

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

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 rules regarding limitations on license applications, amend the rules for driver license renewal to extend, at the Commission’s discretion, the renewal period of an expired driver license from 31 days to 90 days, remove the double-shifting requirement for fleet and mini-fleet medallions, amend vehicle retirement ages for taxicab and Black Car vehicles, amend the process by which drivers may reduce Critical Driver Program and Persistent Violator Program points, repeal the prohibition on power seats in Taxicabs, clarify which vehicle specification rules apply after the Official Taxicab Vehicle activation date, and amend provisions of the Critical Driver Program and Persistent Violator Program rules to mirror applicable provisions in the New York City Administrative Code.

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

These rules were published on February 3, 2015, for public comment in the City Record. On March 5, 2015 a public hearing was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004 and the rules were adopted by the Commission at a public meeting held on April 23, 2015. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days following publication in the City Record.

Statement of Basis and Purpose

These rules amend the Taxi and Limousine Commission’s (TLC) rules regarding limitations on license applications, amend the rules for driver license renewal to extend, at the Commission’s discretion, the renewal period of an expired driver license from 31 days to 90 days, remove the double-shifting requirement for fleet and mini-fleet medallions, amend vehicle retirement ages for taxicab and Black Car vehicles, amend the process by which drivers may reduce Critical Driver Program and Persistent Violator Program points, repeal the prohibition on power seats in Taxicabs, clarify which vehicle specification rules apply after the Official Taxicab Vehicle activation date, and amend provisions of the Critical Driver Program and Persistent Violator Program rules to mirror applicable provisions in the Administrative Code. These rules are a result of discussions with stakeholders as well as a review by TLC staff of existing regulations that may be updated without compromising safety and consumer protections in TLC-regulated industries. The combined impact of these rule changes will positively impact the industry by making it easier to own and operate TLC-licensed vehicles in New York City.

Bans on Driver Applicants

Under TLC’s driver rules a number of specific incidents trigger automatic denial of a license application for a certain number of years. These limitations apply to all applicants for medallion, for-hire, paratransit, and commuter van driver licenses. They were established in 2011 to clearly

articulate minimum lengths of time between an incident which TLC determined causes an applicant to be unfit for licensure and the time at which the applicant may be eligible to apply for a license. The purpose of these minimum standards was to avoid repeated submission of applications and application fees by applicants who were clearly not fit for licensure. TLC has recently undertaken a review of the limitations and the related time periods associated with each type of incident and is changing some of the limitation criteria. In line with the traffic safety goals of Vision Zero, TLC will continue to take into consideration all facets of an applicant's history and background when determining if an applicant is fit to hold a license.

Currently, TLC does not accept a driver's license application for two years from any person found driving for-hire without a TLC license or from any previously-licensed driver who has committed six or more violations of TLC rules. These rules remove these limitations to permit a case-by-case review of an applicant's fitness for licensure. TLC does not want to delay the licensure of applicants who, although they were previously caught driving illegally for-hire, now wish to provide safe and licensed service. Similarly, TLC does not want to delay the licensure of applicants who violated TLC rules six times without considering the specific rules violated as well as the time within which these violations occurred.

In addition, TLC currently does not allow a driver to reapply for a license for one year after a prior application was denied because the applicant was found not fit to hold a license. This period is measured from the date on which TLC denied the prior application. Pursuant to these rules, this one-year period will now be counted from the date on which the applicant previously applied for a new license.

Finally, TLC currently does not accept license applications for three years from drivers whose TLC licenses were revoked, including those revoked under the Critical Driver or Persistent Violator programs. This allows a driver, in the case of a prior Critical Driver or Persistent Violator revocation, to demonstrate a safe record of driving over a three-year period prior to being permitted to provide for-hire service again. The three-year period currently begins when the TLC license is revoked by the Commission. Since a TLC driver's license cannot be revoked under the Critical Driver or Persistent Violator programs until after the driver is convicted of the underlying DMV or TLC violations, there can be a delay in time between when the underlying violations occurred and when the driver's TLC license is revoked. TLC recognizes that a driver with no further traffic violations following the last violation triggering the revocation may be able to demonstrate three years of safe driving before the period, as currently measured, expires. Therefore, drivers who can demonstrate three years of safe driving following the last violation triggering the revocation and prior to the end of the ban, may apply for a new license before the ban is lifted.

Renewal Extensions

TLC is increasing the amount of time a driver can postpone an expiration date on a current license. Currently, TLC allows a one-time extension of 31 days to taxicab and For-Hire Vehicle drivers who request additional time to complete the renewal process. TLC is extending the maximum time granted for an extension to 90 days to allow more time for licensees who may be,

for example, out of the country and miss the opportunity to extend an expiration date. Increasing the extension time will help prevent many drivers from having to reapply as new licensees.

Double-Shifting Requirement

TLC is repealing the double-shifting requirement that now applies to vehicles operating on certain taxicab medallions. Prior to this rule change, vehicles operated in Fleets and Minifleets were required under TLC rules to be driven at least two nine-hour shifts each day, including holidays and weekends. The ability of Fleets and Minifleets to lease their medallions for two shifts per day depends on demand from drivers, and sometimes it is not possible for a Fleet or Minifleet to lease all of its medallions for two shifts every day. Other non-use rules prevent medallion owners from keeping their medallions out of service for an extended period of time, and TLC believes these are sufficient to ensure that taxis are sufficiently available. Furthermore, Fleet and Minifleet operators have an economic incentive to lease their medallions for as many shifts as possible, and removing the double-shifting requirement enables them to use their business judgment to determine the optimal number of shifts for this purpose.

Yellow Taxi Vehicle Retirement Schedules

In 1996, the Commission introduced retirement schedules for all taxicabs to improve the quality of vehicles on the road. At that time, taxis were failing 71 percent of their tri-annual inspections.¹ The oldest taxicab vehicles on the road in 1996 were more than ten years old. Retirement requirements were established according to the operation schedule of each medallion type; vehicles operated on fleet medallions without long-term drivers were limited to three years in service, and medallions with long-term drivers (i.e., drivers who own or lease a medallion, are named on the rate card, and drive the taxicab at least 160 hours per month) were limited to five years.

These three- and five-year retirement schedules could be lengthened through retirement extensions offered for vehicles using Compressed Natural Gas (CNG) and for minivans, incentivizing the adoption of certain vehicles through retirement extensions. This continued when the New York City Council passed Local Law 52 of 2006, amending the New York City Administrative Code to extend retirement periods for wheelchair-accessible taxis and for hybrid-electric and other clean-air taxis.

Today, the retirement schedules for some taxis allow twice as much time on the road as others, even though in many cases the vehicles travel a comparable distance each year. In fact, 55% of the taxis on the road today have a 7 year vehicle retirement. Vehicles with different retirement schedules fail their inspections at about the same rate. For both Minifleet and Independent Medallions, the inspection failure rate remains steady at about 30 percent after the second year of service, a complete reversal from the *passing* rate of 29 percent in 1995.

These high rates of success at TLC safety and emissions inspections suggest that most vehicles remain in good condition for many years of service. Because vehicles perform better today, regardless of the length of time they are permitted to operate, than when retirement schedules

¹ NYC Taxi and Limousine Commission. Hearing, January 18, 1996.

were introduced, TLC has adopted a uniform retirement schedule of seven years for all vehicles which are Hacked-up after April 20, 2015. This change will allow owners to keep vehicles on the road for their full useful lives and correspondingly reduce vehicle expenses, one of the larger expenses of taxicab operation. TLC will continue to require the removal from service those vehicles that, regardless of their retirement date, fail to pass TLC's safety and emission inspections. Accompanying this change, TLC has removed all retirement extensions for vehicles Hacked-up after the same date, except the hardship extension provided in §67-19(a) of the TLC rules, so that all vehicles will retire after seven years.² All vehicles Hacked-up before April 20, 2015, will remain subject to the retirement schedule assigned to them at Hack-up.

As to concerns that extending retirement schedules might impair TLC's ability to meet its commitments to convert the fleet to a 50% accessible fleet by 2020, before proposing the universal seven year schedule, TLC reviewed the requirements of its commitments and, largely because of the extended retirement schedules already enjoyed by the vast majority of Taxicabs today and also because the accessibility commitment will begin as existing vehicles retire not the replacement vehicles to which the rules will apply, found that TLC can continue to meet its commitments under the proposed rules.

Black Car Vehicle Retirement Schedules

The Commission established retirement requirements for Black Cars in 2008, with the purpose of improving vehicle quality and service in the Black Car industry. However, experience has shown that Black Car customers, who can choose among competing bases and, in many cases, even specify the type of vehicle they prefer, have substantial power to determine vehicle quality. In contrast to yellow taxi service, where passengers do not preselect a taxi company or a vehicle model, Black Car services range from "no frills" companies to those which offer high-end service. Black Car customers in some cases even pay a premium for a newer or higher-quality vehicle. There is no single operational model in the Black Car industry, and applying a single vehicle retirement schedule for all companies is unnecessary due to existing market incentives to replace vehicles at a rate which satisfies customer demand. Therefore, TLC is repealing the retirement requirement for Black Cars beginning with model year 2013. For Black Cars model year 2012 and older, TLC has adopted a uniform seven-year vehicle retirement. TLC will continue to require the removal from service those vehicles that, regardless of their retirement date, fail to pass TLC's safety and emission inspections.

Critical Driver Program and Persistent Violator Program Point Reduction

TLC is amending the point reduction provisions of the Critical Driver Program and Persistent Violator Program rules to allow drivers additional time to complete an approved point reduction course. Sections 19-507.1 and 19-507.2 of the New York City Administrative Code govern the Persistent Violator and Critical Driver Programs, respectively. Both provisions of the Administrative Code require that, for such a course to reduce a driver's penalty points, the course attendance must be "voluntary." To avoid confusion and increase consistency in the adjudication

² Local Law 52 of 2006, which requires extensions for accessible and clean-air vehicles, includes a provision which repeals the law for all vehicles going into service after April 17, 2014, enabling TLC to make the change to vehicle retirement schedules.

of Critical Driver summonses, TLC amended the Critical Driver Program rules in 2011 to require that a course be completed prior to the issuance of the Critical Driver summons. In order to encourage drivers to take proactive steps to improve their driving, TLC is amending the Critical Driver Program and Persistent Violator rules to permit drivers to reduce their points by voluntarily completing a point reduction course up until the hearing on a Critical Driver or Persistent Violator summons.

Power Seats

Finally, TLC repeals the prohibition on power seats in taxicabs to reflect the current fleet of available taxicab models. In 1996, TLC prohibited vehicles with powers seats from being placed into service as taxicabs. TLC is repealing this prohibition so that owners may purchase vehicles with this feature that would increase drivers' comfort.

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (c) of section 54-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Extensions.* The Commission can extend the expiration date of a renewal License by up to an additional [31] 90 days. If an expiration date is extended, the required drug test must be dated within 30 days before (and no later than) the extended expiration date.

Section 2. Paragraph (1) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was

revoked pursuant to the mandatory penalties set forth in §54-02(e) of these Rules.

1. [*Revocation.* If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
2. [*Surrender While License Revocation Charges were Pending.* If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period preceding the date of the request for the waiver.
- [3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 3. Paragraph (2) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a taxicab drivers license, is repealed.

Section 4. Paragraph (3) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) The traffic infraction of unlicensed operation of a motor vehicle[.],
- (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior Application was [denied] submitted to the Commission.

- (iv) *Illegal use of Drugs*, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 5. Paragraph (5) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements*. When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the:
 - (i) The] agreement is in writing [, and
 - (ii) The ban on applying for a new Driver's License is not less than one year].

Section 6. Paragraph (1) of subdivision (a) of section 54-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (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.

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

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

by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

Section 8. Paragraph (5) of subdivision (b) of section 54-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

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

- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course.
- (ii) In order for the Point Reduction Course to reduce the Driver's Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the Persistent Violator summons. 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) 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] Point Reduction Course 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] Defensive Driving Course. 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] furnishes the Commission with proof that the course was satisfactorily completed, 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.

Section 9. Subdivision (c) of section 55-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Extensions.* The Commission can extend the expiration date of a renewal License by up to an additional [31] 90 days. If an expiration date is extended, the required drug test must be dated within 30 days before (and no later than) the extended expiration date.

Section 10. Paragraph (1) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
- (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §54-02(e) of these Rules.
 - 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 - 2. [Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period preceding the date of the request for the waiver.
 - 3. License Expiration While License Revocation Charges were Pending. If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 11. Paragraph (2) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a for-hire vehicle drivers license, is repealed.

Section 12. Paragraph (3) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) The traffic infraction of unlicensed operation of a motor vehicle[.,].
- (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior Application was [denied] submitted to the Commission.
- (iv) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 13. Paragraph (5) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the:
 - (i) The] agreement is in writing [, and
 - (ii) The ban on applying for a new Driver's License is not less than one year].

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

- (7) *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will, for purposes of the Critical Driver's Program, deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license of any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that

occurred within 15 months prior to the date of the completion of the course; counting from the date of conviction. In order for the Defensive Driving Course to reduce the Licensee's Critical Driver program points, the course must be satisfactorily completed prior to the adjudication of the Critical Driver summons. Completion of the Defensive Driving Course after the [issuance] adjudication of a Critical Driver Program summons will reduce the Licensee's Critical Driver[']s Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

Section 15. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) *Suspension and Revocation – Points and Time Periods.*

- (ii) Any Driver who has accumulated six or more Commission-issued points but fewer than ten points 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 up to 30 days.

Section 16. Paragraph (5) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

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

- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course.
- (ii) In order for the Point Reduction Course to reduce the Driver's Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the Persistent Violator summons. 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) The Commission will not reduce total points more than once in any [18-month] five year period.
- (v) If no [remedial or refresher course approved by the Commission] Point Reduction Course 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]

Defensive Driving Course. 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] furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from either the number of points accrued under the Critical Driver 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.

Section 17. Paragraph (1) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §54-02(e) of these Rules.
 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 2. [Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period preceding the date of the request for the waiver.

- [3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 18. Paragraph (2) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a paratransit drivers license, is repealed.

Section 19. Paragraph (3) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) The traffic infraction of unlicensed operation of a motor vehicle[.,].
- (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was [denied] submitted to the Commission.
- (iv) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 20. Paragraph (5) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the[:
- (i) The] agreement is in writing[, and
 - (ii) The ban on applying for a new Driver's License is not less than one year].

Section 21. Paragraph (1) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
- (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §54-02(e) of these Rules.
 - 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 - 2. [Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period preceding the date of the request for the waiver.
 - 3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 22. Paragraph (2) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a commuter van drivers license, is repealed.

Section 23. Paragraph (3) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was [denied] submitted to the Commission.
- (iii) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 24. Paragraph (5) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the:
 - (i) The] agreement is in writing [, and
 - (ii) The ban on applying for a new Driver's License is not less than one year].

Section 25. Paragraph (1) of subdivision (a) of section 58-20 of Title 35 of the Rules of the City of New York, relating to the double-shifting of fleet and mini-fleet taxicabs, is repealed, and paragraphs (2) through (7) are renumbered paragraphs (1) through (5).

Section 26. Subdivision (d) of section 59A-28 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Required Black Car Retirement.* All Black Cars model year 2012 and older, as designated by the vehicle manufacturer, must be retired from Black Car service (but may be replaced) according to the following schedule:
 - (1) [All Black Cars, model year 2003 or earlier, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2011.

- (2) All Black Cars, model year 2004 or 2005 must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2012.
- (3) All Black Cars, model year 2006, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2013.
- (4) On and after January 1, 2014 all] Black Cars model year 2012 and older, as designated by the vehicle manufacturer, must be retired from Black Car service no later than the expiration date of their For-Hire License after they turn [six] seven model years old (for example, a 2012 model turns seven model years old in 2019).
- [(5) Black Cars that are five model years old or older must be retired from Black Car service no later than the expiration dates of their For-Hire Vehicle License on and after January 1, 2015 and every year thereafter.
- (6) Notwithstanding the provisions of subdivisions (1) through (5) of this § 59A-28, beginning on January 1, 2011, the retirement date of any Vehicle licensed to operate in Black Car service and affiliated with a Black Car Base that is a Clean Air Vehicle Level I is extended for an additional two years or that is a Clean Air Vehicle Level II is extended for one additional year.
- (7)](2) A Black Car model year 2012 and older that has reached its retirement date must be retired from Black Car service even if it passes the New York State Department of Motor Vehicle inspection.

Section 27. Subdivision (b) of section 63-11 of Title 35 of the Rules of the City of New York, relating to the double-shifting of fleet and mini-fleet taxicabs, is repealed, and subdivisions (c) through (f) are relettered subdivisions (b) through (e).

Section 28. Paragraph (2) of subdivision (o) of section 67-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in [67.05;] 67.05.1B₂, 67.05.1C or 67-05.2 of these Rules.

Section 29. The heading of section 67-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-05 Standard Taxicab Specifications for Alternative Fuel Medallions *Effective Until Official Taxicab Vehicle Activation Date.*

Section 30. Subdivision (b) of section 67-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Seats.*
 - (1) [A Taxicab may not be equipped with power-adjusted seats.
 - (2)] A Taxicab may be equipped with either bucket or bench seats.
 - [(3)](2) The seats must not interfere with the partition and must meet all other Commission requirements.
 - [(4)](3) All replacement seats must be designed by the manufacturer for installation in the model and year of the vehicle in which the seats are installed.

Section 31. Section 67-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) 36-Month Retirement, Vehicles Hacked-up Prior to 4/20/2015
 - (1) If the vehicle is double-shifted, it must be retired no later than the first scheduled inspection of the vehicle occurring 36 months after the vehicle was Hacked-up.
 - (2) The 36-Month Retirement will not apply if the vehicle is driven by at least one Long-Term Driver or it is in service solely as an authorized Stand-By Vehicle.
- (b) 60-Month Retirement, Vehicles Hacked-up Prior to 4/20/2015. All other vehicles must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 60 months after the vehicle was Hacked-up.
- (c) 84-Month Retirement. All vehicles Hacked-up on or after 4/20/15 must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up.

Section 32. The heading of subdivision (d) of section 67-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) Clean Air and Accessible Taxicab Extensions, Vehicles Hacked-up Prior to 4/20/15.

Section 33. Subdivisions (f) and (g) of section 67-19 of Title 35 of the Rules of the City of New York which established extended retirement dates for certain types of taxicab vehicles are repealed.