
- Transfer responsibility for withholding and remitting Taxi Improvement Fund (“TIF”) payments and Street Hail Livery Improvement Fund fees from medallion owner to Technology System Providers (TSPs) and E-Hail companies, as recommended by the

Medallion Task Force. This change is analogous to recently amended state law holding TSPs responsible for collecting and filing returns for state-imposed surcharges. The proposed rule also adds a penalty for failure to comply with this requirement. This portion of the rules was edited in response to public comments to clarify the 60-day timeframe within which a TSP must remit the TIF surcharges collected to the TLC. This portion of the rules was also edited in response to public comment to reflect the reality that the TSPs should not be held responsible for TIF payments that were never collected by those TSPs (this can be an issue where trips are paid in cash). Finally, this revision to the rules also emphasizes that the Medallion Owner is ultimately liable for any unpaid Taxi Improvement Fund surcharges.

- EZ-Pass is required in medallion taxicabs and Street Hail Livery vehicles, but not For Hire Vehicles. These rules eliminate that disparity and clarifies what FHV passengers are obligated to pay for tolls and how they are protected from overcharges.
- Hold agents jointly and severally responsible for violating medallion taxicab service rules when acting in the capacity of a medallion owner.
- Require medallion leases to be written in clear and unambiguous language to avoid conflicts resulting from unclear or misunderstood terms.
- Require taxi lease side-agreements to be in writing.
- Specify what constitutes a “reasonable” taxi lease cancellation charge.

The Commission’s authority to promulgate this rule is found in sections 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. Section 51-03 of Title 35 of the Rules of the City of New York is amended by deleting the definition of “Personal Use—Off Duty” and amending the definition of “Merchant” to read as follows:

Merchant means an individual or Business Entity who holds a Commission License and who has agreed to do the following:

- (1) Facilitate contracts between Taxicab Technology Service Providers or Street Hail Livery Technology Providers and for each Provider, one of the ten largest, by volume, merchant banks in the United [A]States or one credit/debit card services processor who meets PCI Standards (as defined in Chapter [83] 66), and
- (2) Enter into a contract to provide for the provision of credit/debit card services for in-vehicle payment of Taxicab or Street Hail Livery fares.

[Personal Use—Off Duty is the designation made when a Driver is no longer operating the Taxicab or Street Hail Livery for hire.]

Section 2. Subchapter A of Chapter 52 of Title 35 of the Rules of the City of New York, relating to the jurisdiction and powers of the Commission, is REPEALED and a new Subchapter A is added, to read as follows:

SUBCHAPTER A: RESERVED

Section 3. Paragraphs 1 and 3 of subdivision (c) of section 58-06 of Title 35 of the Rules of the City of New York are amended to read as follows:

(c) *Filing for Renewal.*

(1) A renewing applicant must file a completed application by no later than [April 30] May 31 of each year in which a License is scheduled to expire.

(3) A License for which a renewal application has not been filed by [April 30] May 31 is not Valid and cannot be used until the renewal is approved. This is in addition to any penalties specified for a violation of this Rule.

Section 4. The title of subdivision (b) of section 58-07 of Title 35 of the Rules of the City of New York is amended to read as follows.

(b) *Medallion [Plate] Tin Replacement Fee*

Section 5. Subdivision (d) of section 58-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) No Unlicensed Drivers.

(1) No Taxicab can be operated for hire unless the driver has in his or her possession a Valid TLC Driver License.

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| §58-12(d)(1) | Fine: \$400 and/or suspension up to 30 days | Appearance REQUIRED |
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(2) *Exceptions.* An Owner can permit a person who does not possess a TLC Driver License to drive the vehicle only when all of the following limited circumstances are met:

- (i) [The vehicle is being driven to or from the Commission’s centralized Taxicab inspection facility or a repair facility] The Roof Light is turned off;
- (ii) The driver has [entered the appropriate off duty code in] logged off from the Technology System;
- [(iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is “Off-Duty” and why;
- (iv) The rear doors are locked;
- (v) The person driving the vehicle is licensed to drive a motor vehicle.]

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| §58-12(d)(2) | Fine: \$400 and/or suspension up to 30 days | Appearance REQUIRED |
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(3) The Commission will post on [its website] New York City’s open data platform a list of Drivers holding Valid TLC Driver Licenses.

Section 6. Paragraph (1) of subdivision (a) of section 58-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) Taxicab Owners must ensure that all of their Taxicabs are covered by liability insurance in the form of a bond or an insurance policy that fully complies with the New York State Vehicle and Traffic Law, [and] the New York State Insurance Law, and TLC Rules.

Section 7. Subdivisions (f) and (g) of section 58-16 of Title 35 of the Rules of the City of New York, relating to the taxi accessibility fee and the taxicab improvement fund, are REPEALED, and a new subdivision (f) is added, to read as follows:

(f) *Taxicab Improvement Fund (TSP and Medallion Owner Responsibility).*

- (1) A Technology System Provider and/or E-Hail Application Provider is responsible for remitting all collected Taxicab Improvement Surcharge amounts to the Taxicab Improvement Fund, as described in subdivision (a) of §66-25 of these Rules.
- (2) When any Taxicab Improvement Surcharge amount due is not collected by the Technology System Provider and/or E-Hail Application Provider, the Owner of the subject Medallion must pay the entire such amount, as remitted by the Taxicab Driver, to the Taxicab Improvement Fund.
- (3) The Owner of any Medallion, or the Technology System Provider and/or E-Hail Application used by the Owner of a Medallion, must pay the Taxicab

Improvement Surcharge to the Taxicab Improvement Fund at the time and in the manner required by the Commission.

- (4) If an Owner, or the Technology System Provider and/or E-Hail Application used by the Owner of a Medallion, does not pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time required, nonpayment will be grounds for the suspension of the TLC license issued to the entity required to pay and/or by the denial of any renewal application or of any application for another TLC-issued license submitted by such entity, in addition to monetary penalties for such non-payment.

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| <u>58-16(f)(1-4)</u> | <u>Fine: \$1000 and suspension until compliance</u> | <u>Appearance REQUIRED</u> |
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Section 8. Subdivisions (b) and (c) of section 58-20 of Title 35 of the Rules of the City of New York, relating to authorized drivers and wheelchair passenger assistance training, are REPEALED.

Section 9. Paragraph (3) of subdivision (b) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) A Medallion-only lessor under Section 58-21(c)(3) or a lessor under Section 58-21(c)(4) must not require the lessee to obtain service and maintenance from any particular provider, including, but not limited to, the Medallion Owner or any agent of the Medallion Owner. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must reduce the agreement to writing, in clear and unambiguous language, and signed by the parties. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson.

Section 10. Subparagraph (iv) of paragraph (3) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iv) A lease, and payment of the Lease Cap under this paragraph includes (and all of the following must be provided to the lessee):
- A. Use of the medallion;
 - B. All applicable TLC fees except for TLC vehicle inspection fees (but the lessor is not required to provide vehicle registration or payment of the Commercial Motor Vehicle Tax);
 - C. Insurance required by Section 58-13;
 - D. Credit card fees or charges;

- E. Up to 3 drivers on a lease at the request of the drivers, which request cannot be unreasonably denied.

A lessor must not accept any other payment from a lessee for the purchase or lease of a vehicle. A Medallion lessor or Agent can agree with a driver to provide services or accommodations on an arms-length basis outside the lease, as long as the agreement is in writing, in clear and unambiguous language, and signed by the parties. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson. A Medallion lessor may not enter into a lease with any person or entity under this paragraph if such Medallion lessor holds more than 2% of shares in a publicly held corporation that sells, leases or finances vehicles and has accepted a payment from such person or entity related to the sale, lease or finance of the Vehicle of such person or entity.

Section 11. Item (H) of subparagraph (v) of paragraph (4) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- H. A Medallion lessor or Agent can agree with a driver to provide services or accommodations on an arms-length basis outside the lease, as long as that agreement is in writing, in clear and unambiguous language, and signed by the parties. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson

Section 12. Subparagraphs (v) and (xii) of paragraph (5) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (v) A [reasonable] cancellation charge, subject to the provisions of subdivision (i)(5) below;

- (xii) Beginning on January 1, 2015, the Taxicab Improvement Surcharge, which must be paid[] as provided in Section [58-16] 66-25 of these Rules.

Section 13. Paragraph (1) of subdivision (h) of Section 58-21 of Title 35 of the Rules of New York is amended to read as follows:

- (1) Every Taxicab operating lease (including any amendments), must be in writing, and must be signed by the Owner (or a person authorized to act on behalf of the Owner), and by the leasing Driver or Drivers. The lease must be written in clear

and unambiguous language. Electronic signatures are permissible for electronic leases.

Section 14. Subparagraph (ii) of paragraph (5) of subdivision (i) of section 58-21 of Title 35 of the Rules of the City of New York, relating to cancellation charges, is REPEALED, and new subparagraphs (ii) and (iii) are added, to read as follows:

(ii) *Limits on Cancellation Charge.* For any daily or weekly lease of a taxicab (vehicle and medallion) an Owner must not require a Driver to pay a cancellation charge that is greater in amount than the rate for one lease term. However, if the lease term is for more than one week, an Owner must not require a Driver to pay a cancellation charge in an amount greater than the lease rate for one week. Examples include:

A. An Owner who leases a Taxicab or Medallion for one shift at the rate of \$80 per shift can require up to an \$80 cancellation charge.

B. An Owner who leases a Taxicab or Medallion for one week at the rate of \$500 a week can require up to a \$500 cancellation charge.

(iii) A cancellation charge will only be permitted where the lease also provides that:

A. Owner can only charge a Driver a cancellation charge if the Driver is late in making lease payments at the time the Driver cancels the lease.

B. When a cancellation payment is made, the Driver's obligation to make lease payments terminates immediately.

Section 15. Paragraph (7) of subdivision (i) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

(7) *No Driver Lease Payments through [TPEP]Technology System.* An owner may not allow a driver to use the driver's personal credit card to make a lease payment pursuant to this section utilizing the [TPEP system] Technology System.

Section 16. Subdivisions (b) through (h) of section 58-34 of Title 35 of the Rules of the City of New York are amended to read as follows.

(b) *[Optional Two-way Radio.*

(1) A Taxicab can be equipped with a two-way radio only in the Citizens Radio Service and only on the forty frequencies, within allowed deviation, specifically authorized under the rules of the Federal Communications Commission.

- (2) Emissions, transmission power and antenna length must comply with limits established by the rules of the Federal Communications Commission.
- (3) A two-way radio must not be used for purposes of Dispatch or passenger reservations.

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| §58-34(b) | Fine: \$100 - \$350 And removal of radio | Appearance N/A |
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(c)] *Air Conditioning.* Each Taxicab must be equipped with an operable air conditioning system; when the vehicle is also equipped with a partition, the air conditioning system must be able to provide cool air to the rear passenger area.

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| §58-34(c)] | Fine: \$50 | Appearance REQUIRED |
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[(d)](c) *Trouble Lights.* An Owner must ensure that all Taxicabs bearing such Owner's Medallion(s) are equipped with a help or distress signaling light system meeting the requirements of §67-11.

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| §58-34(d)] | Fine: \$175 and suspension until the condition is corrected. [Respondent must provide a condition corrected form issued by the TLC's Safety and Emissions Division] | Appearance NOT REQUIRED |
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[(e)](d) *Optional Rooftop Advertising Fixture.*

- (1) An Owner may equip a Taxicab with an authorized Rooftop Advertising Fixture in accordance with Rule 67-16.
- (2) The Owner must remove a Rooftop Advertising Fixture if the TLC terminates such authorization in accordance with section 67-16(e) of these Rules.
- (3) An Owner must not use any rooftop advertising fixture unless the Owner has obtained a permit to use such a fixture.
- (4) An Owner can use only an authorized Rooftop Advertising Fixture.

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| §58-34(e)](d)(1-4) | Fine: \$200 | Appearance NOT REQUIRED |
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- (5) An Owner shall be prohibited from installing any advertising material if a Vehicle Owner reasonably objects to the express or implied content of such material. A Vehicle Owner may, but cannot be compelled to, waive this right to object by providing an Owner a blanket prior written consent to all advertising material. If such Vehicle Owner does not waive this right, and there is a dispute with respect to such advertising, Owner and Vehicle Owner shall name a third party who shall decide any such dispute. If the Owner and Vehicle Owner cannot agree on who shall decide the dispute they may obtain the assistance of any alternate dispute

resolution service with offices in the City of New York, the cost of which service will be equally shared by the Owner and the Vehicle Owner. The definition of Vehicle Owner for this paragraph includes the title owner of the Taxicab vehicle, or the long-term lessee of the Taxicab vehicle where the vehicle lease has a conditional purchase agreement for the vehicle.

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| §58-34[(e)](d)(5) | Fine: \$150 for every thirty days the advertising material is posted on the taxicab, if plead guilty before a hearing; \$200 for every thirty days the advertising material is posted on the taxicab, if found guilty following a hearing. | Appearance NOT REQUIRED |
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[(f)](e) *Operable Rear Windows.* An Owner must equip all Taxicabs with an operable rear window that meets the requirements of §67-08 (c).

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| 58-34[(f)](e) | Fine: \$75 | Appearance: NOT REQUIRED |
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[(g)](f) *E-Hail Application Devices.*

- (1) A Taxicab may be equipped with or the Driver may utilize a device with an E-Hail Application installed. A Driver’s use of an E-Hail Application is subject to the requirements of subdivision 80-14(g) of these Rules except that a Driver may accept an E-Hail request with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. Use of such device by a Driver is optional and an Owner cannot require a Driver to use an E-Hail Application. A Driver may use no more than one electronic device with an E-Hail Application, separate from the Technology System and/or a device provided for the Accessible Dispatch program.
- (2) An Owner must not permit a Taxicab to be equipped with a device that allows a Driver to accept payment electronically other than:
 - (i) The Technology System, or
 - (ii) A device with a licensed E-Hail Application installed, which may only be used to process payment through the licensed E-Hail Application.
- (3) The installation or mounting of any device with an E-Hail Application installed is subject to Commission approval. The installation or mounting of such device must not obstruct the Driver’s view of the road, or the Driver or Passenger’s view of the Taximeter.

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| §58-34[(g)](f) | Fine: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing. | Appearance NOT REQUIRED |
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[(h)](g) *Dispatch equipment.* An Accessible Taxicab is required to have Dispatch Equipment installed in the Vehicle.

Section 17. Subdivision (b) of section 58-37 of Title 35 of the Rules of the City of New York, relating to taximeter accuracy, is REPEALED.

Section 18. Subdivision (d) of section 58-41 of Title 35 of the Rules of the City of New York, relating to inspections upon multiple technology system malfunctions, is REPEALED.

Section 19. Paragraph (5) of subdivision (f) of section 59A-04 of Title 35 of the Rules of the City of New York is amended by adding a new subparagraph (i), to read as follows.

- (i) If an original vehicle fails to pass inspection on four tries within the 120-day period, the licensee can have a different vehicle inspected if they so choose. This subsequent vehicle will be subject to the same inspection requirements outlined in 59A-04(f)(1)-(5), above.

Section 20. Paragraph (4) of subdivision (c) of section 59A-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) *Vehicle Availability.* The lease payment must be pro-rated if the Vehicle is unavailable for use during any part of the term of the lease for any reason that is not the [lessor's] lessee's responsibility.

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| §59A-21(c)(4) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the [lessor] <u>lessee</u> to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance REQUIRED |
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Section 21. Sections 59A-23 and 59A-24 of Title 35 of the Rules of the City of New York, are amended to read as follows:

§59A-23 [RESERVED] Operations – Rates and Tolls

(a) Tolls – How Tolls are Paid.

- (1) All For-Hire Vehicles must be equipped with a New York MTA Bridges & Tunnels EZ-Pass®.
- (2) When a For-Hire Vehicle drives through a toll plaza with an EZ-Pass®, MTA Bridges & Tunnels will automatically deduct the cost of the toll from an account maintained by the EZ-Pass® tag holder.
- (3) Passengers must pay for the toll, but only must pay the actual amount (often a discounted toll) charged to the EZ-Pass®.

(4) Drivers must collect the proper toll amount from the passenger and forward it to the holder of the *EZ-Pass*® tag.

(b) Tolls – What Tolls are Paid by Passenger

(1) On all trips within the City of New York, the passenger must pay:

(i) All tolls incurred driving to the passenger’s destination

(ii) No tolls for the Driver’s return trip, except for trips over:

A. The Cross Bay Veterans Bridge

B. The Marine Parkway – Gil Hodges Memorial Bridge

(1) On trips beyond the City of New York, the passenger must pay all necessary tolls to and from the destination.

(2) A Driver who charges a passenger more than the actual amount of the *EZ-Pass*® toll is guilty of an overcharge as prohibited by §80-17(a) of these rules and will be subject to the penalties provided in section 80-02(e) of these rules.

(3) A Driver who fails to reimburse an *EZ-Pass*® tag holder for all toll charges incurred, including toll charges for which there is no passenger reimbursement, will be subject to the penalties provided for violation of §80-15(d)(4) of these rules.

(4) In addition to any other penalty permitted, the Commission can order restitution to a passenger or the *EZ-Pass*® tag holder.

§59A-24 [RESERVED] Operations – *EZ-Pass*® Required

(a) *EZ-Pass*® Account. All For-Hire Vehicle Owners must participate in the *EZ-Pass*® New York Program by maintaining a current account with the Metropolitan Transportation Authority, Triborough Bridge and Tunnel Authority (“MTA Bridges and Tunnels” or “MTA B&T”).

§59A-24(a)

Fine: \$100 and suspension until compliance

Appearance REQUIRED

(b) *EZ-Pass*® Tags Required on all For-Hire Vehicles.

(1) For-Hire Vehicle Owners must either:

(i) Equip all of Owner’s For-Hire Vehicles with an MTA Bridges and Tunnels *EZ-Pass*® tag, each of which must be attached as required by MTA B&T, or

- (ii) Allow a Driver to use their personal *EZ-Pass*® tag.
- (2) For-Hire Vehicle Owners must have available at least one MTA Bridges and Tunnels tag for each of their For-Hire Vehicle licenses.
- (3) Owners must maintain a sufficient balance in their *EZ-Pass*® account, according to what is required by the EZ-Pass program.

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| §59A-24(b) | Fine: \$100 and suspension until compliance | Appearance REQUIRED |
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(c) *Driver Provides EZ-Pass*® Tag.

- (1) A Driver can choose to use their own *EZ-Pass*® tag.
- (2) If a Driver uses their own *EZ-Pass*®, the Driver keeps the toll money paid by the passenger, or is reimbursed the amount of the toll(s) if the passenger pays by credit or debit card.

(d) *For-Hire Vehicle Owner Provides EZ-Pass*® Tag.

- (1) *Funds Accrue to Owner.* When a For-Hire Vehicle Owner provides the *EZ-Pass*® tag, the Driver must ensure that all of the monies paid by a passenger for toll(s) accrue to the For-Hire Vehicle Owner.
 - (i) If the customer pays by cash, the Driver will forward the money to the For-Hire Vehicle Owner at the end of the shift or lease.
 - (ii) If the customer pays by credit or debit card, the For-Hire Vehicle Owner will retain any amount paid for toll(s).

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| §59A-24(d)(1) | Fine: \$250 | Appearance NOT REQUIRED |
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- (2) *For-Hire Vehicle Owner can Require Driver to Maintain a “Replenishment” Account.*
 - (i) A For-Hire Vehicle Owner who is the *EZ-Pass*® tag holder can require a Driver who is Dispatched in one of Owner’s For-Hire Vehicles for one or more shifts to maintain an *EZ-Pass*® replenishment account with the For-Hire Vehicle Owner.
 - (ii) The For-Hire Vehicle Owner can require a Driver to maintain a maximum of \$10 for every 12-hour shift included within a lease period, up to a maximum of \$100, in the replenishment account for the benefit of For-Hire Vehicle Owner.

- (iii) The For-Hire Vehicle Owner can collect from the replenishment account any tolls paid by the For-Hire Vehicle Owner’s EZ-Pass® account for a tag assigned to a Taxicab operated by the Driver, for which the For-Hire Vehicle Owner has not been reimbursed.
- (iv) Any funds held in the replenishment account that are not used to reimburse the For-Hire Vehicle Owner must be returned to a Driver within 30 days after the termination of the Driver’s lease with the For-Hire Vehicle Owner.
- (v) An Agent has the same rights and obligations as a For-Hire Vehicle Owner under this paragraph §58-27(d)(2).

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| §59A-24(d)(2) | Fine: \$250 plus restitution to the Driver of any <u>replenishment account improperly retained by the For-Hire Vehicle Owner</u> | <u>Appearance REQUIRED</u> |
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Section 22. The penalty provision of subdivision (f) of section 59B-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-11 Compliance with Law – No Unlicensed Activity

- (f) *Unapproved Transfer of Base Location.* A Base Owner who moves a Base to any location without the prior approval of the Commission is engaging in Unlicensed Activity.

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| §59B-11(f) | Fine: \$200-\$1,500 and Suspension of Base License <u>until compliance</u> Penalty Point: 1 | Appearance REQUIRED |
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Section 23. Subparagraph (i) of paragraph (3) of subdivision (c) of section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) Trip Data and Trip Record information must be available [as specified in Chapter 83] to the Commission (in a form and format and delivery method as specified by the Commission), the Street Hail Livery Licensee and the Street Hail Livery Driver.

Section 24. Paragraph (1) of subdivision (b) of section 59B-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) All Trip Data must be transmitted to the Commission in [the form and manner specified in Chapter 83] a form and format and delivery method as specified by the Commission.

Section 25. Section 63-02 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

(d) An Agent may be held jointly and severally liable for violation of Chapter 58 (Medallion Taxicab Service) of these Rules when acting in the capacity of a Medallion Owner.

Section 26. Subdivision (c) of section 63-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *No Unlicensed Drivers.*

(1) An Agent may not permit a Taxicab to be operated for hire unless the driver has in his or her possession a Valid TLC Driver License.

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| §63-11(c)(1) | Fine: \$400 and/or suspension up to 30 days. | Appearance Required |
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(2) *Exceptions.* An Agent [can] may permit a person who does not possess a TLC Driver License to drive the vehicle only when all of the following [limited] circumstances are met:

(i) [The vehicle is being driven to or from the Commission’s centralized Taxicab inspection facility or a repair facility] The Roof Light is turned off;

(ii) The driver has [entered the appropriate off duty code in] logged off from the Technology System;

[(iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is “Off-Duty” and why;

(iv) The rear doors are locked;

(v) The person driving the vehicle is licensed to drive a motor vehicle.]

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| §63-11(c)(2) | Fine: \$400 and/or suspension up to 30 days. | Appearance REQUIRED |
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(3) The Commission will post on [its website] New York City’s open data platform a list of Drivers holding Valid TLC Driver Licenses.

Section 27. Subdivision (a) of section 63-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) An [electronic or hand written trip record (also known as a “trip sheet”) or an] operable Technology System.

Section 28. Subdivision (e) of section 63-14 of Title 35 of the Rules of the City of New York is deleted, subdivision (f) is relettered as subdivision (e), and subdivisions (a) and (e), subdivision (e) as relettered by this rule, are amended, to read as follows:

§63-14 Vehicle Equipment – Taxicab Technology System

- (a) Equip Taxicabs with Technology System. An Agent must ensure that each of Agent’s Taxicabs is equipped with the Technology System by the compliance date established in §[58-40(b)]58-39], unless exempt from the requirement under §58-40(c)]. The Technology System must comply with the specifications established in §67-15

- (e) *[Inspection upon Multiple Technology System Malfunctions.* An Agent for any Taxicab requiring six or more repairs of a vehicle’s Technology System in any 30-day period must promptly take that vehicle for inspection or schedule an inspection with the Commission’s Safety and Emissions Facility. This requirement will not apply to the Agent if compliance is made by the owner or Driver of the vehicle.

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| §63-14(e) | Fine: \$250 | Appearance NOT Required |
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- (f) *No Driver Lease Payments through [TPEP]the Technology System.* An Agent may not require or allow a driver to make a lease payment pursuant to section 58-21 of these Rules utilizing the [TPEP system] Technology System.

Section 29. Subdivision (a) of section 64-01 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) To establish a formal procedure for the licensing and supervision of businesses that manufacture, sell, repair, and install Taximeters for Medallion Taxicabs and Street Hail Liveries.

Section 30. Subdivisions (f), (g), and (h) of section 64-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (f) *Taximeter.* An instrument or device approved by the Commission that automatically calculates and that plainly indicates the charge to a passenger for hire of a Licensed Taxicab or Licensed Street Hail Livery.
- (g) *Taximeter Business.* A business licensed by the Commission that sells new or used equipment or installs, repairs, adjusts, tests, seals, or calibrates Taximeters and/or Taxicab or Street Hail Livery Roof Lights.
- (h) *Taximeter Manufacturer.* An entity that manufactures Taximeters and has been licensed by the Commission; only Taximeters made by a Licensed Taximeter Manufacturer may be installed or used in Taxicabs and Street Hail Liveries.

Section 31. Subdivisions (a) and (b) of section 64-09 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (a) *Taximeter Business License Required.* An individual or Business Entity must not sell, install, repair, adjust, inspect, calibrate, or maintain Taximeters or install or repair seals, wiring harnesses or other equipment relating to the operation of a Taximeter or roof light for use on any Taxicab or Street Hail Livery, without a Valid Taximeter License.
- (b) *Taximeter Manufacturer's License Required.* A Taximeter cannot be used in a Taxicab or Street Hail Livery unless the Taximeter's Manufacturer has been licensed by the Commission under these rules.

Section 32. Paragraph (1) of subdivision (b) of section 64-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The Taxicab Medallion number or Street Hail Livery License Number

Section 33. The introductory paragraph and subdivision (b) of section 64-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

All of the following conditions must be met for a Taximeter Business to sell a Taximeter for use in a Medallion Taxicab or Street Hail Livery:

- (b) The Medallion must be attached to the vehicle and the Vehicle, if a Street Hail Livery, must be affiliated with a Street Hail Livery Base.

Section 34. Paragraph (3) of subdivision (b) of section 64-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) The Medallion number of the Taxicab or the license number of the Street Hail Livery in which the Taximeter was installed

Section 35. Paragraph (3) of subdivision (a) of section 64-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) The standards established in the sections of the Taxicab owners' rules and Street Hail Livery Service rules regarding Taximeters

Section 36. Subdivision (a) of section 64-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) No valid Taxicab License or Street Hail Livery License is presented, unless the Taximeter is not for use in a taxicab licensed by the Commission.

Section 37. Subdivisions (b) and (c) of section 64-28 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) *Who May Perform Repair Work.* The Taximeter Business must inform the Taxicab owner or Driver or Street Hail Livery Base or Driver that any needed work or repairs can be performed by any Licensed Taximeter Business.
- (c) *No Mandated Referrals.* The Taximeter Business must not direct a Taxicab owner or Driver or Street Hail Livery Base or Driver to use a particular Taximeter Business to perform the needed repair work.

Section 38. Subdivision (a) of section 64-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Approved Roof Lights.* A Taximeter Business can install Roof Lights only in a Medallion Taxicab or Street Hail Livery. The Roof Lights must be of a type or model approved by the Commission.

Section 39. Subdivision (b) of section 64-30 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Licensing of Taximeter Manufacturer.* No Taximeter can be used in a Taxicab or Street Hail Livery unless the manufacturer has a Valid Taximeter Manufacturer's License.

Section 40. Subdivision (l) of section 64-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (l) *MTA Tax.* A Taximeter Licensee must adjust the Taximeter in any Taxicab or Street Hail Livery to add the MTA Tax to the fare. The MTA Tax must be charged on any trip that starts in New York City and ends in any of:

Section 41. Subdivisions (g) and (h) of section 66-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (g) *[On-duty] Logged On Hail Exclusionary Zone Positioning* means the date, time and geographic position of [an on-duty] a logged on Street Hail Livery (with or without Passengers) upon the point of entering and leaving the Hail Exclusionary Zone, and at each point in the vehicle's route within the Hail Exclusionary Zone in near real time at an interval no less frequent than every thirty (30) seconds.
- (h) *[On-duty] Logged On Location Positioning.* The date, time and geographic position of [an on-duty] a logged on Taxicab or Street Hail Livery (with Passengers) at the commencement and end of each Passenger fare, and (with or without Passengers or [with the on-duty unavailable code] logged on but unavailable for street-hail as described in §66-24(b)(1) of these Rules) at each point in the vehicle's route in near real time at an interval no less frequent than every thirty (30) seconds.

Section 42. Subdivision (c) of section 66-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Vehicle Positioning.* A Technology System Provider must ensure that a Technology System that has been installed in a Taxicab or Street Hail Livery provides [[On-duty] - Logged On Location Positioning and [On-Duty] Logged On Hail Exclusionary Location Positioning.

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| §66-19(c) | Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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Section 43. Paragraphs (1) and (2) of subdivision (b) of section 66-22 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) Automatically indicate the [on/off-duty] log on/off status of the Vehicle to the contractor’s systems;
- (2) Automatically switch to the appropriate [on/off-duty] log on/off status in response to the Driver’s use of the contractor’s system:

Section 44. Paragraphs (1) and (2) of subdivision (b) of section 66-24 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) The Technology System must enable the Driver to [choose between three types of duty status: off-duty, on-duty, and on-duty but unavailable for street-hail] log off, log on, and log on but be marked unavailable for street-hail. [All duty status changes must be captured as a part of the Trip Data described in subdivision (f) of this section.]
- (2) While [off-duty or on-duty] logged off or logged on but unavailable for street-hail, the Vehicle’s roof-light must automatically turn off, and the Taximeter must be disengaged until the Driver [changes duty status to on-duty] logs in.

Section 45. Subparagraphs (x) and (xiv) of paragraph (3) of subdivision (f) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (x) all changes to the Driver’s [on or off-duty] logged on-off status and the date, time, location (latitude, longitude, and human-readable street address), and meter mileage when a change occurs;

- (xiv) [On-duty] Log On Location Positioning, based on the reading from the Technology System. [On-duty] Log On Location Positioning data must be

made available in Trip Data to within fifteen (15) meters for Taxicabs and Street Hail Liveries while they are [in an on-duty or on-duty but unavailable status.] logged on or logged on but unavailable for street-hail.

Section 46. Chapter 66 of Title 35 of the Rules of the City of New York is amended by adding a new section 66-25, to read as follows:

§66-25 Compliance with Law - Miscellaneous

(a) Taxicab Improvement Fund.

- (1) A Technology System Provider and/or E-Hail Application Provider must pay the collected Taxicab Improvement Surcharge remitted by the Taxicab Driver to the Taxicab Improvement Fund within 60 days of the end of the payment period. For example, the Taxi Improvement Surcharge due for the month of July must be remitted to the TLC in its entirety by October 1st.
- (2) The Technology System Provider and/or E-Hail Application Provider must pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time and in the manner required by the Commission.
- (3) If a Technology System Provider and/or E-Hail Application Provider does not pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time required, non-payment will be grounds for suspension of the Technology System Provider License or E-Hail Application Provider License, and/or denial of any renewal application or of any application for another TLC-issued license, as well as monetary penalties.

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| 66-25(a) | Fine: \$1000 and suspension until complia | Appearance REQUIRED |
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Section 47. Paragraph (2) of subdivision (d) of section 67-06 of Title 35 of the Rules of the City of New York, relating to the transfer of vehicles owned by long-term drivers, is REPEALED, and paragraphs (3) through (5) are renumbered as paragraphs (2) through (4).

Section 48. Subdivision (n) of section 68-03 of Title 35 of the Rules of the City of New York, relating to the definition of Taxi and Limousine Tribunal at OATH, is REPEALED.

Section 49. Section 68-04 of Title 35 of the Rules of the City of New York, relating to choice of forum for TLC adjudications, is REPEALED:

Section 50. Subdivision (a) of section 68-09 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) The decision of the Hearing Officer at the [Taxi and Limousine Tribunal at] OATH Hearings Division is final subject to the appeals process provided for in Chapter 5 of Title 48 of the Rules of the City of New York and the Chairperson review process provided for in section 68-12.

Section 51. Paragraphs (1) and (4) of subdivision (c) of section 68-12 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) Within 30 days of service by OATH of the determination of an appeal by the Appeals Unit of the [Taxi and Limousine Tribunal] OATH Hearings Division, either party may petition the Chairperson to reject the determination by delivering a petition to the General Counsel of the TLC and mailing a copy to the adverse party.

- (4) In reviewing the determination of the Appeals Unit of the [Taxi and Limousine Tribunal at] OATH Hearings Division, the Chairperson shall be bound by the findings of fact in the decision.

Section 52. The introductory language of paragraph (1) of subdivision (c) of section 68-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The hearing against the Owner will be conducted at the [Taxi and Limousine Tribunal at] OATH Hearings Division according to the procedures in Chapter 5 of Title 48 of the Rules of the City of New York within five business days following a seizure. At the hearing, a determination will be made on the following:

Section 53. Paragraph 3 of subdivision (a) of section 68-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) The settlement agreement may provide for canceling an adjudication that is open or that has been completed. If the adjudication is open or completed before the [Taxi and Limousine Tribunal at OATH or the] OATH Tribunal, the Chairperson will promptly notify the tribunal.

Section 54. Paragraph (2) of subdivision (b) of section 68-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) If the Chairperson withdraws a summons:
 - (i) Any fine, suspension, revocation, or Persistent Violator Points or Penalty Points imposed after the hearing will be vacated.
 - (ii) Any fines paid will be refunded.
 - (iii) The Chairperson will notify the Respondent that the summons has been withdrawn.
 - (iv) If a withdrawn summons is open or has been completed before [the Taxi and Limousine Tribunal at OATH or] the OATH Tribunal, the Chairperson shall promptly notify the tribunal.

Section 55. Chapter 78 of Title 35 of the Rules of the City of New York is amended by adding a new section 78-22 to read as follows:

§78-22 Compliance with Law - Miscellaneous

(a) Street Hail Livery Improvement Fund

- (1) A Technology System Provider and/or E-Hail Application Provider must pay the Street Hail Livery Improvement Surcharge remitted by the Driver for each Hail Trip to the Street Hail Livery Improvement Fund.
- (2) The Technology System Provider and/or E-Hail Application Provider must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time and in the manner required by the Commission.
- (3) If a Technology System Provider and/or E-Hail Application Provider does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment may be grounds for suspension of the Technology System Provider License or E-Hail Application Provider License, and/or denial of any renewal application or of any application for another TLC-issued license as well as monetary penalties.

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| <u>78-22(a)</u> | <u>Fine: \$1000</u> | <u>Appearance REQUIRED</u> |
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Section 56. Paragraph 1 of subdivision (c) of section 80-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

 - (i) the Respondent files an appeal of the decision issued by the [Taxi and Limousine Tribunal] OATH Hearings Division within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

Section 57. Paragraph 2 of subdivision (e) of section 80-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

§80-02 Penalties

- (2) *Calculating Time Periods.* The [Taxi and Limousine Tribunal at] OATH Tribunal or the Chairperson will count the 24- and 36-month penalty periods going backwards, from the date of the last violation.

Section 58. Paragraph (8) of subdivision (c) of section 80-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (8) *Use an Electronic Communication Device (or Using an Electronic Communication Device)*, in this Chapter, means to
- (1) Operate any function of an Electronic Communication Device in any way, or
 - (2) Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.
 - (3) *Exception for Street Hail Liveries and For-Hire Vehicles:* In a Street Hail Livery or For-Hire Vehicle, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:
 - (i) The communication is about a Dispatch; and
 - (ii) The communication occurs using *either* an FCC-licensed commercial two-way radio *or* a device, including a smart phone, which is mounted in a fixed position and not hand-held; and
 - (iii) The communication occurs using *either* voice *or* one-touch pre-programmed buttons or keys.
 - (4) *Exceptions pursuant to Section 80-22: Use of an electronic device permitted pursuant to Section 80-22 of these Rules is not Use of an Electronic Communication Device.*

Section 59. Paragraph (1) of subdivision (c) of section 80-08 of the Rules of the City of New York is amended by adding a new subparagraph (v), to read as follows:

- (v) *Any act resulting in the disqualification of an applicant from the examination specified in TLC Rule 80-04 (j)(2). The three-year ban will be counted from the date of the examination the applicant was disqualified from.*

Section 60. Subparagraph (ii) of paragraph (2) of subdivision (c) of section 80-08 of the Rules of the City of New York is amended to read as follows:

- (ii) The traffic infraction of unlicensed operation of a motor vehicle. *The one-year ban will be counted from the date of the violation.*

Section 61. Subdivisions (i) and (j) of section 80-12 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (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.

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| §80-12(i)(1)-(2) | Fine: \$300 and Suspension until compliance | Appearance REQUIRED |
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- (3) A Driver must report any change of Mailing Address and E-mail Address to the Commission in a manner prescribed by the Commission within ten days.

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| §80-12(i)(3) | Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (i) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

- (4) A Driver must remove all currency from the Vehicle's interior prior to its examination by any Commission personnel.

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| §80-12(i)(4) | Fine: \$50 | Appearance NOT required |
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- (5) A Driver must cooperate with all dispatchers at public transportation terminals.

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| §80-12(i)(5) | Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. | Appearance NOT required |
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(j) *Cooperate with Law Enforcement.*

- (1) A Driver must cooperate, including but not limited to providing such Driver's name, License number, and any documents the Driver is required to have in their possession, with all law enforcement officers and all authorized representatives of the Commission.

[

- (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.]

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| §80-12(j) | Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing. | Appearance NOT REQUIRED |
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Section 62. Paragraph (3) of subdivision (g) of section 80-14 of Title 35 of the Rules of the City of New York, relating to exceptions to the electronic communication device prohibition, is REPEALED, and paragraph (4) is re-numbered as paragraph (3).

Section 63. Subdivision (d) of section 80-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *E-ZPass® Rules*

- (1) A Driver must not operate a Taxicab, For-Hire Vehicle or Street Hail Livery Vehicle for hire that is not equipped with an E-ZPass® tag.
- (2) The Taxicab, For-Hire Vehicle or Street Hail Livery 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) Taxicab, For-Hire Vehicle or Street Hail Livery Drivers may use personal E-ZPass® tags to meet this requirement.

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| §80-15(d)(1)-(3) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (4) A Taxicab, For-Hire Vehicle or Street Hail Livery 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 Taxicab or Street Hail Livery Driver has been required to establish a replenishment account, as described in §58-27(d)(2) of the Taxicab Owners chapter, the Driver must maintain the required balance in the account.

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| §80-15(d)(4)-(5) | Fine: \$50 plus restitution to the E-ZPass® tag holder of any amount not reimbursed | Appearance REQUIRED |
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Section 64. Subdivision (a) of section 80-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Specific Route.*

- (1) 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.

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| §80-16(a) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (2) Unless a Passenger makes a specific request, a Driver must proceed to the Passenger’s destination by the shortest reasonable route.

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| §80-16(a) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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Section 65. Subdivision (a) of section 80-17 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (4), and the penalty table of subdivision (a) is amended, to read as follows:

§80-17 Operations – Rates, Charges and Payment

- (4) 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 Driver must not impose or attempt to impose any additional charge for transporting the attendant.

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| §80-17(a)(1)- [(3)](4) | Mandatory penalties as set forth in §80-02(e) | Appearance NOT REQUIRED |
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Section 66. Subparagraph (i) of paragraph (2) of subdivision (d) of section 80-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) [Key the appropriate off duty code into] Log off from the Technology System.

Section 67. Subdivision (h) of section 80-17 of Title 35 of the Rules of the City of New York, relating to the participation of street hail livery vehicles in group ride programs, is REPEALED, and subdivisions (i) through (k) are relettered as subdivisions (h) through (j).

Section 68. Paragraph (5) of subdivision (a) of section 80-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) A Driver who [has entered the appropriate off duty code into the Technology System] is logged off from the Technology System 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)"; and
 - (iii) The Passenger's destination is directly on the route to the Driver's home or garage.

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| §80-19(a)(5) | Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing. | Appearance NOT REQUIRED |
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Section 69. Paragraph (2) of subdivision (a) of section 80-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) *Attendant for Passengers with a Disability.* 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 Driver must not impose or attempt to impose any additional charge for transporting the attendant. A Driver must not refuse to transport any Person with a Disability or any service animal accompanying such person.]

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| §80-20(a)(2) | Mandatory penalties as set forth in §80-02(e) | Appearance NOT REQUIRED |
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Section 70. Paragraphs (4), (5), (6), (13), and (15) of subdivision (b) of section 80-20 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (4) The Taxicab or Street Hail Livery Driver is discharging his or her last Passenger or Passengers prior to [going off duty, and has already entered the appropriate off duty code in the Technology System] logging off from the Technology System.
- (5) The Taxicab or Street Hail Livery Driver is ending his or her work shift, and has already [entered the appropriate off duty code in] logged off from the Technology System and locked both rear doors.
- (6) The Taxicab or Street Hail Livery Driver must take the Vehicle out of service for required repairs and has already [entered the appropriate off duty code in] logged off from the Technology System and locked both rear doors.

- (13) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip and [has entered the appropriate on-duty unavailable code into] is logged on but unavailable for street-hail in the Technology System.
- (14) The Vehicle is a For-Hire Vehicle and the Driver has accepted a dispatch call for a Pre-Arranged Trip.
- (15) The Vehicle is a Taxicab or Street Hail Livery and the Driver has accepted a trip from the accessible dispatch program pursuant to section 53-08 of these Rules or an approved E-Hail App and [has entered the appropriate on-duty unavailable code into] is logged on but unavailable for street-hail in the Technology System.

Section 71. Subdivision (a) of section 80-25 of Title 35 of the Rules of the City of New York is amended, subdivision (b) is deleted, subdivisions (c) through (f) are relettered as subdivisions (b) through (e), and subdivision (e), as relettered by this rule, is amended, to read as follows:

§80-25 Vehicles – Technology System Operation

- (a) A Driver is required to log in and operate the Technology System for each trip in a Taxicab or Street Hail Livery, including those Taxicab or Street Hail Livery trips that

begin with the use of an E-Hail Application but otherwise excluding Street Hail Livery trips that are Pre-Arranged Trips.

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| §80-25(a) | Fine: \$250 and/or minimum 5 day to maximum 30 day suspension. | Appearance REQUIRED |
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- (b) [A Driver is required to log in and operate the Technology System for each trip in a Street Hail Livery, including Pre-Arranged Trips and those trips that begin with the use of an E-Hail Application.

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| §80-25(b) | Fine: \$250 and/or minimum 5 day to maximum 30 day suspension. | Appearance REQUIRED |
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- (c) *Off Duty] Log Off Procedures for a Taxicab and Street Hail Livery.*

- (1) A Driver must [enter the appropriate off duty code into] log off from the Technology System.

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| §80-25[(c)](b) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- ([d]c) *Unavailable Procedures for a Taxicab and Street Hail Livery.* Upon accepting a trip from the Accessible Dispatch Program pursuant to section 53-08 of these Rules or a Licensed E-Hail Application or a Pre-Arranged Trip, a Driver must [enter the appropriate on-duty unavailable code into] be logged on but unavailable for street hail in the Technology System.

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| §80-25[(d)](c) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- ([e]d) If necessary, the Driver will transmit any corrections electronically, using the Technology System.

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| §80-25[(e)](d) | Fine: \$25 | Appearance NOT REQUIRED |
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- ([f]e) *Technology System(s) Malfunction.* In the event the Technology System malfunctions or fails to operate, the Driver must fix the Technology System before accepting any new trips to transport passengers.

- (1) [The Driver must file an incident report with the licensed Technology System 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.

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| §80-25(f)(1) | Fine: \$75 | Appearance REQUIRED |
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- (2) A Driver must not knowingly operate a Taxicab or Street Hail Livery in which the Technology System is inoperative for more than 48 hours following the timely filing of an incident report.

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| §80-25(f)(2) | Fine: \$250 | Appearance REQUIRED |
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- (3) If the Technology System is inoperable, the Driver must keep written Trip Records for all Hail trips he or she operates. Drivers must submit all written Trip Sheets to the Taxicab Owner or Street Hail Livery Base at the conclusion of the Driver's shift or lease period. Written Trip Records shall consist of the following information:

- (i) The Taxicab Medallion number or Street Hail Livery license number
- (ii) The Driver's License number
- (iii) The location(s) where each Passenger was picked up
- (iv) The time(s) each Passenger was picked up
- (v) The number of Passengers
- (vi) The location(s) where each Passenger was dropped off
- (vii) The time(s) each Passenger was dropped of
- (viii) The total trip mileage
- (ix) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- (x) Method of payment
- (xi) The Taximeter readings
- (xii) The concluding time of Driver's work shift
- (xiii) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger
- (xiv) The trip number
- (xv) All other entries required by these rules

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| §80-25(f)(3) | Fine: \$250 if Driver fails to submit written trip records or, in the event the Driver keeps incomplete | Appearance REQUIRED |
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| | written trip records, \$15 per missing entry not to exceed \$30 per written trip record. | |
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[(4)](1)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.

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| §80-25[(f)](e)[(4)](1) | Fine: \$25 | Appearance NOT REQUIRED |
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[(5)](2)A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission.

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| §80-25[(f)](e)[(5)](2) | Fine: \$250 | Appearance NOT REQUIRED |
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Section 72. Subparagraph (i) of paragraph (3) of subdivision (a) of section 80-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) [Enter the appropriate off duty code in] Log off from the Technology System

Section 73. Subparagraph (ii) of paragraph (2) of subdivision (e) of section 80-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) The Driver has [entered the Off Duty or unavailable code into] logged off or logged on but is unavailable for street-hail in the Technology System.

Section 74. Subdivision (g) of section 82-17 of Title 35 of the Rules of the City of New York, relating to payments to the Street Hail Livery Improvement Fund, is .REPEALED, and a new subdivision (g) is added, to read as follows:

- (g) Street Hail Livery Improvement Fund. A Technology System Provider and/or E-Hail Application Provider is responsible for paying the collected Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund, as described in subsection (a) of §78-22 of these Rules.

Section 75. Section 82-20 of Title 35 of the Rules of the City of New York, relating to mandatory completion of wheelchair passenger assistance training, is REPEALED.

Section 76. Paragraph (1) of subdivision (c) of section 82-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) Trip Record information must be available to the Commission [as specified in Chapter 83] in a form and format and delivery method as specified by the Commission if received by the Licensee, and to the Affiliated Base, and the Street Hail Livery Driver.

Section 77. Paragraph (2) of subdivision (j) of section 82-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) The fare must be calculated as required by these rules and the Taximeter must be used for all trips not dispatched through a Base, including trips paid for by E-Payment. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method.