

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 (TLC) is considering changing its rules in order to implement the requirements of newly adopted Local Laws 27, 28 and 30 of 2014. All three local laws implement Mayor de Blasio's "Vision Zero" program.

In addition to the implementing the requirements of the newly adopted local laws, the proposed rule changes include: counting critical driver violations as of the date of conviction, rather than the date the violation occurred; reducing the number of TLC violations for non-safety related offenses that result in persistent violator points, and in some instances, increasing the monetary fines for those offenses; and clarifying that there is no longer a category of "named drivers" in the medallion owner and driver rules.

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 September 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 Wednesday, September 10, 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, September 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

On February 18, 2014, Mayor de Blasio launched the Vision Zero action plan – an ambitious plan to reduce traffic fatalities in New York City. Vision Zero accepts no traffic fatality as inevitable. Vision Zero allows government agencies, industry groups, key transportation stakeholders and the public to understand traffic crashes as the result of a series of actions that can be changed or prevented through enforcement, education and design. In June of 2014, the Mayor signed Local Laws 27, 28 and 30 of 2014 to implement Vision Zero. Each Law mandates specific requirements for one or more of the agencies involved in directly implementing Vision Zero.

These proposed rules implement the three recently-enacted local laws that provide the TLC with enforcement tools necessary to support Mayor de Blasio’s Vision Zero goals. The rules increase the TLC’s ability to remove unsafe TLC-licensed drivers from the street quickly, promoting the safety of passengers, pedestrians, bicyclists, and other motorists.

Each new local law supports the Vision Zero goals specifically as follows:

- Local Law 27, known as “Cooper’s Law,” allows the TLC to summarily suspend the license of any driver summonsed or charged with a traffic violation or crime following a crash in which a person has suffered a critical injury or death. If the driver is convicted of the traffic violation or crime, the TLC driver’s license must be revoked.

- Local Law 28 requires the TLC to review the results of the NYPD’s investigation of any crash involving a TLC licensed driver operating a TLC licensed vehicle that results in death or critical injury. Additionally, this new law requires the TLC to review the fitness of any driver involved in a crash resulting in death or critical injury and allows the TLC to summarily suspend the driver while the fitness review is pending.
- Local Law 30 allows the TLC to combine DMV license points assessed against a license under the critical driver program for traffic violations with TLC license points assigned under the persistent violator program for safety violations in determining when a TLC-issued driver’s license must be suspended or revoked. The law also increases the number of points deducted from a TLC license after a driver completes a point reduction class.

In addition to implementing the requirements of the newly adopted local laws, the proposed rules will also:

- count traffic violations that result in critical driver points as of the date of conviction, rather than the date the violation occurred;
- reduce the number of TLC rules not related to driver or vehicle safety whose violation results in persistent violator points;
- increase the fine amounts for violation of certain non-safety related TLC rules;
- clarify that the category of “named drivers” in the medallion owner and driver rules has been eliminated, and
- correct the rate of fare for a trip to Newark in the Driver’s rules, to mirror the Owner’s rules.

These rules are authorized by Section 2303 of the Charter and Sections 19-503 of the Administrative Code of the City of New York, and newly adopted Local Laws 27, 28 and 30.

“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.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definition of Long-Term Driver as set forth in section 51-03 of Title 35 of the Rules of the City of New York is amended, and the definition of Named Drivers is deleted, to read as follows:

§51-03 Definitions

Long-Term Driver is a Licensed Medallion Taxicab Driver who meets all of the following conditions:

- (1) Personally drives the Taxicab at an annual rate of at least 160 hours per month;
- (2) [Is named on the rate card (is a Named Driver):
- (3)] Owns the Medallion or is leasing the Medallion for a term of no less than five months; and

[(4)] (3) Is a Long-Term Driver on no more than one Taxicab.

[**Named Drivers** is a term indicating that only the Drivers specifically named on the Rate Card are allowed to drive the Taxicab.]

Section 2. Section 54-10(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-10 Licensing – Care and Use of License

- (b) *Unreadable License.* A Driver must immediately surrender any unreadable or unrecognizable Taxicab Driver's License to the Commission for replacement and reissue.

§54-10(b)	Fine: \$50 [Points: 1]	Appearance NOT REQUIRED
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Section 3. Subdivisions (b) and (c) of section 54-11 of Title 35 of the Rules of the City of New York are amended to read as follows:

§54-11 Comply with Laws – Unlicensed Activity Prohibited

- (b) *Driver Must Have Valid Chauffer's License.*
 - (1) A Driver must not operate a Taxicab or Street Hail Livery without a Valid Chauffeur's License. The License of a Driver who operates a Taxicab or Street Hail Livery without a valid Chauffer's License will be summarily suspended.

§54-11(b)(1)	(p)	Fine: First Violation: \$1,500 and Suspension until compliance.	Appearance NOT REQUIRED
	(p)	Second Violation in 36 months: \$2,000 and Suspension until compliance.	
	(p) [Points: 2]	Third Violation: revocation.	

(2) A driver must immediately surrender his or her Taxicab Driver's License to the Commission upon the suspension or revocation of his or her Chauffeur's License.

§54-11(b)(2)	Fine: \$100 [Points: 1]	Appearance NOT REQUIRED
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(c) *Vehicle Must Be Licensed.* A Driver must not knowingly operate a Taxicab or Street Hail Livery for hire unless that vehicle is licensed by the Commission and the License is Valid.

§54-11(c)	Fine: \$25-\$350 and/or suspension up to 30 days [Points: 3]	Appearance REQUIRED
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Section 4. Subdivisions (a), (b), (h), (i), (j), (k), (l) and (m) of section 54-12 of Title 35 of the Rules of the City of New York are amended to read as follows:

§54-12 Comply with Laws – Proper Conduct

(a) *Bribery.* A Driver or anyone acting on behalf of the Driver must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§54-12(a)	Fine: \$10,000 and revocation	Appearance REQUIRED
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	[Points: 6]	
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- (b) *Failure to Report Bribery.* A Licensee must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

§54-12(b)	Fine: \$1,000 and/or suspension up to 30 days or revocation [Points: 3]	Appearance REQUIRED
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- (h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission in writing within 15 calendar days after any criminal conviction of the Licensee.
- (2) Licensee must also provide the Commission with a certified copy of the certificate of disposition issued by the clerk of the court within 15 days after sentencing.

§54-12(h)	Fine: \$100 if plead guilty before a hearing; \$250 if found guilty following a hearing. [Points: 3]	Appearance NOT REQUIRED
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- (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.

§54-12(i)(1)-	Fine: \$300 and Suspension until	Appearance REQUIRED
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(2)	compliance [Points: 2]	
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(j) *Cooperate with Law Enforcement.*

- (1) A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission including dispatchers at public transportation terminals and at authorized group-ride Taxicab lines.
- (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.

§54-12(j)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing. [Points: 2]	Appearance NOT REQUIRED
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(k) *No Use of Vehicle for Unlawful Purpose.* A Driver must not use or permit any other person to use his or her Vehicle for any unlawful purpose.

§54-12(k)	Fine: \$100-\$350 and/or suspension up to 30 days [Points: 3]	Appearance REQUIRED
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(l) *Report Attempt to Use Vehicle for Unlawful Purpose.* A Driver must report immediately to the police any attempt to use his or her Vehicle to commit a crime or escape from the scene of a crime.

§54-12(l)	Fine: \$100-\$350 and/or suspension up to 30 days [Points: 3]	Appearance REQUIRED
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- (m) *No Concealment of Crime.* A Driver must not conceal any evidence of a crime or voluntarily aid violators to escape arrest.

§54-12(m)	Fine: \$350-\$1,000 and/or suspension up to 30 days [Points: 3]	Appearance REQUIRED
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Section 5. Subparagraph (i) of paragraph (3) of subdivision (a) of section 54-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

Rule	VIOLATION	[Reference]	Points
§54-13(a)(3)(i)(A)	<u>SPEEDING 1 to 10 miles above posted speed limit</u>	[1 to 10 miles above posted speed limit]	3
§54-13(a)(3)(i)(B)	<u>SPEEDING 11 to 20 miles above posted speed limit</u>	[11 to 20 miles above posted speed limit]	4
§54-13(a)(3)(i)(C)	<u>SPEEDING 21 to 30 miles above posted speed limit</u>	[21 to 30 miles above posted speed limit]	5
§54-13(a)(3)(i)(D)	<u>SPEEDING 31 to 40 miles above posted speed limit</u>	[31 to 40 miles above posted speed limit]	6
§54-13(a)(3)(i)(E)	<u>SPEEDING 41 or more miles above speed limit</u>	[41 or more miles above speed limit]	8

Section 6. Subdivision (d) of section 54-14 of Title 35 of the Rules of the City of New York is amended, and a new subdivision (f) is added to read as follows:

§54-14 Operations – Passenger and Driver Safety

- (d) *Limits on Consecutive Hours of Driving.* A Driver must not operate a Vehicle for more than 12 consecutive hours.

§54-14(d)	Fine: \$25 [Point: 1]	Appearance NOT REQUIRED
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- (f) *Serious Crashes.* A serious crash is one in which any person has suffered critical injury or death. “Critical injury,” for purposes of this section, means any injury determined to be critical by the emergency medical service personnel responding to such crash.

- (i) If a Driver has been issued a summons for or charged with one or more traffic related violations or crimes in a serious crash, the Driver’s License may be Summarily Suspended. Upon conviction of the Driver of one or more of the violations or crimes stated in the summons or charges and upon a determination that one or more of the violations or crimes for which conviction occurred was a cause of critical injury or death, the Driver’s License will be revoked. A Summary Suspension pursuant to this section may be lifted pursuant to this Title or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the Chairperson may continue to suspend the Driver’s License pursuant to an investigation into such Driver’s fitness, and such License may be revoked if the Driver is found not Fit to Hold a License (see subdivision (ii)). This section does not limit in any way the Chairperson’s authority to Summarily Suspend a Driver for other reasons.
- (ii) After any serious crash of which the TLC is notified involving a Driver operating a Licensed Vehicle, the TLC will review whether the Driver is Fit to Hold a License under Section 54-08(b) of this Chapter. The TLC can seek Suspension or Revocation of the Driver’s License and can Summarily Suspend the Driver’s License while any fitness review or enforcement action is pending, in accordance with Section 68-15 of this Title.

Section 7. Paragraph (1) of subdivision (k) of section 54-15 of Title 35 of the Rules of the City of New York, relating to mandatory entries on a Driver’s rate Card, is REPEALED, and paragraph (2) is renumbered paragraph (1).

Section 8. Subdivisions (b) and (g) of Section 54-16 of Title 35 of the Rules of the City of New York are amended to read as follows:

§54-16 Operations – Comply with Reasonable Passenger Requests

- (b) *Requests to Change Destination.* Passengers may ask the Driver to change their destination or end their ride during their trip. Drivers must comply with these requests unless it is impossible or unsafe. The Passenger will pay the amount shown on the Taximeter or information monitor when the trip ends. For a Pre-Arranged Trip in a Street Hail Livery a request to change or terminate the trip can result in a different fare or, for a trip which terminates early, the complete fare quoted.

§54-16(b)	Fine: \$50-\$200 [Points: 2.]	Appearance REQUIRED
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- (g) *Other Reasonable Passenger Requests.* A Driver must comply with all the reasonable requests of a Passenger, including but not limited to giving his or her name, Taxicab Driver's License number (or the FHV Driver's License number or Paratransit Driver's License Number as applicable) and the Medallion or Street Hail Livery license number.

§54-16(g)	Fine: \$[50-\$200] <u>\$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.</u> [Points: 2]	Appearance NOT REQUIRED
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Section 9. Paragraphs (2), (3) and (4) of subdivision (g) of section 54-17 of Title 35 of the Rules of the City of New York are amended to read as follows:

§54-17 Operations – Rates, Charges and Payment

- (g) *Trips Beyond the City.*
 - (2) For a trip to *Westchester* or *Nassau County*, the following charges and rules apply:
 - (i) The Driver must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.

§54-17(g)(2)(i)	Fine: \$100.	Appearance NOT REQUIRED
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- (ii) Before starting the trip, the Driver must inform the Passenger how the trip charges will be calculated, including the payment of tolls both to and from the destination_ for Taxicabs and Chapter 82, §82-26(d)(2) for Street Hail Liveries.
- (iii) The rate of fare will be the amount shown on the Taximeter for the portion of the trip within the City, plus twice the amount shown on the Taximeter for the portion of the trip outside the City limits (See Chapter 58, §58-26(d)(2)).
- (iv) The Driver must tell the Passenger when the Vehicle crosses the City limits so that the Passenger can check the reading on the Taximeter at that time.
- (v) The Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver’s return to the City.

§54-17(g)(2)(ii)-(v)	Fine: \$25. [Points: 2.]	Appearance NOT REQUIRED
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(3) For a trip to *Newark Airport*, the following charges and rules apply:

- (i) The Driver must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.

§54-17(g)(3)(i)	Fine: \$100.	Appearance NOT REQUIRED
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- (ii) Before starting the trip, the Driver must inform the Passenger how the trip charges will be calculated, including the payment of tolls out of and back into the City.

- (iii) The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$[15.00] \$17.50 (See Chapter 58, §58-26(d)(3) for Taxicabs and Chapter 82, §82-26(d)(3) for Street Hail Liveries).
- (iv) The Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

§54-17(g)(3)(ii)-(iv)	Fine: \$25. [Points: 2.]	Appearance NOT REQUIRED
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- (4) For all out-of-City trips, the Driver must record the charges and the out-of-city destination on the written Trip Record, if T-PEP or LPEP is not working.

§54-17(g)(4)	Fine: \$25 [Points: 2]	Appearance NOT REQUIRED
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Section 10. Paragraphs (4) and (5) of subdivision (a) of sections 54-19 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (4) A Driver of a Taxicab must not solicit or cruise for the purpose of soliciting Passengers:
 - (i) At Kennedy, La Guardia or Newark Airports
 - (ii) Within 100 feet of any authorized Taxi Stand
 - (iii) Within the private streets of Lincoln Center
 - (iv) In any area of the City of New York where Taxicab cruising is prohibited

§54-19(a)(4)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a	Appearance NOT REQUIRED
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	hearing [Points: 1]	
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- (5)
- (i) *Before the Off Duty Change Date.* A Driver of a Taxicab who has illuminated the "Off Duty" light must not solicit or accept a Passenger unless ALL of the following are true:
- (A) The Driver is returning the Taxicab to his or her garage or home.
 - (B) 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)".
 - (C) The Passenger's destination is directly on the route to the Driver's home or garage.
 - (D) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.
- (ii) *After the Off Duty Change Date.* A Driver who has entered the appropriate off duty code into T-PEP must not solicit or accept a Passenger unless ALL of the following are true:
- (A) The Driver is returning the Taxicab to his or her garage or home.
 - (B) 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)".
 - (C) The Passenger's destination is directly on the route to the Driver's home or garage.
 - (D) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

§54-19(a)(5)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. [Points: 1]	Appearance NOT REQUIRED
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Section 11. Subdivision (f) of section 54-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *No Unauthorized Equipment.* A Driver must not operate a Taxicab or Street Hail Livery that uses or has installed any equipment or mechanical devices not specifically listed in these rules, unless authorized in writing by the Commission. *Note:* A Street Hail Livery is permitted to have the dispatch equipment required by its Street Hail Livery Base.

§54-22(f)	Fine: \$50-\$350 and/or suspension up to 30 days [Points: 1]	Appearance REQUIRED
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Section 12. Paragraphs (2), (3) and (6) of subdivision (a) of section 54-23 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (2) The Taxicab Driver's License in the appropriate frame (or, as applicable, the For-Hire Driver's License or Paratransit License if the vehicle is a Street Hail Livery being operated by a For-Hire Driver or Paratransit Driver).

§54-23(a)(2)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. [Points: 2]	Appearance NOT REQUIRED
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- (3) The Rate Card assigned to the Taxicab or Street Hail Livery, beside the frame containing the Taxicab Driver's License.

§54-23(a)(3)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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(6) In a Street Hail Livery, the Street Hail Livery License.

§54-23(a)(6)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. [Points: 1]	Appearance NOT REQUIRED
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Section 13. Paragraphs (2) and (3) of subdivision (a), paragraphs (4), (5) and (7) of subdivision (b), and paragraph (4) of subdivision (c) of section 54-26 of Title 35 of the Rules of the City of New York are amended to read as follows:

§54-26 Vehicle Equipment – Taximeters

(a) *Taximeter Condition.*

(2) *Repair and Replacement.* A defective Taximeter must be repaired or replaced at a licensed Taximeter shop. A Taximeter must only be replaced with a Taximeter that has been inspected, sealed and approved within the preceding 12 months.

§54-26(a)(2)	Fine: \$50-\$350 and/or suspension up to 30 days [Points: 1]	Appearance REQUIRED
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(3) *Seals and Serial Number.* A Driver must not drive a Taxicab or Street Hail Livery unless all Taximeter seals and cable housing seals are in good condition and pressed by the Commission or its authorized designee. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the Vehicle.

§54-26(a)(3)	Fine: \$100 [Points: 2]	Appearance NOT REQUIRED
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(b) *Taximeter Operation.*

- (4) *Non-Paying Passenger.* If the Passenger is not being charged a fare, the Driver must not activate the meter, but must:
- (i) Illuminate the “Off Duty” light in a Taxicab or, in a Street Hail Livery, not indicate that the Vehicle is available to accept a passenger.
 - (ii) Transmit (or manually add to the written Trip Record) that he or she is off duty and transporting a non-paying Passenger and details of the time and distance of the free fare.
 - (iii) Include the reason the Passenger is not being charged.

§54-26(b)(4)	Fine: \$25 [Points: 1]	Appearance NOT REQUIRED
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- (5) *Flat Fare Trip.* When the Taxicab or Street Hail Livery is engaged in a flat fare trip from between Kennedy Airport and Manhattan, the Driver must key the information into T-PEP or LPEP, as applicable (or enter on a written Trip Record) that this is a flat fare trip to or from Kennedy Airport and include the time and distance of the trip.

§54-26(b)(5)	Fine: \$100 [Points: 1]	Appearance NOT REQUIRED
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- (7) *Re-setting the Taximeter.* Immediately after the Passenger leaves the Vehicle, the Driver must clear the Taximeter, placing it in an off or "Vacant" position in which it must remain until the next Passenger enters the Vehicle.

§54-26(b)(7)	Fine: \$100 [Points: 1]	Appearance NOT REQUIRED
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- (c) *Taximeter Tampering.*

(4) *Defect(s) that Arise During Shift.* If the Taximeter breaks down during a trip so that the fare can no longer be monitored, the Driver must immediately tell the Passenger and offer him or her the option of:

- (i) Continuing the trip after mutually agreeing to a reasonable fare, or
- (ii) Terminating the trip and paying the fare shown on the Taximeter to that point.

§54-26(c)(4)	Fine: \$50-\$350 and/or suspension up to 30 days [Points: 1]	Appearance REQUIRED
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Section 14. Section 54-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-27 Special Driver Penalty Programs

(a) *Critical Driver’s Program (“Points” in this Section refers to points assessed by the Department of Motor Vehicles).* In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission’s Critical Driver’s Program:

- (1) *License Suspension.* If, within a 15-month period, a Driver accumulates six or more points but fewer than ten points on his or her driver’s license (whether issued by New York or another state), the Commission will suspend the Driver’s Taxicab Driver’s License for up to 30 days.
- (2) *License Revocation.* If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver’s license (whether issued by New York or another state), the Commission will revoke the Driver’s Taxicab Driver’s License.
- (3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent

conviction for the violation carrying points that is cited in the summons under this section.

- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date [the violation occurred] of conviction.
- (6) *Multiple Points from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (7) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct [two] three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the NYS DMV or equivalent licensing agency of the state which issued such license that appears on the Licensee's [DMV] driving record maintained by the DMV or equivalent licensing agency of the state which issued such license. 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. [In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Taxicab Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons.] Completion of the motor vehicle accident prevention 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.
 - (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.

- (iv) [If the Driver completed the course on or after September 1, 1999, the] The Commission will not reduce total points more than once in any 18-month period.

- (8) *Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.* Any points accumulated under this Chapter by a For-Hire Driver or a Paratransit Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License or Paratransit Driver's License as specified in
 - (i) Section 55-27(a) of these Rules if the Driver is a For-Hire Driver and

 - (ii) Section 56-13(b) of these Rules if the Driver is a Paratransit Driver,and the Driver may incur the penalties specified as a result.

- (b) *Program for Persistent Violators of Taxicab Drivers' Rules ("Points" in this Section refers to points assessed by the Commission; these points are included in the penalties for specific violations of rules in this Section).*
 - (1) *Required Remedial Course Attendance for Persistent Violators.*
 - (i) Any Driver who has been found guilty of three or more violations within a 15-month period and whose license has not been revoked must attend a remedial or refresher course. The Commission will also add one point to that Taxicab Driver's License.

 - (ii) Any Driver who does not [complete] provide proof of completion of such a course issued by the course provider after being notified of the requirement by the Commission will have his or her License suspended until he or she complies.

 - (2) *Suspension and Revocation – Points and Time Periods.*
 - (i) Any Driver who has accumulated six or more Commission-issued points but fewer than ten points against his or her Taxicab Driver's License within a 15-month period and whose License has not been revoked will have his or her License suspended for up to 30 days.

- (ii) The Commission will revoke the License of any Driver who has accumulated ten or more points against his or her Taxicab Driver's License within a 15-month period.
- (iii) Any Driver whose License has not been revoked and who has within a 15-month period accumulated against his or her Taxicab Driver's License a combination of designated Persistent Violator points and Critical Driver points totaling six to nine points will have his or her Taxicab Driver's License suspended for up to 30 days. For purposes of this subparagraph and subparagraph (iv) of this paragraph, "designated Persistent Violator points" shall be points assessed against the Driver's Taxicab Driver's License for violations that threaten the safety of passengers or any other persons, and shall be all violations listed in Sections 54-13 and 54-14 of these rules.
- (iv) The Commission will revoke the Taxicab Driver's License of any Driver who has within a 15-month period accumulated against his or her Taxicab Driver's License a combination of designated Persistent Violator points and Critical Driver points totaling ten or more points.
- (3) *Multiple Violations from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (4) *More Severe Penalties at Discretion of Commission.* The Commission can impose more severe or additional penalties to any penalties stated in this section.
- (5) *Hearing Process and Imposition of Penalties.*
 - (i) The Commission will impose penalties described in this section following the hearing at which the Driver is found to have violated the rule(s) triggering these penalties.
 - (ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.
- (6) *Point Reduction for Voluntary Course Completion.*

- (i) Before suspending or revoking a Driver's License, the Commission will deduct [two] three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a remedial or refresher course approved by the Commission.
 - (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) [If the Driver completed the course on or after September 1, 1999, the] The Commission will not reduce total points more than once in any five year period.
 - (v) If no remedial or refresher course approved by the Commission is available when the Driver seeks to enroll, the Driver may take a motor vehicle accident prevention course approved by the NYS DMV or equivalent licensing agency of the state which issued such license. After the driver completes the course, as reflected on the Driver's driving record maintained by the DMV or equivalent agency of the state which issued such license, the TLC will deduct three points from either the number of points accrued under the Critical Driver Program, §54-27(a) or the Program for Persistent Violators §54-27(b). The Driver will select the program from which the points will be deducted.
- (7) It will be an affirmative defense that the act that formed the basis for the violation was beyond the control and influence of the Taxicab Driver.
- (8) *Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.*
- (i) Any points accumulated under this Chapter by a For-Hire Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License as provided in Section 55-27(b) of these Rules, and the Driver may incur the penalties specified as a result).
 - (ii) Any points accumulated under this Chapter by a Paratransit Driver while operating a Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as provided in this subdivision as if the

Paratransit Driver's License were a Taxicab Driver's License, and the Driver may incur the penalties specified as a result.

Section 15. Subdivision (b) of section 55-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-10 Licensing – Care and Use of License

- (b) *Unreadable License.* A Driver must immediately surrender any unreadable or unrecognizable For-Hire Driver's License to the Commission.

§55-10(b)	Fine: \$50 [Points: 1]	Appearance NOT REQUIRED
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Section 16. Subdivision (b) of section 55-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-11 Comply with Laws – Unlicensed Activity Prohibited

- (b) *Driver Must Have a Valid Chauffeur's License.*
 - (1) A Driver must not operate a For-Hire Vehicle without a valid Chauffeur's License. The License of a Driver who operates a For-Hire Vehicle without a valid Chauffer's License will be summarily suspended.
 - (2) A Driver of a For-Hire Vehicle which is not exempt from NYS Department of Transportation authorization and inspection requirements must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a non-exempt vehicle if not in compliance with Article 19-A is the same as if the individual were driving a For-Hire Vehicle without a Valid License.

§55-11(b)(1)-(2)	<p>Fine: First Violation: \$1,500 and Suspension until compliance. Second Violation in 36 months: \$2,000 and Suspension until compliance. Third Violation: revocation.</p> <p>[Points: 2]</p>	Appearance NOT REQUIRED
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Section 17. Paragraphs (1) and (3) of subdivision (a), paragraph (1) of subdivision (h) and subdivision (j) of section 55-12 of Title 35 of the Rules of the City of New York are amended to read as follows:

§55-12 Comply with Laws – Proper Conduct

(a) *Bribery.*

- (1) *Avoid Appearance of Bribery.* An Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§55-12(a)(1)	<p>Fine: \$10,000 and revocation</p> <p>[Points: 6]</p>	Appearance REQUIRED
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- (3) *Failure to Report Bribery.* A Licensee must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

§55-12(a)(3)	<p>Fine: \$1,000 and/or suspension up to 30 days or revocation</p> <p>[Points: 3]</p>	Appearance REQUIRED
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(h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission in writing within 15 calendar days after any felony conviction of the Licensee.

§55-12(h)(1)	Fine: \$100 if plead guilty before a hearing; \$250 if found guilty following a hearing. [Points: 3]	Appearance NOT REQUIRED
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(j) *Cooperate with Law Enforcement.*

- (1) A Licensee must cooperate with all law enforcement officers and authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, providing his or her name, License number and any other document that is required to be in the Driver's possession.

§55-12(j)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing. [Points: 2]	Appearance NOT REQUIRED
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Section 18. Paragraph (3) of subdivision (a) of section 55-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations defined as follows:

§55-13(a)(3)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing. Points: As listed below	Appearance NOT REQUIRED
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Rule	VIOLATION	Points
§ 55-13(a)(3)(i)	[1.] SPEEDING	

§ 55-13(a)(3)(i)(A)	<u>SPEEDING</u> 1 to 10 miles above posted speed limit	3
§ 55-13(a)(3)(i)(B)	<u>SPEEDING</u> 11 to 20 miles above posted speed limit	4
§ 55-13(a)(3)(i)(C)	<u>SPEEDING</u> 21 to 30 miles above posted speed limit	5
§ 55-13(a)(3)(i)(D)	<u>SPEEDING</u> 31 to 40 miles above posted speed limit	6
§ 55-13(a)(3)(i)(E)	<u>SPEEDING</u> 41 or more miles above speed limit	8
§ 55-13(a)(3) (ii)	[2.] Failing to stop for school bus	5
§ 55-13(a)(3) (iii)	[3.] Following too closely	4
§ 55-13(a)(3) (iv)	[4.] Inadequate brakes (own vehicle)	4
§ 55-13(a)(3) (v)	[5.] Inadequate brakes (employer's vehicle)	2
§ 55-13(a)(3) (vi)	[6.] Failing to yield right of way	3
§ 55-13(a)(3) (vii)	[7.] Traffic signal violation	3
§ 55-13(a)(3) (viii)	[8.] Stop sign violation	3
§ 55-13(a)(3) (ix)	[9.] Yield sign violation	3
§ 55-13(a)(3) (x)	[10.] Railroad crossing violation	3
§ 55-13(a)(3) (xi)	[11.] Improper passing	3
§ 55-13(a)(3) (xii)	[12.] Unsafe lane change	3
§ 55-13(a)(3) (xiii)	[13.] Driving left of center	3
§ 55-13(a)(3) (xiv)	[14.] Driving in wrong direction	3
§ 55-13(a)(3) (xv)	[15.] Leaving scene of an accident involving property damage or injury to animal	3

Section 19. Section 55-14 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

- (h) *Serious Crashes.* A serious crash is one in which any person has suffered critical injury or death. “Critical injury,” for purposes of this section, means any injury determined to be critical by the emergency medical service personnel responding to such crash.
 - (i) If a Driver has been issued a summons for or charged with one or more traffic related violations or crimes in a serious crash, the Driver’s License may be Summarily Suspended. Upon conviction of the Driver of one or more of the violations or crimes stated in the summons or charges and upon a determination that one or more of the violations or crimes for which conviction occurred was a cause of critical injury or death, the License will be revoked. A Summary Suspension pursuant to this section may be lifted pursuant to this Title or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the Chairperson may continue to suspend the license pursuant to an investigation into the Driver’s fitness and such License may be revoked if the Driver is found not Fit to Hold a License (see subdivision (ii)). This section does not limit in any way the Chairperson’s authority to Summarily Suspend a Driver for other reasons.
 - (ii) After any serious crash of which the TLC is notified involving a Driver operating a Licensed Vehicle, the TLC will review whether the Driver is Fit to Hold a License under Section 55-08(b) of this Chapter. The TLC can seek Suspension or Revocation of the Driver’s License and can Summarily Suspend the Driver’s License while any fitness review or enforcement action is pending, in accordance with Section 68-15 of this Title.

Section 20. Subdivision (b) of section 55-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-19 Operations – Passenger and Solicitation and Engagement

- (b) *Taxi Stands.* A For-Hire Driver must not pick up a Passenger at an authorized taxi stand.

§55-19(b)	Fine: First Violation: \$350 Second Violation in 24 months: \$500 Third Violation in 36 months: Revocation [Points: 2]	Appearance REQUIRED
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Section 21. The penalty provision of subdivision (a) of section 55-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-23(a)(1)-(3)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. [Points: 2]	Appearance NOT REQUIRED
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Section 22. Section 55-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-27 Special Driver Penalty Programs

(a) *Critical Driver’s Program (“Points” in this Section refers to points assessed by the Department of Motor Vehicles).* In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission’s Critical Driver’s Program:

(1) *License Suspension.* If, within a 15-month period, a Driver accumulates six or more points but fewer than ten points on his or her driver’s license (whether issued by New York or another state), the Commission will suspend the Driver’s For-Hire Driver’s License for 30 days.

(2) *License Revocation.* If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver’s license (whether issued by New York or another state), the Commission will revoke the Driver’s For-Hire Driver’s License.

(3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, accident, or other driving related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

(4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will calculate the 15-month period by counting backwards 15 months from the date of the most recent conviction for the violation carrying points that is cited in the summons issued under this section.

(5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date [the violation occurred] of conviction.

(6) *Multiple Points from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.

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

(i) Before suspending or revoking a Driver's License, the Commission will deduct [two] three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor Vehicle accident prevention course approved by the NYS DMV or equivalent licensing agency of the state which issued such license that appears on the Licensee's [DMV] driving record maintained by the DMV or equivalent licensing agency of the state which issued such license. 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. [In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's For-Hire Vehicle Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons.] Completion of the motor vehicle accident prevention 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.

(ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.

(iii) If the Commission has already suspended or revoked the Driver's License before the Driver completes the course, the point reduction will not change the Commission's decision.

(iv) [If the Driver completed the course on or after September 1, 1999, the] The Commission will not reduce total points more than once in any 18-month period.

(b) *Program for Persistent Violators of For-Hire Drivers' Rules ("Points" in this Section refers to points assessed by the Commission).*

- (1) ***Reserved – Required Remedial Course Attendance for Persistent Violators.***

- (2) ***Suspension and Revocation – Points and Time Periods.***
 - (i) The Commission will add one point to the For-Hire Driver’s License of any Driver who has been found guilty of three or more violations within a 15-month period.

 - (ii) Any Driver who has accumulated six or more Commission-issued points but fewer than ten points in total against his or her For-Hire Driver’s License within a 15-month period and whose License has not been revoked will have his or her License suspended for 30 days.

 - (iii) The Commission will revoke the License of any Driver who has accumulated ten or more points against his or her For-Hire Driver’s License within a 15-month period.

 - (iv) Any Driver whose License has not been revoked and who has within a 15-month period accumulated against his or her For-Hire Vehicle Driver’s License a combination of designated Persistent Violator points and Critical Driver points totaling six to nine points will have his or her License suspended for up to 30 days. For purposes of this subparagraph and of subparagraph (v) of this paragraph, “designated Persistent Violator points” shall be points assessed against the Driver’s License for violations that threaten the safety of passengers or any other persons, and shall be all violations listed in sections 55-13 and 55-14 of these rules.

 - (v) The Commission will revoke the License of any Driver who has within a 15-month period accumulated against his or her For-Hire Vehicle Driver’s License a combination of designated Persistent Violator points and Critical Driver points totaling ten or more points.

- (3) ***Multiple Violations from a Single Incident.*** For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.

- (4) *More Severe Penalties at Discretion of Commission.* The Commission can impose more severe or additional penalties to any penalties stated in this section.
- (5) *Hearing Process and Imposition of Penalties.*
- (i) The Commission will impose penalties described in this section following the hearing at which the Driver is found in violation of rules that bring his accumulated point total to the level that triggers these penalties.
 - (ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.
- (6) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will deduct [two] three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a remedial or refresher course approved by the Commission.
 - (ii) The Driver must furnish the Commission with proof issued by the course provider of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License before the Driver completes the course, the point reduction will not change the Commission's decision.
 - (iv) [If the Driver completed the course on or after September 1, 1999, the] The Commission will not reduce total points more than once in any 18-month period.
 - (v) If no remedial or refresher course approved by the Commission is available when the Driver seeks to enroll, the Driver may take a motor vehicle accident prevention course approved by the NYS DMV or equivalent licensing agency of the state which issued such license. After the driver completes the course, as reflected on the Driver's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license, the TLC will deduct three points from either the number of points accrued under the Critical Driver's Program, §55-27(a)

or the Program for Persistent Violators §55-27(b). The Driver will select the program from which the points will be deducted.

- (7) It will be an affirmative defense that the act that formed the basis for the violation was beyond the control and influence of the Driver.

Section 23. Subdivision (b) of section 56-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

§56-13 Comply with laws – Miscellaneous

(b) *Critical Driver's Program.* ("Points" in this Section refers to points assessed by the Department of Motor Vehicles). In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:

- (1) *License Suspension.* If, within a 15-month period, a Driver accumulates six or more points but fewer than ten points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Paratransit Driver's License for 30 days.
- (2) *License Revocation.* If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Paratransit Driver's License.
- (3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will calculate the 15-month period by counting backwards 15 months from the date of the most recent conviction for the violation carrying points that is cited in the summons issued under this section.
- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date [the violation occurred] of conviction.
- (6) *Multiple Points from a Single Incident.* A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, if a Driver has accumulated points for multiple violations arising from

a single incident, the Commission will count the single violation with the highest point total..

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

- (i) Before suspending or revoking a Driver's License, the Commission will deduct [two] three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the NYS DMV or equivalent licensing agency of the state which issued such license that appears on the Licensee's [DMV] driving record maintained by the DMV or equivalent licensing agency of the state which issued such license. 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. [In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Paratransit Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons.] Completion of the motor vehicle accident prevention 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.
- (ii) The Driver must furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) [If the Driver completed the course on or after September 1, 1999, the] The Commission will not reduce the total points of any Driver more than once in any 18-month period.

Section 24. Section 56-14 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (j), to read as follows:

- (j) Serious Crashes. A serious crash is one in which any person has suffered critical injury or death. “Critical injury,” for purposes of this section, means any injury determined to be critical by the emergency medical service personnel responding to such crash.
- (i) If a Driver has been issued a summons for or charged with one or more traffic related violations or crimes in a serious crash, the Driver’s License may be Summarily Suspended. Upon conviction of the Driver of one or more of the violations or crimes stated in the summons or charges and upon a determination that one or more of the violations or crimes for which conviction occurred was a cause of critical injury or death, the Driver’s License will be revoked. A Summary Suspension pursuant to this section may be lifted pursuant to this Title or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the Chairperson may continue to suspend the license pursuant to an investigation into the Driver’s fitness, and such license may be revoked if the Driver is found not Fit to Hold a License (see subdivision (ii)). This section does not limit in any way the Chairperson’s authority to Summarily Suspend a Driver for other reasons.
- (ii) After any serious crash of which the TLC is notified involving a Driver operating a Licensed Vehicle, the TLC will review whether the Driver is Fit to Hold a License under Section 56-08(b) of this Chapter. The TLC can seek Suspension or Revocation of the Driver’s License and can Summarily Suspend the Driver’s License while any fitness review or enforcement action is pending, in accordance with Section 68-15 of this Title.

Section 25. Subdivision (a) of section 57-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

§57-13 Comply with Laws – Traffic Laws & Miscellaneous

- (a) *Critical Driver’s Program (“Points” in this Section refers to points assessed by the Department of Motor Vehicles).* In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission’s Critical Driver’s Program:
- (1) *License Suspension.* If, within a 15-month period, a Driver accumulates six or more points but fewer than ten points on his or her driver’s license (whether issued by New York or another state), the Commission will suspend the Driver’s Commuter Van Driver’s License for 30 days.
- (2) *License Revocation.* If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver’s license (whether issued by New York or another state), the Commission will revoke the Driver’s Commuter Van Driver’s License.

- (3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent conviction for the violation carrying points that is cited in the summons issued under this section.
- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date [the violation occurred] of conviction.
- (6) *Multiple Points from a Single Incident.* A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, the Commission will count the single violation with the highest point total, if a Driver has accumulated points for multiple violations arising from a single incident.
- (7) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct [two] three points from the total points of any Driver who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the NYS DMV or equivalent licensing agency of the state which issued such license that appears on the Licensee's [DMV] driving record maintained by the DMV or equivalent licensing agency of the state which issued such license. 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. [In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Commuter Van Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons.] Completion of the motor vehicle accident prevention 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.

- (ii) The Driver must furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total;
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) [If the Driver completed the course on or after September 1, 1999, the] The Commission will not reduce the total points of any Driver more than once in any 18-month period.

Section 25. Section 57-14 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) *Serious Crashes.* A serious crash is one in which any person has suffered critical injury or death. "Critical injury," for purposes of this section, means any injury determined to be critical by the emergency medical service personnel responding to such crash.
 - (i) If a Driver has been issued a summons for or charged with one or more traffic related violations or crimes in a serious crash, the Driver's License may be Summarily Suspended. Upon conviction of the Driver of one or more of the violations or crimes stated in the summons or charges and upon a determination that one or more of the violations or crimes for which conviction occurred was a cause of critical injury or death, the License will be revoked. A Summary Suspension pursuant to this section may be lifted pursuant to this Title or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the Chairperson may continue to suspend the license pursuant to an investigation into the Driver's fitness, and such license may be revoked if the Driver is found not Fit to Hold a License (see subdivision (ii)). This section does not limit in any way the Chairperson's authority to Summarily Suspend a Driver for other reasons.
 - (ii) After any serious crash of which the TLC is notified involving a Driver operating a Licensed Vehicle, the TLC will review whether the Driver is Fit to Hold a License under Section 57-08(b) of this Chapter. The TLC can seek Suspension or Revocation of the Driver's License and can Summarily Suspend the Driver's License while any fitness review or enforcement action is pending, in accordance with Section 68-15 of this Title.

Section 26 . Subdivisions (i) and (x) of section 58-03 of Title 35 of the Rules of the City of New York, defining "Driver Authorization Statement" and "Named Driver, respectively, are REPEALED, subdivisions (j) through (s) are relettered subdivisions (i) through (r), subdivisions

(y) through (dd) are relettered subdivisions (x) through (cc), and a new subdivision (s) is added, to read as follows:

§58-03 Definitions Specific to this Chapter

(s) Long Term Driver Affidavit is the document an Owner files with the Commission indicating that a Taxicab will be operated by a Long Term Driver or by Unspecified Drivers.

Section 27. Subdivision (b) of section 58-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-20 Operations – Responsibilities with Respect to Drivers

(b) *Authorized Drivers.*

(1) *[Driver Categories.* An Owner must not authorize or allow a Driver to operate a Taxicab unless the Rate Card specifies that the Taxicab will be driven by either:

(i) Unspecified Drivers, or

(ii) Named Drivers whose names have been entered on the Rate Card and no named lease Driver is operating beyond the lease expiration date entered on the Rate Card.]

[§58-20(b)(1)]	[Fine: \$75-\$150 for the first violation, \$150-\$300 for a second violation , \$300-\$500 for a third violation - within 24 months, and Suspension until compliance]	[Appearance REQUIRED]
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[(2)] *Driver Authorization Statement.*

(i) An Owner must maintain on file with the Commission a current [Driver Authorization Statement] Medallion Long Term Driver Affidavit, indicating whether the Taxicab will be operated by [Named Drivers of

record (including the Owner’s Business Entity Persons, if applicable)] Long Term Driver(s) or by “Unspecified Driver[;].” [the Driver Authorization Statement] must include the additional information required below for either Unspecified Drivers or [Named Driver Lessees] Long Term Drivers.

[(ii) The Commission will enter the Owner’s choice on the Rate Card including, when applicable, the Named Drivers of record and the expiration dates of applicable leases.]

§58-20(b)[(2)] <u>1</u>	Fine: \$250–\$500 and suspension until compliance	Appearance REQUIRED
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[(3) *Driver Authorization Statement for Unspecified Drivers.* If an Owner elects to operate with Unspecified Drivers, the Driver Authorization Statement must be accompanied by a copy of a master lease, employment agreement and/or union contract, together with evidence that the Owner has unnamed driver insurance for the vehicle.

[(4) *Driver Authorization Statement for Named Driver Lessees*] (2) Long Term Driver Affidavit.

(i) If an Owner elects to lease to [Named Drivers] Long Term Driver(s), the Owner must file a [Driver Authorization Statement] Medallion Long Term Driver Affidavit [for each lessee, before the lessee takes possession of the Taxicab].

(ii) The Owner must file the [Driver Authorization Statement] Medallion Long Term Driver Affidavit with the Commission in person or by power of attorney each time a new vehicle is presented for hack-up.

[(iii) The Driver Authorization Statement must be signed by both parties and must include, but is not limited to, the following:

- A. The date of execution of the lease
- B. The term of the lease
- C. The names and addresses of the lessor and lessee and their social security or federal tax identification numbers

- D. The Medallion number, the license plate number, the vehicle identification number, and the titled Owner of the Taxicab
- E. The name and address of the vehicle liability and workers' compensation insurance carriers, the policy numbers and expiration dates
- F. The name, address and telephone number of the Owner's Agent, if the Agent arranged or manages the lease
- G. The charges to lessee]

§58-20(b)(4)(2)(i)-(iii) ii	Fine: \$250-\$500 and suspension until compliance	Appearance NOT REQUIRED
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If no driver is identified by the Commission as satisfying the Long Term Driver requirements as stipulated to in the Medallion Long Term Driver Affidavit, the Commission may reduce the retirement date of the vehicle attached to the medallion.

- (iii) If any lease (or its renewal) listed in the [Driver Authorization Statement] Medallion Long Term Driver Affidavit is terminated for any reason, the Owner must notify the Commission in writing within 48 hours of such termination, unless exempted by the Commission.

§58-20(b)(4)(iv)	Fine: \$100	Appearance REQUIRED
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Section 28. Paragraph (3) f subdivision (b) of section 58-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

(3) [The Rate Card lists only the persons named above in paragraph (1) as Named Driver(s)] There is a Medallion Long Term Driver Affidavit on file with the Commission.

Section 29. Paragraph (1) of subdivision (a) of section 68-14 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) Driver, while driving a Licensed Vehicle, was issued a summons for or charged with one or more traffic related violations or crimes in a serious crash, that is, a crash in which any person has suffered critical injury or death;

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

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

RULE TITLE: Implementation of Vision Zero Requirements

REFERENCE NUMBER: 2014 RG 060

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: July 31, 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: Implementation of Vision Zero Requirements

REFERENCE NUMBER: TLC-68

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 the requirement for a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro

Mayor's Office of Operations

August 1, 2014

Date