

Chapter 80 Drivers of Taxicabs, For-Hire Vehicles and Street Hail Liveries

Contents

§80-01	Scope of This Chapter.....	2
§80-02	Penalties	2
§80-03	Definitions Specific to This Chapter	4
§80-04	Licensing – Requirements	5
§80-05	Licensing – Paratransit Driver Authorization to Drive a Street Hail Livery	11
§80-06	Licensing – Term of License.....	11
§80-07	Licensing – Fees.....	13
§80-08	Licensing – Process and Causes for Denial of License	13
§80-09	RESERVED.....	16
§80-10	Licensing – Care and Use of License	16
§80-11	Comply with Laws – Unlicensed Activity.....	16
§80-12	Comply with Laws – Proper Conduct	18
§80-13	Comply with Laws – Traffic Laws & Miscellaneous.....	21
§80-14	Operations – Passenger and Driver Safety	24
§80-15	Operations – General Rules During Operation of Vehicle	29
§80-16	Operations – Comply with Reasonable Passenger Requests	31
§80-17	Operations – Rates, Charges and Payment.....	34
§80-18	Operations – Lost Property.....	39
§80-19	Operations – Passenger Solicitation and Engagement	40
§80-20	Operations – Refusing Passengers	44
§80-21	Operations – Drivers from Issuing Jurisdictions	47
§80-22	Vehicles – Operation and Condition.....	49
§80-23	Vehicles – Required Items in Taxicabs and Street Hail Liveries	50
§80-24	Vehicles – Required Items in For-Hire Vehicles	51
§80-25	Vehicles – Technology System Operation	52
§80-26	Vehicle – Taxicab and Street Hail Livery Taximeters and Roof Lights.....	53
§80-27	Special Driver Penalty Programs.....	57
§80-28	Transition.....	59

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§80-01 Scope of This Chapter

- (a) To establish procedures for the licensing and regulation of Drivers Licensed by the Taxi and Limousine Commission to drive Taxicabs, For-Hire Vehicles, and Street Hail Liveries.
- (b) To establish operating rules to protect the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§80-02 Penalties

- (a) *Unlicensed Activity.*
 - (1) Unlicensed Activity is the act of providing, soliciting or advertising the provision of any Commission-regulated for hire transportation service by:
 - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
 - (ii) Any person who does not hold a Valid License as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
 - (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend a Hearing.
- (c) *Payment of Fines.*
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:
 - (i) the Respondent files an appeal of the decision issued by the OATH Hearings Division within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.
 - (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.
- (d) *Discretionary Penalties.* In the alternative to any of the specific penalties established in this Chapter, the Commission may in its discretion, impose a penalty of License

revocation, License suspension of up to six months, and/or a fine, not to exceed \$1,000 for each violation, against a Licensed Driver. (*See Chapter 68 Adjudications, §68-02*)

- (e) *Mandatory Penalties.* If a Licensee has violated a Rule listed below, or any combination of these Rules, the Taxi and Limousine Tribunal at OATH or, if applicable, the Chairperson will impose the following mandatory penalties and fines.

VIOLATION Description	Rule	Mandatory Penalty/Fine - ALL
1. Overcharging Passengers	§80-17(a)(1) & (2) & (3), 80-17(k)(1) & (2)	First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.
2. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties	§80-20(a)(1), (5) and (6)	Second violation (any combination of violations) w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible suspension of License for up to 30 days if found guilty following a hearing.
3. Refusal of service – Requiring assistant for Passengers with a disability, or seeking to charge additional fares for such an assistant	§80-20(a)(2)	Third violation (any combination of violations) w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing.
4. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for Passengers with a disability	§80-20(a)(3)	
5. Refusal of service – Seeking destination before Passenger is seated inside vehicle	§80-20(a)(4)	

- (1) *\$10-or-More Overcharge.* Notwithstanding the penalty cited above for overcharging Passengers in violation of Rule 80-17(a)(1) and (2), if a Driver charges or attempts to charge \$10 or more above the approved rate of fare or above the rate quoted by the For Hire Base for a prearranged trip, the Taxi and Limousine Tribunal at OATH or the Chairperson will revoke the Driver License and may require a Driver to return any overpayment to the Passenger.
- (2) *Calculating Time Periods.* The OATH Tribunal or the Chairperson will count the 24- and 36-month penalty periods going backwards, from the date of the last violation.
- (3) *No License Issued for Period of One Year Following Certain Violations.* A driver who has had his or her License revoked for any of the above violations will not be able to receive any Commission License for a period of one year from the date of revocation.

- (f) *Paratransit Drivers operating Accessible Street Hail Liveries.*

- (i) When a Paratransit Driver is operating an Accessible Street Hail Livery, as provided in section 80-05 of this chapter, the requirements of this Chapter as to the operation of a Street Hail Livery apply to such Paratransit Driver driving an Accessible Street Hail Liveries and such Paratransit Driver can be issued a

summons for a violation of this Chapter relating to the operation of a Street Hail Livery.

§80-03 Definitions Specific to This Chapter

- (a) *Defined Terms are Capitalized.* All terms defined in this Chapter or in Chapter 51 (“Definitions”) appear in this text with the initial letter in each word of the term capitalized (Example: TLC Driver License, not TLC driver license.)
- (b) *General Terms are Specific to “Taxicabs,” “For-Hire Vehicles,” or “Street Hail Liveries” in this Chapter.*
 - (1) When used in this Chapter, capitalized terms such as
 - (i) Driver will mean the Driver of a Taxicab, For-Hire Vehicle or Street Hail Livery. The term Driver can also mean a Paratransit Driver operating an Accessible Street Hail Livery pursuant to Section 80-05.
 - (ii) Vehicle will mean a Taxicab, For-Hire Vehicle or Street Hail Livery.
 - (iii) License will mean the TLC Driver License.
- (c) *Definitions*
 - (1) *Applicant* in this chapter refers to an Applicant for an original or renewal TLC Driver License.
 - (2) *Application* in this chapter refers to an application for a TLC Driver License, including all documentation and other information submitted as part of the application.
 - (3) *Driver*, in this chapter, means a holder of a TLC Driver License.
 - (4) *License* in this Chapter means a TLC License to drive a Taxicab, Street Hail Livery and For-Hire Vehicle.
 - (5) *Qualified Vehicle License (or “QVL”)* is the license issued by an Issuing Jurisdiction to that jurisdiction’s vehicles authorizing them to provide pre-arranged, for-hire transportation within its jurisdiction.
 - (6) *Qualified Driver’s License (or “QDL”)* is a license issued by an Issuing Jurisdiction to that jurisdiction’s drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its jurisdiction.
 - (7) *Reciprocity (or Reciprocal Recognition)* means that:

- (1) New York City For-Hire Vehicles and Drivers can do pickups or drop offs in Issuing Jurisdictions for trips ending or beginning in NYC, and
 - (2) Vehicles and drivers that are licensed to perform for-hire transportation by a Issuing Jurisdiction can do pickups or drop offs in NYC for trips ending or beginning in the Issuing Jurisdiction.
- (8) *Use an Electronic Communication Device (or Using an Electronic Communication Device)*, in this Chapter, means to
- (1) Operate any function of an Electronic Communication Device in any way, or
 - (2) Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.
 - (3) *Exception for Street Hail Liveries and For-Hire Vehicles:* In a Street Hail Livery or For-Hire Vehicle, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:
 - (i) The communication is about a Dispatch; and
 - (ii) The communication occurs using *either* an FCC-licensed commercial two-way radio *or* a device, including a smart phone, which is mounted in a fixed position and not hand-held; and
 - (iii) The communication occurs using *either* voice *or* one-touch pre-programmed buttons or keys.
 - (iv) *Exceptions pursuant to Section 80-22:* Use of an electronic device permitted pursuant to Section 80-22 of these Rules is not Use of an Electronic Communication Device.
- (9) *Vehicle*, in this Chapter, refers to a Taxicab, a For-Hire Vehicle or a Street Hail Livery.

§80-04 Licensing – Requirements

- (a) *Age.* An Applicant for a TLC Driver License must be at least 19 years of age.
- (b) *Identification.* An Applicant for an original TLC Driver License must produce both of the following proofs of identity:
 - (1) A Valid Government-issued photo ID.
 - (2) A Valid Social Security number.

- (c) *Chauffeur's License.* An Applicant must have a Valid Chauffeur's License.
- (d) *Summary of Driving Record.* An Applicant whose driver's license has been issued by a state other than New York or who has held a driver's license issued by a state other than New York within the two years prior to the date of the Application, must provide the Commission with an abstract of his or her driving record from the state that issued the Applicant's driver's license, dated no more than 90 days prior to the date of the Application, covering at least the two years prior to the date of the Application.
- (e) *Physical and Mental Fitness for the Job.*
 - (1) The Applicant must be of sound mental and physical condition and fit to safely operate a vehicle and fulfill the duties of a licensee.
 - (2) The Applicant's fitness must be certified by a physician licensed by the State of New York or by the Applicant's state of residence on forms provided by the Commission.
 - (3) The Commission can, for good cause, require the Applicant to be examined by a licensed physician chosen by the Commission.
 - (4) An existing License can be suspended or revoked if the Driver fails to be examined for a physical or mental condition.
- (f) *Familiar with New York.* Applicant must be familiar with the following:
 - (1) The geography, streets and traffic regulations of the City of New York
 - (2) The rules and regulations of the New York City Taxi and Limousine Commission
 - (3) The Vehicle and Traffic Law of the State of New York.
- (g) *Pass Drug Test.*
 - (1) All Applicants for new TLC Driver Licenses, except New York City Police Officers, must be tested, at the Applicant's expense, for drugs or controlled substances.
 - (2) The Commission designates who can perform the drug test and will only designate an individual or entity that has a permit issued by the New York State Department of Health.
 - (3) If an Applicant tests positive for drugs or controlled substances, the Commission will deny the Applicant's license and such decision is final.
- (h) *Fingerprinting for the Purpose of Determining Good Moral Character.*

- (1) The Applicant must be of good moral character.
 - (2) An Applicant for a TLC Driver License will be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services.
 - (3) The criminal history of any Applicant, including a renewal Applicant, will be reviewed in a manner consistent with Article 23-A of the New York State Correction Law.
 - (4) The application of any Applicant will be denied, and the TLC Driver License of any current holder will be revoked, following a conviction for any serious criminal offense (as set forth in §498(1)(f) of the New York Vehicle and Traffic Law).
 - (5) The Applicant will pay any processing fee required by the State.
- (i) *Agreement to Accept Legal Notices or Processes.*
- (1) An Applicant must agree to accept service of any sort of notice or legal process issued by any agency of the City of New York upon the Applicant (Licensee) at the Applicant's Mailing Address.
 - (2) These official notices can be left with a member of the Applicant's (Licensee's) family or any other person who also lives at the Applicant's (Licensee's) Mailing Address.
- (j) *Training.* The Commission requires that Applicants complete the required courses and pass all prescribed tests, both oral and written, as administered by the Commission or at its direction. All training and courses must be completed at a TLC Authorized Driver Education Services Provider except for the Defensive Driving Course.
- (1) *Defensive Driving Course.*
 - (i) Applicants for a new TLC Driver License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a New York State DMV Approved Defensive Driving Course.
 - (ii) Applicants for a renewal TLC Driver License must hold a current certificate of completion that was issued no more than three years prior to the renewal application date for the required hours of instruction in a New York State DMV Approved Defensive Driving Course.
 - (2) *TLC Driver License Education Course.* Applicants for a new TLC Driver License must complete the TLC Driver License Education Course and pass an examination on course subjects as a condition of licensure.

- (i) Licensees who received a TLC Driver License on the condition that they complete authorized TLC Driver License Education Course and pass prescribed tests within 90 days as a condition of continued Licensure must complete the TLC Driver License Education Course before renewing their subsequently converted TLC Driver License.
- (3) *TLC License Renewal Course.* Applicants for a renewal TLC Driver License must complete the TLC License Renewal Course within 90 days prior to the renewal application date.
- (4) *Passenger Assistance and Wheelchair Accessible Vehicle Training.* Applicants for a new TLC Driver License or for renewal of a TLC Driver License must complete the Passenger Assistance and Wheelchair Accessible Vehicle Training as a condition of licensure .
- (5) *Distracted Driving Portable Electronic Device Course:* A driver convicted of the Use of an Electronic Communication Device rule must complete the Distracted Driving Portable Electronic Device Course no later than 60 days after the date of conviction.
- (6) *Point Reduction Course:* Driver may voluntarily attend and complete the Point Reduction Course to reduce the Driver’s Persistent Violator Program points prior to the adjudication of the Persistent Violator summons.
- (7) *Sex Trafficking Awareness Training.*
 - (i) All Applicants, including Applicants for renewal licenses, must do all of the following:
 - A. Complete Sex Trafficking Awareness Training, and
 - B. Certify to the Commission as part of his or her application that he or she has completed such training.
 - (ii) For any Applicant applying for a License or for renewal of a License, completion of Sex Trafficking Awareness Training and certification of completion are conditions for the issuance or renewal of such license.
 - (iii) *Continuing Sex Trafficking Awareness Training.* Applicants who have previously completed the Sex Trafficking Awareness Training at least once and have certified that they have done so as required by subparagraphs (i) and (ii) of this paragraph, are not required to do so again, provided that they do all of the following:

- A. The Applicant must obtain and review the Continuing Sex Trafficking Awareness Training materials approved by the Commission, and
 - B. The Applicant must certify to the Commission as part of his or her application that he or she has obtained and reviewed Continuing Sex Trafficking Awareness Training material provided by the Commission.
 - C. For applicants who qualify to use this exception, review of the written Continuing Sex Trafficking Awareness Training materials and certification of obtaining and review of such materials are conditions for the issuance or renewal of a license.
- (8) *Military Exemption.* Any Applicant for a License who previously held a Valid TLC Driver License, a Taxicab Driver License or a For-Hire Driver License will not be required to take the TLC Driver License Education Course, provided that the Applicant meets the following conditions:
- (i) The Applicant's previous Driver License expired solely because the Applicant was not available to renew his or her License because he or she was engaged in active military service.
 - (ii) The Applicant's military service began before the expiration date of his or her prior License.
 - (iii) The Applicant filed an application within 90 days of completing active military service, and in no event later than three years following expiration of the prior License.
 - (iv) The Applicant provided proof of the dates of active military service.
 - (v) The Applicant meets all other requirements for obtaining a new License.
- (9) *Exemption for New York City Police Officers.* Any Applicant for a License who is a New York City Police Officer will not be required to take the TLC Driver License Education Course, provided that the Applicant meets the following conditions:
- (i) Applicant must present a letter from his or her commanding officer approving the application.
 - (ii) Applicant must pass an examination authorized by the Commission.
 - (iii) Applicant must meet all other requirements for obtaining a new License.
- (10) *Life Experience Exemption.* Any Applicant for a License will not be required to take the TLC Driver License Education Course, provided:

- (i) The Applicant previously held a Taxicab Driver License, For-Hire Driver License or TLC Driver License.
 - (ii) No prior Taxicab Driver License, For-Hire Driver License or TLC Driver License was revoked or expired while license revocation charges were pending or was surrendered while license revocation charges were pending.
 - (iii) For Applicants applying fewer than two years after the expiration date of the prior Taxicab Driver License, For-Hire Driver License or TLC Driver License, the Applicant held a Taxicab Driver License, For-Hire Driver License or TLC Driver License for a total of at least 10 years.
 - (iv) For Applicants applying more than two years but less than five years after the expiration date of the prior Taxicab Driver License, For-Hire Driver License or TLC Driver License, the Applicant held a Taxicab Driver License, For-Hire Driver License or TLC Driver License for a total of at least 15 years.
 - (v) The Applicant meets all other requirements for obtaining a new TLC Driver License.
 - (vi) The Applicant had no outstanding fines when the Applicant's prior Taxicab Driver License, For-Hire Driver License or TLC Driver License expired unless such fines have been paid at the time of application.
- (k) *Authorized Driver Education Services Providers.* Providers of training and courses required by this Chapter must be approved by the Commission, must administer the curriculum required by the Commission, and must comply with all requirements set forth by the Commission.
- (l) *Application Submission.* Applicants must complete the application forms provided by the Commission and must file the applications as directed by the Commission.
- (m) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and a current and valid E-mail Address.
- (n) *Payment of Fines and Fees.*
- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
 - (i) the Commission,
 - (ii) NYC Department of Finance's Parking Violations Bureau,
 - (iii) NYC Department of Finance's Red Light Camera Unit,

- (iv) NYS DMV's Traffic Violations Bureau and
 - (v) any of their successor agencies.
- (2) This requirement includes payment of fines and fees owed as of the date of the application by
- (i) any Business Entity Persons of the Applicant
 - (ii) any Business Entity of which the Applicant is a Business Entity Person, and
 - (iii) any Business Entity of which a Business Entity Person of the Applicant is also a Business Entity Person.
- (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to the Applicant's failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (o) *Material Changes in the Application.* The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:
- (1) Changes in Applicant's Chauffeur's License status;
 - (2) Changes in mailing address or E-mail address;
 - (3) Additional criminal convictions;
 - (4) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or
 - (5) Any change to the information provided or submitted with the Application.

§80-05 Licensing – Paratransit Driver Authorization to Drive a Street Hail Livery

The holder of a Valid Paratransit Driver's License is authorized to drive a Street Hail Livery for hire, subject to the provisions and requirements of this chapter, including that the Paratransit Driver meets the eligibility requirements of this Chapter and that the Paratransit Driver complies with all requirements in this Chapter while operating a Street Hail Livery, BUT:

- (a) The holder of a Valid Paratransit Driver's License is authorized ONLY to drive an Accessible Street Hail Livery and
- (b) The holder of a Valid Paratransit Driver's License must comply with all requirements of this Chapter while operating an Accessible Street Hail Livery.

§80-06 Licensing – Term of License

- (a) *License Term.* A License issued to a new Applicant will expire three years from the date the License was issued.
- (b) *Renewal License Term.* A License issued to a renewing Applicant will expire three years from the date on which the previous License expires.
- (c) *Advancement.* If a Licensee will not be available for drug testing during the 90 days before his or her License is scheduled to expire, the Licensee can ask the Commission to move and reset the License expiration to an earlier date, provided that:
 - (1) A Licensee makes only one such request during the term of a License.
 - (2) The request is complete and accurate and submitted on the proper Commission form.
- (d) *When to File for Renewal*
 - (1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License. The review of applications submitted fewer than 30 days before the expiration date may not be completed until after the expiration date of the License. Licenses are not Valid and cannot be used to drive a Vehicle after the License expiration date until the application for renewal is approved by the Commission.
 - (2) A renewing Applicant can file a completed application up to 180 days after the expiration date as a “late application,” if the Applicant pays a late fee of \$25. When a late application is submitted, the License will remain expired and not Valid to drive a Vehicle until the application for renewal is approved by the Commission.
 - (3) *Application Submission Date.*
 - (i) Applications filed online: The date of submission is the date an application is filed online.
 - (ii) Applications filed in person: The date of submission is the date an application is filed in person.
 - (4) A License cannot be renewed more than 180 days after the expiration date.
- (e) *Suspended Licenses.*
 - (1) If a License is suspended, the Licensee must apply for renewal as required in subdivision (d) of this section to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

- (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

§80-07 Licensing – Fees

- (a) *Fee for License.* The fee for a TLC Driver License will be \$84 annually.
- (b) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.
- (c) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (d) *Late Filing Fee.* The Commission will charge an additional fee of \$25 for a late filing of a renewal application.
- (e) *License Replacement Fee.* The Commission will charge a fee of \$25 for each License it issues to replace a lost, stolen or mutilated License.
- (f) *Fees for Trainings and Other Courses.* Participants in a training or course required in this Chapter are responsible for any fees associated with that training or course.

§80-08 Licensing – Process and Causes for Denial of License

- (a) *Fit to Hold a License - Applicant.* The Chairperson will deny the original or renewal License of any Applicant who fails to demonstrate that the Applicant is Fit to Hold a License. The Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.
 - (b) *Fit to Hold a License - Licensee.* If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny the Driver's renewal application or may seek to suspend or revoke his or her License.
 - (c) *Denial of an Application.* The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson for processing, no Application fees will be refunded.
- (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) 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 §80-02(e) of these Rules
 - A. The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 - B. *Special Consideration for Persistent Violator Program Revocations.* After a minimum of one year from the date the 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.
 - (v) Any act resulting in the disqualification of an applicant from the examination specified in TLC Rule 80-04 (j)(2). The three-year ban will be counted from the date of the examination the applicant was disqualified from.
- (2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:
- (i) More than three Collisions within a single year. The one-year ban will be counted from the date of the last Collision.
 - (ii) The traffic infraction of unlicensed operation of a motor vehicle. The one-year ban will be counted from the date of the violation.
 - (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the 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 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.

- (3) *Other Reasons for Denial of an Application.*
 - (i) *Mistake or Omission in the Application.* The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.
 - (ii) *Eligible for Persistent Violator Penalty.* The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or revocation under the Persistent Violator Program at the time the Application is submitted.
 - A. For purposes of this subparagraph, TLC will consider DMV points accrued no earlier than 15 months prior to the date of the application in order to determine whether the new applicant meets the Persistent Violator Program standard.
 - (iii) *Pendency of Criminal Charges.* The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.
- (4) *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 agreement is in writing.
- (d) *Failure to Complete Application Requirements.*
 - (1) The Chairperson will deny an Application for a new License if the Applicant has not completed all of the requirements of an Application within 90 days of the date the Application is filed.
 - (2) The Chairperson will deny an Application for a renewal License if the Applicant has not completed all of the requirements of an Application within 180 days after the expiration date of the prior License.
 - (3) The Chairperson will not deny an Application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.
- (e) *Additional Consideration of an Application.* If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for

additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in denial of the application.

§80-09 RESERVED

§80-10 Licensing – Care and Use of License

- (a) *Loss or Theft of License.* A Driver must notify the Commission in writing of the loss or theft of his or her TLC Driver License within 72 hours (not counting weekends and holidays).

§80-10(a)	Fine: \$50	Appearance NOT REQUIRED
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- (b) *Unreadable License.* A Driver must immediately surrender any unreadable or unrecognizable TLC Driver License to the Commission for replacement and reissue.

§80-10(b)	Fine: \$50	Appearance NOT REQUIRED
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- (c) *Restrictions on License.* A Driver must comply with all restrictions upon his or her Chauffeur’s License.

§80-10(c)	Fine: \$50	Appearance NOT REQUIRED
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- (d) *No Alteration.* A Driver must not alter in any way any portion of his TLC Driver License or the attached photograph.

§80-10(d)	Fine: \$50	Appearance NOT REQUIRED
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- (e) *Keep Likeness Updated.* Whenever a Driver’s physical appearance has changed to any significant extent, the Driver must contact the Commission and arrange to have a new photograph of him- or herself taken at the Commission offices.

§80-10(e)	Fine: \$50	Appearance NOT REQUIRED
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- (f) *Surrender of License.* A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§80-10(f)	Fine: \$1,000 to be paid if Driver applies for a new License of any type.	Appearance N/A
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§80-11 Comply with Laws – Unlicensed Activity

- (a) *Driver Must Have Valid TLC Driver License.*

- (1) A driver must not operate a Taxicab, a For-Hire Vehicle and/or a Street Hail Livery in the City of New York while his or her TLC Driver License is revoked, suspended or expired.
- (2) A Paratransit Driver must not operate an Accessible Street Hail Livery in the City of New York while his or her Paratransit Driver’s License is revoked, suspended, or expired.

§80-11(a)	Fine: First Violation: \$350 Second Violation in 36 months: \$500 Third Violation: revocation.	Appearance NOT REQUIRED
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(b) Any driver who operates a Taxicab, For-Hire Vehicle or Street Hail Livery after his or her License expires and before a renewal License is issued is engaged in Unlicensed Activity.

(c) *Driver Must Have Valid Chauffeur’s License.*

- (1) A Driver must not operate a Taxicab, a For-Hire Vehicle or a Street Hail Livery without a Valid Chauffeur's License. The License of a Driver who operates a Taxicab, For-Hire Vehicle or Street Hail Livery without a Valid Chauffeur’s License will be summarily suspended.
- (2) A Driver must not operate a Taxicab, a For-Hire Vehicle or a Street Hail Livery if the Driver’s driving privileges in New York State have been suspended or revoked.
- (3) 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 that is not in compliance with Article 19-A constitutes the same offense as driving a For-Hire Vehicle without a Valid License.

§80-11(c)(1)-(3)	Fine: First Violation: \$350 and Suspension until compliance. Second Violation in 36 months: \$500 and Suspension until compliance. Third Violation: revocation.	Appearance NOT REQUIRED
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(4) A driver must immediately surrender his or her TLC Driver License to the Commission upon the revocation of his or her New York State Chauffeur’s License or upon the revocation of the driver’s New York State Driving privileges.

§80-11(c)(4)	Fine: \$100	Appearance NOT REQUIRED
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(d) *Vehicle Must Be Licensed.* A Driver must not knowingly operate a vehicle for hire unless it is a Licensed Taxicab, For-Hire Vehicle or Street Hail Livery.

§80-11(d)	Fine: \$350 and/or minimum 5 day to maximum 30 day suspension	Appearance REQUIRED
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- (e) *No Unauthorized Use of TLC Driver License.* A Driver must not permit any other person to use the Driver's TLC Driver License or Technology System login credentials while operating any vehicle. A Driver must not use any other Driver's TLC License or Technology System login credentials while operating any Vehicle.

§80-11(e)	Fine: \$10,000 and revocation	Appearance REQUIRED
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- (f) *No Unlicensed Use of Vehicle.*

- (1) A Driver must not permit a Vehicle to be operated for hire by a person who does not have a Valid TLC Driver License.

§80-11(f)(1)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension	Appearance REQUIRED
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- (2) During the work shift a Driver must not allow another person to operate the Vehicle or occupy the Driver's seat, except in the event of an emergency.

§80-11(f)(2)	Fine: \$50	Appearance NOT REQUIRED
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§80-12 Comply with Laws – Proper Conduct

- (a) *Bribery.*

- (1) *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.
- (2) *Do Not Offer Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to anyone at the Port Authority of New York and New Jersey, LIRR, Metro-North, or any similar airport or other transportation terminal who is employed to do the following:
- (i) Ground transportation information services,
 - (ii) Dispatching service,
 - (iii) Security services,
 - (iv) Traffic and parking control, or
 - (v) Baggage handling.

§80-12(a)(1)-(2)	Fine: \$10,000 and revocation	Appearance REQUIRED
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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.

§80-12(b)	Fine: \$1,000 and/or minimum 5day to maximum 30 day suspension	Appearance REQUIRED
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- (c) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§80-12(c)	Fine: \$350-\$1,000 and/or minimum 5 day to maximum 60 day suspension, plus restitution if theft. Points: 4	Appearance REQUIRED
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- (d) *Acts Against Public Interest.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or fail to perform, alone or with another, any act where the act or failure to perform such act is against the best interests of the public, although not specifically mentioned in these rules.

§80-12(d)	Fine: \$150-\$350 and/or minimum 5 day to maximum 30 day suspension Points: 3	Appearance REQUIRED
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- (e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person, and must not distract or attempt to distract any Service Animal.

§80-12(e)	Fine: \$350-\$1,000 and/or minimum 5 day to maximum 30 day suspension Points: 3	Appearance REQUIRED
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- (f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal.

§80-12(f)	Fine: \$500-\$1,500 and/or minimum 5 day to maximum 60 day suspension Points: 4	Appearance REQUIRED
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- (g) *Threat or Harm to Service Animal.* A Licensee must not distract, harm or use physical force against or attempt to distract, harm or use physical force against a Service Animal accompanying a Person with a Disability.

§80-12(g)	Fine: \$500-\$1,500 and/or minimum 5 day to maximum 60 day suspension Points: 4	Appearance NOT 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.

§80-12(h)	Fine: \$100 if plead guilty before a hearing; \$250 if found guilty following a hearing.	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.

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

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

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

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

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

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

§80-12(j)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (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.

§80-12(k)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension	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.

§80-12(l)	Fine: \$200	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.

§80-12(m)	Fine: \$350-\$1,000 and/or suspension up to 30 days.	Appearance REQUIRED
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- (n) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

§80-12(n)	Fine: \$10,000 and revocation.	Appearance NOT REQUIRED
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- (o) *Sexual Harassment.* While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§80-12(o)	Fine: \$1,000 and mandatory suspension of 30 days and/or revocation. Points: 3	Appearance REQUIRED
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- (p) *Sexual Contact.* While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§80-12(p)	Fine: \$2,000 and mandatory revocation.	Appearance REQUIRED
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§80-13 Comply with Laws – Traffic Laws & Miscellaneous

- (a) *Comply with Traffic Laws.* Drivers of Taxicabs, For-Hire Vehicles and Street Hail Liveries (including any authorized driver of a Paratransit Vehicle while driving a Street Hail Livery) must comply with all applicable traffic laws, rules, and regulations. Drivers of Taxicabs, For-Hire Vehicles and Street Hail Liveries (including any authorized Driver of a Paratransit Vehicle while driving a Street Hail Livery) are subject to additional fines and penalties that will be imposed by the Commission for violating the traffic laws as follows:

- (1) Laws, rules or regulations governing stationary vehicles.
- (i) Except where expressly forbidden, a Vehicle is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a

street, provided the Driver remains seated in his or her Vehicle, ready for operation at all times.

§80-13(a)(1)	Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) Laws, rules or regulations governing moving vehicles, other than those defined by paragraph (3) of this subdivision.

§80-13(a)(2)	Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations, defined as follows:

§80-13(a)(3)	Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing, for each violation below. Points: As listed below.	Appearance NOT REQUIRED
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Rule	VIOLATION	Points
§80-13(a)(3)(i)(A)	SPEEDING 1 to 10 miles above posted speed limit	3
§80-13(a)(3)(i)(B)	SPEEDING 11 to 20 miles above posted speed limit	4
§80-13(a)(3)(i)(C)	SPEEDING 21 to 30 miles above posted speed limit	5
§80-13(a)(3)(i)(D)	SPEEDING 31 to 40 miles above posted speed limit	6
§80-13(a)(3)(i)(E)	SPEEDING 41 or more miles above posted speed limit	8
§80-13(a)(3)(ii)	Failing to stop for school bus	5
§80-13(a)(3)(iii)	Following too closely (tailgating)	4
§80-13(a)(3)(iv)	Inadequate brakes (own vehicle)	4
§80-13(a)(3)(v)	Inadequate brakes (employer's vehicle)	2
§80-13(a)(3)(vi)	Failing to yield right of way	3
§80-13(a)(3)(vii)	Traffic signal violation	3
§80-13(a)(3)(viii)	Stop sign violation	3
§80-13(a)(3)(ix)	Yield sign violation	3
§80-13(a)(3)(x)	Railroad crossing violation	3
§80-13(a)(3)(xi)	Improper passing	3
§80-13(a)(3)(xii)	Unsafe lane change	3
§80-13(a)(3)(xiii)	Driving left of center	3
§80-13(a)(3)(xiv)	Driving in wrong direction	3
§80-13(a)(3)(xv)	Leaving scene of an accident involving property damage or injury to animal	3

- (4) *Report Before Leaving Scene.* A Driver who knows or should have known that a Collision involving the Driver's Vehicle resulted in personal injury to another or damage to another's property must stop before leaving the scene of the Collision, and if the other involved party is present, must:

- (i) Show his or her Chauffeur's License, TLC License (and, where applicable, Rate Card or Vehicle License) to the other party involved in the incident.

- (ii) Give the other involved party or the police his or her name, Chauffeur's License number, TLC Driver License and any other vehicle and license type identification, as well as the name of the Vehicle's insurance carrier and the insurance policy number.

§80-13(a)(4)	Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period Points: 3	Appearance REQUIRED
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- (5) *Notify Vehicle Owner of Collision.* If the Driver is involved in a Collision, the Driver must immediately report the Collision to the owner of the Vehicle.

§80-13(a)(5)	Fine: \$100 Points: 3	Appearance NOT REQUIRED
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- (6) *Payment of Traffic Judgments.* The holder of a Driver's License issued under this chapter must satisfy any outstanding judgment and pay any civil penalty owed for a traffic violation in a Issuing Jurisdiction or a violation of the regulations of a Issuing Jurisdiction.

§80-13(a)(5)	Fine: \$100 Points: 3	Appearance NOT REQUIRED
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(b) *Workers' Compensation Laws.*

- (1) A Driver who suffers a disabling work-related injury and has filed for Workers' Compensation benefits must:

- (i) Surrender his or her TLC Driver License to the Commission

§80-13(b)(1)(i)	Fine: \$75	Appearance REQUIRED
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- (ii) Cease driving while claiming a disability. If a Driver files for Workers' Compensation benefits claiming an injury that prevents the Driver from working as a Driver, the Driver must stop driving as a For-Hire Driver and return his or her Driver License to the Commission.

§80-13(b)(1)(ii)	Fine: \$150	Appearance REQUIRED
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- (2) Return to Work.

- (i) The Driver's License will be returned when the Driver submits documentation to the Commission that he or she has recovered and is no longer receiving Workers' Compensation benefits.

- (ii) Where applicable, the owner of the Taxicab is required to provide the Driver with documentation indicating that the Workers' Compensation benefits have ended, as provided in Chapter 58, §58-14(d) of these Rules.

(c) *MTA Tax: Taxicab and Street Hail Livery Trips*

- (1) For all trips completed in a Taxicab or Street Hail Livery where the MTA Tax must be charged as required by §80-17(g):
 - (i) A Driver of a Taxicab who is not a Taxpayer must pay the Taxpayer the MTA Tax collected for each Taxicab trip for which the MTA Tax is due.
 - (ii) A Street Hail Livery Driver must pay the Street Hail Livery Base with which the Street Hail Livery is affiliated the MTA Tax collected for each trip for which the MTA Tax is due.

§80-13(c)(1)	Fine: \$50 per occurrence	Appearance REQUIRED
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§80-14 Operations – Passenger and Driver Safety

- (a) *Reckless Driving Rule.* A Driver must not operate his or her Vehicle in a manner that would violate section 1212 of the NYS Vehicle and Traffic Law.

§80-14(a)	Fine: \$350-\$1,000 and/or suspension up to 30 days, or revocation if Driver is found guilty of having violated this rule more than three times within an 18-month period Points: 4	Appearance REQUIRED
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- (b) *Driving While Impaired.*

- (1) A Driver must not operate a Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content) or while he or she is under the influence of Drugs.
- (2) A Driver must not drive or occupy his or her Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any Drugs.
- (3) A Driver may be charged with Driving While Impaired regardless and independent of any of the Driver's previous Drug Test results.

§80-14(b)	Fine: Revocation	Appearance REQUIRED
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- (c) *Drug Testing for Cause.* If the Commission has a reasonable suspicion that a Driver has used a Drug that makes him or her unfit to operate a Vehicle safely, the Commission can direct the Driver to be tested, at the Driver's expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

§80-14(c)	Fine: Summary Suspension until compliance	Appearance NOT REQUIRED
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(d) *Annual Drug Testing.*

- (1) All Drivers except (1) Drivers who are City of New York Police Officers or (2) Paratransit drivers, must be tested annually, at the Driver's expense, for Drugs in order to retain Valid Licenses.
- (2) The drug testing must be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.
- (3) For Drivers in the first year of a three-year License, the testing must occur no sooner than 90 days before the one-year anniversary date of the License, and not after the one-year anniversary date.

§80-14(d)(3)	Fine: Summary Suspension until compliance. \$200 if compliance is more than 30 days after the deadline.	Appearance NOT REQUIRED
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- (4) For Drivers in the second year of a three-year License, the testing must occur no sooner than 90 days before the second-year anniversary date of the License, and not after the second-year anniversary date.

§80-14(d)(4)	Fine: Summary Suspension until compliance. \$200 if compliance is more than 30 days after the deadline.	Appearance NOT REQUIRED
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- (5) For Drivers in the third year of a three-year License, the annual drug testing must occur no sooner than 90 days before the License expiration date.

§80-14(d)(5)	If the Driver fails to be tested within this time period, his or her License will expire and will not be renewed	Appearance NOT REQUIRED
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- (e) *Results of Drug Test.* Driver must pass every drug test, including "For Cause" drug tests under §80-14(c) and "Annual" drug tests under §80-14(d). If the results of either test are positive, or if the sample cannot be tested, the Driver's License shall be summarily suspended, and can be revoked after a hearing.

§80-14(e)	Penalty: Summary Suspension and Revocation.	Appearance REQUIRED
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(f) *Limits on Hours of Driving.*

- (1) *Generally.* A Driver must not transport any Passenger(s) for hire in excess of the daily and weekly limits detailed in this subdivision.

- (i) Daily and weekly driving hours will be calculated by adding up the time that passengers are being transported for hire. Time between trips will not be counted as driving hours.
 - (ii) The pickups that a Driver makes while operating any Vehicle pursuant to this Chapter will be combined for the purpose of counting hours toward the daily or weekly limit.
 - (iii) If any time exceeds the daily limit and serves as the basis for a violation of the daily limit, such time cannot also be counted toward a violation of the weekly limit.
 - (iv) It is a defense to a violation of the limits set forth in this subdivision that any such limit was exceeded because of a single trip that began before the limit was reached.
- (2) *Daily Limit.* A Driver must not transport any Passenger(s) for hire for more than 10 hours in total in any 24-hour period. **EXCEPTION:** If a Driver transports no Passengers for hire for at least eight consecutive hours, the 10-hour count resets and such Driver may resume picking up Passengers for hire.

§80-14(f)(2)	<p>Hours above the daily limit:</p> <p>No more than 1 hour: \$50 if plead guilty before a hearing; and \$75 if found guilty following a hearing.</p> <p>Over 1 hour but no more than 2 hours: \$100 if plead guilty before a hearing; and \$150 if found guilty following a hearing.</p> <p>Over 2 hours but no more than 3 hours: \$150 if plead guilty before a hearing; and \$200 if found guilty following a hearing.</p> <p>Over 3 hours but no more than 4 hours: \$200 if plead guilty before a hearing; and \$300 if found guilty following a hearing.</p> <p>Over 4 hours: \$300 if plead guilty before a hearing; and \$400 if found guilty following a hearing.</p> <p>If guilty of three or more violations in a calendar month for exceeding the daily limit by four or more hours, penalty shall also include a</p>	Appearance NOT REQUIRED
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	suspension of at least 5 days but no more than 15 days.	
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- (3) *Weekly Limit.* A Driver must not transport any Passenger(s) for hire for more than 60 hours in total in any seven-day period that begins on Monday and ends on Sunday.

§80-14(f)(3)	<p>Hours above the weekly limit:</p> <p>No more than 1 hour: \$50 if plead guilty before a hearing; and \$75 if found guilty following a hearing.</p> <p>Over 1 hour but no more than 2 hours: \$100 if plead guilty before a hearing; and \$ 150 if found guilty following a hearing.</p> <p>Over 2 hours but no more than 3 hours: \$150 if plead guilty before a hearing; and \$200 if found guilty following a hearing.</p> <p>Over 3 hours but no more than 4 hours: \$200 if plead guilty before a hearing; and \$300 if found guilty following a hearing.</p> <p>Over 4 hours: \$300 if plead guilty before a hearing; and \$400 if found guilty following a hearing.</p> <p>If guilty of three or more violations in a calendar month for exceeding the weekly limit by four or more hours, penalty shall also include a suspension of at least 5 days but not more than 15 days.</p>	Appearance NOT REQUIRED
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- (g) *Use of Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§80-14(g)(1)	<p>Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Distracted Driving Portable Electronic Device Course within the 60-day period then the Driver will not be suspended.</p>	Appearance NOT REQUIRED
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	Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.	
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- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Portable Electronic Device Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Portable Electronic Device Course within the 60 day period will be suspended until compliance. The Driver must provide proof that the course was completed. In instances where the Chairperson has not received proof of completion of a Distracted Driving Portable Electronic Device Course from a TLC Distracted Driving Portable Electronic Device Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Portable Electronic Device Course to the Chairperson by mail.
- (3) *Affirmative Defense.* A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:
- (i) The communication was to an emergency response operator;
 - (ii) The communication reports an imminent threat to life or property;
 - (iii) The Driver could not safely stop the Vehicle to make the report; and
 - (iv) The Driver provides documentary proof of communication with an emergency response provider.
- (h) *Serious Crashes.* A Serious Crash is one in which any person has suffered Critical Injury or death. “Critical Injury,” for purposes of this subdivision, means any injury determined to be critical by the emergency medical service personnel responding to such crash.
- (1) 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 a finding that the Driver’s conduct was a substantial cause of the Serious Crash. 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 paragraph (2)). This subdivision does not limit in any way the Chairperson’s authority to Summarily Suspend a Driver for other reasons.

- (a) 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 80-08(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.

§80-15 Operations – General Rules During Operation of Vehicle

- (a) *No Weapons.* While operating a Vehicle, a Driver must not have a Weapon or any other instrument intended to be used as a weapon in his or her possession or in the Vehicle without the written permission of the Chairperson.

§80-15(a)	Fine: Revocation	Appearance REQUIRED
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- (b) *No Smoking.* A Driver must not smoke in a Vehicle.

§80-15(b)	Fine: \$150	Appearance REQUIRED
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- (c) *Locking Vehicle Doors.*

- (1) While on duty and operating for-hire, a Driver must not lock either of the rear doors except with the consent or at the request of a Passenger or for a reason specified in these rules.

§80-15(c)(1)	Fine if Passenger inside the Vehicle: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing and/or minimum 5 day to maximum 30 day suspension. Points: 2	Appearance REQUIRED
	Fine if Passenger outside the Vehicle: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.	

- (2) A Driver is permitted to lock the front doors. However, a Driver must not refuse to transport a party of four, where one person must occupy the front seat, because the front doors are locked. Such refusal to unlock the front doors is a violation of section 80-15(f)(1).

- (d) *E-ZPass® Rules*

- (1) A Driver must not operate a Taxicab, For-Hire Vehicle or Street Hail Livery Vehicle for hire that is not equipped with an E-ZPass® tag.

- (2) The Taxicab, For-Hire Vehicle or Street Hail Livery Driver must use E-ZPass® at all crossings within the jurisdiction of the Metropolitan Transportation Authority, Triboro Bridge and Tunnel Authority, and wherever else E-ZPass® is accepted.
- (3) Taxicab, For-Hire Vehicle or Street Hail Livery Drivers may use personal E-ZPass® tags to meet this requirement.

§80-15(d)(1)-(3)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (4) A Taxicab, For-Hire Vehicle or Street Hail Livery Driver must forward all tolls paid by the Passengers to the holder of the E-ZPass® tag at the end of his or her shift or lease period.
- (5) If Taxicab or Street Hail Livery Driver has been required to establish a replenishment account, as described in §58-27(d)(2) of the Taxicab Owners chapter, the Driver must maintain the required balance in the account.

§80-15(d)(4)-(5)	Fine: \$50 plus restitution to the E-ZPass® tag holder of any amount not reimbursed	Appearance REQUIRED
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(e) *Overloading Vehicle.*

- (1) A Driver of a Taxicab or a Street Hail Livery must not permit more than four Passengers to ride in a four-Passenger Vehicle, nor more than five Passengers in a five-Passenger Vehicle, except that an additional Passenger must be accepted if the Passenger is under the age of seven (7) and is held on the lap of an adult Passenger seated in the rear.
- (2) A Driver must not permit a Vehicle to be overloaded or to carry more Passengers than the Vehicle is equipped to seat based on the NYS DMV registration of the Vehicle.

§80-15(e)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(f) *Use of Front Seat.*

- (1) A Driver must not refuse to transport a party of four, where one Passenger must occupy the front seat.
- (2) A Passenger who is unable to enter or ride in the rear seat of the Vehicle must be permitted to occupy the front passenger seat.
- (3) If a Passenger's luggage, wheelchair, crutches, other mobility aid or other property occupies the rear seats of the Vehicle, a Passenger must be permitted to occupy the front passenger seat.

§80-15(f)	Fine: \$75	Appearance NOT REQUIRED
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- (g) *No Marketing to Passengers.* A Driver must not sell, advertise or recommend any service or merchandise to any Passenger without prior written Commission approval. *Exception:* A Driver of a For-Hire Vehicle or Street Hail Livery can promote the services offered by the vehicle’s affiliated Base.

§80-15(g)	Fine: \$50	Appearance REQUIRED
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- (h) *No Taxicab Subleases.* A Driver who is leasing a Taxicab must not sublease the Taxicab.

§80-15(h)	Fine: First Violation: \$100 Second Violation: \$200 Third Violation: \$300 and/or minimum 5 day to maximum 30 day suspension.	Appearance REQUIRED
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- (i) *Courtesy.* A Driver must be courteous to Passengers.

§80-15(i)	Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (j) *Parking at Livery Base.* While stopped at his or her affiliated Base, a Livery Driver must use the off-street parking facilities provided by the Base Station Owner and must comply with all applicable traffic and parking regulations.

§80-15(j)	Fine: \$50	Appearance NOT REQUIRED
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- (k) *Nuisance Behavior at Base.* A Driver stopped at the Base with which the Driver’s Vehicle is affiliated or from which the Driver is being dispatched must not create a nuisance such as, but not limited to:

- (1) Engaging in littering,
- (2) Playing of loud audio material, or
- (3) Horn honking.

§80-15(k)	Fine: \$50	Appearance NOT REQUIRED
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- (l) *No Horn Honking.* A Driver must not engage in horn-honking that violates traffic rules and regulations.

§80-15(l)	Fine: \$50	Appearance NOT REQUIRED
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§80-16 Operations – Comply with Reasonable Passenger Requests

- (a) *Specific Route.*

- (1) The Driver must comply with all reasonable and lawful routing requests of the Passenger.
- (2) Unless a Passenger makes a specific request, a Driver must proceed to the Passenger's destination by the shortest reasonable route.

§80-16(a)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (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. For Hail trips 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 or a trip in a For-Hire Vehicle, or a Pre-Arranged Trip in a Taxi or Street Hail Livery using Flex Fare price, 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.

§80-16(b)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance REQUIRED
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- (c) *Request to Load Luggage.* Upon the request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property into or out of the Vehicle's interior or trunk compartment, and must securely close the door or trunk compartment.

§80-16(c)	Fine: \$50	Appearance NOT REQUIRED
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- (d) *Passenger Receipt for Taxi and SHL trips.*

- (1) At the end of a trip in a Taxicab or a hail trip in a Street Hail Livery, a Driver, personally or via the Technology System or other electronic means, must offer a Passenger a receipt for payment of fare,
- (2) When a Passenger requests a receipt, personally or via the Technology System or other electronic means, a Driver must give a Passenger a receipt for payment of the fare.
- (3) The receipt must state the:
 - (i) date
 - (ii) time
 - (iii) Medallion number or Street Hail Livery license number
 - (iv) trip number

- (v) total fare
- (vi) tolls
- (vii) surcharges
- (viii) extras
- (ix) tip, if paid by credit/debit card
- (x) last four digits of card account number, if applicable
- (xi) Driver's hack license number and
- (xii) the "311" Commission Complaint telephone number.

§80-16(d)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Points: 1	Appearance NOT REQUIRED
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(e) *Request to Adjust Audio.*

- (1) All audio equipment controlled by the Driver must be adjusted or turned on or off at the request of the Passenger.
- (2) The Passenger shall have the right to select what is played on the audio equipment.
- (3) Whether or not the Vehicle is engaged in a trip, an audio device must be played at normal volume only, and must comply with all noise laws and regulations.

§80-16(e)	Fine: \$25	Appearance NOT REQUIRED
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(f) *Request to Adjust Air Conditioning/Heat.* At the request of a Passenger, the Driver must turn the air conditioning or heating equipment on or off.

§80-16(f)	Fine: \$25	Appearance NOT REQUIRED
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(g) *Provide License Upon Request.* A Driver must provide comply with all reasonable Passenger requests to provide his or her name, TLC Driver License number (or the Paratransit Driver's License Number as applicable) and the Medallion, For-Hire Vehicle or Street Hail Livery license number.

§80-16(g)	Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance REQUIRED
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(h) *Other Reasonable Passenger Requests.* A Driver must comply with all other reasonable requests of a Passenger.

§80-16(h)	Fine: \$50	Appearance REQUIRED
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§80-17 Operations – Rates, Charges and Payment

(a) *No Overcharges.*

- (1) A Driver of a Taxicab or Street Hail Livery must not charge or attempt to charge a fare above the Commission-approved rates. This includes a fare in a Street Hail Livery for a Hail Trip or a fare for any trip initiated or accepted through an E-Hail Application, including a Flex Fare Trip.
- (2) A Driver of a For-Hire Vehicle or Street Hail Livery on Pre-Arranged Trips must not charge a Passenger more than the rate, fare quote, or fare estimate provided to the Passenger by the Base pursuant to Section 59B-23 of these Rules (unless the trip destination is changed by the Passenger after the initial fare quote or fare estimate).
- (3) A Driver must not impose or attempt to impose any additional charge for transporting a person with a disability, a service animal accompanying a person with a disability, or a wheelchair or other mobility aid.
- (4) A Driver must not require a person with a disability to be accompanied by an attendant. However, if a person with a disability is accompanied by an attendant, the Driver must not impose or attempt to impose any additional charge for transporting the attendant.

§80-17(a)(1)-(4)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (5) A Driver must give the correct change to a Passenger who has paid the fare.

§80-17(a)(5)	Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 2	Appearance REQUIRED
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- (6) A Driver must not ask a Passenger for a tip or indicate that a tip is expected or required.

§80-17(a)(6)	Fine: \$50	Appearance NOT REQUIRED
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- (b) *Non-Paying Customers.* If a Taxicab or Street Hail Livery Passenger refuses to pay the metered fare, the Driver of the Taxicab or Street Hail Livery must place the meter in the off or “Vacant” position, record the amount of fare on the Taximeter onto the Trip Record through the Technology System, or onto the written Trip Record if the Technology System is not working, and proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

- (c) *Currency.* A Taxicab or Street Hail Livery Driver must accept United States currency as fare payment.

§80-17(c)	Fine: \$50	Appearance NOT REQUIRED
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- (d) *Making Change.*

- (1) A Driver of a Taxicab or Street Hail Livery must always be capable of making change for a \$20 bill during his or her work shift.
- (2) If the Driver of a Taxicab or Street Hail Livery is not able to change a \$20 bill, the Driver will, with the Passenger's consent, take the following steps:
 - (i) Log off from the Technology System.
 - (ii) Transmit the relevant information to an electronic database for entry on the electronic trip record or make an appropriate written trip record entry.
 - (iii) Proceed to the nearest location where he or she may reasonably expect to obtain change.

§80-17(d)	Fine: \$25	Appearance NOT REQUIRED
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- (e) *Must Accept Credit/Debit Card Payment.*

- (1) Taxicabs and Street Hail Livery Credit/Debit Card Payment
 - (i) All Taxicabs are required to be equipped with a Technology System and Drivers must accept a Passenger's choice to pay by credit/debit card.
 - (ii) All Street Hail Liveries are required to be equipped with a Technology System and Drivers must accept a Passenger's choice to pay by credit/debit card for Hail Trips.
 - (iii) A Driver of a Taxicab or Street Hail Livery must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging the Taximeter, the Driver advises the Passenger that he/she will not be able to use a credit or debit card for payment.
 - (iv) A Driver of a Taxicab or Street Hail Livery must not accept credit/debit card payments through any device other than the Vehicle's Technology System or an approved E-Hail App.
 - (v) If a Taxicab or Street Hail Livery customer's effort to pay by debit/credit card at the end of the trip is prevented not by the Vehicle's Technology System, but because the communication network is unable to process

debit/credit card payments at that time, the Driver must offer the customer the option of either paying cash or having the Driver continue to a location where the wireless payment system can communicate with its network.

§80-17(e)(1)(i)-(v)	Fine: \$100	Appearance NOT REQUIRED
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- (vi) *No Mark-up for Credit Payment.* A Driver of a Taxicab or Street Hail Livery must not charge any additional fee (mark-up) to any Passenger for credit/debit card transactions for any Trip in a Taxicab or for any Hail Trip in a Street Hail Livery.

§80-17(e)(1)(vi)	Fine: First violation: \$200 Second violation: \$300 Third violation: \$500 In addition to the penalty payable to the Commission, the administrative law judge may order the Driver to pay restitution to the Passenger, equal to the excess amount that was charged to the Passenger.	Appearance REQUIRED
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(2) For-Hire Vehicle Credit/Debit Card Payment

- (i) All For-Hire Vehicle Drivers must accept a Passenger’s choice to pay by credit/debit card if credit card payment is available.

§80-17(e)(2)(i)	Fine: \$100	Appearance NOT REQUIRED
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(f) *Trips Beyond the City in a Taxi or Street Hail Livery.*

- (1) *In General.* For a trip anywhere in a Taxi or Street Hail Livery beyond the City of New York (other than to Westchester or Nassau counties or Newark Airport), the following rules and charges apply:

- (i) The Driver of a Taxicab or Street Hail Livery must negotiate a flat rate trip charge with the Passenger before beginning the trip. (*NOTE: A “flat” rate means a dollar amount; “double the meter” is NOT a flat rate.*)
- (ii) The Driver of a Taxicab or Street Hail Livery must place the Taximeter in a recording position at the beginning of the trip and allow it to continue recording

§80-17(f)(1)	Fine: \$100	Appearance NOT REQUIRED
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- (2) For a trip to *Westchester* or *Nassau County*, the following charges and rules apply:

- (i) The Driver of a Taxicab or Street Hail Livery 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.

§80-17(f)(2)(i)	Fine: \$100	Appearance NOT REQUIRED
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- (ii) Before starting the trip, the Driver of a Taxicab or Street Hail Livery 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.

- A. 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)).

- (iii) The Driver of a Taxicab or Street Hail Livery 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.

§80-17(f)(2)(ii-iii)	Fine: \$25	Appearance NOT REQUIRED
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- (iv) The Passenger of a Taxicab or Street Hail Livery is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

- (3) For a trip to *Newark Airport*, in a Taxi or a Street Hail Livery the following charges and rules apply:

- (i) The Driver of the Taxicab or Street Hail Livery 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.

§80-17(f)(3)(i)	Fine: \$100	Appearance NOT REQUIRED
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- (ii) Before starting the trip, the Driver of the Taxicab or Street Hail Livery Driver must inform the Passenger how the trip charges will be calculated, including the payment of tolls out of and back into the City.

- A The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$20.00 (See Chapter 58, §58-26(c)(3) for Taxicabs and Chapter 82, §82-26(c)(3) for Street Hail Liveries).

§80-17(f)(3)(ii)	Fine: \$25	Appearance NOT REQUIRED
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(iii) The Taxicab or Street Hail Livery Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

(g) *MTA Tax.* The MTA Tax must be charged on any trip in a Taxicab or on any Hail Trip in a Street Hail Livery that starts in New York City and ends in any of:

- (1) New York City.
- (2) Dutchess County.
- (3) Nassau County.
- (4) Orange County.
- (5) Putnam County.
- (6) Rockland County.
- (7) Suffolk County.
- (8) Westchester County.

(h) *Taxicab Improvement Surcharge.* For each trip in a Taxicab, the Driver must remit the Taxicab Improvement Surcharge to the Taxicab Medallion Owner.

§80-17(h)	Fine: \$50 per occurrence	Appearance NOT REQUIRED
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(i) *Street Hail Livery Improvement Surcharge.* For each Hail Trip in a Street Hail Livery, the Driver must remit the Street Hail Livery Improvement Surcharge to the Street Hail Livery Licensee.

§80-17(i)	Fine: \$50 per occurrence	Appearance NOT REQUIRED
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(j) *Taxicab and Street Hail Livery E-Payments.*

- (1) A Taxicab or Street Hail Livery Driver must allow the Passenger to pay by E-Payment as long as the E-Payment method complies with Commission rules.

§80-17(j)(1)	Fine: \$100	Appearance NOT REQUIRED
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- (2) The payment must not exceed Commission-approved rates, including Commission-approved Flex Fare Rate Schedules, plus any optional tip.

§80-17(j)(2)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (3) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Payment, unless it is a Flex Fare Trip. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method, unless it is a Flex Fare Trip.
- (4) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the Technology System, or the Taximeter, unless it is a Flex Fare trip, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the Technology System. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.
- (5) A Driver must not accept credit card payment from a Passenger by any E-Hail Application that does not integrate with the Technology System.

§80-17(j)(5)	Fine: \$200	Appearance NOT REQUIRED
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§80-18 Operations – Lost Property

- (a) *Inspection Following Trips to and from Airports.* Immediately after completing a trip to Kennedy, La Guardia or Newark Airports, the Driver must inspect the interior of the Vehicle and the trunk compartment, if used, to ensure that Passengers have collected their property.

§80-18(a)	Fine: \$25	Appearance NOT REQUIRED
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- (b) *Handling of Lost Property.*

- (1) Property found by a Driver in a Taxicab must be returned to the Passenger if possible; otherwise, it must be taken without delay to a police precinct as directed by the NYPD.
- (2) Property found by a Driver in a For-Hire Vehicle or Street Hail Livery must be returned to the Passenger if possible; otherwise it must be taken without delay to a police precinct as directed by the NYPD or to the Vehicle’s Base.

§80-18(b)	Fine: \$100	Appearance REQUIRED
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- (c) A Driver cannot demand or request payment for the return of property

§80-18(c)	Fine: \$100	Appearance REQUIRED
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- (d) *Notifying Commission Regarding Lost Property.* If the property is not returned to the Passenger, the Driver must promptly inform the Commission of the details regarding the found property and the location where it is held.

§80-18(d)	Fine: \$25	Appearance NOT REQUIRED
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§80-19 Operations – Passenger Solicitation and Engagement

(a) *Limits on Driver Solicitation of Passengers in Taxicabs.*

- (1) A Driver of a Taxicab must not use a person, other than a dispatcher at a public transportation terminal, licensed E-Hail Application, or an Accessible Vehicle dispatcher, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

§80-19(a)(1)	Fine: \$50	Appearance NOT REQUIRED
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- (2) A Driver of a Taxicab must not pick up additional Passengers during a trip except at the Passenger’s request.

§80-19(a)(2)	Fine: \$100	Appearance NOT REQUIRED
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- (3) A Driver of a Taxicab must not suggest to a current Passenger that an additional person be accepted as a Passenger.

§80-19(a)(3)	Fine: \$50	Appearance NOT REQUIRED
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- (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

§80-19(a)(4)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (5) A Driver who is logged off from the Technology System must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is returning the Taxicab to his or her garage or home;
- (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)"; and
- (iii) The Passenger's destination is directly on the route to the Driver’s home or garage.

§80-19(a)(5)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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(b) *Limits on Driver Solicitation of Passengers in Street Hail Liveries.*

(1) *Exclusionary Zones*

- (i) A Driver of a Street Hail Livery must not solicit Passengers in the Hail Exclusionary Zone.
- (ii) A Driver of a Street Hail Livery must not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

§80-19(b)(1)	Fine: First Violation: \$500 and suspension; Second Violation in 24 months: \$750 and suspension; Third Violation in 120 months: Revocation	Appearance REQUIRED
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(2) *Hail Zone*

- (i) Inside the Hail Zone, a Driver of a Street Hail Livery can accept Passengers by Hail or can accept a Pre-Arranged Trip through a Base.
- (ii) A Driver of a Street Hail Livery must not solicit or cruise for the purpose of soliciting Passengers within 100 feet of any authorized Taxi Stand.

§80-19(b)(2)(ii)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (iii) A Driver of a Street Hail Livery must not use a person, other than a dispatcher at an authorized public transportation terminal, licensed E-Hail Application, an Accessible Vehicle dispatcher, or a Street Hail Livery Base, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

§80-19(b)(2)(iii)	Fine: \$50	Appearance NOT REQUIRED
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- (3) A Driver of a Street Hail Livery must not pick up additional Passengers during a trip except at the Passenger's request.

§80-19(b)(3)	Fine: \$100	Appearance NOT REQUIRED
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- (4) A Driver of a Street Hail Livery must not suggest to a current Passenger that an additional person be accepted as a Passenger.

§80-19(b)(4)	Fine: \$50	Appearance NOT REQUIRED
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- (5) A Driver of a Street Hail Livery who has indicated through the Technology System that he or she is on-duty unavailable for the purposes of accepting a Pre-Arranged trip must not solicit or accept a Passenger for a Hail Trip.

§80-19(b)(5)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (6) A Driver of a Street Hail Livery who has indicated in the meter or through the Technology System that he or she is off duty must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is in the Hail Zone;
- (ii) The Driver is returning the Street Hail Livery to his or her Base or home;
- (iii) 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; and
- (iv) The Passenger's destination is directly on the route to the Driver's home or garage.

§80-19(b)(6)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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(c) *Limits on Driver Solicitation of Passengers in For-Hire Vehicles.*

- (1) A Driver of a For-Hire Vehicle must not solicit or pick up Passengers other than by prearrangement through a licensed Base of the class that can dispatch the Driver's For-Hire Vehicle.

§80-19(c)(1)	Fine: First Violation: \$200-\$350 Second Violation in 24 months: \$350 - \$500, and up to 30 days' suspension Third Violation in 36 months: Revocation	Appearance NOT REQUIRED
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- (2) *Hail Exclusionary Zone.* If a Driver solicits or picks up Passengers in Manhattan south of East 96th Street and West 110th Street or at the New York City Airports other than by prearrangement through a licensed Base of the class that can dispatch the Driver's For-Hire Vehicle, or by dispatch of an Accessible Vehicle, the Driver will be subject to the below enhanced penalties.

§80-19(c)(2)	Fine: First Violation: \$500 Second Violation in 24 months: \$750 Third Violation in 120 months: Revocation	Appearance NOT REQUIRED
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- (3) *No Requiring Ride-Sharing.* A Driver of a For-Hire Vehicle must not require that any prospective Passenger share a ride with another prospective Passenger.

§80-19(c)(3)	Fine: \$100	Appearance NOT REQUIRED
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(d) *Taxi Stands and Relief Stands.*

(1) A Driver of a Taxicab has the right to take a position at any Taxi Stand having a vacancy, and no other Driver may interfere with that right.

(i) A Driver of a Street Hail Livery has the right to take a position at any Taxi Stand having a vacancy in the Hail Zone, and no other Driver may interfere with that right. A Driver of a Street Hail Livery does NOT have the right to take a position at a Taxi Stand in the Hail Exclusionary Zone.

§80-19(d)(1)	Fine: \$75	Appearance NOT REQUIRED
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(2) A For-Hire Driver must not pick up Passengers at any Taxi Stand.

§80-19(d)(2)	Fine: First Violation: \$350 Second Violation in 24 months: \$500 Third Violation in 36 months: Revocation	Appearance NOT REQUIRED
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(3) A Driver must not occupy a Taxi Stand in order to repair his or her Vehicle, except for minor emergency repairs.

§80-19(d)(3)	Fine: \$50	Appearance NOT REQUIRED
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(4) A Driver must take the rear position on the line formed at a Taxi Stand (other than a relief stand) and must not overcrowd such stand.

§80-19(d)(4)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(5) A Driver must only occupy a Taxi Stand when on duty or for no longer than one hour while on relief time or for Personal Use-Off Duty.

§80-19(d)(5)	Fine: \$50	Appearance NOT REQUIRED
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(6) The Drivers of each of the first two Vehicles on a Taxi Stand, (other than a relief stand), must remain in the driver's seat ready to accept Passengers. Any other Driver on a Taxi Stand must be no more than 15 feet from his or her Vehicle unless he or she is off duty.

§80-19(d)(6)	Fine: \$75	Appearance NOT REQUIRED
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(7) A Driver may take any vacant position at a relief stand however Drivers must comply with all posted restrictions including the type(s) of Vehicles that may occupy a position at the relief stand and the maximum time a Vehicle may park at the relief stand.

§80-19(d)(7)	Fine: \$50	Appearance NOT REQUIRED
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(e) *Taxicab Passenger Pick Up at Airports and Terminals.*

- (1) The rules regarding Taxi Stands also apply to special Taxi Stands and Feed Lines at air, rail, bus and ship terminals. (*Note:* These rules also apply to Street Hail Liveries for terminals located in the Hail Zone).
- (2) Where a terminal provides Taxicab or Street Hail Livery holding areas:
 - (i) Drivers must park the Vehicle in a taxi holding area before leaving on relief time.
 - (ii) Upon returning from relief time, the Driver must join the end of the Feed Line.
 - (iii) Drivers are not permitted to bring Passengers into a holding area.

§80-19(e)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (3) Where an airport Taxi Stand offers both Long Haul and Short Haul lines, if there are Taxicabs available in both lines:
 - (i) A Driver who has been given a Short Haul ticket must not accept a Passenger for a Long Haul.
 - (ii) A Driver who has been given a Long Haul ticket must not accept a Passenger for a Short Haul.

§80-19(e)(3)	Fine: \$100	Appearance NOT REQUIRED
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(f) *For-Hire Vehicle Dispatch at Airports and Terminals.* A Driver of a For-Hire Vehicle must not accept a dispatch while parked or otherwise located at Kennedy Airport or La Guardia Airport unless the Driver is parked in an area other than the airport's designated passenger pick up locations.

§80-19(f)	Fine: \$250	Appearance NOT REQUIRED
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§80-20 Operations – Refusing Passengers

- (a) *Must Not Refuse to Transport Passengers.* Unless the Driver has justifiable grounds, the Driver must not refuse to transport in any of the following circumstances:
- (1) *Mandatory Transport.* A Driver must not refuse by words, gestures or any other means, to take a Passenger, including a person with a disability and any service

animal accompanying this individual, to any destination within the City of New York, the counties of Westchester or Nassau, or Newark Airport.

§80-20(a)(1)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (2) *Attendant for Passengers with a Disability.* A Driver must not require a person with a disability to be accompanied by an attendant.

§80-20(a)(2)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (3) *Luggage and Mobility Aids.* A Driver must not refuse to transport a Passenger's luggage, wheelchair, crutches, other mobility aid or other property.

§80-20(a)(3)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (4) *Ask Destination in Advance.* A Driver must not attempt to learn the destination of a Passenger before the Passenger is seated in the Taxicab or, for a Hail Trip started in the Hail Zone, in the Street Hail Livery, except for Flex Fare Trips. Attempting to learn the destination in advance is a violation of this paragraph, regardless if the Driver ultimately agrees to transport the Passenger.

- (i) Asking a for a Passenger's destination in advance shall not be a violation of this paragraph if the Driver is returning to his or her home or garage and has followed the procedures provided in 80-19(a)(5) or 80-19(b)(6).

§80-20(a)(4)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (5) *E-Hail Application:* A Driver must not refuse to transport a Passenger after accepting a Hail from that Passenger by means of an E-Hail Application.

§80-20(a)(5)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (6) *Accessible Dispatch Program.* Driver MUST accept dispatch.

- (i) While operating an Accessible Vehicle, an Approved Driver must accept a dispatch from the Accessible Taxi Dispatcher.
- (ii) An Approved Driver who does not accept a dispatch has refused to provide service and will be subject to Mandatory Penalties for a refusal under subdivision (e) of this section.

§80-20(a)(6)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT Required
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- (b) *Justifications for Refusing Passenger.* The following are permitted reasons for refusing to transport a Passenger:

- (1) Another Passenger is already seated in the Vehicle.

- (2) The Driver has already acknowledged a Hail from another person, and that other person is being picked up or is about to be picked up. (*CAUTION: A Driver must not acknowledge the Hail of one person over another in order to avoid transporting the person whose Hail was not acknowledged.*)
- (3) The Passenger is carrying or is in possession of any article, package, case or container which the Driver reasonably believes will cause damage to the Vehicle. (*CAUTION: This does NOT include wheelchairs, crutches, a service animal or other mobility aid used by a Passenger with a disability. Mobility aids must be accepted.*)
- (4) The Taxicab or Street Hail Livery Driver is discharging his or her last Passenger or Passengers prior to logging off from the Technology System.
- (5) The Taxicab or Street Hail Livery Driver is ending his or her work shift, and has already logged off from the Technology System and locked both rear doors.
- (6) The Taxicab or Street Hail Livery Driver must take the Vehicle out of service for required repairs and has already logged off from the Technology System and locked both rear doors.
- (7) The Passenger is accompanied by an animal that is not properly secured in a suitable container. (*CAUTION: This does not apply to service animals accompanying people with disabilities.*)
- (8) The Passenger's destination is Newark Airport or someplace in Nassau or Westchester County, and the Driver has been operating the Vehicle for more than eight hours of any continuous 24-hour period.
- (9) The Passenger is disorderly or intoxicated. (*CAUTION: Drivers must not refuse to provide service solely because of behavior caused by a person's disability.*)
- (10) The Passenger is smoking and has refused the Driver's request to stop. If the Driver has already begun the trip the Driver can discharge the Passenger in a safe location. (*CAUTION: The Driver must ask the Passenger at least twice to stop smoking before requiring him or her to leave the Vehicle.*)
- (11) The Vehicle is a Street Hail Livery and the Passenger is in the Hail Exclusionary Zone.
- (12) The Vehicle is a For-Hire Vehicle and the Passengers is attempting to Hail the Driver.
- (13) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip and is logged on but unavailable for street-hail in the Technology System.

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

§80-21 Operations – Drivers from Issuing Jurisdictions

(a) *Eligibility for Reciprocal Recognition.* A driver holding a Valid Issuing Jurisdiction driver’s license (a IDL) will be eligible for Reciprocity, provided that the driver meets all of the following requirements:

- (1) The driver is operating a vehicle that is licensed to operate for-hire by an Issuing Jurisdiction (*see Chapter 59A, §59-05*).

§80-21(a)(1)	Fine: \$350	Appearance NOT REQUIRED
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- (2) The driver holds a Valid Chauffeur’s License.

§80-21(a)(2)	Fine: \$100	Appearance NOT REQUIRED
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- (3) While operating within New York City, the Valid Chauffeur’s License must be displayed on request or be posted within the vehicle.

§80-21(a)(3)	Fine: \$350	Appearance NOT REQUIRED
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- (4) The driver maintains and completes the Trip Record required and described in subdivision (e), below.

§80-21(a)(4)	Fine: \$300	Appearance NOT REQUIRED
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- (5) A driver providing For-Hire transportation in New York City under Reciprocal Recognition must comply with the Rules of this chapter while operating within New York City as if the driver were licensed by the Commission.

(b) *Privileges of Reciprocal Recognition.* A driver who meets the requirements above for Reciprocity will be allowed, without any License issued by or any fee paid to the Commission, to do the following:

- (1) Pick up Passengers in the driver’s Issuing Jurisdiction for travel to or through New York City.
- (2) Pick up Passengers in New York City for travel to the driver’s Issuing Jurisdiction.
- (3) When transporting Passengers between the jurisdictions (as described in paragraphs (1) or (2) above), temporarily discharge and pick up such Passengers

within New York City; provided, however, that all the stops must occur within 24 hours of the initial pick up of the Passengers.

- (4) Transit through New York City for a trip beginning and ending outside New York City.
- (c) *Prohibited Activity.* A driver must NOT provide transportation for hire between two points wholly within New York City unless both vehicle and driver are licensed by the Commission.
- (d) *Unlicensed Activity.* A driver is engaged in Unlicensed Activity if he or she:
 - (1) Fails to have the licenses required or is not eligible for Reciprocity under subdivision (a) of this section.
 - (2) Engages in the prohibited activity described in subdivision (c) of this section.
- (e) *Issuing Jurisdiction Trip Record.*
 - (1) A record of each trip between New York City and an Issuing Jurisdiction must be made prior to the commencement of the trip and recorded on a Trip Record carried in the vehicle.
 - (2) The Trip Record must be kept for a period of no less than one year after the trip.
 - (3) The record of each trip must include the following information:
 - (i) The Passenger's name or other identifier.
 - (ii) The time of scheduled pick-up.
 - (iii) The location where the Passenger is scheduled to be picked up.
 - (iv) The location of any intermediate stops between the original pick-up location and the final destination.
 - (v) The Passenger's final destination.
 - (vi) At the completion of the trip, the time of completion shall be added to the record.
 - (4) The Trip Record must be kept in the vehicle during any trip between New York City and an Issuing Jurisdiction, including a trip through either New York City or an Issuing Jurisdiction.
 - (5) The Trip Record must be presented for inspection on request to any police officer or peace officer acting pursuant to his or her special duties or other person authorized by the Commission or by the Issuing Jurisdiction.
 - (6) Failure to present a properly maintained Trip Record when requested by an authorized person will be presumptive evidence of Unlicensed Activity.

§80-22 Vehicles – Operation and Condition

- (a) *3-Minute Idle.* Drivers must comply with the New York City Air Pollution Control Code, including the provision that the Driver must not cause or permit the engine of the Vehicle to idle for longer than three minutes.

§80-22(a)	Fine: \$25	Appearance NOT REQUIRED
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- (b) *Inspection by Driver of Vehicle Condition.* A Driver must not operate a Vehicle without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and passenger seatbelts and shoulder belts, is in good working order.

§80-22(b)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (c) *Clean Interior.* During his or her work shift, a Driver must keep the Vehicle’s interior clean.

§80-22(c)	Fine: \$25	Appearance NOT REQUIRED
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- (d) *Required Exterior Identification Clean and Visible.* During his or her work shift, a Driver must keep all exterior markings required by the Commission clean and unobstructed so that they can be seen at all times.

§80-22(d)	Fine: \$50	Appearance NOT REQUIRED
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- (e) *No Unauthorized Equipment in Taxicabs and Street Hail Liveries.* A Driver must not operate a Taxicab or Street Hail Livery that uses or has installed any equipment or mechanical or electronic devices not specifically listed in these rules, unless authorized in writing by the Commission.

§80-22(e)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (f) *Use of Electronic Devices in Taxicabs.* A Driver may use no more than one electronic device with an E-Hail Application, separate from the Technology System and/or a device provided for the Accessible Dispatch Program.

§80-22(f)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (g) *Use of Electronic Devices in Street Hail Liveries.* In addition to the Technology System and/or a device provided for the Accessible Dispatch Program, a Street Hail Livery is permitted to have:

- (1) the dispatch equipment required by its Street Hail Livery Base; and

- (2) one electronic device that is used to accept E-Hails from a licensed E-Hail Application and/or dispatches from a Base, provided that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion.

§80-22(g)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (h) *Use of Electronic Devices in For-Hire Vehicles.* In addition to the dispatch equipment required by a Driver’s Base, a For-Hire Vehicle Driver is permitted to use the following electronic device(s) provided that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:

- (1) If the dispatch equipment required by a Driver’s Base is capable of accepting dispatches from other Bases or Dispatch Service Providers, *ONE* electronic device that is used to accept dispatches from a Base.
- (2) If the dispatch equipment required by a Driver’s Base is not capable of accepting dispatches from other Bases, *TWO* electronic devices that are used to accept dispatches from a Base.

§80-22(h)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (i) *No Unauthorized Signage.* A Driver must not place any signs in a Taxicab or a Street Hail Livery not specifically listed in these rules, unless authorized in writing by the Commission.

§80-22(i)	Fine: \$25	Appearance NOT REQUIRED
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- (j) *IVCS.* A Driver must not delete, modify, or alter in any way image, or video footage of the IVCS.

§80-22(j)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.	Appearance REQUIRED
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§80-23 Vehicles – Required Items in Taxicabs and Street Hail Liveries

- (a) A Driver must not operate a Taxicab or Street Hail Livery unless the Vehicle is equipped or provided with the following:

- (1) The Technology System (or a written Trip Record, when required and permitted).

§80-23(a)(1)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) The Driver's TLC Driver License (or Paratransit License if the Vehicle is an Accessible Street Hail Livery being operated by a Paratransit Driver) displayed in the appropriate license frame).

§80-23(a)(2)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (3) The Rate Card assigned to the Taxicab or Street Hail Livery displayed in the Rate Card frame.

§80-23(a)(3)	Fine: \$50	Appearance NOT REQUIRED
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- (4) A New York City five (5) borough indexed street map or geographic position system device.

§80-23(a)(4)	Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing.	Appearance NOT REQUIRED
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(b) *Clear View for Passengers.*

- (1) A Driver must not block a Passenger's view of the Taximeter, his or her TLC Driver License, or the Rate Card and must not block in any way a Passenger's access to the medallion number or Street Hail Livery License number on the Raised Lettering Plaque and the Identification Braille Plaque.

§80-23(b)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (2) A Driver must not operate a Taxicab or Street Hail Livery after sunset unless the face of the Taximeter, his or her TLC Driver License, and the Rate Card are illuminated so that they are clearly visible from the rear seat by a Passenger with normal vision.

§80-23(b)(2)	Fine: \$25	Appearance NOT REQUIRED
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§80-24 Vehicles – Required Items in For-Hire Vehicles

- (a) *Licenses and Certificates.* A Driver must not operate a For-Hire Vehicle without the following:

- (1) On the right visor, on top of the right side of the dashboard or in the glove compartment:
- (i) The certificate of registration or a legible copy of it; and
 - (ii) The insurance card or a legible copy of it.

§80-24(a)(1)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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(2) The Driver’s TLC Driver License displayed in a protective holder attached to the back of the driver’s seat in the Vehicle.

(i) *Exception for Black Cars and Luxury Limousines.* Black Cars and Luxury Limousines will not be required to have the protective holder mounted to the back of the driver’s seat as required in this paragraph. However, the Driver’s TLC Driver License must be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

§80-24(a)(2)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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(b) *Trip Record.* If the For-Hire Vehicle is used for providing pre-arranged transportation for hire between the City of New York and an Issuing Jurisdiction, a Trip Record, as described in §80-25(f)(3), must be carried in the Vehicle.

(c) *Clear View for Passengers.* A Driver must not block a Passenger’s view of his or her TLC Driver License and, in a Livery, the Livery Passengers’ bill of rights.

§80-24(c)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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§80-25 Vehicles – Technology System Operation

(a) A Driver is required to log in and operate the Technology System for each trip in a Taxicab or Street Hail Livery, including those Taxicab or Street Hail Livery trips that begin with the use of an E-Hail Application but otherwise excluding Street Hail Livery trips that are Pre-Arranged Trips, except for Flex Fare Trips.

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

(1) A Driver must enter the appropriate off duty code into the Technology System.

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

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

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

- (1) When correcting a written Trip Record, a Driver:
- (i) Must not erase any entry or make it completely unreadable.
 - (ii) Must correct a wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change.
 - (iii) Must not leave blank lines between entries on any written Trip Record.

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

§80-25(e)(2)	Fine: \$250	Appearance NOT REQUIRED
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- (f) *Unauthorized Devices or Repairs.*

- (1) A Driver must not connect any unauthorized device to the Technology System.
- (2) The Driver must not tamper with, repair or attempt to repair the Technology System seals, cable connections or electrical wiring,
- (3) The Driver must not make any change in the Taxicab's or Street Hail Livery's mechanism or its tires which would affect the operation of the Technology System.

§80-25(f)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance REQUIRED
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§80-26 Vehicle – Taxicab and Street Hail Livery Taximeters and Roof Lights

- (a) *Taximeter Condition.*

- (1) *Defective Condition.* A Driver must not pick up or transport a Passenger in a Taxi or Street Hail Livery when the Taximeter in his or her Taxicab or Street Hail Livery is defective.

§80-26(a)(1)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Points: 1	Appearance REQUIRED
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- (2) *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.

§80-26(a)(2)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance REQUIRED
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- (3) *Procedures for Terminating Use of Vehicle with Defective Taximeter.* Upon terminating a trip because of a defective Taximeter the Driver must:
- (i) Log off from the Technology System
 - (ii) Lock the rear doors
 - (iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if the Technology System is inoperative)
 - (iv) Return the Vehicle immediately to the garage or base of record or a licensed Taximeter repair shop

§80-26(a)(3)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance REQUIRED
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- (4) A Driver must immediately notify the Taxicab Owner of any Taximeter defect.

§80-26(a)(4)	Fine: \$75	Appearance REQUIRED
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- (5) *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, pressed by the Commission or its authorized designee and show no signs of tampering. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the Vehicle.

- (i) The Commission will assume that a Driver who operates a Vehicle with a broken Taximeter seal knew of the tampering or alteration and deliberately operated the Vehicle in violation of this Rule, and will take appropriate action against the Driver.

§80-26(a)(5)	Fine: \$100	Appearance NOT REQUIRED
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- (6) *Receipt Paper.* A Driver must not pick up or transport a Passenger unless the Taximeter is properly equipped with paper for printing receipts.

§80-26(a)(6)	Fine: \$25	Appearance NOT REQUIRED
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(b) *Taximeter Operation.*

- (1) *Setting Taximeter to Record.* As soon as a Passenger enters the Taxicab or the Street Hail Livery on a Hail Trip, the Driver must immediately place the Taximeter in the recording or “Hired” position and must keep it in that position until arrival at the destination.

§80-26(b)(1)	Fine: \$200 Points: 1	Appearance NOT REQUIRED
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- (2) *Entering Passenger with a Disability.* If the Passenger is a Person with a Disability, the Driver must not place the Taximeter in the recording or “Hired” position while the Driver is assisting a person with a disability to enter the Vehicle or while assisting with that Passenger’s mobility aid.

§80-26(b)(2)	Fine: \$100 Points: 1	Appearance NOT REQUIRED
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- (3) *Exiting Passenger with a Disability.* If the Passenger is an individual with a disability who requires assistance to exit the Vehicle, the Driver must place the Taximeter in a non-recording position before assisting such Passenger and must leave the Taximeter in a non-recording position until such Passenger has paid the fare and safely exited the Vehicle.

§80-26(b)(3)	Fine: \$100	Appearance NOT REQUIRED
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- (4) *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 the Technology System, 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.

§80-26(b)(4)	Fine: \$100	Appearance NOT REQUIRED
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- (5) *End of Trip.* Upon reaching the Passenger's destination, the Driver must place the Taximeter in a non-recording or "Time Off" position, inform the Passenger of the fare due and leave the Taximeter in a non-recording position until the fare is paid.

§80-26(b)(5)	Fine: \$50	Appearance NOT REQUIRED
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- (6) *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.

§80-26(b)(6)	Fine: \$50	Appearance NOT REQUIRED
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(c) *Unauthorized Taximeter Devices or Repairs.*

- (1) A Driver must not connect any unauthorized device to the Taximeter.
- (2) The Driver must not tamper with, repair or attempt to repair the Taximeter seals, cable connections or electrical wiring,
- (3) The Driver must not make any change in the Vehicle’s mechanism or its tires which would affect the operation of the Taximeter system.

§80-26(c)(1)-(3)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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- (4) It will be an affirmative defense to a violation of this provision, §80-26(c), that the Driver:
 - (i) Did not know of or participate in the alleged Taximeter tampering, and
 - (ii) Exercised due diligence to ensure that Taximeter tampering did not occur.
- (d) *Report Signs of Tampering to TLC.* A Driver must notify the Owner (or, in the case of a Street Hail Livery, the Street Hail Livery Base) and the Commission by telephone immediately, and in writing within 24 hours, upon the discovery of any of the following:
 - (1) A Taximeter other than the Taximeter approved by the Commission and indicated on the Rate Card, has been installed in the Vehicle operated by the Driver.
 - (2) A Taximeter seal in the Vehicle operated by the Driver has been removed or tampered with.
 - (3) An unauthorized device that may affect the operation of a Taximeter has been connected to the Taximeter, seal, cable connection or electrical wiring of the Vehicle operated by the Driver.
 - (4) Any intervening connections, splices, “Y” connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the Vehicle operated by the Driver.

§80-26(d)	Fine: \$100	Appearance REQUIRED
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- (e) *Roof Light Condition.*
 - (1) The Roof Light must be illuminated when the Taximeter is not in use and the Driver is on duty and available; and
 - (2) The Roof Light must be off when any of the following occurs:
 - (i) The Taximeter is in use.
 - (ii) The Driver has logged off or logged on but is unavailable for street-hail in the Technology System.

- (iii) The Driver is a Street Hail Livery Driver traveling to pick up a Passenger for a Pre-Arranged Trip.

§80-26(e)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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(f) *Unauthorized Roof Light Devices or Repairs*

- (1) A Driver must not tamper with the Roof Light or any of the interior lights or connections except to replace a defective bulb or fuse.
- (2) The Roof Light of a Taxicab or Street Hail Livery must be automatically controlled only by the movement of the Taximeter button or ignition switch.
- (3) The Commission will assume that a Driver who operates a Vehicle with an unauthorized installation or device controlling interior or roof lighting knew of the unauthorized installation or device and deliberately operated the Vehicle in violation of this Rule, and the Commission will take appropriate action against the Driver.

§80-26(f)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 3	Appearance REQUIRED
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§80-27 Persistent Violator Program

(a) *Program for Persistent Violators of Drivers' Rules.*

- (1) *Suspension and Revocation – Points and Time Periods.*
 - (i) *Suspension.* Any Driver whose License has not been revoked and who has within a 15-month period accumulated a total of at least six but fewer than ten TLC Points or DMV Points or both combined, counting from the date of conviction, will have such Driver's TLC Driver License suspended for up to 30 days.
 - (ii) *Revocation.* The Commission will revoke the TLC Driver License of any Driver who has within a 15-month period accumulated a total of 10 or more TLC Points or DMV Points or both combined, counting from the date of conviction.
- (2) *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.
- (3) *More Severe Penalties at Discretion of Commission.* The Commission can impose penalties that are more severe than or additional to those stated in this section.

- (4) *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.
- (5) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will deduct three TLC Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course or three DMV Points from the points accumulated by 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.
 - (ii) In order for the Defensive Driving Course or 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. Completion of the Defensive Driving Course or Point Reduction Course after the adjudication of a Persistent Violator Program summons will reduce the Driver's Persistent Violator Program points only after the Driver completes such Driver's suspension. If the Driver's License was issued by a state other than New York, the Driver must submit a recent driving abstract from the state of licensure. The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed.
 - (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 the TLC Points of any Driver more than once in any five year period and will not reduce the DMV Points of any Driver more than once in any 18-month period.
 - (v) If no Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a New York State DMV Approved Defensive Driving Course. After the Driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from the number of points accrued under the Persistent Violator Program whether such points are TLC Points or DMV Points.
- (6) 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.

- (7) *Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules* Any points accumulated under this Chapter by a Paratransit Driver operating an Accessible Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as specified in Section 56-13(b) of these rules, and the Driver may incur the penalties specified as a result.

§80-28 Transition

Actions taken by the Commission under former chapters 54 and 55 of these Rules remain effective.

(a) Transition Provisions for Existing Licenses.

- (1) The Activation Date (the "Activation Date") will be decided by the Taxi and Limousine Commission but will be no earlier than the date these rules take effect.
- (2) *Obligation to follow all Rules set forth in Chapter 80.* All Licensees possessing a Taxicab Driver's License or For-Hire Driver's License must obey the Rules specified in Chapter 80 beginning on the Activation Date, irrespective of when a License was issued or when the License expires. A Licensee will be responsible for his or her conduct as a Licensee under the Chapter 80 Rules beginning on the Activation Date.
- (3) *Conversion to TLC Driver License.* Any Taxicab Driver's License or For-Hire Driver's License shall become a TLC Driver License on the Activation Date. Any person holding both a Taxicab Driver's License and a For-Hire Driver's License shall hold only a single TLC Driver License as of the Activation Date.
- (4) *Chapter 54 and/or Chapter 55 Rules are no defense to ongoing obligations.* After the Activation Date, no person can raise as a defense to a violation of the Rules specified in Chapter 80 either the existence of the rules specified in former Chapters 54 and/or 55 before the Activation Date or that a License was issued under the Rules specified in former Chapters 54 and/or 55.
- (5) *License Terms-Expiration.*
 - (i) A License Valid and in effect on the Activation Date expires on the date it was scheduled to expire when that License was originally issued.
 - (ii) A License suspended on the Activation Date expires on the date it was scheduled to expire when that License was originally issued.
- (6) *License Renewals.* When a License expires on or after the Activation Date, the rules specified in Chapter 80 apply to any application to renew that License.

(b) License Applications

- (1) *License Applications received before the Activation Date.* License applications received before the Activation Date will be processed under the Rules specified in Chapters 54 or 55. However, for any such License, the Licensee must follow the Rules specified in Chapter 80 beginning on the Activation Date.
 - (2) *License Applications received after the Activation Date.* License applications received on and after the Activation Date will be processed under the Rules specified in Chapter 80.
- (c) Persistence of Enforcement Actions
- (1) *Summonses.*
 - (i) All summonses written and outstanding under Chapter 54 and Chapter 55 remain valid at and after the Activation Date. Charges in the summonses will be adjudicated under former Chapters 54 and 55.
 - (ii) All summonses written beginning on the Activation Date will be written under the Rules specified in Chapter 80. Charges in the summonses will be adjudicated under the Rules specified in Chapter 80.
 - (iii) No summons can be dismissed on or after the Activation Date on the ground that it was written under the Rules specified in former Chapters 54 or 55 for conduct that occurred before the Activation Date.
 - (2) *Outstanding Fines and Penalties.*
 - (i) Fines, penalties and debts owed to the Commission on the Activation Date for violation of any rule or duty continue to be due and payable until paid.
 - (ii) Any fine, penalty or debt imposed on or after the Activation Date resulting from a summons written under the Rules specified in former Chapters 54 or 55 for conduct that occurred before the Activation Date will be due and payable until paid.
 - (3) *Suspensions.*
 - (i) Any License suspension which has gone into effect before the Activation Date remains in effect beginning on the Activation Date and must be served until the terms of the suspension are satisfied.
 - (ii) Any suspension imposed under the Rules specified in former Chapters 54 or 55 which goes into effect beginning on or after the Activation Date must be served until the terms of the suspension are satisfied.
 - (iii) The Activation Date will not affect the end date of any suspension.

- (4) *Hearing Schedules.* The Activation Date will not affect the date of any Hearing or other action scheduled before the Commission's Adjudications Tribunal or OATH
- (5) *Directives and Notices to Correct.*
 - (i) Any directive or notice to correct issued by the Commission before the Activation Date remains in effect on the Activation Date and until complied with.
- (6) *Outstanding Points for Drivers, Vehicle Owners, and Bases.*
 - (i) All points issued as penalties by the Commission under any of the Persistent Violator or Critical Driver Programs, or as Penalty Points to owners of For-Hire Vehicles or Bases and accumulated against any License on the Activation Date remain in effect.
 - (ii) Any points issued and accumulated on and after the Activation Date as a result of summonses issued under the Rules specified in former Chapters 54 or 55 will be added to any accumulated points.
 - (iii) Any action to suspend or revoke any License under any accumulated point program initiated on or after the Activation Date will be governed by the Rules specified in Chapter 80.
 - (iv) In any action to suspend or revoke any License, the Commission will consider points accumulated within the period specified by applicable rules. Points accumulated against a License both before and on and after the Activation Date will be considered.
- (7) *Cumulative Penalties.*
 - (i) When penalties are affected by the number of times a person has been convicted of that violation, convictions for prior offenses under the Rules specified in former Chapters 54 and 55 count toward second and subsequent offense penalties under the Rules specified in Chapter 80.
 - (ii) For Drivers who possess both a Medallion Operator's License and a For-Hire Vehicle License on the Activation Date, only the more heavily penalized license will be used for the purpose of assessing penalties based on Violations that occur after the Activation Date.