



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

STATEN ISLAND BOROUGH PRESIDENT

■ PUBLIC MEETING

The Staten Island Borough Board, Wednesday, June 2, 2010, Conference Room 122 at 5:30 P.M. Staten Island Borough Hall, Stuyvesant Place, Staten Island, New York 10301.

m27-j2

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, June 9, 2010, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN

No. 1

BROOKLYN TERMINAL MARKET

CD 18 C 090376 PPK
IN THE MATTER OF an application submitted by the Department of Small Business Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 8201 Foster Avenue (Block 7920, Lots 20 and 25), in the Brooklyn Terminal Market, pursuant to zoning.

No. 2

470 VANDERBILT AVENUE OFFICE SPACE

CD 2 N 100390 PPK
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 470 Vanderbilt Avenue (Block 2009, Lot 1) (Human Resources Administration).

YVETTE V. GRUEL, Calendar Officer

City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

m26-j9

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO 11 - Monday, June 7, 2010 at 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

#C 100409ZMQ

An application by the New York City Department of City Planning to rezone the areas of Hollis Hills, Oakland Gardens, and parts of Auburndale in Queens.

j1-7

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 03 - Tuesday, June 8, 2010, 6:00 P.M., 1426 Boston Road, (near Prospect Ave. and East 170th St.) Bronx, NY

#C 070550ZMX

IN THE MATTER of an application submitted by High Hawk, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from a C8-3 district to an R7-1 district property bounded by Boston Road, Hoe Avenue, and East 174th Street.

j2-8

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 01 - Monday, June 7, 2010, 8:00 P.M., Community Board Office, 1 Edgewater Plaza - Suite #217, Staten Island, New York

Agenda

BSA 44-99-BZ

Application has been submitted to extend the term of a variance in an R3A zoning district, and waive the Rules of Practice and Procedure due to the fact that the variance expired on February 1, 2010 at 194 Brighton Avenue.

#N 100250ZAR

Application has been submitted to authorize disturbance of steep slope, modify tree preservation requirements and modify lot coverage controls on a tier I site in order to facilitate the construction on an in-ground swimming pool and relocate retaining walls within the Special Hillside Preservation District at 294 Howard Avenue.

#N 100284ZRY

Application submitted to create regulations to allow car share vehicles to park in off-street accessory garages, lots and in public parking facilities in all zoning districts.

j1-7

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 03 - Monday, June 7, 2010, 6:30 P.M., University Settlement - (Speyer Hall), 184 Eldridge Street (Rivington and Delancey Streets), New York, NY

Land Use/Zoning/Public and Private Housing Committee
Third Avenue Corridor Rezoning:

#N 100419ZRM

Zoning map and text amendments for the area bounded by East 9th Street and East 13th Street between 3rd Avenue and 4th Avenue, and including the east side block frontage on 3rd Avenue between East 9th and East 13th, zoning text

amendment to make the Inclusionary Housing Program applicable within the proposed rezoning area.

#100420ZMM

Zoning map amendment to rezone an existing C6-1 district to a C6-2A district.

j1-7

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 02 - Thursday, June 3, 2010 at 7:00 P.M. Sunnyside Community Services, 43-31 39th Street, 1st Floor, Sunnyside, NY

Sunnyside/Woodside Rezoning

Sunnyside/Woodside Rezoning: The Department of City Planning has undertaken the rezoning of the Sunnyside/Woodside area. The study area consists of approximately 130 blocks, generally bounded by 37th Avenue and the Sunnyside rail yard to the north, BQE, the New York connecting railroad and 72nd Street to the east, Woodside, Roosevelt and 47th avenues to the south, and 39th Street to the west. The study corridors of Queens Boulevard, Greenpoint and Roosevelt Avenue served by the elevated #7 train.

m28-j3

#N 100284ZRY

Car Sharing Text Amendment
Department of City Planning is proposing a car sharing text amendment to the Zoning Resolution which will create regulations to allow car share vehicles to park in off-street accessory garages, lots and in public parking facilities in all zoning districts.

Sunnyside/Woodside Rezoning: The Department of City Planning has undertaken the rezoning of the Sunnyside/Woodside area. The study area consists of approximately 130 blocks, generally bounded by 37th Avenue and the Sunnyside rail yard to the north, BQE, the New York connecting railroad and 72nd Street to the east, Woodside, Roosevelt and 47th avenues to the south, and 39th Street to the west. The study corridors of Queens Boulevard, Greenpoint and Roosevelt Avenue served by the elevated #7 train.

FRANCHISE AND CONCESSION REVIEW COMMITTEE

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, June 9, 2010 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

m28-j9

LABOR RELATIONS

■ MEETING

The New York City Deferred Compensation Plan Board will hold its monthly meeting on Wednesday, June 2, 2010 from 10:00 A.M. to 1:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

m28-j2

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **June 15, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre

Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-7717 - Block 8057, lot 14-22 West Drive, aka 37-22 West Drive - Douglaston Historic District

An English Cottage style freestanding house designed by Frank J. Forster and built in 1936. Application is to construct an addition and dormer and modify masonry openings. Zoned R1-1

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7788 - Block 276, lot 16-169 Atlantic Avenue - Brooklyn Heights Historic District
A modern commercial style building built 1976-77. Application is to install awnings and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5767 - Block 1151, lot 13-162 St. Marks Avenue - Prospect Heights Historic District
A neo-Grec style rowhouse built c.1879. Application is to legalize painting the facade, stoop, areaway wall and steps and removing a bluestone sidewalk and areaway pavers without Landmarks Preservation Commission permits.

BINDING REPORT
BOROUGH OF BROOKLYN 10-4900 - Block 8502, lot 20-1940 East 36th Street - Hendrick I. Lott House- Individual Landmark
A Dutch Colonial style wood-frame house built in 1800, incorporating a structure built in 1720. Application is to install fencing, alter circulation paths, construct outbuildings and a barrier-free access ramp.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5269 - Block 1680, lot 19-250 Decatur Street - Stuyvesant Heights Historic District
A Romanesque Revival style rowhouse with Renaissance Revival style elements designed by Magnus Dalander & Associates and built in 1894-97. Application is to legalize the installation of stoop railings and a lamppost without Landmarks Preservation Commission permits.

BINDING REPORT
BOROUGH OF MANHATTAN 10-7128 - Block 122, lot 1-City Hall- Individual and Interior Landmark-African Burial Ground and Commons Historic District
A Federal style government building designed by Mangin and McComb and built between 1802 and 1811. Application is to install rooftop mechanical equipment, modify interior and exterior stairs, install fire suppression equipment and alter an areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7832 - Block 21, lot 6-71 Broadway - Empire Building-Individual Landmark
A neo-Classical style office building designed by Kimball & Thompson and built in 1897-98. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8866 - Block 46, lot 9-14 Wall Street - 14 Wall Street Building - Individual Landmark
A Classical Revival style office building designed by Trowbridge & Livingston, and built in 1910-12, with a Modern Classic style addition designed by Shreve, Lamb & Harmon and built in 1931-33. Application is to install two escalators, modify storefront infill and install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7083 - Block 483, lot 29-54 Crosby Street - SoHo-Cast Iron Historic District
A two-story building altered in 1980. Application is to enlarge the ground floor opening and install new infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8384 - Block 572, lot 11-62 West 9th Street - Greenwich Village Historic District
A Greek Revival style rowhouse built in 1839, with a ground floor storefront. Application is to legalize the installation of lighting and a related housing, and artificial ivy secured to the facade without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7288 - Block 615, lot 62-30 Jane Street - Greenwich Village Historic District
A stable building built in 1870. Application is to paint the facade and install a display window.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7964 - Block 634, lot 60-581 Hudson Street - Greenwich Village Historic District
A brick apartment house with a commercial ground floor built in 1873. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8714 - Block 506, lot 53-27 Vandam Street - Charlton-King-Vandam Historic District
A Federal style rowhouse built in 1823. Application is to remove lintel covers, construct rooftop and rear yard additions, and excavate the rear yard. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7801 - Block 646, lot 30-420 West 14th Street - Gansevoort Market Historic District
A neo-Classical style store-and-loft building designed by Thomas H. Styles and built in 1903-04. Application is to establish a master plan governing the future installation of storefronts infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3959 - Block 848, lot 14-893 Broadway, aka 13 East 19th Street - Ladies' Mile Historic District
A neo-Grec style converted shop and dwelling built in 1844, altered in 1873-74 and altered again in 1975. Application is to alter the facade and replace storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6943 - Block 1274, lot 25-768-770 Fifth Avenue - Plaza Hotel-Individual and Interior Landmark
A French Renaissance style hotel designed by Henry J. Hardenberg and built in 1905-07, with an addition designed by Warren and Wetmore and built in 1921. Application is to alter stairs and replace railings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8687 - Block 1264, lot 5-1 Rockefeller Plaza-Rockefeller Center - Individual Landmark

An Art Deco style office tower, designed by L. Andrew Reinhard and Wallace K. Harrison of the Associated Architects and built in 1936-37 as part of the Rockefeller Center complex. Application is to alter storefront infill and install planters.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8922 - Block 1257, lot 1-476 Fifth Avenue - The New York Public Library - Individual and Interior Landmark
A Beaux-Arts style library building designed by Carrere & Hastings and built in 1898-1911. Application is to install lighting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-2827 - Block 1228, lot 33-428 Amsterdam Avenue - Upper West Side/Central Park West Historic District
A Renaissance Revival style building designed by Henry F. Cook and built in 1896-97. Application is to install storefront infill and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7983 - Block 1127, lot 1 301 Columbus Avenue - Upper West Side/Central Park West Historic District
A Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1890-91. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6344 - Block 1121, lot 39-14 West 69th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Gilbert A. Schellenger and built in 1896. Application is to alter the areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8871 - Block 1144, lot 7501-105 West 72nd Street - Upper West Side/Central Park West Historic District
A neo-Renaissance style apartment building with Churrigueresque style elements designed by George and Edward Blum and built in 1913. Application is to recreate a balcony that was removed without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4691 - Block 1127, lot 18-27 West 74th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse, designed by John H. Duncan, and built in 1889-90. Application is to alter the stoop and areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3560 - Block 1167, lot 29-201 West 75th Street, aka 318-330 Amsterdam Avenue - New York Cab Company Stable - Individual Landmark
A Romanesque Revival style commercial stable building designed by C. Abbott French and built in 1888-90. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7373 - Block 1128, lot 18-25 West 75th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by George M. Walgrove and built in 1892-93. Application is to alter the basement entrance.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8591 - Block 1416, lot 7-211 East 61st Street - Treadwell Farms Historic District
A rowhouse built in 1875, and altered in the English Regency style, between 1940 and 1966. Application is to alter the primary facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3999 - Block 1381, lot 7504 - 21 East 66th Street - Upper East Side Historic District
A neo-Gothic style apartment building designed by Fred F. French Company and built in 1921. Application is to construct a rooftop addition. Zoned C5-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8711 - Block 1385, lot 1-1 East 70th Street - Henry Clay & Adelaide Childs Frick House- Individual Landmark-Upper East Side Historic District
A French Louis XVI style mansion designed by Carrere & Hastings, built in 1913-14 and altered by John Russell Pope in 1931-35. Application is to enclose a loggia.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BRONX 10-7906 - Block 2309, lot 1-112 Lincoln Avenue - Estey Piano Factory Building -Individual Landmark
A factory building designed by A.B. Ogden & Son architects, and built in 1885-86, with later additions. Application is to amend Certificate of Appropriateness 10-5557 to construct a rear yard addition. Zoned M1-2/R6A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7619 - Block 1498, lot 69-1056 Fifth Avenue - Carnegie Hill Historic District
A modern style apartment building designed by George F. Pelham and built in 1948. Application is to install a new window opening and to create a master plan for terrace enclosures. Zoned R10/R8-B.

Corrections, the Department of Probation, the New York Police Department, the Department of Housing Preservation and Development, the Department of Homeless Services, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Records and Information Services, the New York City Office of Chief Medical Examiner, the New York City Economic Development Corporation on behalf of the Department of Small Business Services, and NYC & Company on behalf of the Department of Small Business Services.

The portfolio of Agency Concession Plans covers significant and non-significant concessions expiring, continuing and anticipated for solicitation or initiation in Fiscal Year 2011. Furthermore, the portfolio covers:

- Department of Parks and Recreation: mobile food units, food service facilities, golf courses, driving ranges, marinas, tennis professionals, Christmas trees, parking lots, markets, concerts, newsstands, stables, gas stations, amusement venues, ice skating rinks, carousels, ferry services, bike rentals, circus, sailboat rentals, souvenirs and gifts.
- Department of Citywide Administrative Services: maritime and non-maritime occupancy permits.
- Department of Transportation: food kiosks, vending machines, pedestrian plazas, food courts.
- Department of Corrections: commissary services, food court, lockers.
- Department of Probation: advertising and marketing software.
- New York City Police Department: vending machines.
- Department of Housing Preservation and Development: vending machines.
- Department of Homeless Services: athletic facilities.
- Department of Environmental Protection: gas purification.
- Department of Health and Mental Hygiene: drug discount card program, café.
- Department of Records and Information Services: publication of record collections.
- New York City Office of the Chief Medical Examiner: DNA swab kit.
- New York City Economic Development Corporation on behalf of the Department of Small Business Service: parking lots, maritime and non-maritime occupancy permits.
- NYC & Company on behalf of the Department of Small Business Services: marketing, advertising, intellectual property & trademark merchandising.

Interested parties may obtain a copy of the Agency Concession Plans by contacting Adam Buchanan by phone at (212) 788-0023 or via email at abuchanan@cityhall.nyc.gov. Hard copies will be provided at a cost of \$.25 per page by check or money order made payable to the New York City Department of Finance. Upon request, a PDF version of the Agency Concession Plans is available free of cost. The FCRC shall consider the issues raised at the Public Hearing in accordance with the procedures set forth in the Charter under the City Administrative Procedure Act.

m21-j7

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 p.m. on Wednesday, June 23, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 4 St. Luke's Place Inc. to continue to maintain and use a fenced-in area on the north sidewalk of St. Luke's Place, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:
For the period July 1, 2010 to June 30, 2020 - \$25/per annum

the maintenance of a security deposit in the sum of \$2,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing The Iris Foundation to continue to maintain and use a conduit under, across and along West 86th Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2010 to June 30, 2011 - \$6,995
For the period July 1, 2011 to June 30, 2012 - \$7,199
For the period July 1, 2012 to June 30, 2013 - \$7,403
For the period July 1, 2013 to June 30, 2014 - \$7,607
For the period July 1, 2014 to June 30, 2015 - \$7,811
For the period July 1, 2015 to June 30, 2016 - \$8,015
For the period July 1, 2016 to June 30, 2017 - \$8,219
For the period July 1, 2017 to June 30, 2018 - \$8,423
For the period July 1, 2018 to June 30, 2019 - \$8,627
For the period July 1, 2019 to June 30, 2020 - \$8,831

the maintenance of a security deposit in the sum of \$8,900 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing New York University to construct, maintain and use two additional conduits under and across West 4th Street, west of Mercer Street, in the Borough of Manhattan. The proposed revocable consent is for a term of four years from the date of approval by the Mayor to June 30, 2014 and provides among other terms and conditions for the compensation payable to the City according to the following schedule:

From the approval date to June 30, 2011 - \$14,569 + \$4,975/per annum (prorated from the date of Approval by the Mayor)

For the period July 1, 2011 to June 30, 2012 - \$20,002
For the period July 1, 2012 to June 30, 2013 - \$20,460
For the period July 1, 2013 to June 30, 2014 - \$20,918

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

NOTICE OF FRANCHISE AND CONCESSION REVIEW COMMITTEE PUBLIC HEARING ON AGENCY CONCESSION PLANS

Notice of a Franchise and Concession Review Committee (FCRC) Public Hearing on Agency Concession Plans for Fiscal Year 2011 pursuant to Section 1-10 of the Concession Rules of the City of New York (Concession Rules), to be held on June 7, 2010, commencing at 2:30 P.M., and located at 22 Reade Street, Barish Room, Manhattan. At this hearing, the FCRC will further solicit comments about the provisions of the Concession Rules from the vendor community, civic groups and the public at large.

The following agencies submitted an Annual Concession Plan: the Department of Parks and Recreation, the Department of Citywide Administration Services, the Department of Transportation, the Department of

j2-15

the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing Citibank, N.A. to continue to maintain and use removable railings on the south sidewalk of 44th Drive and north sidewalk of 45th Avenue, between 23rd Street and Jackson Avenue, and on the northwest sidewalk of Jackson Avenue, northeast of 45th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2007 to June 30, 2017 and provide among other terms and conditions for the compensation payable to the City according to the following schedule.

For the period July 1, 2007 to June 30, 2008 - \$2,492
 For the period July 1, 2008 to June 30, 2009 - \$2,567
 For the period July 1, 2009 to June 30, 2010 - \$2,644
 For the period July 1, 2010 to June 30, 2011 - \$2,723
 For the period July 1, 2011 to June 30, 2012 - \$2,802
 For the period July 1, 2012 to June 30, 2013 - \$2,881
 For the period July 1, 2013 to June 30, 2014 - \$2,960
 For the period July 1, 2014 to June 30, 2015 - \$3,039
 For the period July 1, 2015 to June 30, 2016 - \$3,118
 For the period July 1, 2016 to June 30, 2017 - \$3,197

the maintenance of a security deposit in the sum of \$3,200 and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#5 In the matter of a proposed revocable consent authorizing Citibank, N.A. to continue to maintain and use bollards on the south sidewalk of 44th Drive and north sidewalk of 45th Avenue, between 23rd Street and Jackson Avenue, and on the northwest sidewalk of Jackson Avenue, northeast of 45th Avenue; to remove thirteen bollards and five planters and to construct, maintain and use additional bollards on the northwest sidewalk of Jackson Avenue, northeast of 45th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor. There shall be no compensation required for this revocable consent.

the maintenance of a security deposit in the sum of \$19,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

✉ j2-23

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001 - X

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, June 9, 2010 (SALE NUMBER 10001-X). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

<http://www.nyc.gov/autoauction>
OR

<http://www.nyc.gov/autoauctions>

Terms and Conditions of sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

m24-j9

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street,

Bronx, NY 10451, (718) 590-2806.

- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

CABLE KIT, COMPUTER SECURITY (RE-AD) – Competitive Sealed Bids – PIN# 8571000742 – DUE 06-17-10 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services
 1 Centre Street, Room 1800, New York, NY 10007.

Anna Wong (212) 669-8610, fax: (212) 669-7603
 dcasmssbids@dcas.nyc.gov

✉ j2

■ AWARDS

Goods

NYS CONTR FOR HP PC AGGREGATE PURCHASE - DHS – Intergovernmental Purchase – PIN# 8571000815 – AMT: \$647,900.00 – TO: Hewlett Packard Company, 10810 Farnam Drive, Omaha, NE 68154. NYS Contract #PT55722.
● NYS CONTR FOR DELL ENTERPRISE SYSTEMS - DEP – Intergovernmental Purchase – PIN# 8571000812 – AMT: \$640,001.80 – TO: Dytek Services Inc., 1250 Broadway, Suite 3801, New York, NY 10001. NYS Contract #PT64100.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

✉ j2

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

✉ j17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION –

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

✉ j17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

✉ j17-j4

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

■ SOLICITATIONS

Goods & Services

BATHGATE INDUSTRIAL SITE – Request for Proposals – PIN# 3855-0 – DUE 08-16-10 AT 4:00 P.M. – New York City Economic Development Corporation ("NYCEDC"), on behalf of the City of New York (the "City"), is seeking proposals for the disposition and development of a vacant industrial property located within the Bathgate Industrial Business Zone in the Bathgate section of the Bronx. The full-block site measures approximately 109,000 square feet, and is situated on Bathgate Ave., just south of the Cross-Bronx Expressway. The Site represents an excellent development opportunity for industrial businesses and developers looking for a larger development site, proximity to highways and public transportation, as well as availability of a local workforce in surrounding neighborhoods. Additionally, the Site is located within the Food Retail Expansion to Support Health ("FRESH") program area, and proposed industrial uses of the Site may include a wholesale produce or meat market - which may be associated with a grocery store.

NYCEDC plans to select a Developer on the basis of factors stated in the RFP which include, but are not limited to: the quality of the proposal, experience of key staff identified in the proposal, experience and quality of any subcontractors proposed, demonstrated successful experience in performing services similar to those encompassed in the RFP and the proposed fee.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit www.nycfedc.com/opportunitymwd. An optional informational session will be held on Monday, July 19th, 2010 at 10:00 A.M. at NYCEDC. Those who wish to attend should RSVP by email to BathgateRFP@nycfedc.com on or before July 16th, 2010 at 4:00 P.M.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 4:00 P.M. on Monday, August 2, 2010. Questions regarding the subject matter of this RFP should be directed to BathgateRFP@nycfedc.com. For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Monday, August 9, 2010, to www.nycfedc.com/RFP.

To download a copy of the solicitation documents please visit www.nycfedc.com/RFP. Please submit six (6) sets and (1) electronic version of the submission on disk in PDF and Excel formats, identified by "Bathgate Industrial Site Proposal" on the envelope to NYCEDC.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Economic Development Corp., 110 William Street, 6th Floor
 New York, NY 10038. Maryann Catalano (212) 312-3969
 fax: (212) 312-3918, BathgateRFP@nycfedc.com

✉ j2

RESIDENT ENGINEERING SERVICES NEW

STAPLETON WATERFRONT PROJECT – Request for Proposals – PIN# 19720004 – DUE 07-06-10 AT 4:00 P.M. – Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit www.nycfedc.com/mwbeprogram. A pre-proposal session will be held on Monday, June 14, 2010 at 9:00 A.M. at the shoreline of the main pier at the Project Site. Those who wish to attend should RSVP by email to StapletonRFP@nycfedc.com on or before June 10, 2010.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 5:00 P.M. on Tuesday, June 15, 2010. Questions regarding the subject matter of this RFP should be directed to StapletonRFP@nycfedc.com. For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Friday, June 25, 2010, at www.nycfedc.com/RFP.

To download a copy of the solicitation documents please visit www.nycfedc.com/RFP. Please submit four (4) sets of your proposal to NYCEDC.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Economic Development Corp., 110 William Street, 6th Floor
 New York, NY 10038. Maryann Catalano (212) 312-3969
 fax: (312) 3918, stapleton@nycfedc.com

✉ j2

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods

COMMUNICATION DEVICES FOR USE BY STUDENTS WITH SPECIAL NEEDS – Sole Source – Available only from a single source - PIN# B1486040 – DUE 06-09-10 AT 5:00 P.M. – The Department of Education intends to enter into a sole source agreement with Proxtalker LLC to supply 25 communication devices for use by students with special needs. Proxtalker is a picture based communication device that relates directly with the picture exchange communication system program. The Proxtalker is unique in that it incorporates this system and adds a voice to it.

Research has indicated that this product can only be obtained through Proxtalker. The DOE is looking for other vendors that are able to supply this product. To express your interest or ask a question, please send an e-mail to

mmccrann@schools.nyc.gov indicating your ability to supply this product.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Education, 65 Court Street, Room 1201
Brooklyn, NY 11021. Myra McCrann (718) 935-2061
mmccrann@schools.nyc.gov

j2

EMPLOYEES' RETIREMENT SYSTEM

INTENT TO AWARD

Goods & Services

VIGNETTE SOFTWARE MAINTENANCE – Negotiated Acquisition – Available only from a single source - PIN# 0090528101 – DUE 06-09-10 AT 9:00 A.M. – Contractor shall provide maintenance and support for NYCERS existing Vignette case management software.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Employees Retirement System, 335 Adams Street, Suite 2300
Brooklyn, NY 11201. Sari Goldmeer Rella (347) 643-3612
fax: (347) 643-3200, sgoldmeer@nycers.nyc.gov

j2-8

MAINLINE DISASTER RECOVERY SITE SERVER INFRASTRUCTURE AGREEMENT – Negotiated Acquisition – PIN# 0090526101 – DUE 06-08-10 AT 9:00 A.M. – The vendor will provide hardware, services and maintenance to implement the server infrastructure for NYCERS Data Center at its Disaster Recovery Site. The server infrastructure shall provide computing resources at the Disaster Recovery Site and shall provide redundancy between the Data Centers in NYCERS Brooklyn Office and NYCERS Disaster Recovery Site. Thereafter, vendor will provide services and maintenance as it relates to the upkeep of the server infrastructure.

Pursuant to PPB Rule 3-04, NYCERS will award a contract under a negotiated acquisition due to a compelling need for goods and services that cannot be timely met through competitive sealed bidding or competitive sealed proposals.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Employees Retirement System, 335 Adams Street, Suite 2300
Brooklyn, NY 11201. Sari Goldmeer Rella (347) 643-3612
sgoldmeer@nycers.nyc.gov

j1-7

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

SOLICITATIONS

Services (Other Than Human Services)

CLEAN AND ULTRASOUND TEST (2) 50,000 GALLON FUEL OIL TANK #5 AND #12 – Competitive Sealed Bids – PIN# 000041210034 – DUE 07-08-10 AT 3:00 P.M. – Please be advised that two mandatory pre-bid conferences are scheduled on June 22, 2010 at 10:30 A.M. or June 30, 2010 at 10:30 A.M. in Conference Room B, 2nd Floor between C and D Buildings at Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, NY 10044.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Starr Kollore (212) 318-4260
fax: (212) 318-4253, starr.kollore@nychhc.org

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HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

AWARDS

Services (Other Than Human Services)

AUDIT OF DELEGATE AGENCIES/HOSPITALS CONTRACTS – Request for Proposals – PIN# 10MA018704ROXOO – AMT: \$432,740.00 – TO: T. S. Anand and Co., CPA, PC, 1350 Broadway, Suite 913, New York, NY 10018.

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HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human/Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood

Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmoira@dhs.nyc.gov

j6-20

HOUSING PRESERVATION & DEVELOPMENT

SOLICITATIONS

Construction/Construction Services

STUCCO WORK AT 1558 BRYANT AVENUE, BRONX – Competitive Sealed Bids – PIN# CM500EA32079 – DUE 06-22-10 AT 10:00 A.M. – This solicitation is subject to City of New York Local Law 129 of 2005. Minority-Owned and Women-Owned Business Enterprises (M/WBEs) are encouraged to bid and subcontracting is subject to M/WBE participation goals. Non-refundable bid documents cost \$40.00. Payable by money order, bank check, or certified check made payable to Melcara Corp. Site walk-through 06/15/10 at 2:00 P.M. mandatory for all bidders. Call (212) 387-0016 for information. Bids due 06/22/10 by 10:00 A.M. at 100 Gold Street, Rm. 6F3, NYC.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Melcara Corporation, 240 Madison Avenue, 9th Floor
New York, NY 10170. Peter Clements (212) 861-8025
peterc@prcnyc.com

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JUVENILE JUSTICE

SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street
14th Floor, New York, NY 10038.
Chuma Uwechia (212) 442-7716, cuwechia@djj.

jy1-d16

POLICE

CONTRACT ADMINISTRATION UNIT

SOLICITATIONS

Services (Other Than Human Services)

BID EXTENSION: AUDIO/VIDEO EQUIPMENT UPGRADE W/ 3-YR MAINTENANCE – Competitive Sealed Bids – PIN# 05610000686 – DUE 06-08-10 AT 11:00 A.M. – BID EXTENSION: The New York City Police Department seeks a vendor for furnishing all labor and material necessary and required for Audio/Video Equipment Upgrade and three year maintenance at the Police Academy. Optional pre-bid conference is scheduled to be held at 12:00 P.M. on Tuesday, May 11, 2010 at the Police Academy, 235 East 20th Street, Room 760B, New York, New York 10003.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Police Department, 51 Chambers Street, Room 310, New York, NY 10007. Stephanie Gallop (646) 610-5225,
stephanie.gallop@nypd.org

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SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

ASTRO TURF FOOTBALL FIELD – Competitive Sealed Bids – PIN# SCA10-10694D-2 – DUE 06-11-10 AT 12:00 P.M. – Project Range: \$2,500,000.00 to \$2,640,000.00. Pre-Bid Meeting: June 3, 2010 at 10:00 A.M. NYC School Construction Authority, Plans Room Window, Room# 1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Anthony Largie (718) 752-5842
alargie@nycsca.org

m26-j2

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

SOLICITATIONS

Construction Related Services

RFEI - FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR PROJECT HH-10, REPLACEMENT OF UPPER LEVEL CURB STRINGER AND SAFETY BARRIER AT THE HENRY HUDSON BRIDGE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# PSC102864000 – DUE 06-17-10 AT 3:30 P.M. – Estimated Range is \$2.0 - \$5M. Request for Expressions of Interest, for more information please visit our website at www.mta.info

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Triborough Bridge and Tunnel Authority, 2 Broadway, Bid Suite, New York, NY 10004. Victoria Warren (646) 252-6101, fax: (646) 252-6108, vprocure@mtabt.org
All proposals must be delivered to the 2 Broadway, Bid Suite, located at the 3 Stone Street entrance. Please allow extra time for delivery.

j2

RFEI - FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR REPLACEMENT OF T-48 ROADWAY WEARING SERVICES AT THE RKF BRIDGE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# PSC10287200 – DUE 06-22-10 AT 3:30 P.M. – Estimated range is \$.05M - \$2M. Request for Expression of Interest, for more information please visit our website at www.mta.info

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Triborough Bridge and Tunnel Authority, 2 Broadway, Bid Suite, New York, NY 10004. Bid Administration (646) 252-6101, fax: (646) 252-6108, vprocure@mtabt.org
All proposals must be delivered to the 2 Broadway, Bid Suite, located at the 3 Stone Street entrance. Please allow extra time for delivery.

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AGENCY RULES

TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing taxicab drivers.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on October 2, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 4 thereto, to read as follows:

New Material is underlined.

Chapter 4 Medallion Taxicab Drivers

§4-01 Scope of This Chapter

(a) To establish procedures for the licensing.

monitoring and regulation of Taxicab Drivers.

- (b) To establish operating rules to protect the customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§4-02 Penalties

(a) Unlicensed Activity.

- (1) Unlicensed Activity is the act of providing 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 or Authorization from the Commission 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 violator is found guilty of the violation.
- (2) If a respondent has made a timely request for a copy of the Hearing recording(see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.
- (3) If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

(d) Discretionary Penalties. In the alternative to any of the specific penalties established in this Chapter, the Commission can, 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 18 Adjudications, §18-02)

(e) Mandatory Penalties. If a Licensee has violated a Rule listed below, or any combination of these Rules, the Commission will impose the following mandatory penalties and fines.

VIOLATION Description	Rule	Mandatory Penalty/ Fine - ALL
1. Overcharging Passengers	§4-17(a)(1) & (2)	First violation: \$200 - \$350
2. Refusal of service – seeking destination before Passenger is seated inside vehicle	§4-20(a)(4)	Second violation (any combination of violations) w/in 24 months: \$350 - \$500 suspension of License up to 30 days
3. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties	§4-20(a)(1)	Third violation (any combination of violations) w/in 36 months: Revocation of License
4. Refusal of service – Requiring assistant for disabled Passengers, or seeking to charge additional fares for such an assistant	§4-20(a)(2)	In addition, Drivers may be required to obtain a certificate of attendance for the required hours of instruction in taxi-related subjects at a Commission-approved school.
5. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for disabled Passengers	§4-20(a)(3)	
(1)		<u>\$10-or-More Overcharge. If a Driver charges or attempts to charge \$10 or more above the approved rate of fare, the Commission will revoke the Driver's License and may require a Driver to return any overpayment to the Passenger.</u>
(2)		<u>Calculating Time Periods. The Commission will count the 24- and 36-month penalty periods going backwards, from the date of the last violation.</u>
(3)		<u>No License Issued for Period of One Year Following Certain Violations. A driver who has had his or her Taxicab Driver's 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.</u>

§4-03 Definitions Specific to This Chapter

(a) Defined Terms are Capitalized. All terms defined in this Chapter or in Chapter 1 ("Definitions") appear in this text with the initial letter in each word of the term capitalized (Example: Taxicab License, not taxicab license.)

(b) General Terms are Specific to "Taxicabs" in this Chapter. When used in this Chapter, capitalized terms such as Driver, Vehicle, License, etc., will mean Taxicab Driver, Taxicab Vehicle, Taxicab Driver's License, etc.

(c) Definitions

- (1) Applicant in this chapter refers to an Applicant for an original or renewal Taxicab Driver's License.
- (2) Authorized Taxicab Training refers to a course of training approved by the Commission that contains at least 80 hours of instruction on Commission-required topics such as Commission rules

and procedures, geography, map reading, Passenger relations, and courtesy.

(3) Authorized Taxicab Training Refresher Course refers to a four-hour course of training approved by the Commission that is required for renewal of a Probationary License, and that includes topics such as an update of Rule changes, a review of Driver Responsibilities and duties, passenger relations, and an awareness of serving passengers with disabilities.

(4) Chauffeur's License. As used in these Rules, Chauffeur's License means:

- (i) A valid NYS driver's license Class A, B, C or E; or
- (ii) A valid license of similar class from another state of which the Licensee is a resident

(5) Critical Driver's Program imposes additional penalties on a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her driver's license within a certain amount of time.

(6) Defensive Driving Course refers to a course in defensive driving given by a school, facility or agency approved by the Commission and certified by the New York State Department of Motor Vehicles.

(7) Feed Line is the line of Taxicabs that feeds into the specific pick-up location to pick up a Passenger.

(8) Long-Haul is a concept created and implemented at certain transportation terminals to indicate that Taxicabs in the Feed Line designated as a "Long Haul" line must only accept customers who are requesting trips of at least a certain distance or time.

(9) MTA Tax is the 50 cent tax on taxicab trips imposed by Article 29-A of the NYS Tax Law.

(10) Participating Driver is a Driver of an Accessible Taxicab who has successfully completed the accessible driver training authorized by the Commission

(11) Persistent Violator Program establishes additional penalties for Drivers who repeatedly violate these Commission Rules within a certain amount of time. Persistent Violator penalties are determined based on points accrued as part of the penalties established by this Chapter.

(12) Personal Use—Off Duty is the designation made when a Driver is no longer operating the Taxicab for hire and is usually for a longer period than Relief Time.

(13) Relief or Relief Time is a limited period of time when a Driver is off duty to fulfill personal needs.

(14) Short Haul is a concept created and implemented at certain transportation terminals to indicate that Taxicabs in the Feed Line designated as a "Short Haul" line must only accept customers who are requesting trips of less than a certain distance or time.

(15) Taxi Stand is a place where Taxicabs are authorized (either by NYC Department of Transportation or a transportation terminal operator) to line up and wait for customers.

(16) Taxpayer is a person or Business Entity required to pay the MTA Tax.

(17) Valid, when referring to a License or other document, means that it is not expired, suspended, revoked or restricted as to use for violation of traffic laws or regulations.

§4-04 Licensing – Requirements

(a) Age. An Applicant for a Taxicab Driver's License must be at least 19 years of age.

(b) Identification. An Applicant for an original Taxicab Driver's License must produce both of the following proofs of identity:

- (1) A Valid Government-issued photo ID.
- (2) A Valid, original Social Security card.

(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 must provide the Commission with an abstract of his or her driving record from the Applicant's state of residence, dated no more than 30 days prior to the date of the Application.

(e) Physical Fitness for the Job.

- (1) The Applicant must be of sound mental and physical condition and fit to safely operate a vehicle.
- (2) The Applicant's fitness must be certified by a physician licensed by NYS or 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) Speak and Understand English. An Applicant must be able to speak, read, write and understand the English language. An Applicant is required to pass a test approved by the Commission.

(g) 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.

(h) Pass Drug Test.

- (1) All Applicants for new Taxicab Driver's 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. This decision is final.

(i) Fingerprinting for the Purpose of Determining Good Moral Character. Applicant must be of good moral character, and the Commission requires that all Applicants provide fingerprints.

(j) 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 family or any other person who also lives at the Licensee's Mailing Address.

(k) Training. The Commission requires that Applicants for a new License pass all prescribed tests, both oral and written, as administered by the Commission or at its direction.

(1) Defensive Driving Course. Applicants must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within six months prior to the application date.

(2) Authorized Taxicab Training. Applicants must be able to prove (by showing a certificate of attendance) that they attended an Authorized Taxicab Training course, successfully completed the course and passed an examination approved by the Commission on proficiency in English and other mandatory subjects.

(3) Authorized Taxicab Training Refresher Course. During the last 60 days of the initial one-year Probationary term, Probationary Licensees must attend and pass an Authorized Taxicab Training Refresher course in order to qualify for a renewal License.

(4) Military Exemption. Any Applicant for a License who previously held a Valid Taxicab Driver's License will not be required to take the Authorized Taxicab Training course, provided that Applicant meets the following conditions:

(i) The Applicant's Taxicab Driver's 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) Applicant meets all other requirements for obtaining a new License.

(5) 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 Authorized Taxicab Training, provided that 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.

(l) Training Providers. Providers of Authorized

Taxicab Training and Refresher Training services must be approved by the Commission, must administer the curriculum required by the Commission, and must have Commission approval of all fees charged to Taxicab Drivers License Applicants.

(m) Continuing Training Requirements. All renewal Applicants are required to attend and complete a Defensive Driving Course at least every three years. No Taxicab Driver's License will be renewed unless the Applicant submits a certificate of completion of the Course dated less than three years prior to the date of the renewal application.

(n) Sign and File in Person. Applicants must sign their own applications for Licenses, and must file the applications in person with the Commission on the forms provided by the Commission.

§4-05 Licensing – Probationary Licenses

(a) Issuing Probationary Licenses.

(1) Upon approval of an Applicant for a new Taxicab License, the Commission will issue a Probationary License valid for one year.

(2) At the end of the one-year probationary period, the Commission will evaluate the Applicant and determine if renewing the License is appropriate.

(3) To make this decision, the Commission will consider the Applicant's driving record, the Applicant's violation of any Taxicab Drivers Rules, or other evidence that suggests that the Driver no longer meets all requirements for a License.

(b) Automatic Refusal or Revocation.

(1) The Commission will not issue a renewal License following the probationary period, and can revoke an issued Probationary License at any time if any of the following occurs:

(i) The Driver is convicted of a crime in any jurisdiction.

(ii) The Driver is convicted of driving while impaired by alcohol or drugs.

(iii) The Driver is convicted of refusing to submit to a breathalyzer or other chemical test.

(iv) The Driver is convicted of leaving the scene of an accident.

(v) The Driver accumulates eight or more points against his or her Chauffeur's License. (Point totals will include points existing on the Driver's state license prior to his or her application for a License with the Commission.)

(vi) The Driver is convicted of three or more moving violations.

(vii) The Driver is convicted of two or more speeding violations.

(viii) The Driver accumulates four or more points in a manner or time frame consistent with the Commission's Persistent Violator Program (see §4-27(b)).

(ix) The Driver is convicted of two or more violations that carry the Mandatory Penalties listed in §4-02 of this Chapter

(2) For the purpose of §4-05(b)(1) above, the Commission will look at the date a violation occurred (rather than date of conviction) to determine whether the violation is within the probationary period.

§4-06 Licensing – Term of License

(a) New (Probationary) License Term. A License issued to a new Applicant will expire one year from the date the License was issued.

(b) Renewal License Term. A License issued to a renewing Applicant will expire two years from the date on which the previous License expires.

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

(d) Advancement. If a Licensee will not be available for drug testing during the 30 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 in the second year of his or her License has satisfactorily completed the required drug test for Licensees in the first year.

(2) A Licensee makes only one such request during the term of a License.

(3) The request is complete and accurate and submitted on the proper Commission form.

(4) The term of the renewal License is two years from the NEW expiration date.

§4-07 Licensing – Fees

(a) Fee for License. The fee for a Taxicab Driver's License will be \$60 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 a fee of \$25 for late renewal application, and may choose not to accept it at all.

(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) Refresher Training Course Fees. The authorized providers of an Authorized Taxicab Training Refresher Course will charge each participant a fee of \$20.

§4-08 Licensing – Process and Causes for Denial

(a) Failure to Meet Requirements. The Commission will deny the original or renewal License of any Applicant who fails to meet the requirements. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.

(b) Failure to Continue to Meet Requirements. If at any time the Commission becomes aware that a Driver no longer meets the requirements the Commission can deny Driver's renewal application or suspend or revoke his or her License.

(c) Bribery. The Commission can deny an application for a new or renewal License if the Applicant directly or indirectly offers or gives any gift, gratuity or thing of value to an employee, representative or member of the Commission or any public servant. Applicants must immediately report to the Commission any direct or indirect request for a gift, gratuity or thing of value from any public servant.

(d) Material Misrepresentation or Falsification. The Commission can deny a Driver's License application and can suspend or revoke a renewal application if the Applicant provides any material misrepresentation in the application, or if the Applicant fails to inform the Commission of any material change in the application. The Commission may also impose other sanctions.

§4-09 RESERVED (Licensing – Transfer of License)

§4-10 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 Taxicab Driver's License within 72 hours (not counting weekends and holidays).

§4-10(a) Fine: \$50 Appearance NOT REQUIRED

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

§4-10(b) Fine: \$50 Appearance NOT REQUIRED Points: 1

(c) Restrictions on License. A Driver must comply with all restrictions upon his or her Taxicab Driver's License.

§4-10(c) Fine: \$50 Appearance NOT REQUIRED

(d) May Have Only One. A Driver must not apply for or accept more than one Taxicab Driver's License without the Commission's written permission.

§4-10(d) Fine: \$100-\$350 and/or Appearance REQUIRED suspension up to 30 days Points: 3

(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.

§4-10(e) Fine: \$50 Appearance NOT REQUIRED

§4-11 Comply with Laws – Unlicensed Activity Prohibited

(a) Driver Must Have Valid Taxicab Driver's License. A driver must not operate a Taxicab in the City of New York while his or her Taxicab Driver's License is revoked, suspended or expired.

§4-11(a) Fine: \$50-\$350 and/or Appearance REQUIRED suspension up to 30 days Points: 2

(b) Driver Must Have Valid Chauffeur's License.

(1) A Driver must not operate a Taxicab without a Valid Chauffeur's License.

§4-11(b)(1) Fine: \$100-\$350 and/or Appearance REQUIRED suspension up to 30 days Summary Suspension until compliance Points: 2

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

§4-11(b)(2) Fine: \$100 Appearance NOT REQUIRED Points: 1

(c) Vehicle Must Be Licensed. A Driver must not knowingly operate a Taxicab for hire unless that vehicle is licensed by the Commission and the License is Valid.

§4-11(c) Fine: \$25-\$350 and/or Appearance REQUIRED suspension up to 30 days Summary Suspension until compliance Points: 3

(d) No Unauthorized Use of Taxicab Driver's License. A

Driver must not permit any other person to use the Driver's Taxicab Driver's License while operating any vehicle.

§4-11(d) Fine: \$10,000 and Appearance REQUIRED revocation

(e) No Unlicensed Use of Taxicab.

(1) A Driver must not permit the Taxicab to be operated for hire by a person who does not have a Valid Taxicab Driver's License.

§4-11(e)(1) Fine: \$100-\$300 and/or Appearance REQUIRED suspension up to 30 days

(2) During the work shift a Driver must not allow another person to operate the Taxicab or occupy the Driver's seat, except in the event of an emergency.

§4-11(e)(2) Fine: \$50 Appearance NOT REQUIRED

§4-12 Comply with Laws – Proper Conduct

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

§4-12(a) Fine: \$10,000 and revocation Appearance REQUIRED

(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.

§4-12(b) Fine: \$100 Appearance REQUIRED Points: 3

(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.

§4-12(c) Fine: \$350-\$1,000 and/or Appearance REQUIRED suspension up to 60 days or revocation, Points: 4

(d) Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these rules.

§4-12(d) Fine: \$150-\$350 and/or Appearance REQUIRED suspension up to 30 days or revocation, Points: 3

(e) Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these rules.

§4-12(e) Fine: \$150-\$350 and/or Appearance REQUIRED suspension up to 30 days or revocation, Points: 3

(f) 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.

§4-12(f) Fine: \$350-\$1,000 and/or Appearance REQUIRED suspension up to 30 days or revocation, Points: 3

(g) 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.

§4-12(g) Fine: \$500-\$1,500 and/or Appearance REQUIRED suspension up to 60 days or revocation, Points: 4

(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.

§4-12(h) Fine: \$50-\$250 Appearance REQUIRED Points: 3

(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.

(3) A Driver must report any change of Mailing Address to the Commission in person or by registered or certified mail within seven days (exclusive of weekends and holidays). [NOTE: Any notice from the Commission shall be deemed sufficient if sent to the Mailing Address furnished by the Driver.]

§4-12(i)(1)-(3) Fine: \$200 and suspension until compliance Appearance REQUIRED Points: 2

(4) A driver must remove all currency from the Taxicab's interior prior to its

examination by any Commission personnel.

§4-12(i)(4) Fine: \$50 Appearance NOT required

(j) Cooperate with Law Enforcement.

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

(2) Cooperation includes, but is not limited to, responding to a request for the Driver's name, License number, Rate Card, Trip Records, and any other documents the Driver is required to have in his or her possession.

§4-12(j) Fine: \$50-\$350 Appearance REQUIRED
Points: 2

(k) No Use of Taxicab for Unlawful Purpose. A Driver must not use or permit any other person to use his Taxicab for any unlawful purpose.

§4-12(k) Fine: \$100-\$350 and/or Appearance REQUIRED
suspension up to 30 days
Points: 3

(l) Report Attempt to Use Taxicab for Unlawful Purpose. A Driver must report immediately to the police any attempt to use his Taxicab to commit a crime or escape from the scene of a crime.

§4-12(l) Fine: \$100-\$350 and/or Appearance REQUIRED
suspension up to 30 days
Points: 3

(m) No Concealment of Crime. A Driver must not conceal any evidence of a crime or voluntarily aid violators to escape arrest.

§4-12(m) Fine: \$350-\$1,000 and/or Appearance REQUIRED
suspension up to 30 days
Points: 3

§4-13 Comply with Laws – Traffic Laws & Miscellaneous

(a) Comply with Traffic Laws. Taxicab Drivers must comply with all applicable traffic laws, rules, and regulations. Taxicab Drivers 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.

§4-13(a)(1) Fine: \$50 Appearance NOT REQUIRED

(2) Laws, rules or regulations governing moving vehicles, other than hazardous moving violations defined by paragraph (3) of this subdivision.

§4-13(a)(2) Fine: \$150 Appearance NOT REQUIRED

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

§4-13(a)(3) Fine: \$250 for each Appearance NOT
violation below. REQUIRED
Points: As listed below.

Rule	VIOLATION	Reference	Points
§4-13(a)(3)(i)	SPEEDING	1 to 10 miles above posted speed limit	3
		11 to 20 miles above posted speed limit	4
		21 to 30 miles above posted speed limit	5
		31 to 40 miles above posted speed limit	6
		41 or more miles above speed limit	8
§4-13(a)(3)(ii)	Failing to stop for school bus		5
§4-13(a)(3)(iii)	Following too closely (tailgating)		4
§4-13(a)(3)(iv)	Inadequate brakes (own vehicle)		4
§4-13(a)(3)(v)	Inadequate brakes (employer's vehicle)		2
§4-13(a)(3)(vi)	Failing to yield right of way		3
§4-13(a)(3)(vii)	Traffic signal violation		3
§4-13(a)(3)(viii)	Stop sign violation		3
§4-13(a)(3)(ix)	Yield sign violation		3
§4-13(a)(3)(x)	Railroad crossing violation		3
§4-13(a)(3)(xi)	Improper passing		3
§4-13(a)(3)(xii)	Unsafe lane change		3
§4-13(a)(3)(xiii)	Driving left of center		3
§4-13(a)(3)(xiv)	Driving in wrong direction		3
§4-13(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 traffic accident involving the Driver's Taxicab resulted in personal injury to another or to another's property, must stop before leaving the scene of the accident, and must:

(i) Show his or her Chauffeur's License, Taxicab Driver's License, and Rate Card to the other party involved in the incident.

(ii) Give the other involved party his or her name, residence address, Chauffeur's License number, Taxicab Driver's number, and Taxicab Medallion number, as well as the name of the Taxicab's insurance carrier and the insurance policy number.

§4-13(a)(4) Fine: \$50-\$350 and/or Appearance
suspension up to 30 REQUIRED
days or revocation if
Driver is found guilty
of having violated this
rule more than 3 times
within a 12-month period
Points: 3

(5) Notify Taxicab Vehicle Owner of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Taxicab.

§4-13(a)(5) Fine: \$75-\$150 Appearance REQUIRED
Points: 3

(b) Workers' Compensation Laws.

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

(i) Surrender his or her Taxicab Driver's License to the Commission

(ii) Cease driving while claiming a disability.

(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) 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 8, §8-14(d) of these Rules.

§4-13(b) Fine: \$75-\$150 Appearance REQUIRED

(c) MTA Tax.

(1) The MTA Tax must be charged on any trip 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.

(2) A Driver who is not a Taxpayer must pay the Taxpayer the MTA Tax collected for each trip for which the MTA Tax is due.

§4-14 Operations – Passenger and Driver Safety

(a) Reckless Driving Rule. A Driver must not operate his or her Taxicab in a manner or at a speed that unreasonably endangers users of other vehicles, pedestrians, or the Passengers.

§4-14(a) Fine: \$350-\$1,000 and/or Appearance REQUIRED
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

(b) Driving While Impaired.

(1) A Driver must not operate a Taxicab while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content), drugs or other controlled substances.

(2) A Driver must not drive or occupy his or her Taxicab for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any drugs or other controlled substances.

§4-14(b) Fine: Revocation Appearance REQUIRED

(c) Drug Testing.

(1) Drug Testing for Cause. If the Commission has a reasonable suspicion that a Driver has used a drug or controlled substance that makes him or her unfit to operate a Taxicab 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.

§4-14(c)(1) Fine: Suspension until Appearance
compliance or revocation NOT REQUIRED
of license

(2) Annual Drug Testing.

(i) All Drivers except Drivers who are City of New York Police Officers must be tested annually, at the Driver's expense, for drugs or controlled substances in order to retain Valid Licenses.

(ii) 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.

(iii) For Drivers in the first year of a two-year License, the testing must occur no sooner than 30 days before the one-year anniversary date of the License,

and not after the one-year anniversary date.

§4-14(c)(2)(iii) Fine: Summary Suspension until n/a
compliance.

If testing occurs after the one-year anniversary date, but within 30 days after that date, there will be a \$200 penalty for reinstatement

(iv) For Drivers in the second year of a two-year License, the annual drug testing must occur no sooner than 30 days before the License expiration date, and in no case after the expiration date.

§4-14(c)(2)(iv) If the Driver fails to be tested n/a
within this time period, his or
her License will expire and
will not be renewed

(3) Results of Drug Test. Driver must pass every drug test, including "For Cause" drug tests under §4-14(c)(1) and "Annual" drug tests under §4-14(c)(2). If the results of either test are positive, or if the sample cannot be tested, the Driver's License can be revoked after a hearing.

§4-14(c)(3) Fine: Suspension or Appearance
revocation of license REQUIRED

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

§4-14(d) Fine: \$25
Point: 1 Appearance NOT REQUIRED

(e) 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.

NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.

§4-14(e)(1) Fine: \$200 Appearance
Points: 3 for the first NOT
offense and for the REQUIRED
second offense in any
15-month period;
4 for the third offense in
any 15-month period.

(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule, or any similar state law or rule, must take a Distracted Driving Course.

(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.

(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.

§4-15 Operations – General Rules During Operation of Vehicle

(a) No Weapons. While operating a Taxicab, 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.

§4-15(a) Fine: Revocation Appearance REQUIRED

(b) Driver Neat & Clean. A Driver must be clean and neat in dress and person. A Driver must not wear, as outer clothing, underwear, tank tops, tube tops, body shirts, swimwear, bathing trunks, or cut off shorts.

§4-15(b) Fine: \$25 Appearance NOT REQUIRED

(c) No Smoking. A Driver must not smoke in a Taxicab.

§4-15(c) Fine: \$150 Appearance REQUIRED

(d) Locking Taxicab Doors.

(1) While on duty, 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.

(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.

§4-15(d) Fine: \$50-\$250 and/or Appearance
suspension up to 30 days. REQUIRED
Points: 2

(i) The Driver must place the Taximeter in a recording position at the start of the trip and must keep the Taximeter in the recording position at all times.
 §4-17(g)(3)(i) Fine: \$100 Appearance NOT REQUIRED

(ii) Before starting the trip, the Driver must inform the Passenger how the trip charges will be calculated, including the payment of tolls out of and back into the City.
 §4-17(g)(3)(ii)-(iv) Fine: \$25 Appearance NOT REQUIRED
 Points: 2

(iii) The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$15.00 (See Chapter 8, §8-25(d)(3)).

(iv) The Passenger is also responsible for all necessary tolls charged for both going to the destination and for the Driver's return to the City.

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

(h) MTA Tax. The MTA Tax must be charged on any trip 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.

§4-18 Operations - Lost Property

(a) Inspection Following Trips from Airports. Immediately after completing a trip to Kennedy, La Guardia or Newark Airports, the Driver must inspect the interior of the Taxicab and the trunk compartment, if used, to ensure that Passengers have collected their property.
 §4-18(a) Fine: \$25 Appearance NOT REQUIRED

(b) Handling of Lost Property. Property found by a Driver in a Taxicab must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.
 §4-18(b) Fine: \$25-\$250 Appearance REQUIRED

(c) 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 police precinct where it is held.
 §4-18(c) Fine: \$25 Appearance NOT REQUIRED

§4-19 Operations - Passenger Solicitation and Engagement

(a) Limits on Driver Solicitation of Passengers.

(1) A Driver must solicit Passengers only from the driver's seat of his or her Taxicab and only using the words "taxi" or "cab" or "Taxicab."
 §4-19(a)(1) Fine: \$50 Appearance NOT REQUIRED
 Point: 1

(2) A Driver must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or an Accessible Taxicab dispatcher, to solicit Passengers.
 §4-19(a)(2) Fine: \$50 Appearance NOT REQUIRED

(3) A Driver must not give false or misleading information to someone in an effort to convince him or her to hire the Taxicab by implying, for instance, that the trip will be shorter or cheaper than it will be. For example, the Driver must not give a false departure time for a train, bus or airplane in order to suggest that the Taxicab can get the Passenger to the terminal in time.
 §4-19(a)(3) Fine: \$50-\$200 Appearance REQUIRED
 Points: 3

(4) A Driver must not solicit Passengers within 100 feet of any bus stop. Drivers must not stop at bus stops unless hailed.
 §4-19(a)(4) Fine: \$100 Appearance NOT REQUIRED
 Points: 1

(5) A Driver must not pick up additional Passengers during a trip except at the Passenger's request.
 §4-19(a)(5) Fine: \$100 Appearance NOT REQUIRED

(6) A Driver must not suggest to a current Passenger that an additional person be accepted as a Passenger.
 §4-19(a)(6) Fine: \$50 Appearance NOT REQUIRED

(7) A Driver 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
 §4-19(a)(7) Fine: \$50 Appearance NOT REQUIRED
 Points: 1

(8) A Driver who has illuminated the "Off Duty" light 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)".
- (iii) The Passenger's destination is directly on the route to the Driver's home or garage.
- (iv) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.
 §4-19(a)(8) Fine: \$75 Appearance NOT REQUIRED
 Points: 1

(b) Taxi Stands.

(1) A Driver has the right to take a position at any Taxi Stand having a vacancy, and no other Taxicab Driver may interfere with that right.
 §4-19(b)(1) Fine: \$100 Appearance NOT REQUIRED

(2) A Driver must not occupy a Taxi Stand in order to repair his Taxicab, except for minor emergency repairs.
 §4-19(b)(2) Fine: \$50 Appearance NOT REQUIRED

(3) A Driver must not overcrowd, crash into or back into a front position on a Taxi Stand; a Driver must take the rear position on the line formed at such a stand, unless it is a relief stand that has a vacancy.
 §4-19(b)(3) Fine: \$50 Appearance NOT REQUIRED

(4) 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.
 §4-19(b)(4) Fine: \$50 Appearance NOT REQUIRED

(5) The Drivers of each of the first two Taxicabs 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 Taxicab unless he or she is off duty and the required "Off Duty" light or "Relief Time" sign is visibly displayed.
 §4-19(b)(5) Fine: \$50 Appearance NOT REQUIRED

(6) Except where expressly forbidden, a Taxicab is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a street where parking is not prohibited, provided the Driver remains seated in his Taxicab, ready for operation at all times.
 §4-19(b)(6) Fine: \$50 Appearance NOT REQUIRED

(c) Terminals.

(1) The rules regarding Taxi Stands also apply to special Taxi Stands and Feed Lines at air, rail, bus and ship terminals.

(2) Where a terminal provides Taxicab holding areas:

- (i) Drivers must park the Taxicab 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.
 §4-19(c)(2) Fine: \$50 Appearance NOT REQUIRED

(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 in the Short Haul line must not accept a Passenger for a Long Haul
- (ii) A Driver in the Long Haul line must not accept a Passenger for a Short Haul.
 §4-19(c)(3) Fine: \$100 Appearance NOT REQUIRED

§4-20 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.
 §4-20(a)(1) (Mandatory penalties as set forth in §4-02) Appearance REQUIRED

(2) Attendant for Disabled Passengers. 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 Taxicab Driver must not impose or attempt to impose any additional charge for transporting the attendant.
 §4-20(a)(2) (Mandatory penalties as set forth in §4-02) Appearance REQUIRED

(3) Luggage and Mobility Aids. A Driver must not refuse to transport a Passenger's luggage, wheelchair, crutches, other mobility aid or other property.
 §4-20(a)(3) (Mandatory penalties as set forth in §4-02) Appearance REQUIRED

(4) Destination in Advance. A Driver must not attempt to learn the destination of a Passenger before the Passenger is seated in the Taxicab.
 §4-20(a)(4) (Mandatory penalties as set forth in §4-02) Appearance REQUIRED

(b) Justifications for Refusing Passenger. The following are permitted reasons for refusing to transport:

(1) Another Passenger is already seated in the Taxicab.

(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 Taxicab. (CAUTION: This does NOT include wheelchairs, crutches, a service animal or other mobility aid used by disabled Passengers. Mobility aids must be accepted.)

(4) The Driver is discharging his last Passenger or Passengers prior to going off duty, and has already:

- (i) Illuminated his "Off Duty" light, and
- (ii) Transmitted or entered the appropriate data.

(5) The Driver is ending his or her work shift, and has already:

- (i) Illuminated the "Off Duty" sign,
- (ii) Locked both rear doors, and
- (iii) Transmitted or entered the appropriate data.

(6) The Driver must take the Taxicab out of service for required repairs to T-PEP, and has already:

- (i) Illuminated the "Off Duty" light sign or properly placed the Relief Time sign in the Taxicab,
- (ii) Locked both rear doors, and
- (iii) Transmitted or entered the appropriate data.

(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 Taxicab 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 a disability results in annoying, offensive, or inconvenient behavior.)

(10) A Passenger asks a Driver on the airport Long Haul line for a Short Haul trip and there are Taxicabs available in the Short Haul line.

(11) A Passenger asks a Driver in the airport Short Haul line for a Long Haul trip and there are Taxicabs available in the Long Haul line.

(12) If a Passenger is smoking and has refused the Driver's request to stop, 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 Taxicab.)		(3) The location where each Passenger(s) was picked up	(iv) The ability to turn off all audio and visual presentations
§4-21	RESERVED (Operations – Cooperation with Issuing Jurisdictions)		(4) The time each Passenger(s) was picked up	(b) <i>Good Working Order.</i> T-PEP equipment must be in good working order and each of the four core services must function at all times.
§4-22	Vehicle – Operation and Condition		(5) The number of Passengers	§4-25(b) Fine: \$250 and suspension until compliance Appearance REQUIRED
(a)	<i>3-Minute Idle.</i> Drivers must comply with the Air Pollution Control Code of NYC, including the provision that the Driver must not cause or permit the engine of the Taxicab to idle for longer than three minutes.		(6) The location where each Passenger(s) was dropped off	(c) <i>T-PEP System(s) Malfunction.</i> In the event the Taxicab Technology System malfunctions or fails to operate:
§4-22(a)	Fine: \$25 Appearance NOT REQUIRED		(7) The time each Passenger was dropped of	(1) The Driver must file an incident report with the authorized T-PEP provider within one (1) hour after Driver knows (or should have known) of the system failure, or the end of the Driver's shift, whichever occurs first.
(b)	<i>Inspection by Driver of Vehicle Condition.</i> A Driver must not operate a Taxicab without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and Passenger seatbelts and shoulder belts are in good working order.		(8) The total trip mileage	(2) If the Taxicab Owner or Taxicab Agent previously filed a timely incident report of the T-PEP failure, the Driver will not be required to file a separate incident report. The Driver must get the incident report number from the Owner.
§4-22(b)	Fine: \$25 Appearance NOT REQUIRED		(9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)	§4-25(c)(1)-(2) Fine: \$250 and suspension until compliance Appearance REQUIRED
(c)	<i>RESERVED. (No On-street Maintenance other than Emergency.)</i>		(10) Method of payment	(3) A Driver is not permitted to operate a Taxicab in which any of the four core services of T-PEP are inoperative for more than 48 hours following the timely filing of an incident report.
(d)	<i>Clean Interior.</i> During his or her work shift, a Driver must keep the Taxicab's interior clean.		(11) The Taximeter readings	§4-25(c)(3) Fine: \$250 and suspension until compliance Appearance REQUIRED
§4-22(d)	Fine: \$50 Appearance NOT REQUIRED		(12) The concluding time of Driver's work shift	(d) <i>Unauthorized Devices or Repairs.</i>
(e)	<i>Exterior Clean and Identification Visible.</i> During his or her work shift, a Driver must keep the Medallion number on the front and rear of the roof light clean and unobstructed so that it can be seen at all times.		(13) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger	(1) A Driver must not connect any unauthorized device to the T-PEP.
§4-22(e)	Fine: \$50 Appearance NOT REQUIRED		(14) The trip number	(2) The Driver must not tamper with, repair or attempt to repair the T-PEP seals, cable connections or electrical wiring.
(f)	<i>No Unauthorized Equipment.</i> A Driver must not operate a Taxicab that uses or has installed any equipment or mechanical devices not specifically listed in these rules, unless authorized in writing by the Commission.		(15) All other entries required by these rules	(3) The Driver must not make any change in the Taxicab's mechanism or its tires which would affect the operation of the T-PEP system.
§4-22(f)	Fine: \$50-\$350 and/or suspension up to 30 days Points: 1 Appearance REQUIRED	§4-24(a) Fine: \$15 per missing entry on an electronic or written trip record. The total penalty for violation of this rule will not exceed \$30 per electronic or written trip record. Appearance NOT REQUIRED		§4-25(d) Fine: \$50-\$350 and/or suspension up to 30 days Points: 3 Appearance REQUIRED
(g)	<i>No Unauthorized Signage.</i> A Driver must not place any signs in a Taxicab not specifically listed in these rules, unless authorized in writing by the Commission.	(b) <i>Electronic Trip Records—Taxicab Technology System (T-PEP).</i>		(4) It will be an affirmative defense to a violation of this provision, §4-25(d)(2) that the Driver:
§4-22(g)	Fine: \$25 Appearance NOT REQUIRED	(1) A Driver is required to log in and operate T-PEP in order to obtain the Trip Record data for each trip.		(i) Did not know of or participate in the alleged T-PEP tampering, and
(h)	<i>Operation of Roof lights and Taximeters.</i> While on duty, a Driver must not operate a Taxicab unless:	§4-24(b)(1) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED		(ii) Exercised due diligence to ensure that T-PEP tampering did not occur.
(1)	The roof light is lit when the Taximeter is not in use, and	(2) If necessary, the Driver will transmit any corrections electronically, using T-PEP.		(e) <i>Passenger Information Monitor (PIM) Malfunction.</i> If the Taxicab's PIM is not operational and can be made operational by the Driver, the Driver must do so.
(2)	The roof light is off when the Taximeter is in use.	§4-24(b)(2) Fine: \$25 Appearance NOT REQUIRED		§4-25(e) Fine: \$100 Appearance NOT REQUIRED
§4-22(h)	Fine: \$50-\$250 and/or suspension up to 30 days Points: 1 Appearance NOT REQUIRED	(c) <i>Written Trip Records</i>		§4-26 Vehicle Equipment – Taximeters
§4-23	Vehicle – Items Required in the Vehicle.	(1) If the T-PEP is inoperable, the Driver must keep written Trip Records if he or she operates the Vehicle during the period of time the Taxicab is permitted to operate without a working T-PEP system. (See §4-25).		(a) <i>Taximeter Condition.</i>
(a)	<i>Items Required in Taxicab.</i> A Driver must not operate a Taxicab unless the Taxicab is equipped or provided with the following:	(2) Drivers must submit all written Trip Sheets to the Taxicab Owner at the conclusion of the Driver's shift or lease period.		(1) <i>Defective Condition.</i> A Driver must not pick up or transport a Passenger when the Taximeter in his or her Taxicab is defective.
(1)	The Taxicab Technology System (T-PEP) (or a written Trip Record, when required and permitted).	§4-24(c)(1)-(2) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED		§4-26(a)(1) Fine: \$50-\$350 and/or suspension up to 30 days Points: 1 Appearance REQUIRED
§4-23(a)(1)	Fine: \$30 Appearance NOT REQUIRED	(3) Before beginning each work shift, a Driver must sign and certify on the Trip Record that the Taxicab and its equipment are in good working condition, and that the items required in the Taxicab are present. [Exception to Certification: If the Taxicab Technology System is not in operation, the certification must note that the Taxicab equipment is in good working order except for the Taxicab Technology System.]		(2) <i>Repair and Replacement.</i> A defective Taximeter must be repaired or replaced at a licensed Taximeter shop. A Taximeter must only be replaced with a Taximeter that has been inspected, sealed and approved within the preceding 12 months.
(2)	The Taxicab Driver's License in the appropriate frame.	(4) When correcting a written Trip Record, a Driver:		§4-26(a)(2) Fine: \$50-\$350 and/or suspension up to 30 days Points: 1 Appearance REQUIRED
§4-23(a)(2)	Fine: \$50 Points: 2 Appearance NOT REQUIRED	(i) Must not erase any entry or make it completely unreadable.		(3) <i>Seals and Serial Number.</i> A Driver must not drive a Taxicab unless all Taximeter seals and cable housing seals are in good condition and pressed by the Commission or its authorized designee. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the Taxicab.
(3)	The Rate Card assigned to the Taxicab, beside the frame containing the Taxicab Driver's License.	(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.		§4-26(a)(3) Fine: \$100 Points: 2 Appearance NOT REQUIRED
§4-23(a)(3)	Fine: \$50 Points: 1 Appearance NOT REQUIRED	(iii) Must not leave blank lines between entries on any written Trip Record.		(4) <i>Receipt Paper.</i> A Driver must not pick up or transport a Passenger unless the Taximeter is properly equipped with paper for printing receipts.
(4)	A New York City five (5) borough indexed street map.	§4-24(c)(4) Fine: \$25 Appearance NOT REQUIRED		§4-26(a)(4) Fine: \$25 Appearance NOT REQUIRED
§4-23(a)(4)	Fine: \$25 Appearance NOT REQUIRED	(5) A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission.		(b) <i>Taximeter Operation.</i>
(5)	Receipts for Passengers.	§4-24(c)(5) Fine: \$250 Appearance NOT REQUIRED		(1) <i>Setting Taximeter to Record.</i> As soon as a Passenger enters the Taxicab, 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.
§4-23(a)(5)	Fine: \$25 Appearance NOT REQUIRED	§4-25 Vehicle Equipment – Taxicab Technology System (Electronic Trip Record System)		§4-26(b)(1) Fine: \$100 Points: 1 Appearance NOT REQUIRED
(b)	<i>Clear View for Passengers.</i>	(a) <i>Taxicab Technology System (T-PEP).</i> The T-PEP is a system of hardware and software that provides the following four Core Services, electronically, in the Taxicab vehicle:		(2) <i>Entering Passenger with a Disability.</i>
(1)	A Driver must not block a Passenger's view of the Taximeter, his or her Driver's License, or the Rate Card.	(1) The ability for Passengers to pay using a credit, debit or prepayment card		(i) If the Passenger is a Person with a Disability, the Taxicab Driver must not place the Taximeter in the recording or "Hired" position while the Driver is assisting a person with
§4-23(b)(1)	Fine: \$50 Appearance NOT REQUIRED	(2) The ability for Drivers to send and receive text messages		
(2)	A Driver must not operate a Taxicab after sunset unless the face of the Taximeter, his or her Driver's License, and the Rate Card are illuminated so that they are clearly visible from the rear seat by a Passenger with normal vision.	(3) The ability to collect and transmit Trip Record data, electronically		
§4-23(b)(2)	Fine: \$25 for violation of each subdivision. No fine for multiple violations in one incident will exceed \$50. Appearance NOT REQUIRED	(4) A Passenger Information Monitor (PIM) that provides Passengers:		
§4-24	Vehicle – Trip Records.	(i) A map of the route being traveled		
(a)	<i>Record of Passenger Trip Information.</i> The Trip Record is the record of all data collected from every for-hire trip made by a Taxicab and must include the following information:	(ii) Information about Taxicab fares, Passenger Bill of Rights and public service announcements		
(1)	The Taxicab Medallion number	(iii) Commercial advertising and sponsorships		
(2)	The Taxicab Driver's License number			

a disability to enter the Taxicab or while assisting with that Passenger's mobility aid.

§4-26(b)(2)(i) Fine: \$100 Appearance Points: 1 NOT REQUIRED

(ii) If a Participating Driver is responding to an Accessible Taxicab dispatch, the Driver can turn on the meter while waiting for the Passenger, provided the Driver is at the pick-up location and the actual pick-up time has arrived.

§4-26(b)(2)(ii) Fine: \$50 Appearance NOT REQUIRED

(3) Exiting Passenger with a Disability. If the Passenger is an individual with a disability who requires assistance to exit the Taxicab, 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 cab.

§4-26(b)(3) Fine: \$50 Appearance NOT REQUIRED

(4) Non-Paying Passenger. If the Passenger is not being charged a fare, the Driver must not activate the meter, but must:

(i) Illuminate the "Off Duty" light

(ii) Transmit (or manually add to the written Trip Record) that he or she is off duty and transporting a non-paying Passenger and details of the time and distance of the free fare.

(iii) Include the reason the Passenger is not being charged.

§4-26(b)(4) Fine: \$25 Appearance Points: 1 NOT REQUIRED

(5) Flat Fare Trip. When the Taxicab is engaged in a flat fare trip from between Kennedy Airport and Manhattan, the Driver must key the information into T-PEP (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.

§4-26(b)(5) Fine: \$100 Appearance Points: 1 NOT REQUIRED

(6) 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.

§4-26(b)(6) Fine: \$50 Appearance NOT REQUIRED

(7) Re-setting the Taximeter. Immediately after the Passenger leaves the Taxicab, 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 Taxicab.

§4-26(b)(7) Fine: \$100 Appearance Points: 1 NOT REQUIRED

(c) Taximeter Tampering.

(1) Seal Tampering.

(i) A Driver must not operate a Taxicab if the official seals attached to it have been tampered with, broken or altered in any manner.

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

§4-26(c)(1) Fine: \$50-\$350 and/or suspension up to 30 days Appearance Points: 3 REQUIRED

(2) Unauthorized Devices or Repairs.

(i) A Driver must not connect any unauthorized device to the Taximeter.

(ii) The Driver must not tamper with, repair or attempt to repair the Taximeter seals, cable connections or electrical wiring.

(iii) The Driver must not make any change in the Taxicab's mechanism or its tires which would affect the operation of the Taximeter system.

§4-26(c)(2)(i)-(iii) Fine: \$50-\$350 and/or suspension up to 30 days Appearance Points: 3 REQUIRED

(iv) It will be an affirmative defense to a violation of this provision, §4-26(c)(2), that the Driver:

(A) Did not know of or participate in the alleged Taximeter tampering, and

(B) Exercised due diligence to ensue that

Taximeter tampering did not occur.

(3) Roof Light and other Electrical Connections.

(i) 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.

(ii) The roof light of a Taxicab must be automatically controlled only by the movement of the Taximeter button or ignition switch so that it is lighted only when the Taximeter is in an off or "Vacant" position and unlighted when the Taximeter is in a recording or "Hired" position.

(iii) The Commission will assume that a Driver who operates a Taxicab with an unauthorized installation or device controlling interior or roof lighting knew of the unauthorized installation or device and deliberately operated the Taxicab in violation of this Rule, and the Commission will take appropriate action against the Driver.

§4-26(c)(3) Fine: \$50-\$350 and/or suspension up to 30 days Appearance Points: 3 REQUIRED

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

(i) Continuing the trip after mutually agreeing to a reasonable fare, or

(ii) Terminating the trip and paying the fare shown on the Taximeter to that point.

§4-26(c)(4) Fine: \$50-\$350 and/or suspension up to 30 days Appearance Points: 1 REQUIRED

(5) Procedures for Terminating Use of Taxicab with Defective Taximeter. Upon terminating a trip because of a defective Taximeter or T-PEP, the Driver must:

(i) Illuminate the "Off Duty" light

(ii) Lock the rear doors

(iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if T-PEP system is inoperative)

(iv) Return the Taxicab immediately to the garage of record or a licensed Taximeter repair shop.

§4-26(c)(5) Fine: \$50 Appearance NOT REQUIRED

(d) Report Signs of Tampering to TLC. A Driver must notify the Owner 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 Taxicab operated by the Driver.

(2) A Taximeter seal in the Taxicab 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 Taxicab 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 Taxicab operated by the Driver.

§4-26(d) Fine: \$500-\$1,500 and/or suspension up to 60 days Appearance REQUIRED or revocation

§4-27 **Special Driver Penalty Programs**

(a) Critical Driver's Program ("Points" in this Section refers to points assessed by the Department of Motor Vehicles).

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

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

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

action permitted under these Rules.

(4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points.

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

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

(7) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the Commission.

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

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

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

(b) Program for Persistent Violators of Taxicab Drivers' Rules ("Points" in this Section refers to points assessed by the Commission; these points are included in the penalties for specific violations of rules in this Section).

(1) Required Remedial Course Attendance for Persistent Violators.

(i) Any Driver who has been found guilty of three or more violations within a 15-month period and whose license has not been revoked must attend a remedial or refresher course. The Commission will also add one point to that Taxicab Driver's License.

(ii) Any Driver who does not complete such a course after being notified of the requirement by the Commission will have his License suspended until he or she complies.

(2) Revocation - Points and Time Periods.

(i) Any Driver who has accumulated six or more Commission-issued points against his or her Taxicab Driver's License within a 15-month period and whose License has not been revoked will have his or her License suspended for 30 days.

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

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

(4) More Severe Penalties at Discretion of Commission. The Commission can impose more severe or additional penalties to any penalties stated in this section.

(5) Hearing Process and Imposition of Penalties.

(i) The Commission will impose penalties described in this section following the hearing at which the Driver is found to have violated the rule(s) triggering these penalties.

(ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.

(6) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a remedial or

refresher course approved by the Commission.

- (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) If the Driver completed the course on or after September 1, 1999, the Commission will not reduce total points more than once in any five year period.
- (7) It will be an affirmative defense that the act that formed the basis for the violation was beyond the control and influence of the Taxicab Driver.

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters in this rule-making
Chapter 2, Taxicab Drivers Rules	Chapter 4, Medallion Taxicab Drivers

The proposed rules make several substantive changes to the provisions of current rules governing taxicab drivers. Specifically, the proposed rules:

- Eliminate as obsolete certain transition provisions governing driver continuing education.
- Eliminate as obsolete certain transition provisions regarding the TPEP system.
- Eliminate as obsolete certain transition provisions concerning the persistent violator program set forth in section 4-27(b).
- Require that non-New York State driver license abstracts be no more than 30 days old, to align the rule to actual TLC practice regarding abstracts.
- Eliminate penalties for failure to complete Authorized Taxicab Training as being obsolete; completion of such training is a condition of licensure.
- Eliminate penalty for course providers as being obsolete; course providers are not TLC licensees.
- Provide, consistent with TLC practice, that applicants for new or replacement licenses come to the TLC to be photographed, rather than supply photographs to the TLC.
- Align penalties for failure to update a driver address to those for failure to comply with a TLC directive, which is the practical effect of the failure to update penalty under the prior rules.
- Eliminate references to drug addiction that are contrary to the Americans with Disabilities Act.
- Add the concept of Relief Time which is consistent with existing taxi stand provisions.
- Clarify that the rules regarding idling are derived from provisions of the Administrative Code.
- Clarify that a driver with a non-paying passenger must illuminate the off-duty light.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

Supplemental Statement

A public hearing on these proposed rules was held on October 2, 2009. Following that hearing the TLC voted at a public meeting on October 16, 2009, to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being re-published for additional public comment and final approval by the TLC.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions, as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.

- Provisions were added governing the collection of the MTA taxi surcharge to track rules passed by the TLC.
- The penalty for bribery was corrected based upon staff comment.
- The provisions regarding cell phone use were revised to track revised TLC rules governing the use of cell phones and electronic devices.
- The provisions governing payment of tolls for Newark airport trips were modified to align with similar provisions for other out of town trips, based upon a staff technical comment.
- The drug test provisions of section 4-14 were amended to reflect that both a positive test and a sample that cannot be tested will result in suspension, based upon a staff comment.

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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing drivers of for-hire vehicles.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on April 2, 2010 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 5 thereto, to read as follows:

New Material is underlined.

CHAPTER 5 FOR-HIRE DRIVERS

§5-01 Scope of this Chapter

- (a) To establish procedures for the licensing, monitoring and regulation of For-Hire Drivers.
- (b) To establish operating rules to protect customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§5-02 Penalties

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing 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 or Authorization from the Commission 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 will be 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 violator is found guilty of the violation.
- (2) If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
- (3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

§5-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter means an Applicant for an original or renewal For-Hire Driver's License.
- (b) Black Car is a Vehicle that affiliates with a Black Car Base.
- (c) Black Car Base is a For-Hire Base that operates as follows:
 - (1) All Black Car Vehicles are dispatched on a pre-arranged basis;
 - (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and
 - (3) More than ninety percent (90%) of the Base's business is on a payment basis other than direct cash payment by a Passenger.
- (d) Critical Driver's Program is a Commission program that charges additional penalties to a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her state driver's license within a certain amount of time.
- (e) Defensive Driving Course refers to a course in defensive driving given by a school, facility or agency approved by the Commission and certified by the New York State DMV.
- (f) Driver, in this chapter, means a For-Hire Driver.
- (g) For-Hire Base (or "Base") is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:
 - (1) A Black Car Base,
 - (2) A Livery Base (or Base Station),
 - (3) A Luxury Limousine Base.
- (h) For-Hire Driver in this Chapter means a driver of a For-Hire Vehicle.
- (i) For-Hire Vehicle is a motor vehicle Licensed by the Commission to carry Passengers for-hire in the City, which:
 - (1) Has a seating capacity of 20 or fewer Passengers
 - (2) Has three or more doors;
 - (3) Is not a Taxicab, a Commuter Van, or an authorized bus as defined by NYS law.
- (j) Issuing Jurisdiction is a county within New York State contiguous to New York City that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.
- (k) License in this Chapter means a License to drive a For-Hire Vehicle.
- (l) Livery is a For-Hire Vehicle that is affiliated with a Livery Base Station.
- (m) Livery Base Station or "Base Station" is a For-Hire Base that operates as follows:
 - (1) All Livery Vehicles are dispatched from the Base Station on a pre-arranged basis;
 - (2) All Livery Vehicles are designed to carry fewer than six (6) Passengers;
 - (3) Passengers are charged for service on the basis of a flat rate, time, mileage, or zones;
- (n) A Luxury Limousine is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.
- (o) A Luxury Limousine Base is a For-Hire Base that operates as follows:
 - (1) All Luxury Limousines are dispatched from the Base by pre-arrangement;
 - (2) Luxury Limousine Vehicles have a seating capacity of 20 or fewer Passengers;
 - (3) More than ninety percent (90%) of its business is on a payment basis other than direct cash payment by a Passenger;
 - (4) Passengers are charged "garage to garage" service on the basis of a flat rate, time or mileage.
- (p) Qualified Jurisdiction is an Issuing Jurisdiction that meets the requirements for reciprocity described in §498 of the NYS Vehicle and Traffic Law.
- (q) Qualified Vehicle License (or "QVL") is the license issued by a Qualified Jurisdiction to that jurisdiction's vehicles authorizing them to provide pre-arranged, for-hire transportation within its jurisdiction.
- (r) Qualified Driver's License (or "QDL") is a license issued by a Qualified Jurisdiction to that jurisdiction's drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its jurisdiction.
- (s) Reciprocity (or Reciprocal Recognition) means that:
 - (1) New York City For-Hire Vehicles and Drivers can do pickups or drop offs in Qualified Jurisdictions for trips ending or beginning in NYC, and
 - (2) Vehicles and drivers that are licensed to perform for-hire transportation by a Qualified Jurisdiction can do pickups or drop offs in NYC for trips ending or beginning in the Qualified Jurisdiction.

(t) 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: A short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following are true:
 - (i) The communication is about a Dispatch; and
 - (ii) The communication occurs using either an FCC-licensed commercial two-way radio or a device 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.

(u) Vehicle, in this Chapter, refers to a For-Hire Vehicle.

§5-04 Licensing – Requirements

- (a) Reserved. Age.
- (b) Reserved. Identification.
- (c) Chauffeur's License. An Applicant must hold a Valid Chauffeur's License.
- (d) Reserved. Fitness for the Job.
- (e) Reserved. Speak and Understand English.
- (f) Reserved. Familiar with Geography.
- (g) Pass Drug Test.
 - (1) All Applicants for new For-Hire Driver's License, 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. This decision is final.
- (h) Fingerprinting for Determining Good Moral Character.
 - (1) An Applicant for a For-Hire Driver's License will be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services.
 - (2) 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.
 - (3) The application of any Applicant will be denied, and the For-Hire Driver's License of any current holder will be revoked, following a conviction for any serious criminal offense (as described in §498.1(f) of the New York Vehicle and Traffic Law).
 - (4) 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 family or any other person who resides with the Applicant at the Mailing Address.
- (j) Training.
 - (1) Applicants must hold a certificate of completion for the required hours of instruction in a Defensive Driving Course dated within six months of the application date.
 - (2) All renewal Applicants must submit a certificate of completion from a Defensive Driving Course dated within three years of the date of the renewal application.

§5-05 Licensing – Probationary Licenses

- (a) Issuing Probationary Licenses.
 - (1) Upon approval of an Applicant for a new For-Hire Driver's License the Commission will issue a Probationary License valid for one year.
 - (2) At the end of the one-year probationary period, the Commission will evaluate the Applicant and determine if renewing the License is appropriate.
 - (3) To make this decision, the Commission will consider the Applicant's driving record, any violation of the For-Hire Drivers Rules, or other evidence that suggests that the Driver no longer meets all requirements for a License.
- (b) Automatic Denial or Revocation.
 - (1) The Commission will not issue a regular License following the probationary period, and can revoke a Probationary License at

any time if any of the following occurs:

- (i) The Driver is convicted of a crime in any jurisdiction.
- (ii) The Driver is convicted of driving while impaired by alcohol or drugs.
- (iii) The Driver is convicted of refusing to submit to a breathalyzer or other chemical test.
- (iv) The Driver is convicted of leaving the scene of an accident.
- (v) The Driver accumulates eight or more points against his or her New York State Chauffeur's License or comparable license issued by his State of residence, the total of which will include points existing on the Driver's State license prior to his or her application for a License with the Commission.
- (vi) The Driver is convicted of three or more moving violations.
- (vii) The Driver is convicted of two speeding violations.
- (viii) The Driver accumulated four or more points in accordance with the Commission's Program for Persistent Violators (See §5-27(b)).
- (ix) The Driver is convicted of two or more violations of:
 - (A) Operating an unlicensed vehicle (See §5-11(c))
 - (B) Soliciting Passengers other than by prearrangement (See §5-19(a))
 - (C) Picking up Passengers at a Taxi Stand (§5-19(b))

(2) The Commission will consider the date the violation occurred, rather than the date of conviction, to determine if a violation occurred within the probationary period.

§5-06 Licensing – Term of License

- (a) New License. A new License will be issued as a Probationary License with a term of one year.
- (b) Renewal License. A License issued to a renewing Applicant will expire two years from the date on which the previous License expired.
- (c) Extensions. The Commission can extend the expiration date of a License once by up to 31 days. If an expiration date is extended, the required drug test must be taken and passed within 30 days before (and no later than) the extended expiration date.
- (d) Advancement. If a Licensee will not be available for drug testing during the 30 days before his or her License expires (or will be unavailable for any other reason), the Licensee may ask the Commission to move and reset the License expiration to an earlier date, provided that:
 - (1) A Licensee is in the second year of his or her License and has satisfactorily completed the required drug test for Licensees in the first year.
 - (2) Licensees make only one such request during the term of a License.
 - (3) The request is complete and accurate and submitted on the proper Commission form.
 - (4) The expiration date on a License that has had its original expiration date advanced to an earlier date at the request of the Licensee will be two years from the new expiration date granted by the Commission.

§5-07 Licensing – Fees

- (a) Fee for License. The fee for a For-Hire Driver's License will be \$60 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 a \$25 late filing fee for a late submittal, if it allows the application.
- (e) License Replacement Fee. The Commission will charge a fee of \$25 for each License it issues to replace a lost, mutilated or unreadable License.

§5-08 Licensing – Process and Causes for Denial of License

- (a) Reserved. Failure to Meet any of Above Requirements.
- (b) Material Misrepresentation or Falsification.
 - (1) The Commission can deny an application for a License or renewal of a License if it finds that an Applicant has lied or made a material misrepresentation on the application.
 - (2) The Commission can also, after notice and hearing, revoke or suspend any License it has issued if it finds that an Applicant

has lied or made a material misrepresentation on his or her application.

§5-09 RESERVED (Licensing – Transfer of License)

§5-10 Licensing – Care and Use of License

- (a) Loss or Theft of License. A Driver, within 24 hours (not counting holidays and weekends), must notify the Commission of the loss or theft of his For-Hire Driver's License.
 - §5-10(a) Fine: \$25 Appearance NOT REQUIRED
 - (b) Unreadable License. A Driver must immediately surrender any unreadable or unrecognizable For-Hire Driver's License to the Commission.
 - §5-10(b) Fine: \$25 Appearance NOT REQUIRED
 - (c) No Alteration. A Driver must not alter in any way any portion of his For-Hire Driver's License or the attached photograph.
 - §5-10(c) Fine: \$50 Appearance NOT REQUIRED

§5-11 Comply with Laws – Unlicensed Activity Prohibited

- (a) Driver Must Have Valid For-Hire Driver's License.
 - (1) A driver must not operate a For-Hire Vehicle unless the driver has a Valid For-Hire Drivers License and the Vehicle is affiliated with a Licensed Base.
 - (2) The Commission considers any driver who operates a For-Hire Vehicle after his or her License expires and before a renewal License is issued to be engaged in Unlicensed Activity.
 - §5-11(a) Fine: First Violation: \$350 Second Violation: \$500 Third Violation in 36 months: Revocation. Appearance REQUIRED
- (b) Driver Must Have a Valid Chauffeur's License.
 - (1) A Driver must not operate a For-Hire Vehicle without a valid Chauffeur's License.
 - §5-11(b) Fine: \$100 - \$350 and/or suspension up to 30 days; Summary Suspension until compliance Appearance REQUIRED
 - (2) A Driver will immediately surrender his or her For-Hire Driver's License to the Commission upon the restriction, suspension or revocation of his Chauffeur's License.
- (c) For-Hire Vehicle Must be Licensed by Commission. A Driver must only operate for hire a vehicle that has a Valid Commission License to be operated as a For-Hire Vehicle.
 - §5-11(c) Fine: First Violation: \$350 Second Violation: \$500 Third Violation in 36 months: Revocation. Appearance REQUIRED
- (d) No Unauthorized Use of For-Hire Driver's License. A Driver must not permit another person to use his or her For-Hire Driver's License.
 - §5-11(d) Fine: \$250 Appearance NOT REQUIRED

§5-12 Comply with Laws – Proper Conduct

- (a) Bribery.
 - (1) Avoid Appearance of Bribery. An Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.
 - §5-12(a)(1) Fine: \$10,000 and revocation Points: 6 Appearance REQUIRED
 - (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.
 - (3) Failure to Report Bribery. A Licensee must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.
 - §5-12(a)(2) & (3) Fine: \$1,000 up to revocation Points: 6 Appearance REQUIRED
- (b) Fraud, Theft. While performing the duties and responsibilities of a Driver, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.
 - §5-12(b) Fine: \$350-\$1,000 and/or suspension up to 60 days or revocation Points: 4 Appearance REQUIRED
- (c) Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, a Licensee

must not deliberately fail to perform, alone or with any other, any act where this failure is against the best interests of the public although not specifically mentioned in these Rules.

§5-12(c) Fine: \$150-\$350 and/or suspension up to 30 days or revocation Points: 3 Appearance REQUIRED

(d) *Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with any other, any act that is against the best interests of the public although not specifically mentioned in these Rules.

§5-12(d) Fine: \$150-\$350 and/or suspension up to 30 days or revocation Points: 3 Appearance REQUIRED

(e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

§5-12(e) Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation Points: 3 Appearance REQUIRED

(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.

§5-12(f) Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation Points: 4 Appearance REQUIRED

(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.

§5-12(g) Fine: \$500-1,500 and/or suspension up to 60 days or revocation Points: 4 Appearance REQUIRED

(h) *Notice of Criminal Conviction.*

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

§5-12(h)(1) Fine: \$50 Points: 2 Appearance NOT REQUIRED

(2) Within 15 days after sentencing, Licensee must provide the Commission with a certified copy of the certificate of disposition issued by the clerk of the court.

§5-12(h)(2) Fine: \$100 Appearance NOT REQUIRED

(i) *Cooperate with the Commission.*

(1) A Driver must truthfully answer all questions and comply as directed with all communications, directives, and summonses from the Commission or its representatives.

(2) Within 10 days following a request from the Commission, a Driver must produce any License or other document the Driver is required to have or be reasonably able to obtain.

§5-12(i)(1)&(2) Fine: \$200 and suspension until compliance Appearance REQUIRED

(3) A Driver must notify the Commission in person or by USPS within seven days (other than holidays and weekends) of any change of Mailing Address.

§5-12(i)(3) Fine: \$50 Appearance NOT REQUIRED

(j) *Cooperate with Law Enforcement.*

(1) A Licensee must cooperate with all law enforcement officers and authorized representatives of the Commission.

(2) Cooperation includes, but is not limited to, providing his or her name, License number and any other document that is required to be in the Driver's possession.

§5-12(j) Fine: \$15-\$150 Points: 2 Appearance REQUIRED

(k) *Courtesy.* A Licensee will be courteous to Passengers.

§5-12(k) Fine: \$150 Appearance NOT REQUIRED

§5-13 Comply with Laws - Traffic Laws

(a) *Compliance with Traffic Laws.* A For-Hire Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose the following fines and penalties in addition to any fines and penalties imposed by the underlying law:

(1) Laws, rules or regulations governing stationary vehicles.

§5-13(a)(1) Fine: \$50 Appearance NOT REQUIRED

(2) Laws, rules or regulations governing moving vehicles, other than hazardous moving violations defined by paragraph (3) of this subdivision.

§5-13(a)(2) Fine: \$150 Appearance NOT REQUIRED

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

Rule	VIOLATION	Points
§5-13(a)(3)	Fine: \$250 Points: As listed below	Appearance NOT REQUIRED
§5-13(a)(3)(i)	1. SPEEDING	
	1 to 10 miles above posted speed limit	3
	11 to 20 miles above posted speed limit	4
	21 to 30 miles above posted speed limit	5
	31 to 40 miles above posted speed limit	6
	41 or more miles above speed limit	8
§ 5-13(a)(3) (ii)	2. Failing to stop for school bus	5
§ 5-13(a)(3) (iii)	3. Following too closely	4
§ 5-13(a)(3) (iv)	4. Inadequate brakes (own vehicle)	4
§ 5-13(a)(3) (v)	5. Inadequate brakes (employer's vehicle)	2
§ 5-13(a)(3) (vi)	6. Failing to yield right of way	3
§ 5-13(a)(3) (vii)	7. Traffic signal violation	3
§ 5-13(a)(3) (viii)	8. Stop sign violation	3
§ 5-13(a)(3) (ix)	9. Yield sign violation	3
§ 5-13(a)(3) (x)	10. Railroad crossing violation	3
§ 5-13(a)(3) (xi)	11. Improper passing	3
§ 5-13(a)(3) (xii)	12. Unsafe lane change	3
§ 5-13(a)(3) (xiii)	13. Driving left of center	3
§ 5-13(a)(3) (xiv)	14. Driving in wrong direction	3
§ 5-13(a)(3) (xv)	15. Leaving scene of an accident involving property damage or injury to animal	3
(4)	<i>Report Before Leaving Scene.</i> Drivers know or should know when a traffic accident involving the Driver's Vehicle has resulted in personal injury to another or to another's property; when this happens, the Driver must stop and must:	
(i)	Show his or her Chauffeur's License, For-Hire Driver's License, and Vehicle License to the other party involved in the incident.	
(ii)	Give the other involved party his or her name, Chauffeur's License number, For-Hire Driver's number, and Vehicle License number, as well as the name of the Vehicle's insurance carrier and the insurance policy number.	
§5-13(a)(4)	Fine: \$25 - \$250 and/or suspension up to 30 days. Points: 4	Appearance REQUIRED
(5)	<i>Payment of Traffic Judgments.</i> 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 Qualified Jurisdiction or a violation of the regulations of a Qualified Jurisdiction.	
§5-13(a)(5)	Fine: Suspension until satisfaction or payment.	Appearance NOT REQUIRED
§5-14 Operations - Passenger and Driver Safety		
(a)	<i>Reckless Driving Rule.</i> A Driver must not operate a For-Hire Vehicle in a manner or speed that unreasonably endangers users of other vehicles, pedestrians or the Passengers.	
§5-14(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 3 times within an 18 month period. Points: 4	Appearance REQUIRED
(b)	<i>Driving While Impaired.</i>	
(1)	A Driver must not operate a For-Hire Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content), drugs or other controlled substances.	
(2)	A Driver must not drive or occupy his or her For-Hire Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or consuming any drugs or other controlled substances.	
§5-14(b)	Fine: Revocation	Appearance REQUIRED
(c)	<i>Drug Testing "For Cause."</i> If the Commission has a reasonable suspicion that a Driver has used a drug or controlled substance that makes him or her unfit to operate a For-Hire 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.	
§5-14(c)	Fine: Suspension until compliance or revocation of License	Appearance NOT REQUIRED
(d)	<i>Annual Drug Testing.</i>	
(1)	All Drivers except those who are NYC Police Officers, must be tested annually, at the Driver's expense, for drugs or controlled substances.	
(2)	For Drivers in the first year of a two-year License, the testing must occur no sooner than 30 days before the one-year anniversary date of the License, and no later than the one-year anniversary date.	
§5-14(d)(1)&(2)	Fine: Summary Suspension until compliance or revocation. \$200 if compliance is more than 30 days after the deadline	Appearance NOT REQUIRED
(3)	For Drivers in the second year of a two-year License, the testing must occur no sooner than 30 days before the License expiration date, and in no case after the expiration date.	
§5-14(d)(3)	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

(e) *Results of Drug Test.* Licensee must pass every drug test, whether "for cause" or annual. If the results of either test are positive, or if the sample cannot be tested, the Driver's License can be revoked after a hearing.

§5-14(e) Fine: License may be revoked after hearing Appearance NOT REQUIRED

(f) *Driving While Injured.*

(1) If a Driver files for Workers' Compensation benefits claiming an injury that prevents the Driver from working as a For-Hire Driver, the Driver must stop driving as a For-Hire Driver and return his or her Drivers License to the Commission.

(2) The Commission will return the Drivers License when the Driver gives the Commission documents proving that his or her Workers' Compensation benefits have stopped because he or she has recovered from the injury.

§5-14(f) Fine: \$75 - \$150 Appearance REQUIRED

(g) *Use of an 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.

NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.

§5-14(g)(1) Fine: \$200 Points: 3 for the first offense and for the second offense in any 15-month period; 4 for third offense in any 15-month period Appearance NOT REQUIRED

(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule, or any similar state law or rule, must take a Distracted Driving Course.

(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.

(3) *Affirmative Defense.* A Driver can offer an affirmative defense to a charge on 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.

§5-15 Operations - General Rules During Operation of Vehicle

(a) *No Weapons.* A Driver, while operating a For-Hire Vehicle, must not, without the Chairperson's written authorization, have in his or her possession or in the Vehicle, a weapon as defined by these Rules, or any other instrument that is intended to be used as a weapon.

§5-15(a) Revocation Appearance REQUIRED

(b) *Reserved. Driver Neat & Clean.*

(c) *No Smoking.* A Driver must not smoke in a For-Hire Vehicle.

§5-15(c) Fine: \$150 for first and subsequent offenses within a 12-month period Appearance NOT REQUIRED

(d) *Reserved. No Locking Rear Doors.*

(e) *Reserved.*

(f) *Reserved. Have E-ZPass.*

(g) *No Overcharging Passenger.*

(1) A Driver must not charge or attempt to charge a fare above the pre-approved rate quoted by the dispatcher. 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.

(2) No Driver is permitted to ask or require a Passenger to tip.

§5-15(g) Fine: \$100-250 except that the penalty for soliciting a tip shall be \$50, and restitution of overcharge to the Passenger Appearance REQUIRED

(h) *Reserved. Non-Paying Customers.*

(i) *Reserved. No Overloading Vehicle.*

(j) *Use of Front Seat.*

- (1) A Driver must permit a Passenger who is unable to enter or ride in the rear seat of a For-Hire Vehicle to occupy the front seat alongside the Driver.
 §5-15(j)(1) Fine: \$75 Appearance NOT REQUIRED
- (2) If a Passenger's luggage, wheelchair, crutches, three-wheeled motorized scooter, other mobility aid or other property occupies the rear seat of the For-Hire Vehicle, the Passenger must be permitted to occupy the front seat alongside the Driver.
 §5-15(j)(2) Fine: \$25 Appearance NOT REQUIRED
- (k) Luggage. Upon request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property in or from the Vehicle's interior or trunk compartment, and must secure such compartment.
 §5-15(k) Fine: \$ 50 Appearance NOT REQUIRED
- (l) Reserved. No Property.
- (m) Reserved. No 'Marketing' to Passengers.
- (n) Reserved. Handling Passengers with Infectious Diseases.
- (o) Parking. While stopped at its affiliated Base:
- (1) 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.
 §5-15(o)(1) Fine: \$50 Appearance NOT REQUIRED
- (2) A Black Car or Luxury Limousine Driver must comply with all applicable traffic and parking regulations.
 §5-15(o)(2) Fine: \$50 Appearance NOT REQUIRED
- (p) No Nuisance Behavior. A Driver while stopped at the Base with which the Driver's Vehicle is affiliated must not create a nuisance such as:
- (1) Engaging in littering.
- (2) Playing of loud audio material, or
- (3) Horn honking.
 §5-15(p) Fine: \$50 Appearance NOT REQUIRED
- (q) 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.
 §5-15(q) Fine: \$50 Appearance NOT REQUIRED
- §5-16 Operations – Comply with Reasonable Passenger Requests**
- (a) Reserved. Shortest Route Absent Reasonable Passenger Request.
- (b) Reserved. Request to Change Destination or Terminate.
- (c) Reserved. Request for Driver's Name, License Number.
- (d) Reserved. Request for Receipt.
- (e) Passenger Requests on Audio.
- (1) All audio equipment controlled by the Driver must be turned on or off at the request of the Passenger.
- (2) Passenger shall have the right to select what is played on the audio equipment.
- (3) Whether or not the Vehicle is hired, an audio device must be played at normal volume only, and must comply with all noise laws and regulations.
 §5-16(e) Fine: \$50 Appearance NOT REQUIRED
- (f) Passenger Requests on Air Conditioning. A Driver must turn on or off heating or air-conditioning equipment at the request of the Passenger.
 §5-16(f) Fine: \$50 Appearance NOT REQUIRED
- §5-17 RESERVED (Operations – Method of Payment)**
- §5-18 RESERVED (Operations – Lost Property)**
- §5-19 Operations – Passenger and Solicitation and Engagement**
- (a) Limitations on Driver Solicitation of Passengers. A Driver must not solicit or pick up Passengers other than by prearrangement through a licensed Base, or dispatch of an Accessible Vehicle.
 §5-19(a) Fine: First Violation: \$350 Appearance
 Second Violation in 24 months: \$500 REQUIRED
 Third Violation in 36 months: Revocation
- (b) Taxi Stands. A For-Hire Driver must not pick up a Passenger at an authorized taxi stand.
 §5-19(b) Fine: First Violation: \$350 Appearance
 Second Violation in 24 months: \$500 REQUIRED
 Third Violation in 36 months: Revocation
 Points: 2
- §5-20 Operations – Refusing Passengers**
- (a) Must Not Refuse Passengers.
- (1) A Driver who has been dispatched must not refuse, by words, gestures or any other means to provide transportation to a person who has prearranged the trip with a destination within the City of New York, the counties of Westchester or Nassau or Newark Airport.
 §5-20(a)(1)&(2) Fine: First Violation: Appearance
 \$200- \$350 REQUIRED
 Second Violation within
 36 months: \$350 - \$500
- (3) A Driver must not refuse to transport any Person with a Disability or any guide dog accompanying such person.
 §5-20(a)(3) Fine: \$5,000 and revocation Appearance
 REQUIRED
- (b) Justification for Refusal. Justifiable grounds for refusing transportation services are the following:
- (1) The Passenger is carrying, or is in possession of any article, package, case or container that the Driver reasonably believes will cause damage to the interior of the For-Hire Vehicle, impair its efficient operation, or stain or foul the interior. This does not include wheelchairs or other mobility aids used by disabled persons.
- (2) The Passenger is escorted or accompanied by an animal that is not properly or adequately secured in a kennel case or other suitable container. This provision will not apply to service animals accompanying People with Disabilities.
- (3) The Passenger is intoxicated or disorderly. (Caution: Drivers must not refuse service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (4) If the Driver has asked the Passenger to stop smoking in the Vehicle and the Passenger has refused to stop, the Driver may discharge the Passenger. The Driver must, however, discharge the Passenger at a safe location.
- (c) Attendants for Disabled Passengers. A Driver may 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, a Driver will not impose or attempt to impose any additional fare charges for transporting the attendant.
 §5-20(c) Fine: \$100-\$250 and order Appearance
 restitution of any overcharge REQUIRED
 to the Passenger
- (d) Luggage and Mobility Aids. A Driver must not refuse to transport a Passenger's luggage, wheelchair, crutches, other mobility aid or other property.
 §5-20(d) Fine: \$200-\$350 Appearance
 Points: 2 REQUIRED
- §5-21 Operations – Rules for Drivers from Qualified Jurisdictions**
- (a) Eligibility for Reciprocal Recognition. A driver holding a Valid Qualified Jurisdiction driver's license (a QDL) 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 a Qualified Jurisdiction (see Chapter 9A, §9-05).
 §5-21(a)(1) Fine: \$350 Appearance NOT REQUIRED
- (2) The driver holds a Valid Chauffeur's License.
 §5-21(a)(2) Fine: \$100 Appearance NOT REQUIRED
- (3) While operating within New York City, the Valid Chauffeur's License must be displayed on request or be posted within the vehicle.
 §5-21(a)(3) Fine: \$350 Appearance NOT REQUIRED
- (4) The driver maintains and completes the Trip Record required and described in subdivision (e), below.
 §5-21(a)(4) Fine: \$300 Appearance NOT REQUIRED
- (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 Qualified Jurisdiction for travel to or through New York City.
- (2) Pick up Passengers in New York City for travel to the driver's Qualified Jurisdiction.
- (3) When transporting Passengers between the jurisdictions (as described in subdivisions(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
 §5-23(a)(1)-(3) Fine: \$50 for each Appearance
- within New York City unless both vehicle and driver are licensed by the Commission.
- (d) Unlicensed Activity. A driver will be 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) Qualified Jurisdiction Trip Record.
- (1) A record of each trip between New York City and a Qualified 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 be written legibly in ink and 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 a Qualified Jurisdiction, including a trip through either New York City or a Qualified 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 Qualified Jurisdiction.
- (6) Failure to present a properly maintained Trip Record when requested by an authorized person will be presumptive evidence of Unlicensed Activity.
- §5-22 Vehicle – Operating Conditions**
- (a) Reserved. 3-Minute Idle.
- (b) Reserved. Inspect Condition.
- (c) Reserved. No On-street Maintenance Other than Emergency.
- (d) Clean Interior. A Driver during his or her work shift must keep the Vehicle's interior clean and scent free.
 §5-22(d) Fine: \$50 Appearance NOT REQUIRED
- (e) Reserved. Exterior Clean and Identification Visible.
- (f) Reserved. No Unauthorized Equipment.
- (g) Reserved. No Unauthorized Signing.
- §5-23 Vehicle – Items Required to be in the Vehicle During Operation**
- (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.
- (2) In a protective holder attached to the back of the driver's seat in the Vehicle:
- (i) The For-Hire Vehicle Driver's license of the Driver; and
- (ii) The For-Hire Vehicle License.
- (3) Exception for Black Cars and Luxury Limousines.
- (i) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver's seat to display:
- A. The For-Hire Vehicle Driver's License; and
- B. The For-Hire Vehicle License.
- (ii) Those items must, however, 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.

violation of this rule; **REQUIRED**
 however, no fine for
 a violation of this rule
 will exceed \$100
 Points: 2

(b) Trip Record. If the For-Hire Vehicle is used for providing pre-arranged transportation for hire between the City of New York and a Qualified Jurisdiction, a Trip Record, as described in §5-21(e), must be carried in the Vehicle.

§5-24 RESERVED (Vehicle – Trip Records)

§5-25 RESERVED (Vehicle – Electronic Trip Record System)

§5-26 RESERVED (Vehicle – Miscellaneous)

§5-27 Special Driver Penalty Programs

(a) Critical Driver's Program ("Points" in this Section refers to points assessed by the Department of Motor Vehicles).

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

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

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

(4) 15-Month Period. The Commission will calculate the 15-month period by counting backwards 15 months from the date of the most recent violation carrying points.

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

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

(7) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor Vehicle accident prevention course approved by the Commission.

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

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

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

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

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

(2) Revocation – Points and Time Periods.

(i) The Commission will add one point to the For-Hire Driver's License of any Driver who has been found guilty of three or more violations within a 15-month period.

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

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

(3) Multiple Violations from a Single Incident. For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will

consider the Driver guilty of the single violation with the highest point total for purposes of this section.

(4) More Severe Penalties at Discretion of Commission. The Commission can impose more severe or additional penalties to any penalties stated in this section.

(5) Hearing Process and Imposition of Penalties.

(i) The Commission will impose penalties described in this section following the hearing at which the Driver is found in violation of rules that bring his accumulated point total to the level that triggers these penalties.

(ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.

(6) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a remedial or refresher course approved by the Commission.

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

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

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

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

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2010.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
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Chapter 6 (in part), FHV Drivers Rules	Chapter 5, For-Hire Drivers
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The proposed rules make several substantive changes to the provisions of current rules governing for-hire vehicle drivers drivers. Specifically, the proposed rules:

- Eliminate as obsolete phase-in provisions which accompanied changes to the drug test rules three years ago.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

Supplemental Statement

A public hearing on these proposed rules was held on April 2, 2010. Following that hearing the TLC voted at a public meeting on May 20, 2010, to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being re-published for additional public comment and final approval by the TLC.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1,

- Definitions, as a result of staff comment.
- The provisions of section 5-11 were amended based on staff comment to make clear that a licensed driver must drive a vehicle that has been licensed by the TLC.
- The drug test provisions of section 5-14 were amended to reflect that both a positive test and a sample that cannot be tested will result in suspension, based upon a staff comment.

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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing drivers of paratransit vehicles.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on May 8, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 6 thereto, to read as follows:

New Material is underlined.

Chapter 6 Paratransit Drivers

§6-01 Scope of this Chapter

- (a) To establish procedures for the licensing and supervision of Paratransit Drivers who operate for hire in the City of New York.
- (b) To establish operating rules to protect the customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§6-02 Penalties

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing 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 or Authorization from the Commission 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 the Hearing.
- (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
 - (2) If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
 - (3) If a Respondent has made a timely request for a copy of the hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date of the issuance of the recording.
- (d) Mandatory Penalties. If a Licensee has violated a Rule listed below, or any combination of these

Rules, the Commission will enforce the following mandatory penalties and fines:

VIOLATION Description	Rule	
1. Proper licensing	\$6-11(a)	First Violation: \$100 - \$350
2. only Licensees can operate Paratransit Vehicles	\$6-11(d)	
3. refusal to serve	\$6-20(a)	Second Violation within 24 months: \$350 - \$500
4. refusal to transport equipment for disabled passengers	\$6-15(k)(1)	
5. attempt to overcharge additional fare to passengers	\$6-15(g)(1)	Third Violation within 24 months: Revocation of relevant License for Driver, base owner, or owner found in violation
6. can conduct prearranged service only	\$6-19(a)	

- (1) The Commission can also suspend or revoke a Paratransit Driver's License.
- (2) The 24-month period referred to above will be counted backward from the date of the most recent conviction.
- (3) Any individual or Business Entity whose License has been revoked will not be eligible for any Commission License for at least one year after revocation.
- (4) The Commission will automatically revoke the License of any Licensee who has five or more summonses that remain open and outstanding for 12 months. The 12-month period will be counted from the date the earliest summons was issued.

\$6-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter means an Applicant for an original or renewal Paratransit Driver's License.
- (a) Approved Motor Vehicle Accident Prevention Program. An accident prevention course approved by the New York State Department of Motor Vehicles.
- (c) Chauffeur's License. As used herein, Chauffeur's License shall mean:
 - (1) A Valid New York driver's license Class A, B, C or E; or
 - (2) A Valid license of similar class from another state of which the licensee is a resident.
- (d) Driver when used alone in this Chapter refers to a Paratransit Driver.
- (e) Driver's License (or License). In this Chapter, any reference to "Driver's License" or "License" (when used alone) will refer to a Paratransit Driver's License.
- (f) Paratransit Disability. A person with a Paratransit Disability is an individual with a physical or mental impairment, including any person with a mobility impairment who uses a wheelchair, three-wheeled motorized scooter or other mobility aid, or is semi-ambulatory, and who cannot board, ride or disembark from a vehicle without the assistance of a wheelchair lift or other boarding assistance device.
- (g) Paratransit Vehicle (also know as a wheelchair accessible van). A Paratransit Vehicle is any motor vehicle, equipped with a hydraulic lift or ramp(s) designed for the purpose of transporting persons who use wheelchairs or containing any other physical devices designed to permit access to and the transportation of a person with a Paratransit Disability.
- (h) Service Animal. A service animal is a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.
- (i) Vehicle when used alone in this Chapter refers to a Paratransit Vehicle.

\$6-04 Licensing - Requirements

- (a) Age. An Applicant must be at least 18 years of age.
- (b) Identification. If the Applicant is applying for an original License, he or she must provide both of the following proofs of identity:
 - (1) A Valid Government photo ID
 - (2) A Valid, original social security card
- (c) Chauffeur's License. An Applicant must hold a Valid Chauffeur's License.
- (d) Qualified "Bus Driver" Under Article 19-A. An Applicant for a Paratransit Driver's License must meet the special requirements for bus drivers under Article 19-A of the NYS Vehicle and Traffic Law.
- (e) Fitness for the Job.
 - (1) The Applicant must be in sound mental and physical condition
 - (2) The Applicant's fitness must be certified by a licensed physician on forms provided by the Commission or as part of Applicant's qualification process under Article 19-A of the NYS Vehicle and Traffic Law.
 - (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 as directed.
 - (5) The Applicant's vision must be tested and Applicants must possess at least 20/40 vision in each eye (with corrective lenses

if necessary).

- (6) The Applicant must be of good moral character.
- (f) Speak and Understand English. Applicants must be able to understand, speak, read and write the English language.
- (g) Familiar with Geography. Applicants must be familiar with New York City geography, streets and traffic regulations, as well as New York State Vehicle and Traffic Law.
- (h) **Reserved. Pass Drug Test**
- (i) Fingerprinting and Tests. All Applicants must be fingerprinted, be photographed and pass all tests administered or directed by the Commission.
- (j) File Application. Applicants must personally sign and file their application for a new or renewal Paratransit Driver's License.
- (k) Agreement to Accept Service of Process. An Applicant agrees that the City of New York can serve any notice or legal process of any kind upon the Driver by leaving a copy with anyone who resides at the Mailing Address listed on the Driver's application.
- (l) **Reserved. Training.**
- (m) Unique Requirements / Exceptions for New York Police Officers. A member of the New York City Police Department who applies for a Paratransit Driver's License must satisfy all the normal requirements for the License and also provide a letter to the Commission from his or her commanding officer approving the application.

\$6-05 RESERVED [Licensing - Probationary Licenses]

\$6-06 Licensing - Term of Licenses

- (a) Original (New) License Term. An original (new) Paratransit Driver's License will be Valid for two years from the date it is issued.
- (b) Renewal License Term. A License issued to a renewing Applicant will be Valid for two years from the date that the previous License expired.

\$6-07 Licensing - License and Administrative Fees

- (a) Fee for License. The fee for a Paratransit Vehicle Driver's License will be \$60 annually.
- (b) When Fee is Paid. The fee for an original (new) 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 late filing of a renewal application, if it allows the filing at all.
- (e) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

\$6-08 Licensing - Process and Cause for Denial of License

- (a) Failure to Meet Any of Above Requirements. The Commission will deny the Paratransit License or renewal License of any Applicant who fails to meet the requirements. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.
- (b) Material Misrepresentation or Falsification.
 - (1) The Commission will deny a Driver's License application, including a renewal application, and can suspend or revoke an existing License if the Applicant fails to notify the Commission of any material change in the information contained in the application. The Commission can impose other sanctions as well.
 - (2) The Commission will deny a Driver's License application and can suspend or revoke an existing License if the Applicant lies or misrepresents any information in the application. The Commission can impose other sanctions as well.
- (c) Evidence of Attempt to Bribe.
 - (1) An Applicant (or someone acting on behalf of the Applicant) must not offer or give any gift or gratuity to any employee, representative, public servant, or member of the Commission.
 - (2) An Applicant must immediately report to the Chairperson if any employee, representative, public servant, or member of the Commission makes a request or demand for any gift or gratuity.
- (d) Representation Before the Commission. If the Commission denies a new or renewal Driver's License application, the Applicant is entitled to a hearing before the Commission. The Applicant can be represented by an attorney or a non-attorney at the hearing. The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant.
- (e) No Longer Meets Requirements. The Commission can deny, suspend or revoke the License of any renewal Applicant who no longer meets the requirements for a Paratransit Driver's License.

\$6-09 RESERVED [Licensing - Transfer of License]

\$6-10 Licensing - Care of License

- (a) No One Else Can Use. A Driver must not allow anyone to use his or her Paratransit Driver's License. Drivers must not use another person's Paratransit Driver's License.

\$6-10(a) Fine: \$250 Appearance REQUIRED

- (b) Suspension or Revocation of Chauffeur's License. A Driver must immediately report the suspension or revocation of his or her Chauffeur's License to the Commission, and must then surrender his Paratransit Driver's License to the Commission.

\$6-10(b) Fine: \$15-\$150 Appearance REQUIRED

- (c) Loss or Theft of License. A Driver must notify the Commission in writing of the loss, theft or mutilation of his Paratransit Driver's License within 72 hours of that loss (not counting weekends and holidays). A Driver must report in person to apply for a replacement Paratransit Driver's License and must be re-photographed.

\$6-10(c) Fine: \$25 Appearance NOT REQUIRED

- (d) Unreadable License.
 - (1) A Driver must not do anything to any portion of his Paratransit Driver's License or the attached photograph that would make the License unreadable or the photograph unrecognizable.

\$6-10(d)(1) Fine: \$50 Appearance NOT REQUIRED

- (2) A Driver must immediately surrender any unreadable, unrecognizable, or mutilated Paratransit Driver's License to the Commission.

\$6-10(d)(2) Fine: \$25 Appearance NOT REQUIRED

- (e) Keep Photo Updated. A Driver must come to the Commission to be re-photographed whenever his or her physical appearance has changed.
- (f) Safeguarding Licenses.
 - (1) A Driver must safeguard his or her Paratransit Driver's License and the Paratransit Vehicle License.
 - (2) Locking the Paratransit Vehicle with the Paratransit Driver's License and Paratransit Vehicle License inside during his or her shift will satisfy this rule.
 - (3) A Driver must not leave his or her Licenses in the Paratransit Vehicle while another is in possession of the Vehicle.

\$6-10(f) Fine: \$25 Appearance NOT REQUIRED

\$6-11 Comply with Laws - Unlicensed Activity Prohibited

- (a) Vehicle Must be Licensed. A Driver must not operate a paratransit vehicle for hire within the City of New York, unless it is properly licensed by the Commission.

\$6-11(a) MANDATORY PENALTIES: Appearance REQUIRED
See \$6-02

- (b) Driver Must be Licensed. A driver of a New York City Paratransit Vehicle for hire must be licensed as a Paratransit Driver by the Commission.

\$6-11(b) Fine: Appearance REQUIRED
\$100 - 1st Offense
\$250 - 2nd Offense
\$350 - 3rd Offense
\$500 - 4 or more offenses within 12 months

- (c) Driving Must Have Valid Chauffeur's License. A Driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Chauffeur's License.

\$6-11(c) Fine: \$100-\$250 and/or Appearance REQUIRED
suspension up to 30 days unless exempted by the Commission

- (d) Driver Must Possess Valid Paratransit License.
 - (1) A driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Paratransit Driver's License.

\$6-11(d)(1) Fine: \$100 Appearance REQUIRED

- (2) A Driver will not permit any individual who is not currently licensed by the Commission to operate the Paratransit Vehicle in which he or she is dispatched, unless directed to do so by the owner or his or her agents.

\$6-11(d)(2) MANDATORY PENALTIES: Appearance REQUIRED
See \$6-02

- (e) Vehicle Must be Insured. A Driver must not operate a Paratransit Vehicle unless the vehicle is adequately insured in accordance with New York State Law.

\$6-11(e) Fine: \$100 Appearance REQUIRED

- (f) Driver Must Not Drive with Expired Paratransit License.
 - (1) A Driver must submit an application for renewal of his or her License before its expiration date, unless the Commission extends the date.

\$6-11(f)(1) Fine: \$25 Appearance NOT REQUIRED

- (2) A driver who operates as a licensee after the expiration date of a License and before the renewal License has been issued is engaged in Unlicensed Activity and can be subject to penalties under other applicable statutes and regulations.

- (g) Driver Must Not Drive with a Suspended or Revoked Paratransit License. A driver must not operate a Paratransit Vehicle in New York City while his Paratransit Driver's License is revoked, suspended or expired.

- §6-11(g) Fine: Appearance REQUIRED
 \$100 – 1st Offense
 \$250 – 2nd Offense
 \$350 – 3rd Offense
 OATH – 4 or more offenses within 12 months
- §6-12 **Comply with Laws – Proper Conduct**
- (a) No Bribery. An Applicant or Driver (or anyone representing the Driver) must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.
- §6-12(a) Fine: \$1,000 up to Appearance REQUIRED
 revocation
- (b) Report Request for Bribe. A Driver must immediately report to the Commission any request or demand for a gift, gratuity or thing of value from him or his representative by any employee, representative or member of the Commission or any other public servant.
- §6-12(b) Fine: \$1,000 up to Appearance REQUIRED
 revocation
- (c) No Fraud, Theft. While performing the duties and responsibilities of a Licensee, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.
- §6-12(c) Fine: \$25-\$350 and/or Appearance REQUIRED
 suspension up to 30 days
- (d) No Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public although not specifically mentioned in these Rules.
- §6-12(d) Fine: \$25-\$350 and/or Appearance REQUIRED
 suspension up to 30 days
- (e) No Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with any other, any act that is against the best interests of the public although not specifically mentioned in these rules.
- §6-12(e) Fine: \$25-\$350 and/or Appearance REQUIRED
 suspension up to 30 days
- (f) Notify of Criminal Conviction.
- (1) A Driver must notify the Commission within 15 calendar days after the Driver is convicted of any crime.
- (2) The Driver must deliver to the Commission a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction, within 15 days of sentencing.
- §6-12(f) Fine: \$25-\$150 Appearance REQUIRED
- (g) Cooperate with the Commission.
- (1) A Driver must answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.
- (2) A Driver must produce any licenses, Trip Records, or other documents required by the Commission.
- §6-12(g)(1)(2) Fine: \$200 and Appearance REQUIRED
 suspension until compliance
- (3) A Driver must notify the Commission of any change in mailing address (or any other information provided on his or her License application) within 72 hours (not including weekends and holidays). (NOTE: Any notice sent by the Commission will be considered adequate notice if sent to the last mailing address provided by the Driver.)
- §6-12(g)(3) Fine: \$50 Appearance NOT REQUIRED
- (h) Cooperate with Law Enforcement. A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Driver's name, License number, and any documents Driver is required to have in his or her possession.
- §6-12(h) Fine: \$15-\$150 Appearance REQUIRED
- (i) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, a Driver must not threaten, harass, or abuse any person or distract or attempt to distract any Service Animal.
- §6-12(i) Fine: \$50-\$350 and/or Appearance REQUIRED
 suspension up to 30 days
- (j) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee, a Driver must not use or attempt to use any physical force against a person or Service Animal.
- §6-12(j) Fine: \$25-\$350 and/or Appearance REQUIRED
 suspension up to 30 days
- (k) No Unlawful Purpose. A Driver must not use or permit another person to use his or her Paratransit Vehicle for any unlawful purpose and must immediately report to the police any criminal use or attempted criminal use involving the vehicle.
- §6-12(k) Fine: \$25-\$350 and/or Appearance REQUIRED
 suspension up to 30 days

§6-13 **Comply with laws – Miscellaneous**

- (a) Traffic Laws. A Driver must operate his or her Paratransit Vehicle in full compliance with:
- (1) All New York State and City traffic laws, rules and regulations;

- (2) All applicable New York and New Jersey Port Authority and Triboro Bridge and Tunnel Authority rules and regulations;
- (3) The rules and regulations of any other regulatory body or government agency having jurisdiction over motor vehicles.
- §6-13(a) Fine: \$25-\$350 and/or Appearance REQUIRED
 suspension up to 30 days
 or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.
- (b) Critical Driver's Program. In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:
- (1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Paratransit Driver's License for 30 days.
- (2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Paratransit Driver's License.
- (3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver following any moving violation, accident, or other driving related incident.
- (4) 15-Month Period. When calculating any suspension or revocation, the Commission will use the relevant 15-month period that begins with the date of the most recent violation carrying points.
- (5) Date of Point Accumulation. When points are assigned as a result of a violation, they will be counted as of the date of the violation.
- (6) Multiple Points from a Single Incident. A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, if a Driver has accumulated points for multiple violations arising from a single incident, the Commission will count the single violation with the highest point total.
- (7) Point Reduction for Voluntary Course Completion.
- (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes an Approved Motor Vehicle Accident Prevention Course.
- (ii) The Driver must provide the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) The Commission will not reduce the total points of any Driver more than once in any 18-month period.
- (c) Reserved. Program for Persistent Violators.
- §6-14 **Operations – Passenger and Driver Safety**
- (a) Safe Driving. A Driver must not operate a Vehicle unless it is in safe operating condition, and it meets and is operated under all the requirements of New York State and New York City vehicle and traffic laws, and all Commission requirements under these rules.
- §6-14(a) Fine: \$50-\$150. Appearance REQUIRED
- (b) Reckless Driving Rule. A Paratransit Driver must not operate his or her vehicle in a manner or speed that endangers others or their property.
- §6-14(b) Fine: \$25-\$250 and/or Appearance REQUIRED
 suspension up to 30 days
 or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.
- (c) Reporting Before Leaving Scene.
- (1) Any Paratransit Driver involved in an accident must stop and identify himself or herself.
- (2) Before leaving the accident scene, the Paratransit Driver will provide the following to the other involved parties or to a police officer on the scene:
- (i) An opportunity to copy information from the Driver's Chauffeur's License, Paratransit Driver's License and insurance card.
- (ii) The Driver's name and residence address.

- (iii) The Paratransit Driver's number,
- (iv) The Paratransit Vehicle Identification number
- (v) The Vehicle's insurance carrier and the insurance policy number.
- §6-14(c) Fine: \$25-\$250 and/or Appearance REQUIRED
 suspension up to 30 days
 or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.
- (d) Driving While Impaired. A Driver must not operate a Paratransit Vehicle if his or her driving ability is impaired by either alcohol or drugs. A Driver must not consume alcoholic beverages or illegal drugs while occupying the vehicle.
- §6-14(d) Fine: \$50-\$300 and/or Appearance REQUIRED
 suspension or revocation.
- (e) Reserved. TLC can Require Drug Test.
- (f) Not Allowed to Drive More than 12 Consecutive Hours. A Driver must not operate a Paratransit Vehicle for more than 12 consecutive hours. If a Driver has accepted a passenger prior to the conclusion of the twelfth hour the Driver can complete that trip provided he or she is able to drive safely.
- §6-14(f) Fine: \$25. Appearance NOT REQUIRED
- (g) Handling Passengers with Infectious Diseases.
- (1) Drivers must obey any Federal, State or City laws and regulations regarding the handling of passengers with infectious diseases. This includes providing passengers with things such as masks and gloves when required.
- (2) Drivers must adhere to any Federal, State or City laws and regulations regarding cleaning Paratransit Vehicles after transporting passengers with infectious diseases and the disposal of contaminated materials. It is the responsibility of the owner of the Paratransit Vehicle to provide protective clothing (goggles, gloves, gowns and masks) to any employee who disinfects the vehicle.
- (i) The New York State Department of Health has recommended the following as an appropriate disinfectant solution: One (1) part sodium hypochlorite solution (bleach) to nine (9) parts water – fill the bucket with water first and then add the solution.
- (ii) If a stretcher is contaminated, it can be cleaned and disinfected by wiping. If it is saturated, however, Drivers (or owners) are required to dispose of it in an appropriate manner. The Driver (or owner) must dispose of any contaminated linen. **Note:** Dispose of contaminated material by placing the items in a buff-colored impervious plastic bag and seal the bag and tag it as "contaminated" and dispose of the material in the manner approved at a local hospital.
- (iii) In the case of gross contamination, where the vehicle is saturated or encrusted, then the vehicle must be sterilized with steam, gas or liquid agents.
- §6-14(g) Fine: \$25-\$1,000 possible Appearance REQUIRED
 suspension or revocation (OATH).
- (h) Accident Notification.
- (1) A Driver must immediately notify the Vehicle owner if the Driver and the Paratransit Vehicle are involved in an accident.
- (2) A Driver must immediately notify his or her employer of any traffic infraction, accident or conviction as required in section 509-i of Article 19A of the New York State Vehicle and Traffic Law.
- §6-14(h) Fine: \$25-\$250 and/or Appearance REQUIRED
 suspension up to 30 days
- (i) Use of an 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.
- NOTE:** A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.
- §6-14(i)(1) Fine: \$200 Appearance NOT REQUIRED
- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule or any similar state law or rule, must take a Distracted Driving Course.
- (i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.
- (ii) The Driver must complete the Distracted Driving Course and provide proof of completion to

the Chairperson no later than 60 days after the directive is issued.

(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.

§6-15 Operations — General Rules During Operation of Vehicle

(a) **No Weapons.** A Driver must not carry a weapon while operating a Paratransit Vehicle without the Commission's written authorization.

§6-15(a) Fine: \$100 and/or suspension up to 30 days. Appearance REQUIRED

(b) **Driver Neat & Clean.** A Driver must be clean and neat in appearance when operating a Paratransit Vehicle for hire.

§6-15(b) Fine: \$25. Appearance NOT REQUIRED

(c) **No Smoking.** A Driver must not smoke when transporting a passenger, or while assisting the passenger in or out of the vehicle.

§6-15(c) Fine: No Penalty Noted. Appearance NOT REQUIRED

(d) **Reserved. No Locking Rear Doors.**

(e) **Reserved.**

(f) **Reserved. Have E-ZPass.**

(g) **No Overcharges.**

- (1) A Driver must not charge or try to charge a fare above the approved rate of fare established by the owner and filed with the Commission.
- (2) A Driver must not charge or try to charge any additional fees for transporting a person with a Paratransit Disability, a Service Animal, or a wheelchair or other mobility aid.

§6-15(g)(1)-(2) MANDATORY PENALTIES: See §6-02 Appearance REQUIRED

(3) A Driver must give passengers the correct change.

§6-15(g)(3) Fine: \$25-\$150 Appearance REQUIRED

(4) A Driver must not ask or in any way indicate to a passenger that a tip is expected or required.

§6-15(g)(4) Fine: \$50 Appearance REQUIRED

(h) **Reserved. Non-Paying Customers.**

(i) **No Overloading Vehicle.** A Driver must never carry more passengers than the capacity of the vehicle as determined by the State Department of Transportation.

§6-15(i) Fine: \$25. Appearance NOT REQUIRED

(j) **Reserved. Use of Front Seat.**

(k) **Luggage.**

- (1) A Driver must not refuse to transport a passenger's wheelchair, crutches or other property.

§6-15(k)(1) MANDATORY PENALTIES: See §6-02 Appearance REQUIRED

(2) When necessary or if the passenger requests it, the Driver must load or unload the passenger's luggage and other property, within reason.

§6-15(k)(2) Fine: \$50-\$100 Appearance REQUIRED

(l) **Reserved. No Transporting Property Only.**

(m) **No 'Marketing' to Passengers.** A Driver must not sell or advertise any service or merchandise to the passengers without prior written approval from the Commission.

§6-15(m) Fine: \$50. Appearance NOT REQUIRED

(n) **Assist Passengers to Board Vehicle.**

- (1) A Driver must provide all necessary and reasonable assistance to passengers to board the vehicle, to be secured inside, to be delivered to their destination, and to depart from the vehicle.
- (2) The Driver must assist all passengers whether the passenger is ambulatory, or uses a wheelchair or other mobility aid.
- (3) The Driver's assistance must also include ensuring that a service animal has entered and exited the vehicle.
- (4) The Driver is not required to assist passengers up or down the steps.

§6-15(n)(1)-(4) Fine: \$100-\$340 and/or suspension up to 30 days and possible revocation (OATH). Appearance REQUIRED

(o) **Be Punctual.** A Driver must be diligent and on time in picking up and transporting passengers.

§6-15(o) Fine: \$25. Appearance NOT REQUIRED

(p) **Alternate Transportation if Vehicle Breaks Down.**

- (1) If the Paratransit Vehicle becomes inoperable while a passenger is in the Vehicle, the Driver must try to find comparable transportation for the remainder of the passenger's trip.
- (2) This does not apply if the passenger wants to find his or her own transportation.

§6-15(p) Fine: \$50 - \$150 Appearance REQUIRED

(q) **Courtesy.** A Driver must be courteous to passengers.

§6-15(q) Fine: \$25 Appearance NOT REQUIRED

§6-16 Operations — Comply with Reasonable Passenger Requests

(a) **Shortest Route.** A Driver must take passengers to their destination by the shortest, most reasonable route unless the Driver or passenger requests a different route, and all of the other passengers agree.

§6-16(a) Fine: \$25-\$150 Appearance REQUIRED

(b) **Request to Change Destination or Terminate.** A Driver must comply with a passenger's request to change the destination or terminate the trip unless it is impossible or unsafe for the Driver to comply. The passenger can not request this change in an emergency situation, and any change or termination must be in the best interest of the other passengers.

§6-16(b) Fine: \$25-\$150 Appearance REQUIRED

(c) **Request for Driver's Name, License Number.** A Driver must comply with all lawful and reasonable requests from passengers. This can include giving his or her name, his or her Paratransit Driver's License number and the Paratransit Vehicle's license number.

§6-16(c) Fine: \$50-\$100 Appearance REQUIRED

(d) **Request for Receipt.**

- (1) Upon request, the Driver must give a passenger a receipt for payment of the fare.
- (2) The receipt must clearly show the date, time, Paratransit Vehicle license plate number, name of the Base, fare paid, extras, and the telephone number of the Commission's complaint department.

§6-16(d) Fine: \$25 Appearance NOT REQUIRED

(e) **Passenger Requests on Audio.**

- (1) A Driver must turn the radio on or off at the passenger's request.
- (2) The passenger has the right to select the radio station.
- (3) The radio volume will only be played at a reasonable level, and the Driver must abide by all noise ordinances.

§6-16(e) Fine: \$25 Appearance NOT REQUIRED

(f) **Passenger Request Regarding Air Conditioning/Heat.** A Driver must turn the air conditioning or heating device in a Paratransit Vehicle on or off at a passenger's request.

§6-16(f) Fine: \$25 Appearance NOT REQUIRED

§6-17 Operations — Method of Payment

(a) **Reserved. Accept US Currency.**

(b) **Be Able to Make Change.** A Driver must always be capable of making change for a \$20 bill when providing service on a cash basis.

§6-17(b) Fine: \$25 Appearance NOT REQUIRED

(c) **Reserved. Credit /debit Card with Operable T-PEP.**

§6-18 Operations - Lost Property

(a) **Inspecting for Passenger Property.** The Driver must inspect the interior of the Paratransit Vehicle after each trip and any property found must be returned to the passenger if possible; otherwise it must be taken immediately to the police precinct closest to where the passenger was discharged.

§6-18(a) Fine: \$50-\$250 Appearance REQUIRED

(b) **Inform Commission of Lost Property.** The Driver must promptly inform the Commission of any property found and the police precinct where it is held if the property is not returned to the passenger.

§6-18(b) Fine: \$25 Appearance NOT REQUIRED

§6-19 Operations — Passenger Solicitation and Engagement

(a) **Limitations on Driver Solicitation of Passengers.** A Driver must only pick up passengers on a prearranged basis. Paratransit Drivers must not solicit or respond to hails.

§6-19(a) MANDATORY PENALTIES: See §6-02 Appearance REQUIRED

§6-20 Operations — Refusing Passengers

(a) **Must Not Refuse.** Unless justified, a Driver who is dispatched must not refuse by words, gestures or any other means, to transport a person who has prearranged the trip with a destination within the City of New York. This includes a passenger accompanied by a service animal.

§6-20(a) MANDATORY PENALTIES: See §6-02 Appearance REQUIRED

(b) **Justification for Refusal.** The following are justifiable grounds for refusing to provide transportation services:

- (1) The passenger has a weapon.
- (2) The passenger has a package or some article that the Driver reasonably believes could injure others or damage the Paratransit Vehicle.
- (3) The passenger is intoxicated or disorderly. (A Driver will not, however, refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (4) The passenger is accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. This provision will not apply to service animals accompanying people with disabilities.
- (5) The passenger is in need of emergency medical assistance.

§6-21 RESERVED [Operations - Cooperation with Issuing Jurisdictions]

§6-22 Vehicles - Operation and Condition of Vehicle

(a) **Pollution Control.**

- (1) The Driver will not unnecessarily allow the Vehicle's engine to idle for longer than three minutes.
- (2) The Driver will adhere to the New York City Air Pollution Control Code.

§6-22(a) Fine: \$25 Appearance NOT REQUIRED

(b) **Inspect Condition.** A Driver must personally inspect and reasonably determine that all equipment, including brakes, tires, lights, signals, wheelchair ramps and fastening devices are in good working order, before operating the vehicle.

§6-22(b) Fine: \$15-\$150 Appearance REQUIRED

(c) **Reserved. No On-street Maintenance Other than Emergency.**

(d) **Clean Interior.** A Driver must keep the Paratransit Vehicle clean and in good appearance during his or her work shift.

§6-22(d) Fine: \$25 Appearance NOT REQUIRED

(e) **No Unauthorized Equipment.** Drivers must not put any unauthorized equipment, devices or signs on or in a Paratransit Vehicle during their work shifts (excluding mobility devices, such as grab bars, or non-slip flooring). Drivers can install devices or equipment not listed here only with the written authorization of the Commission.

§6-22(e) Fine: \$25-\$200 and/or suspension up to 30 days. Appearance REQUIRED

§6-23 Vehicles - Items Required to be in the Vehicle During Operation

(a) **General.** The following items must be present in the Paratransit Vehicle prior to its operation:

- (1) The Driver's Paratransit Driver's License
- (2) The Vehicle's registration certificate (or a photocopy)
- (3) The Paratransit Vehicle License (or a photocopy)
- (4) An insurance card (or a photocopy)
- (5) The lease card, if any, (or a photocopy)
- (6) The Trip Record
- (7) Any notices required to be posted in the Paratransit Vehicle

§6-23(a) Fine: \$15 each violation. Appearance NOT REQUIRED

§6-24 Vehicles - Trip Records.

(a) **Information Required in Trip Records.** All Trip Records will contain the following information:

- (1) The Driver's Paratransit Driver's License number
- (2) The Paratransit Vehicle's state license plate number
- (3) The date and time of pick-up of each passenger
- (4) The date and time of drop-off of each passenger
- (5) The locations of pick-ups and drop-offs
- (6) Any other entries required by the Commission and local, state or federal law.
- (7) When the electronic Trip Record system is operable, the Driver will use the system to record entries for the locations, dates and time of pick-ups and drop-offs, at the times they occur; the Base Owner is permitted to make all other entries

§6-24(a) Fine: \$50 for each violation of this rule; however, no fine for a violation of this rule will exceed \$100 for each vehicle stop. Appearance NOT REQUIRED

(b) **Electronic Trip Record System.**

- (1) An electronic Trip Record system must be installed and functioning in each Paratransit Vehicle.

- (2) If the electronic system malfunctions, the Driver:
 - (i) Must report the malfunction promptly,
 - (ii) Must use a written Trip Record temporarily, and
 - (iii) Must not operate the Paratransit Vehicle for hire for more than three business days after timely reporting the malfunction.

§6-24(b) Fine: \$250. Appearance REQUIRED

(c) Maintaining Written Trip Records When Electronic System is Inoperable. The written Trip Record must contain each of the record entries required under §6-26(a) above and must be maintained as follows:

- (1) All entries must be in ink and the Trip Record must be current.
- (2) At the beginning of each work shift the Driver will sign and certify on the Trip Record that the Paratransit Vehicle and its equipment are in good working condition and that all required items are present. (One entry for an owner/Driver is sufficient.)

§6-24(c) Fine: \$50 for each violation of this Rule; however, no fine shall exceed \$100 for each Vehicle stop. Appearance NOT REQUIRED

(d) Correcting Trip Records Entries. The only method of correcting errors in written trip records is as follows:

- (1) Drivers must correct errors by written Trip Records by drawing a single line through the incorrect entry and initialing the correction.
- (2) A Driver must not erase, smear, cross out or otherwise cover an entry on a written Trip Record, and must not leave any blank lines between entries.
- (3) No one may erase, delete, alter, change or obliterate electronic Trip Record data collected in the Paratransit Vehicle.
- (4) A Driver must report all necessary corrections to the Base owner.

§6-24(d) Fine: \$30 Appearance NOT REQUIRED

§6-25 **Vehicle Equipment – Electronic Trip Record System**

(a) The “electronic Trip Record system” is hardware and software that collects and stores the electronic trip record data required by the Commission. This includes the following:

- (1) The Driver’s Paratransit Driver’s License number
- (2) The Paratransit Vehicle’s state license plate number
- (3) The date and time of pick-up of passengers
- (4) The date and time of drop-off of passengers
- (5) The locations of pick-ups and drop-offs
- (6) Any other entries required by the Commission and local, state or federal law.

(b) The specific pick-up and drop-off locations, dates and times must be collected in the vehicle during the trip; the Base Owner is permitted to make other entries.

§6-26 **Vehicle Equipment – Miscellaneous**

(a) Wheelchair Ramps and Fastening Devices. A Driver must only use wheelchair ramps and fastening devices that are functioning properly and are secure.

§6-26(a) Fine: \$25-\$250 and/or suspension up to 30 days. Appearance REQUIRED

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making Proposed Rule Chapters

Chapter 4, Paratransit Services, as to Drivers of Paratransit Vehicles Chapter 6, Paratransit Drivers

The proposed rules make the following substantive changes to the provisions of the current rules governing drivers of paratransit vehicles:

- Eliminate references to drug addiction that are contrary to the Americans with Disabilities Act.
- Provide that a driver must be re-photographed whenever his or her appearance changes, to conform to existing practice by which drivers are photographed by the TLC, rather than submit photographs to the TLC as stated in the existing rules.
- To fully incorporate the provisions of Local Law 16 of 2008, the proposed rule revises the penalty provisions to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.
- Provide that the certification as to medical fitness of an applicant may be done as part of the certification process under Article 19-A of the NYS Vehicle and Traffic Law, which conforms the rule to current TLC practice.
- Clarify the driver’s duties with respect to the operation of the electronic trip record system to conform to actual experience.

Supplemental Statement

A public hearing on these proposed rules was held on May 8, 2009. Following that hearing the TLC voted at a public meeting on May 28, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being re-published for additional public comment and final approval by the TLC.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1 Definitions as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions of section 6-12 regarding acts of commission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment to similar provisions in Chapter 4.
- The provisions regarding cell phone use were revised to track revised TLC rules governing the use of cell phones and electronic devices.

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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amended rules governing commuter van drivers.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on August 28, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on July 8, 2010. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 7 thereto, to read as follows:

New Material is underlined.

Chapter 7 Commuter Van Drivers

§7-01 Scope of this Chapter

(a) To establish procedures for the licensing and regulation of Commuter Van Drivers who operate for hire into, out of or within New York City.

(b) To establish operating rules to protect the customers and the public.

(c) To establish appropriate penalties for the violation of these rules.

§7-02 Penalties

(a) Unlicensed Activity

- (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
 - (i) Any Licensee whose License is suspended, revoked, expired and not yet renewed, or
 - (ii) Any person who does not hold a Valid License or Authorization from the Commission 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 will be shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
- (2) If fines are not paid by the close of business on the date due, the violator’s License will be suspended until the fine is paid.

If a respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

(d) Mandatory Penalties

- (1) The following cumulative violations will result in mandatory revocation:

§	Topic	Cumulative Violation Criteria	Penalty, after opportunity for Hearing
7-18(b)	Pick Up and Discharging Passengers	Failure to comply three or more times within six months	Revocation of Drivers License
7-11(c)	Use or attempt to use physical force	Failure to comply three or more times within six months	Revocation of Drivers License
7-10(c)	Suspension of license under “Bus Driver” Driver Rules	Driver’s license is suspended under Article 19-A §509-c(2)(d) twice within a three year period, for accumulating nine or more points within an 18-month period	Revocation of Drivers License
(2)	A Driver who has had his or her License revoked under any of these mandatory penalties is not permitted to apply for a new License for a period of one year after the date of revocation		

§7-03 Definitions Specific to this Chapter

(a) Applicant in this Chapter means an Applicant for an original or renewal Commuter Van Driver’s License.

(b) Authorized means that a Commuter Van Service has been given permission to operate by the Commission.

(c) Commuter Van Driver’s License means a License to drive a Commuter Van Vehicle.

(d) Commuter Van Vehicle. A motor vehicle having a seating capacity of at least nine (9) but not more than twenty (20) passengers that has been licensed by the TLC to carry passengers for hire in an Authorized Commuter Van Service.

(e) Commuter Van Service. A service that is Authorized by the Commission to use Commuter Vans to provide transportation into, out of, or within New York City:

- (1) on a prearranged, regular daily basis,
- (2) over non-specified or irregular routes, and
- (3) between a zone in a residential neighborhood and a location which will be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport.

(f) Driver in this Chapter refers to a Commuter Van Driver.

(g) License in this Chapter means a Commuter Van Driver’s License.

(h) Passenger Manifest is the written record required for Commuter Van Services; the only information required in a Passenger Manifest is the name of each passenger to be picked up.

(i) Person with a Disability is an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a Service Animal, but who can transfer from such a mobility aid to a Taxicab, For-Hire Vehicle or Commuter Van with or without reasonable assistance.

(j) Service Animal. A guide dog, signal dog or any other animal trained specifically to work or to

perform tasks for a Person with a Disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

§7-04 Licensing - General Requirements

- (a) **Reserved. Age.**
- (b) **Reserved. Identification.**
- (c) **Chauffeur's License.** An Applicant must hold a Valid Chauffeur's License.
- (d) **Qualified "Bus Driver" Under Article 19-A.** An Applicant for a Commuter Van Driver's License must:
 - (1) Meet the qualifications of Article 19-A of the NYS Vehicle and Traffic Laws for the operation of a bus, as that article defines "bus," and
 - (2) Submit a copy of the affidavit filed with the NYS Department of Motor Vehicles certifying that the driver has done so.
- (e) **Fitness for the Job.** The Applicant must demonstrate to the satisfaction of the Commission that he or she is fit and able to drive the Commuter Van for which the License is sought.
- (f) **Reserved. Familiar with Geography.**
- (g) **Reserved. Pass Drug Test.**
- (h) **Fingerprinting for Determining Good Moral Character.**
 - (1) The Applicant must be fingerprinted so that the Commission can obtain criminal history records from the New York State Division of Criminal Justice Services.
 - (2) The Applicant must pay any processing fee required by the State.
- (i) **Reserved. Agreement to Accept Service of Process.**
- (j) **Reserved. Training**
- (k) **Reserved. Unique Requirements/Exceptions for NY Police Officers.**

§7-05 Licensing - Term of Licenses

- (a) **Original (new) License Term.** An original Commuter Van Driver's License will be Valid for two years from the date it is issued.
- (b) **Renewal License Term.** A License issued to a renewing Applicant will be Valid for two years from the date that the previous License expired.

§7-06 Licensing - License and Administrative Fees

- (a) **Fee for License.** The fee for a Commuter Van Driver's License will be \$60 annually.
- (b) **When Fee is Paid.** The fee for an original or renewal License must be paid when the Applicant files the application.
- (c) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves an application.
- (d) **Late Filing Fee.** The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) **License Replacement Fee.** The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

§7-07 Licensing - Procedures and Causes for Denial

- (a) **Reserved. Failure to Meet Requirements.**
- (b) **Revocation within the Last Year.** The Commission will not issue or renew a Commuter Van Driver's License if the Applicant has had a Commuter Van Driver's License revoked within the last year.
- (c) **Material Misrepresentation or Falsification.** The Commission can deny an application or refuse a renewal if the Applicant has lied or withheld any material information or made or concealed a material fact in connection with his or her application or any certification related to the application.
- (d) **Commission Failure to Approve Within 180 Days.**
 - (1) The Commission will approve or disapprove applications for a Commuter Van Driver's License within 180 days of receiving the completed application.
 - (2) Failure to approve or disapprove application within this time frame will be considered a denial of the application.
- (e) **Other Reasons.** The Commission may deny a Commuter Van Driver's License whenever the Applicant has engaged in conduct that would be the basis for suspension or revocation.
- (f) **Refusal to Renew.** The Commission may refuse to renew a Commuter Van Driver's License for any of the reasons listed above in this section, as well as for the following:
 - (1) The Applicant has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
 - (2) The Applicant has engaged in any fraud or misrepresentation in connection with providing any transportation service.
 - (3) The Applicant has failed to pay any penalty that has been properly imposed under these Rules.
 - (4) The Applicant has been convicted of a crime that the Commission believes has a

direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter Van Driver, or has been convicted of any offense that under Article 23-A of the NYS Corrections Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter Van Driver's License.

- (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter Van Drivers.
- (6) The Applicant has been found to have violated any of the provisions of §8-107 of the Administrative Code of the City of New York concerning unlawful discriminatory practices in public accommodations in the operation of a commuter van service or a commuter van vehicle.

(§7-08 Licensing - Transfer of License.

- (a) A Commuter Van Driver's License is not assignable or transferable.

§7-09 RESERVED [Care of Licenses]

§7-10 Comply with Laws - Unlicensed Activity Prohibited

- (a) **Driver Must Be Licensed.** A person must not operate a for-hire Commuter Van without having a Valid Commuter Van Driver's License.

§7-10(a) Fine: \$300 Appearance NOT REQUIRED

- (b) **Driver Must Have a Valid Chauffeur's License.** A driver must not operate a Commuter Van unless he or she possesses a Valid Chauffeur's License.

§7-10(b) Fine: \$300 Appearance NOT REQUIRED

- (c) **Driver Must Be in Compliance with Article 19-A.** A Commuter Van Driver must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a Commuter Van in noncompliance with Article 19-A is considered to be the same as if the individual were driving a Commuter Van without a Valid Commuter Van License.

§7-10(c) Fine: \$300 Appearance NOT REQUIRED

- (d) **Commuter Van Must Be Licensed and Authorized.** A Commuter Van Driver must not operate a Commuter Van unless it is:
 - (1) Licensed by the Commission
 - (2) Operating under an Authorized and Valid Commuter Van Service.

§7-10(d) Fine: \$300 Appearance NOT REQUIRED

- (e) **Shall Not Advertise Vehicle as Commuter Van Service.** No person will operate any vehicle bearing the words "Commuter Van Service," "van service," "Commuter Van," "van" or other similar designation unless all of the following are true:
 - (1) The person has:
 - A. A Commuter Van Drivers License
 - B. A Valid state driver's license;
 - (2) The vehicle is:
 - A. Licensed as a Commuter Van
 - B. Operating under an Authorized and Valid Commuter Van Service.

§7-10(e) Fine: \$500 first violation; \$1,000 subsequent violations within 24 months Appearance REQUIRED

- (f) **Driving with an Expired License.** A person who drives an authorized, Licensed Commuter Van after his or her Commuter Van Driver's License expires, or before the Commission issues a renewal License is guilty of driving without a License, and will be subject to the penalties for violation of §7-10(a).

§7-11 Comply with Laws - Proper Conduct

- (a) **No Bribery.**
 - (1) **Must Not Offer Bribe.**
 - (i) A Driver or any person acting as his representative must not offer or give any gift, gratuity or thing of value to any member, employee, or representative of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
 - (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§7-11(a)(1) Fine: \$1,000 and/or suspension or revocation Appearance before OATH REQUIRED

- (2) **Report Request for Bribe.**
 - (i) A Commuter Van Driver must immediately report to the Commission and to the New York City 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 public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.

(ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§7-11(a)(2) Fine: \$1,000 and/or suspension or revocation Appearance before OATH REQUIRED

- (b) **No Fraud, Misrepresentation.** While performing the duties and responsibilities of a Driver, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§7-11(b) Fine: Refusal to renew or revocation

- (c) **Use or Threat of Physical Force.** While performing the duties and responsibilities of a Driver or any act in connection with those duties, a Driver must not use or attempt to use any physical force against any person nor harm or distract any Service Animal.

§7-11(c) Fine: \$50-\$350 and/or suspension or revocation Appearance REQUIRED

- (d) **Report Criminal Conviction.**
 - (1) A Driver must notify the Commission within five calendar days after any criminal conviction of the Driver.
 - (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§7-11(d) Fine: \$50-\$250 and/or suspension or revocation Appearance REQUIRED

- (e) **Cooperate with Law Enforcement and the Commission.** Commuter Van Drivers must:
 - (1) Answer all questions truthfully and comply as directed with all communications, directives and summonses from the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to Commuter Vans;

§7-11(e)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

- (2) Produce any documents required by this section to be kept in the Commuter Van upon the demand of any authorized person or entity; and

§7-11(e)(2) Fine: \$50 Appearance NOT REQUIRED

- (3) Produce any document required by this chapter to be kept by no later than 10 days following a request from the Commission.

§7-11(e)(3) Fine: \$75-\$350 and/or suspension until compliance Appearance REQUIRED

- (f) **Reserved. No Willful Acts of Omission.**
- (g) **Reserved. No Willful Acts of Commission.**

§7-12 Comply with Laws - Traffic Laws & Miscellaneous

- (a) **Critical Driver's Program (rules relating to the points)**
 - (1) **License Suspension.** If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Commuter Van Driver's License for 30 days.
 - (2) **License Revocation.** If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Commuter Van Driver's License.
 - (3) **Review of Driver Fitness.** The Commission can at any time review the fitness of a Driver following any moving violation, accident, or other driving related incident.
 - (4) **15-Month Period.** When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points.
 - (5) **Date of Point Accumulation.** When points are assigned as a result of a violation, they will be counted as of the date of the violation.
 - (6) **Multiple Points from a Single Incident.** A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, the Commission will count the single violation with the highest point total, if a Driver has accumulated points for multiple violations arising from a single incident.
 - (7) **Point Reduction for Voluntary Course Completion.**
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Driver who voluntarily attends and satisfactorily completes an Approved Motor Vehicle Accident Prevention Course

- (ii) The Driver must furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total;
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) The Commission will not reduce the total points of any Driver more than once in any 18-month period.
- (8) Nothing in this section prevents the Commission from imposing additional or more severe penalties for these violations.

§7-13 Operations - Passenger and Driver Safety

- (a) Safe Driving Behavior.
 - (1) Applicants must maintain safe and lawful driving behavior.
 - (2) The Commission will not issue or renew a Commuter Van Driver's License if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of such License.
- (b) 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.

NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.

§7-13(b)(1) Fine: \$200 Appearance NOT REQUIRED

- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule, or any similar state law or rule, must take a Distracted Driving Course.
 - (i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.
 - (ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.
- (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 provider;
 - (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.

§7-14 Operations - General Rules

- (a) Reserved. No Weapons.
- (b) Reserved. Driver neat & clean.
- (c) Reserved. No smoking.
- (d) Reserved. No locking rear doors.
- (e) Reserved.
- (f) Reserved. Have E-ZPass.
- (g) No Overcharging Customers.
 - (1) A Commuter Van Driver will not charge or attempt to charge a customer more than the fare that was approved in advance by the dispatcher.
 - (2) A Commuter Van Driver will not charge or attempt to charge any additional fees for transporting a Person with a Disability, for a Service Animal accompanying a Person with a Disability, or for wheelchairs or other mobility aids.
- §7-14(g) Fine: \$100-\$250 and order restitution for any overcharge passenger Appearance REQUIRED
- (h) Reserved. Non-paying Customers.
- (i) Reserved. No Overloading Vehicle.
- (j) Reserved. Use of Front Seat.
- (k) Reserved. Luggage.
- (l) Reserved. No Property.
- (m) Reserved. No 'Marketing' to Passengers.
- (n) Reserved. Handling Passengers with Infectious Diseases.

§7-15 RESERVED [Operations - Comply with Reasonable Passenger Requests]

§7-16 RESERVED [Operations - Method of Payment]

§7-17 RESERVED [Operations - Lost Property]

§7-18 Operations - Passenger Solicitation and Engagement

- (a) Solicitation of Passengers.
 - (1) A Commuter Van Driver must only transport passengers on a pre-arranged basis, and whose names appear on the Passenger Manifest.
 - (2) Requests for service and pre-arranged trips must be logged in and these records must be maintained at the business premises of the Commuter Van Service for verification.

§7-18(a) Fine: \$50 Appearance NOT REQUIRED

- (b) Limitations on Passenger Pick-up. A Commuter Van Driver must not perform or allow the pick up or discharge passengers:
 - (1) Outside of the geographic area specified in the Commuter Van Service Authorization, or
 - (2) Along any route of a City of New York or private bus line. [Exception: This restriction does not apply to the pick up or discharge of passengers along bus routes in the borough of Manhattan south of Chambers Street by drivers for commuter van services which on July 1, 1992 had authority from the New York State Department of Transportation to pick up or discharge passengers along bus routes in such area, provided that the scope of operations by such commuter van services along bus routes in such area shall not exceed the scope of such operations prior to July 1, 1992].

§7-18(b) Fine: \$75 first and second violation; Appearance NOT REQUIRED
Revocation for third violation within six months (see Mandatory Penalties, §7-02(c))

§7-19 Operations - Refusing Passengers

- (a) Must Not Refuse. Unless justified, a Driver who is dispatched must not refuse by words, gestures or any other means, to transport a person who has prearranged the trip and the destination is within Commuter Van Service's Authorized jurisdiction. This includes a passenger accompanied by a Service Animal.

§7-19(a) Fine: \$200-\$350 for first violation; \$350-\$500 for each subsequent violation within 36 months Appearance REQUIRED

- (b) Justification for Refusal. Justifiable grounds for refusing to transport passengers include:
 - (1) The passenger has a weapon
 - (2) The passenger has a package or some article that the Driver reasonably believes could injure others or damage the Commuter Van Vehicle.
 - (3) The passenger is accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. (This provision does not apply to Service Animals accompanying Persons with Disabilities.)
 - (4) The passenger is intoxicated or disorderly. (A Driver must not, however, refuse to provide service solely because a disability results in annoying, offensive or inconvenient behavior).
 - (5) The passenger has refused a request by the Commuter Van Driver to stop smoking.
 - (i) The Driver may discharge a passenger who refuses to stop smoking after the Driver made the request.
 - (ii) If a Driver discharges the passenger, it must be at a safe location.

§7-19(c) Attendants for Disabled Passengers.

- (1) A Commuter Van Driver must not require a Person with a Disability to be accompanied by an attendant.
- (2) If a Person with a Disability is accompanied by an attendant, a Driver must not charge or attempt to charge an additional fare for transporting the attendant.

§7-19(c) Fine: \$100-\$250 and order restitution for any overcharge to the passenger Appearance REQUIRED

- (d) Luggage and Mobility Aids. A Commuter Van Driver must not refuse to transport a passenger's wheelchair, crutches or other mobility aid.

§7-19(d) Fine: \$200-\$350 Appearance REQUIRED

§7-20 RESERVED [Operations - Cooperation with Issuing Jurisdictions]

§7-21 RESERVED [Vehicles - Operation and Condition]

§7-22 Vehicles - Items required to be in the Vehicle during operation

- (a) Items in Vehicle. A Commuter Van Driver must not operate a Commuter Van unless the following are present in the vehicle:

- (1) The Commuter Van License;
- (2) The Driver's Commuter Van Driver's License;
- (3) The Authorization to operate a Commuter Van Service, or a legible photocopy;
- (4) The vehicle registration and evidence of current liability insurance;
- (5) The Passenger Manifest.

§7-22(a)(1)-(5) Fine: \$25 per missing item; maximum penalty \$50 Appearance NOT REQUIRED

§7-23 Vehicles - Written Trip Records

- (a) Passenger Manifest. A Commuter Van Driver must maintain a Passenger Manifest and enter the name of each passenger to be picked up legibly in ink before the passenger boards.

§7-23(a) Fine: \$25 Appearance NOT REQUIRED

§7-24 RESERVED [Vehicle Equipment—Electronic Trip Record System]

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
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Chapter 9, Commuter Vans (although only those parts concerning commuter van drivers)	Chapter 7, Rules Governing Commuter Van Drivers
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The proposed rules make several substantive changes to the provisions of current rules governing commuter van drivers. Specifically, the proposed rules:

- Eliminate, to the extent applicable to commuter van drivers, the transition provisions incorporated in rules 9-04 and 9-05, as such provisions are now obsolete.
- Impose a specific requirement that drivers drive safely.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

Supplemental Statement

A public hearing on these proposed rules was held on August 28, 2009. Following that hearing, the TLC voted at a public meeting on September 17, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously made and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions regarding cell phone use were revised to track revised TLC rules governing the use of cell phones and electronic devices.

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing medallion taxicab service.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on February 19, 2010 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 8 thereto, to read as follows:

New Material is underlined.

Chapter 8 Medallion Taxicab Service

§8-01 Scope of this Chapter

- (a) To establish the procedures and requirements for obtaining a Taxicab License
- (b) To establish the rules and regulations for operating a Taxicab
- (c) To establish the penalties for violating the Rules

§8-02 Penalties

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing 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 or Authorization from the Commission 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 the Hearing.
- (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
 - (2) If fines are not paid by the close of business on the date due, the violator's License will be suspended until the Fine is paid.
 - (3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

§8-03 Definitions Specific to this Chapter

- (a) Administrator for the purposes of this Chapter, will refer to an executor, administrator, conservator, guardian or any other person or entity legally appointed to act on behalf of an Owner of a Taxicab Medallion due to owner's death or incompetency.
- (b) Applicant in this chapter means the individual or Business Entity applying for an original or renewal Taxicab License under this Chapter in whose name the License applied for will be issued.
- (c) Business Entity in this Chapter includes corporations, partnerships and limited liability companies.
- (d) Claim Letter is a letter asserting a possible Excess Claim against an Owner of a Taxicab Medallion or a Taxicab Medallion.
- (e) Dispatch. When used in this Chapter, the term Dispatch refers to an Owner sending out one or more Taxicabs for a particular shift; it does NOT mean sending a Taxicab to pick up a particular passenger by pre-arrangement.
- (f) Driver in this Chapter means a Taxicab Driver.
- (g) Driver Authorization Statement is the document an Owner files with the Commission indicating that a Taxicab will be operated by the Named Drivers listed or by Unspecified Drivers, along with the required additional information.
- (h) Escrow Amount is the amount for which an escrow

account is required to be established in order to satisfy one or more Excess Claims.

- (i) Excess Claim is a Tort Claim asserted against the Owner of a Taxicab Medallion for more than the amount of insurance covering the Taxicab at the time the claim arose.
- (j) Fair Market Value in reference to the transfer of a Taxicab Medallion is the average value of arms-length transactions for similar Medallions during the prior calendar month, as determined by the Commission.
- (k) Flat Rate is a definite dollar amount that will be charged to a Taxicab passenger for a specific trip, and is fixed before the trip begins (NOTE: "double the Taximeter" is not a Flat Rate).
- (l) Fleet is a Business Entity organized for the purpose of owning or operating Taxicabs that meets the following requirements:
 - (1) Controls a minimum of 25 Taxicabs
 - (2) has a single business location that is adequate for the storage, maintenance, repair and dispatch of the Fleet Taxicabs and the storage and maintenance of records
 - (3) operates with a dispatcher on the premises at least 18 hours every day, who assigns Drivers to Fleet Taxicabs.
- (m) Group Ride Program is a program established by the Commission for the transportation of more than one passenger from a common location to destinations within a specified common geographic area.
- (n) Legatee means someone to whom the proceeds of an estate are to be distributed.
- (o) License in this Chapter means a Taxicab License.
- (p) Licensee in this Chapter means the holder of a Taxicab License.
- (q) Market Value in reference to the transfer of a Taxicab Medallion will be the greater of: (i) the actual consideration being paid for the transfer; and (ii) the Fair Market Value.
- (r) Maximum Escrow Amount means:
 - (1) The Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by the Medallion and the Transfer costs PLUS
 - (2) The value of any proceeds of any refinancing received by the Owner that was not used to reduce any previously existing debt or liens secured by the Medallion following the date of an occurrence of an alleged tort involving the Taxicab which gives rise to a potential Excess Claim
- (s) Medallion is the numbered plate originally issued by the Commission and affixed to the outside of a Taxicab as physical evidence that the Taxicab has been licensed to operate as a Medallion Taxicab.
- (t) MTA Tax is the 50 cent tax on taxicab trips imposed by Article 29-A of the NYS Tax Law.
- (u) Named Drivers is a term indicating that only the Drivers specifically named on the Rate Card are allowed to drive the Taxicab.
- (v) Owner in this Chapter means an individual or Business Entity licensed by the Commission to own and operate one or more Medallion Taxicabs.
- (w) Prior Claim Letter is a Claim Letter received by the Commission prior to February 1, 2009.
- (x) Secured Lender Escrow Amount means the Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by Medallion and the Transfer Costs.
- (y) Secured Lender Recipient means a secured creditor seeking to repossess or foreclose upon a Taxicab Medallion in order to realize the value of its secured interest, but that is not applying to operate the Taxicab Medallion and will not be considered a Transferee provided the Secured Lender Recipient places the Medallion in storage as required in §8-45(c) of this Chapter.
- (z) Stop-Use Directive is a notice sent to an Owner by the Commission directing the Owner to stop using a designated Agent because that Agent's License has been revoked or suspended.
- (aa) Substantial Interest in Taxicab Medallions means direct or indirect ownership of four or more Medallions, that can result from one or more of the following:
 - (1) Ownership of 25 percent or more of the stock in one or more corporations that own Medallions
 - (2) Ownership of 25 percent or more of the membership interests in one or more LLC's that own Medallions
 - (3) A partnership interest in one or more partnerships that own Medallions
 - (4) Being an officer in one or more corporations that, in the aggregate, have a direct or indirect equity interest in four or more Medallions.
- (bb) Taxicab License is the authority granted by the Commission for an Applicant to own and operate a designated vehicle as a Taxicab within the Commission's jurisdiction, and is evidenced by the Medallion affixed to the hood of the vehicle.
- (cc) Taxpayer is a person or Business Entity required to pay the MTA Tax.
- (dd) Tort Letter is a statement from the insurer of a Taxicab stating whether or not the insurer is aware

of any Excess Claims against the Taxicab Medallion or its Owner.

- (ee) Transfer means the transfer of all or any portion of a Medallion ownership interest, including the transfer of interests in a Business Entity owning Medallions.
 - (ff) A Transferee is an Applicant seeking approval from or approved by the Chairperson to own and operate a Medallion Taxicab in which Applicant is acquiring an interest, either directly or indirectly, through a transfer described under this §8-42.
 - (gg) Transfer Costs means the administrative costs involved in processing a transfer of ownership of a Taxicab Medallion and includes the costs of any foreclosure or similar action and any outstanding fines or fees owed to the Commission or the Parking Violations Bureau.
 - (hh) Transferor is the Owner of an interest in a Taxicab Medallion being transferred.
 - (ii) Valid Claim Letter is a Claim Letter which is not a Prior Claim Letter, and which:
 - (1) Is dated no more than one year prior to the date documentation is submitted to the Chairperson for a proposed transfer of a Taxicab Medallion.
 - (2) Sets forth a minimum claim in an amount sufficient to be an "Excess Claim".
 - (3) Includes a copy of the police report regarding the incident in question, and
 - (4) Includes a representation by the sender that the party against which the Excess Claim has been asserted has been provided with a copy of the Claim Letter.
 - (jj) Unspecified Driver is a term that is entered on a Rate Card indicating that the Taxicab can be driven by any Licensed Taxicab Driver whose name (or category) has been filed with the Commission by the Owner of that Taxicab.
- ### **§8-04 Licensing – General Requirements**
- (a) Identification. An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must provide to the Commission proof of identity in the form of:
 - (1) A Valid Government-issued photo ID and
 - (2) A Valid, original Social Security Card.
 - (b) Age. An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License or its renewal must be at least 18 years of age.
 - (c) Good Moral Character.
 - (1) An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must be fingerprinted and must be of good moral character. Fingerprinting for the purpose of investigating good moral character is also required of the following, unless waived by the Chairperson in his or her discretion:
 - (i) Any new Business Entity Persons added by a Licensee
 - (ii) Any individual or Business Entity Persons of a Business Entity that provides funds for any Owner, unless the provider is a licensed bank or loan company
 - (2) Applicant's criminal history will be considered in a manner consistent with the Corrections Law of the State of New York.
 - (d) Fit to Hold a License. An individual or Business Entity must demonstrate to the satisfaction of the Commission that the Applicant is qualified to assume the duties and obligations of an Owner of a Taxicab License.
 - (e) Drivers Designated as Agents to Accept Service.
 - (1) An Owner must designate each and every Driver who operates one of Owner's Taxicabs as an agent to accept service of Commission notices to correct defects in the Taxicab.
 - (2) Delivery of a notice of defect to a Driver will be adequate service of notice to the Owner.
 - (f) Financial Disclosure.
 - (1) An Applicant for a Taxicab License where the Applicant already owns one or more Medallion Taxicabs must provide a financial disclosure statement to the Commission.
 - (2) The disclosure statement must be completed on a form provided by the Commission and must include the disclosure of assets, liabilities, income and net worth of all Business Entity Persons of a Business Entity Applicant, as well as any other information required by the Commission.
 - (3) The financial disclosure statement must be given under oath and must include all attachments and documentation required by the Commission.
 - (g) Liability Insurance. The Applicant must have liability insurance coverage by bond or policy as required by the State of New York and these Rules.
- ### **§8-05 Licensing – Special Requirements**
- (a) Commission Approval. All Medallion transfers, including partial transfers, must be approved by

- the Commission. All Applicants to own a Medallion or an interest in a Medallion must be approved by the Commission.
- (b) Concurrent Purchase and Licensing of Medallion. An application to own and operate a Medallion Taxicab must be filed by any individual or Business Entity acquiring a Medallion, including an interest in a Medallion, either:
- (1) As part of the public sale or auction process, if the Applicant is purchasing a Medallion from the Commission
 - (2) Jointly, with the current Owner (the "transferor") of the Medallion, if the Applicant is purchasing a Medallion from a private Owner,
 - (3) As a transfer of an interest in an Owner,
 - (4) By becoming a new Business Entity Person in an Owner, or
 - (5) By succeeding to the interest of any Owner or Business Entity Person of any Owner.
- (c) Vehicle Ownership Requirements. An Applicant must demonstrate to the satisfaction of the Commission that the Applicant:
- (1) Owns a vehicle that meets all of the requirements set forth in Chapter 17 (Taxicab Hack-Up) of these Rules, as well as the requirements of all other governmental agencies having concurrent jurisdiction.
 - (2) Possesses the certificate of title and the certificate of registration, both of which must be in the name of the Applicant unless title is retained by a lessor or conditional vendor; and
 - (3) Has provided the Commission with all information required concerning the financing of the purchase price of the Medallion and/or Taxicab.
- (d) "Owner-Must-Drive" Rule.
- (1) If an Applicant is an Independent Medallion Owner and acquires his or her interest in the Medallion on or after January 7, 1990:
 - (i) The Applicant must also have a Valid Taxicab Driver's License, and
 - (ii) The Applicant must pledge that he or she will personally drive the Taxicab enough hours to fulfill the Owner-Must-Drive service requirements set forth in §8-20(a)(ii).
 - (2) If the Applicant is a Business Entity, then one Business Entity Person must fulfill this requirement.
- (e) Licensing - Special Requirements for Business Entities.
- (1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.
 - (2) Corporations.
 - (i) If the Applicant is a corporation it must file the following with its Taxicab License application:
 - A. A certified copy of its certificate of incorporation
 - B. A list of officers and shareholders
 - C. A certified copy of the minutes of the meeting at which the current officers were elected
 - (ii) No corporate or trade name will be accepted by the Commission that is similar to a name already in use by another Owner.
 - (iii) All officers and shareholders of the corporate Taxicab License Applicant must disclose each and every Medallion in which he or she has any interest whatsoever, including but not limited to, any interest as individual Owner or as a Business Entity Person in a Business Entity that owns other Medallion(s); this disclosure must be made:
 - A. Upon original application for the Taxicab License,
 - B. Upon application for renewal of a Taxicab License, and
 - C. Upon application for transfer of a Taxicab License
 - (iv) All corporate officers and shareholders are subject to the same standards and criteria as individual Owners.
 - (v) The Commission will only recognize corporate officers that have been approved by the Commission.
 - (vi) It is a violation of these Rules for a corporate Owner to appoint a new officer without the approval of the Commission.

- (vii) Temporary approval contingent on final approval can be permitted in cases where an officer has resigned or died and another individual must be able to continue the regular daily operation of the Owner corporation.
 - (viii) The standards and criteria for Ownership are equally applicable when the shares of a corporate Owner are held by another Business Entity.
- (3) Closed Corporations.
- (i) A stockholder in a closed corporation that owns a Medallion will be personally accountable for complying with these Rules and any other laws that relate directly and uniquely to Medallion Ownership.
 - (ii) If a closed corporation wants to transfer stock or Medallion(s) to another closed corporation that is already an approved Medallion owner, the stockholders of the transferee corporation must sign an assumption and indemnification agreement in which they agree to assume all of the duties and responsibilities set forth in these Rules and to indemnify the Commission for all unpaid fines or fees regarding the Medallion(s) owned by the transferor corporation.
- §8-06 Licensing - Term of License**
- (a) New License.
- (1) Length of Term. The term of a new Taxicab License is a maximum of two years.
 - (2) Expiration Date. The first term of Taxicab License expires on May 31st of the year set by the Commission.
- (b) Renewal License.
- (1) Length of Term. Each renewal term is two years and expires on May 31st of the second year of the term.
 - (2) Extension. The Chairperson can extend the effectiveness of a Taxicab License until the completion of the next scheduled inspection of the Taxicab, or as the Chairperson believes is appropriate.
- (c) Filing for Renewal.
- (1) Unless the time to renew the License has been extended by the Chairman, a renewal application must be filed no later than April 30th of each year in which a License is scheduled to expire.
 - (2) It is the Owner's responsibility to obtain a renewal application in order to comply with the filing deadline.
- §8-06(c) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (d) Advertising Permits. A permit to display exterior advertising runs for one year or less and each permit will expire on the 31st day of August.
- §8-07 Licensing - Fees**
- (a) Annual Fee. The fee for each Taxicab License is \$550 annually; the fee will be pro-rated if the License will be owned for less than one year by the next May 31st.
- (b) Medallion Plate Replacement Fee.
- (1) The fee for a new Medallion "tin" will be \$10. This fee will be charged when the Commission issues a new "tin", including when it issues a new model of "tin".
 - (2) If a "tin" is lost, stolen or damaged, the replacement fee is \$25.
- (c) License Plate Replacement Fee. The Commission's fee for replacement of license plates issued by the New York State Department of Motor Vehicles will be \$25 per vehicle.
- (d) Inspection Fee. The Commission's fee for a required Taxicab Safety and Emissions inspection is fifty dollars (\$50); this fee includes the certificate of inspection issued when the Taxicab passes the inspection. Inspection fees must be prepaid for each renewal period as part of the renewal.
- (e) Reinspection Fee. There is no additional fee for the first re-inspection. If a second re-inspection is required, the fee is \$35. No additional fees will be charged for the third or subsequent re-inspections.
- (f) Stand-By Vehicle Fee. The fee for each Stand-By Vehicle is \$550 annually. Inspection fees are also charged for Stand-By Vehicles.
- (g) Advertising Permit Fee. The fee for a permit to display exterior advertising is \$50 annually. If a permit is surrendered in less than 6 months, one half of the fee will be refunded.
- §8-08 Licensing - Causes for Denial**
- (a) Failure to Meet Requirements. The Commission can deny an application for a License or its renewal of any Applicant who fails to meet the requirements. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.
- (b) Material Misrepresentation or Falsification. The Commission will deny an application for a License

- or its renewal, or can impose other sanctions, if any of the following occurs:
- (1) The Applicant makes a material misrepresentation in the application
 - (2) The Applicant fails to inform the Commission of a material change in the information contained in the application
 - (3) The Applicant attempts to conceal the identity of a party having an interest in the ownership of a Taxicab
- (c) No Longer Meets Requirements. The Commission can deny an application for a License or its renewal and can revoke or suspend any License if the Commission becomes aware of information that the Owner no longer meets the requirements for an Owner's License.
- (d) Violation of the Rules. The Commission can deny an application for a License if, within the past two years, the Applicant (or any Business Entity Person of a Business Entity Applicant) has engaged in any of the following:
- (1) Assault of a passenger, official or member of the public in any way relating to a Taxicab
 - (2) Any instance of bribery or unlawful gratuity toward a city employee
 - (3) Providing the Commission with false information
 - (4) Two or more unlawful passenger service refusals
 - (5) Two or more incidents of overcharging, as a Driver
 - (6) Three failures to respond to an official communication
 - (7) Three or more vehicle safety violations for a particular Taxicab
 - (8) Whether as an individual has or as a Business Entity Person of a Business Entity that has:
 - (i) Ten or more outstanding unexcused failures to appear at scheduled TLC hearings, or
 - (ii) Ten or more unsatisfied Commission fines or fines that remained unsatisfied until renewal.
- (e) The Applicant's criminal history will be reviewed in a manner consistent with the NYS Corrections Law.
- (f) Chronic Disregard of Public Welfare. An Applicant will not be approved to own another Medallion or to be a stockholder or an officer in another corporate Medallion Owner if he or she has evidenced a chronic disregard for the rules and regulations that impact the welfare, safety or security of the riding public.
- §8-09 RESERVED [Licensing - Procedures for Approval / Denial]**
- §8-10 Licensing - Transfer of License (see §§8-42-47)**
- §8-11 Licensing - Care of Medallion License & Rate Card**
- (a) Do Not Alter Rate Card. An Owner must not change, mark, cross out or make any unauthorized entries on a Taxicab's Rate Card, or display a Rate Card that contains wrong information.
- §8-11(a) Fine: \$100 Appearance NOT REQUIRED
- (b) Replace Damaged Medallion or Rate Card. An Owner must immediately surrender an unreadable Rate Card or a damaged Medallion to the Commission for replacement.
- §8-11(b) Fine: Notice to correct within 10 days. Failure to comply: \$200 and suspension until compliance Appearance REQUIRED
- (c) Replace Damaged Medallion or Rate Card. An Owner must immediately surrender an unreadable Rate Card or a damaged Medallion to the Commission for replacement.
- (1) An Owner must notify the Commission and the Police Department of the theft, loss or destruction of any Medallion or Rate Card within 48 hours (not including weekends and holidays) of the loss.
 - (2) The Owner must also provide any affidavit or information the Commission requires, including the police receipt number.
 - (3) A substitute Medallion and Rate Card will be issued by the Commission.
- §8-11(c)(1)-(2) Fine: \$200 Appearance NOT REQUIRED
- (d) Report Finding Lost Medallion or Rate Card.
- (1) An Owner must notify the Commission and the Police Department within 24 hours (not including weekends and holidays) after locating any Medallion or Rate Card that was reported as stolen or lost.
 - (2) The Owner must also provide any affidavit or information the Commission requires.
- §8-11(d) Fine: \$200 for the first violation; \$350-\$500 for the second or subsequent violation(s) within 36 months Appearance NOT REQUIRED
- (e) Surrender Medallion and Rate Card. An Owner must surrender Owner's Medallion and Rate Card

to the Commission:

(1) Within 48 hours of notice that Owner's Taxicab License has been suspended or revoked

(2) Prior to the sale of Owner's Taxicab

(3) Prior to removal of Owner's Taxicab from service for a period of 30 or more consecutive days

§8-11(e) Fine: \$100 Appearance REQUIRED

(f) Report Replaced New York License Plates. An Owner must report to the Commission the replacement of any lost or stolen New York State license plates within 48 hours (not including weekends and holidays) after getting the new plates.

§8-11(f) Fine: Notice to correct within 10 days. Failure to comply: \$200 and suspension until compliance Appearance REQUIRED

§8-12 Compliance with Law – No Unlicensed Activity

(a) No Unlicensed Taxicabs. An Owner must ensure that all of Owner's Taxicabs in operation for hire are Validly licensed by the Commission and have a Valid Medallion attached to the vehicle.

§8-12(a) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(b) No Advertising as "Taxi" if Unlicensed. An Owner who does not have a Valid License must not hold himself or herself out to the public as a "taxi," "Taxicab" or "hack" service.

§8-12(b) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(c) No Unregistered Vehicles.

(1) An Owner must ensure that all of Owner's Taxicabs are operated only while the registration of the vehicle remains Valid.

(2) Operating a vehicle without a Valid registration will be considered the same as operating without a Valid Taxicab License.

§8-12(c) Fine: \$100-\$350 and/or suspension up to 30 days; Summary Suspension until compliance Appearance REQUIRED

(d) No Unlicensed Drivers.

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

§8-12(d)(1) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(2) Exceptions. An Owner can permit a person who does not possess a Taxicab Driver's License to drive the vehicle only when all of the following limited circumstances are met:

(i) The vehicle is being driven to or from the Commission's centralized Taxicab inspection facility or a repair facility;

(ii) The off-duty light is illuminated;

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

(iv) The rear doors are locked;

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

(vi) The person driving the vehicle is not a person whose Taxicab Driver's License is suspended or revoked.

§8-12(d)(2) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

§8-13 Compliance with Laws – Insurance Coverage

(a) Maintain Insurance Coverage.

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

(2) Owners must maintain all other forms of insurance required by law.

§8-13(a) Fine: \$150-\$350 and/or suspension up to 30 days Appearance REQUIRED

(b) Submit Proof of Insurance. Every year in which an Owner files an application to renew the License of one or more Taxicabs, Owner must, at that time, provide the Commission with the name and address of the Owner's insurance carrier and the policy numbers for each of Owner's Taxicabs, along with proof of coverage.

§8-13(b) Fine: \$100 Appearance REQUIRED

(c) Notification of Changes in Insurance Coverage. An Owner must notify the Commission in writing within 72 hours of any of the following:

(1) Receipt of notice that Owner's required liability insurance has been cancelled;

(2) A change of insurance carrier;

(3) A change in the policy number of Owner's liability insurance.

§8-13(c) Fine: \$100 Appearance NOT REQUIRED

(d) Coverage Requirements.

(1) All Taxicab Owners must, for each of Owner's Taxicabs, maintain liability coverage through an insurance policy or a bond in amounts not less than the following:

(i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision "a" of §5102 of the New York State Insurance Law

(ii) \$100,000 minimum liability and not less than \$300,000 maximum liability for bodily injury or death, as these terms are described and defined in §370(1) of the Vehicle and Traffic Law.

§8-13(d)(1) Fine: \$350 and suspension until compliance Appearance NOT REQUIRED

(2) A Taxicab Fleet or Minifleet as well as an Independent Owner operating more than one shift daily must maintain double shift insurance coverage.

§8-13(d)(2) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(e) Report of Accidents.

(1) Report to Insurance Carrier. Any accident involving one (or more) of Owner's Taxicabs that is required to be reported to the insurance carrier must be immediately reported to the carrier by the Owner, in writing.

§8-13(e)(1) Fine: \$500-\$1,000 Appearance REQUIRED

(2) Report to Commission.

(i) An Owner must immediately report to the Commission in writing all accidents that are required to be reported to the Department of Motor Vehicles (as required by §605 of the Vehicle and Traffic Law) that involve any of Owner's Taxicabs.

(ii) An Owner must also provide to the Commission a copy of any legally required report filed with the NYS Department of Motor Vehicles, within 10 days of the date the report is due to be filed with the Department of Motor Vehicles.

§8-13(e)(2) Fine: \$150 and \$25 for each day of violation thereafter and suspension until compliance Appearance REQUIRED

(f) Surrender Rate Card and Medallion upon Termination of Insurance. An Owner must either:

(1) Surrender the Taxicab's Rate Card and Medallion to the Commission on or before the termination date of the vehicle's insurance, or

(2) Submit proof of new insurance effective on the date of termination of the old policy.

§8-13(f) Fine: \$50 Appearance NOT REQUIRED

§8-14 Compliance with Laws – Workers' Compensation

(a) Compliance with Law. An Owner must comply with all provisions of the New York State Workers' Compensation Law and regulations with respect to coverage and benefits to eligible persons.

§8-14(a) Fine: \$25 for each day in violation Appearance REQUIRED

(b) File Certificate of Coverage with the Commission. An Owner must maintain on file with the Commission a current Certificate of Workers' Compensation Coverage, or a Valid exemption.

§8-14(b) Fine: \$200 Appearance NOT REQUIRED

(c) Designate the Commission to Receive Notices. An Owner must designate the Commission as a certificate holder to receive all notices concerning the Workers' Compensation policy.

§8-14(c) Fine: \$200 Appearance NOT REQUIRED

(d) Provide Driver with Proof of Benefits Ending. When a Driver who is receiving Workers Compensation benefits has recovered and is ready to return to work, an Owner must:

(1) File a notice with the Workers' Compensation Board to end the disbursement of benefits due to the worker's recovery; and

(2) Provide the Driver with documentation that benefits have ceased in order for the Commission to return the Driver's License.

§8-14(d) Fine: \$100-\$250 Appearance REQUIRED

§8-15 Compliance with Law – Personal Conduct

(a) Bribery.

(1) Actual Bribery Attempt. An Owner must

not bribe or attempt to bribe or offer any gratuity whatsoever to any employee, representative or member of the Commission in return for favorable or preferential treatment.

§8-15(a)(1) Fine: Up to \$10,000 Appearance per Medallion implicated in the violation plus mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner. Appearance REQUIRED

(2) Appearance of Bribery. An Owner must not offer or give any gift or gratuity or any other thing of value to any employee, representative or member of the Commission, or any public servant or dispatcher employed at a public transportation facility.

§8-15(a)(2) Fine: \$10,000 plus revocation Appearance: N/A

(3) Failure to Report Bribery. An Owner 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 or dispatcher employed at a public transportation facility or authorized groupride taxi line.

§8-15(a)(3) Fine: \$100 Appearance NOT REQUIRED

(4) Failure to Remove Cash. When the Taxicab is in Owner's possession, Owner must remove all currency from a Taxicab's interior prior to its inspection by any Commission personnel.

§8-15(a)(4) Fine: \$50 Appearance NOT REQUIRED

(b) Fraud, Theft. While performing the duties and responsibilities of a Licensee, an Owner must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

§8-15(b) Fine: \$350-\$1,000 and suspension up to 60-days or revocation Appearance REQUIRED

(c) Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, an Owner must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

§8-15(c) Fine: \$150-\$350 and Suspension up to 30 days or revocation. Appearance REQUIRED

(d) Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, an Owner must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§8-15(d) Fine: \$150-\$350 and Suspension up to 30 days or revocation. Appearance REQUIRED

(e) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, an Owner must not threaten, harass or abuse any person.

§8-15(e) Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(f) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee, an Owner must not use any physical force against any person.

§8-15(f) Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

(g) Reporting of Criminal Conviction.

(1) A Licensee must immediately notify the Commission of any criminal conviction of the Taxicab Owner, individually or, if the Licensee is a Business Entity, of any Business Entity Person.

(2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§8-15(g) Fine: \$50-\$250 Appearance REQUIRED

(h) Cooperate with Law Enforcement. A Licensee must cooperate with all law enforcement officers, authorized representatives of the Commission and the NYC Department of Investigation. Cooperation includes, but is not limited to, responding to a request for Licensee's name, Licensee's Medallion numbers, Rate Cards, Trip Records, and any other documents required to be maintained by the Taxicab Owner.

§8-15(h) Fine: \$50-\$350 Appearance REQUIRED

(i) Cooperate with the Commission

(1) An Owner must promptly answer all questions and comply with all communications, directives and summonses from the Commission or its representatives and the NYC Department of Investigation or its representatives.

§8-15(i)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

(2) An Owner must respond to any contact from the Commission within 48 hours, seven days a week.

§8-15(i)(2) Fine: \$500 Appearance NOT REQUIRED

§8-16 Compliance with Law – Miscellaneous

(a) Compliance with Commission Rules and Regulations, Generally. An Owner must comply with the Commission's Taxicab specifications, the Marking Specifications for Taxicabs, all pertinent provisions of the Administrative Code and other laws, rules or regulations governing Taxicab Owners.

§8-16(a) Fine: \$50 Appearance NOT REQUIRED

(b) Compliance with Accessible Taxicab Medallion Rules. An Owner of an Accessible Taxicab Medallion must comply with Chapter 3 of these Rules.

(c) No False Statements.

(1) An Owner must not file with the Commission any statement required under the Special Requirements for Business Entities provision (§8-05(d)(2)) that the Owner knows or should know to be false, misleading, deceptive or materially incomplete.

(2) An Owner must not file with the Commission any statement required under the Financial Disclosure provision (§8-04(f)) that the Owner knows or should know to be false, misleading, deceptive or materially incomplete.

§8-16(c) (1) and (2) Fine: Up to \$10,000 per Medallion implicated in the violation and/or mandatory divestiture of any and all interests in any Taxicab Licenses held by the Owner, shareholder, officer, director or partner in violation Appearance REQUIRED

(d) No Unlawful Purpose

(1) An Owner must not use or permit any other person to use Owner's Taxicab, garage or office of record for any unlawful purpose.

§8-16(d)(1) Fine: \$350 - 1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(2) An Owner must not conceal any evidence of a crime connected with Owner's Taxicab, garage or office of record.

§8-16(d)(2) Fine: \$350 - 1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(3) An Owner must report immediately to the police any attempt to use Owner's Taxicab to commit a crime or to escape from the scene of a crime.

§8-16(d)(3) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED

(e) No False Credentials

(1) An Owner must not attempt to avoid inspection of a Licensed vehicle by using false credentials to disguise one vehicle as another or by any other means contrary to law or regulation of the Commission.

§8-16(e)(1) Fine: Up to \$10,000 per Medallion implicated in the violation plus mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner Appearance REQUIRED

(2) An Owner must not operate or present for inspection a vehicle in which the Vehicle Identification Number has been loosened and reattached, or switched from another vehicle or otherwise altered in a manner not in compliance with Article 17 of the New York State Vehicle and Traffic Law.

§8-16(e)(2) Fine: Mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner, plus a fine of up to \$10,000 per Medallion implicated in the violation Appearance REQUIRED

(3) An Owner must not present documents to the Commission that falsely indicate compliance with liability insurance and/or Workers' Compensation insurance requirements.

§8-16(e)(3) Fine: Mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner, plus a fine of up to \$10,000 per Medallion implicated in the violation Appearance REQUIRED

§8-17 **Operations - Business Premises**

(a) Maintenance of Physical Location. The following entities must maintain a business premise in a location zoned for the operation of a business:

(1) Any Agent;

(2) Any Owner who leases or otherwise Dispatches one or more Taxicabs for return at the end of a shift;

(3) Any Owner or Business Entity that has a Substantial Interest in Taxicab Medallions.

(b) Requirements of Premises. The Business Premises must have the following:

(1) Sufficient off-street space at or near the premises to store the lesser of:

(i) Twenty-five (25) vehicles, or

(ii) Fifty percent (50%) of the Taxicabs leased or otherwise Dispatched on a daily or a shift basis, plus five percent (5%) of the Taxicabs leased for longer than one day.

§8-18(d)(2) Fine: \$200 Appearance NOT REQUIRED

(3) Must Maintain Business Premises. The Owner must ensure that the Agent maintains business premises meeting the requirements set forth in both §8-17 and §13-05 of these Rules.

§8-18(d)(3) Fine: \$200 Appearance NOT REQUIRED

(4) Owner Must Not Use Unlicensed Agent.

(i) An Owner must not designate or continue to use an Agent if the Commission has notified the Owner that the specified Agent's License is suspended or revoked.

§8-18(d)(4)(i) Fine: \$500 - 1,000 and/or suspension up to 30 days Appearance REQUIRED

(ii) The Commission will issue a directive to Owners to discontinue use of a specified Agent (a Stop-Use Directive) by mailing notification to the Owner's personal address.

(iii) The Commission will maintain a list of all Agents whose Licenses are currently suspended or revoked. This information is available for inspection by the public, and the Commission strongly suggests that Owners review these lists before selecting an Agent.

(iv) If an Owner seeks to designate an Agent who is the subject of a current Stop-Use Directive, the Commission will reject the designation and inform the Owner that the Agent's License is suspended or revoked.

(5) Provisions of this Section Cannot be Waived by Contract.

(i) No contract or other agreement between an Owner and an Agent will include a provision intended to supersede or impair the effectiveness, in whole or in part, of the provisions of this §8-18(d).

(ii) No provision in a contract or other agreement between an Owner and an Agent that attempts to impair the effectiveness of this section will be enforceable.

§8-19 **RESERVED [Operations - Service Requirements (Passengers)]**

§8-20 **Operations - Responsibilities with Respect to Drivers**

(a) Hours of Operation

(1) Double Shift Requirement. A Fleet or Minifleet must operate each of its operating Taxicabs for a minimum of two nine-hour shifts per day (for a total operating time of 18 hours per day) including weekends and holidays.

§8-20(a)(1) Fine: \$75 Appearance NOT REQUIRED

(2) Minimum Hours of Operation for Independent Owner.

(i) An Independent Medallion Owner must operate his/her Taxicab a minimum of 210 nine-hour shifts per year (for a total operating time of 1,890 hours per year).

§8-20(a)(2)(i) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(ii) Owner-Must-Drive Rule.

A. If the Owner acquired the Independent Medallion on or after January 7, 1990, the Owner must personally drive the Taxicab the required minimum number of hours.

B. If the Owner is a Business Entity this requirement must be fulfilled by:

1. One shareholder if the Owner is a corporation.

2. One partner if the Owner is a partnership.

3. One member if the Owner is a limited liability company.

§8-20(a)(2)(ii) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED

(iii) Upon written request by an Owner, the Commission can waive or modify the requirements of the Owner-Must-Drive rule, for a limited time, for good cause shown.

§8-20(a)(2)(iii) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED

(3) Maximum Driving Hours. An Owner must not require a Driver to operate one or more Taxicabs for more than 12 consecutive hours.

§8-20(a)(3) Fine: \$50 Appearance NOT REQUIRED

(b) Authorized Drivers.

§8-17(b)(1) Suspension until condition is corrected Appearance REQUIRED

(2) Sufficient office space to conduct business, where all records required by the Commission, including Trip Records and Driver records, can be kept.

§8-17(b)(2) Suspension until condition is corrected Appearance REQUIRED

(c) Hours of Operation. Owner must keep regular business hours, including the hours of 9:00 a.m. through 5:00 p.m. for every weekday.

§8-17(c) Fine: \$100 Appearance NOT REQUIRED

(d) Contact Information. Owner must maintain the current address and telephone number of the business premises with the Commission.

§8-17(d) Fine: \$100 Appearance NOT REQUIRED

§8-18 **Operations - Management Oversight**

(a) Direct Owner Operations. The Commission will hold the Owner of every Taxicab accountable for hands-on operation of the Taxicabs and expects the Owner to be personally responsible for:

(1) Physically observing the Taxicabs

(2) Overseeing compliance with Taxicab inspection requirements

(3) Overseeing compliance with insurance and all other regulatory requirements

(4) Communicating with Drivers (where the Owners vehicles are driven by Drivers other than him/herself).

(b) Indirect Owner Operations.

(1) Notwithstanding the provisions in §8-18(a) above, an Owner can authorize employees or a Licensed Agent to perform any or all such functions.

(2) The use of an employee or Agent will not relieve an Owner of any obligation under these rules.

(3) An Owner remains fully accountable for all violations of Commission rules, committed by any employee or Agent in the operation of Owner's Medallion(s).

(c) Owner's Use of Agents

(1) Designation of Agent.

(i) An Owner can designate an Agent to act on the Owner's behalf to operate a Licensed Taxicab and perform all required functions.

(ii) The Agent must be licensed by the Commission in under with Chapter 13 of these Rules.

(iii) The designation will remain in effect until:

A. The Owner revokes the designation and notifies the Commission, or

B. The Commission suspends or revokes the Agent's License and notifies the Owner.

§8-18(c)(1) Fine: \$500 - 1,000 and/or suspension up to 30 days Appearance REQUIRED

(2) File Designation with the Commission. Prior to the use of an Agent, an Owner must file a designation of the Agent with the Commission.

§8-18(c)(2) Fine: \$200 Appearance NOT REQUIRED

(3) Owner Can Use Only One Agent. An Owner must not designate or use more than one Agent regardless of the number of Medallions in which Owner has an interest.

§8-18(c)(3) Fine: \$200 Appearance NOT REQUIRED

(d) Limitations on Owner's Use of an Agent.

(1) Agent's Personal Oversight Required. An Owner can designate or use an Agent, only if the Agent operates the Taxicab(s) through:

(i) Personal observation of the vehicle(s),

(ii) Personal oversight of compliance with inspection, insurance and all other regulatory requirements, and

(iii) Personal communications with Drivers.

§8-18(d)(1) Fine: \$200 Appearance NOT REQUIRED

(2) Agent Must Not Assign Responsibilities. An Owner can allow an Agent to use employees to assist in fulfilling these functions, however the Owner must NOT permit the Agent to delegate or assign its responsibilities to another party; Owner's designation of an Agent will be ineffective

- (1) Driver Categories. An Owner must not authorize or allow a Driver to operate a Taxicab unless the Rate Card specifies that the Taxicab will be driven by either:
- (i) Unspecified Drivers, or
 - (ii) Named Drivers whose names have been entered on the Rate Card and no named lease Driver is operating beyond the lease expiration date entered on the Rate Card.
- §8-20(b)(1) Fine: \$75-\$150 for the first violation, \$150-\$300 for a second violation, \$300-\$500 for a third violation - within 24 months, and Suspension until compliance Appearance REQUIRED
- (2) Driver Authorization Statement.
- (i) An Owner must maintain on file with the Commission a current Driver Authorization Statement, indicating whether the Taxicab will be operated by Named Drivers of record (including the Owner's Business Entity Persons, if applicable) or by "Unspecified Drivers;" the Driver Authorization Statement must include the additional information required below for either Unspecified Drivers or Named Driver Lessees.
 - (ii) The Commission will enter the Owner's choice on the Rate Card including, when applicable, the Named Drivers of record and the expiration dates of applicable leases.
- §8-20(b)(2) Fine: \$250-\$500 and suspension until compliance Appearance REQUIRED
- (3) Driver Authorization Statement for Unspecified Drivers. If an Owner elects to operate with Unspecified Drivers, the Driver Authorization Statement must be accompanied by a copy of a master lease, employment agreement and/or union contract, together with evidence that the Owner has unnamed driver insurance for the vehicle.
- (4) Driver Authorization Statement for Named Driver Lessees.
- (i) If an Owner elects to lease to Named Drivers, the Owner must file a Driver Authorization Statement for each lessee, before the lessee takes possession of the Taxicab.
 - (ii) The Owner must file the Driver Authorization Statement with the Commission in person or by power of attorney.
 - (iii) The Driver Authorization Statement must be signed by both parties and must include, but is not limited to, the following:
 - A. The date of execution of the lease
 - B. The term of the lease
 - C. The names and addresses of the lessor and lessee and their social security or federal tax identification numbers
 - D. The Medallion number, the license plate number, the vehicle identification number, and the titled Owner of the Taxicab
 - E. The name and address of the vehicle liability and workers' compensation insurance carriers, the policy numbers and expiration dates
 - F. The name, address and telephone number of the Owner's Agent, if the Agent arranged or manages the lease
 - G. The charges to lessee
- §8-20(b)(4)(i)-(iii) Fine: \$250-\$500 and suspension until compliance Appearance NOT REQUIRED
- (iv) If any lease (or its renewal) listed in the Driver Authorization Statement is terminated for any reason, the Owner must notify the Commission in writing within 48 hours of such termination, unless exempted by the Commission.
- §8-20(b)(4)(iv) Fine: \$100 Appearance REQUIRED

§8-20.1 Leasing a Taxicab or Medallion

- (a) An Owner can lease a Taxicab (or a Medallion-only) to a Licensed Taxicab Driver, or to Licensed Drivers working different shifts or days if the Owner complies with the provision of this section.
- (1) Regardless of the terms of the lease, the Owner is responsible for complying with all laws, rules and regulations governing Owners.
 - (2) An Owner must not authorize or allow a lessee of a Taxicab to sublease the Taxicab to another party.

- §8-20.1(a) Fine: \$75-\$150 for the first violation, \$150-\$300 for a second violation, \$300-\$500 for a third violation within 24 months, and Suspension until compliance Appearance REQUIRED
- (b) Service and Maintenance of Leased Taxicab Vehicles.
- (1) Service and maintenance of a leased Taxicab (including the vehicle) is the responsibility of the Owner/lessor, and the cost of the service and maintenance of the Vehicle cannot be charged to the Driver/lessee.
 - (2) The lease of a Medallion-only does not include, and does not require, the Medallion Owner/lessor to provide service and maintenance of the vehicle.
 - (3) A Medallion-only lessor must not require the lessee to obtain service and maintenance from any particular provider, including, but not limited to, the Medallion Owner or any agent of the Medallion Owner.
- § 8-20.1(b) First violation \$500 Second and subsequent violations: \$1000 and/or suspension of the Medallion for up to 30 days. In addition to the penalty payable to the Commission, the administrative law judge may order the owner to pay restitution to the driver, equal to the excess that was charged to the driver. Appearance REQUIRED
- (c) Rate Rules.
- (1) Standard Lease Cap Rates. An Owner of a Taxicab can charge a lease rate to a Driver that is not greater than the following Standard Lease Caps:
 - (i) The Standard Lease Cap for a Medallion and vehicle for one shift will not exceed:
 - A. \$105, for all 12-hour day shifts
 - B. \$115, for the 12-hour night shift on Sunday, Monday and Tuesday
 - C. \$120, for the 12-hour night shift on Wednesday
 - D. \$129, for the 12-hour night shifts on Thursday, Friday and Saturday
 - E. \$666, for any one-week shift for one week or longer.
 - (2) Cost Adjustments. For Taxicabs that are Hacked-up under §17-05.1 and are not Accessible Vehicles, the Standard Lease Caps set forth in paragraph (1) above will be adjusted as follows:
 - (i) Beginning on May 1, 2009, each amount will be reduced by \$4 per shift (\$28 per week), so that the lease amount for one shift must not exceed:
 - A. \$101, for all 12-hour day shifts
 - B. \$111, for the 12-hour night shift on Sunday, Monday and Tuesday
 - C. \$116, for the 12-hour night shift on Wednesday
 - D. \$125, for the 12-hour night shifts on Thursday, Friday and Saturday
 - E. \$638, for any one-week shift for one week or longer
 - (ii) Beginning on May 1, 2010, each amount will be reduced by \$8 per shift (\$56 per week), so that the lease amount for one shift must not exceed:
 - A. \$97, for all 12-hour day shifts
 - B. \$107, for the 12-hour night shift on Sunday, Monday and Tuesday
 - C. \$112, for the 12-hour night shift on Wednesday
 - D. \$121, for the 12-hour night shifts on Thursday, Friday and Saturday
 - E. \$610, for any one-week shift for one week or longer
 - (iii) Beginning on May 1, 2011, each amount will be reduced by \$12 per shift (\$84 per week), so that the lease amount for one shift must not exceed:
 - A. \$93, for all 12-hour day shifts
 - B. \$103, for the 12-hour night shift on Sunday, Monday and Tuesday
 - C. \$108, for the 12-hour night shift on Wednesday
 - D. \$117, for the night shifts on Thursday, Friday and Saturday
 - E. \$582, for any one-week shift for one week or longer
- (3) Cost Adjustments for the Lease of Hybrid Electric and Diesel-Fueled Vehicles.

- (i) The Standard Lease Cap for Hybrid Electric Taxicabs and Diesel-Fueled Taxicabs that are hacked-up under §17-05 of these Rules are raised by \$3 per shift (\$21 per week), so that the lease amount for one shift must not now exceed:
 - A. \$108, for all 12-hour day shifts
 - B. \$118, for the 12-hour night shift on Sunday, Monday and Tuesday
 - C. \$123, for the 12-hour night shift on Wednesday
 - D. \$131, for the 12-hour night shifts on Thursday, Friday and Saturday
 - E. \$687, for any one-week shift for one week or longer
 - (4) The Standard Lease Cap:
 - (i) For a Medallion-only Hybrid Taxicab, Hacked-up under §17-05 is \$842 weekly.
 - (ii) For all other Medallion-only Taxicabs, (including Accessible Taxicabs), is \$800.
 - (5) Limits on Additional Charges. In addition to a lease amount no greater than the Standard Lease Cap (as adjusted), an Owner/lessor (as well as any agent or employee of the Owner/lessor) must not request of or accept from any lessee (of a Taxicab or Medallion-only) any money or other thing of value, except for the following (this means an Owner/lessor must not charge any tip, tax, surcharge or other fee of any kind except for the following):
 - (i) A credit card pass-along no greater than five percent (5%), as allowed under subdivision (f), below;
 - (ii) A security deposit and deductions from the security deposit no greater than allowed under subdivision (d) below;
 - (iii) The discount toll amount for use of the Owner's EZ-Pass® as described in §8-26 of this Chapter;
 - (iv) A late charge not to exceed \$25 for any shift;
 - (v) A reasonable cancellation charge, subject to the provisions of subdivision (i)(5) below;
 - (vi) Parking tickets and red light violations permitted to be deducted from the security deposit described in subdivision (e) below, provided that the Driver/lessee is allowed to challenge any ticket or violation; and
 - (vii) If the Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can collect the MTA Tax collected by the lessee/Driver from the lessee/Driver. The MTA Tax must be collected in the following order:
 - A. The MTA Tax must first be deducted from any credit card reimbursements due as required in subdivision (f) below.
 - B. The MTA Tax must next be deducted from the security deposit permitted in subdivision (e) below.
 - C. If not fully paid, then the MTA Tax must be collected from the lessee/Driver.
- §8-20.1(c) Fine: First violation: \$500 Second and subsequent violations: \$1,000 and/or suspension of the Medallion for up to 30 days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was charged to the Driver. Appearance REQUIRED
- (6) Collective Bargaining Exception to the Standard Lease Cap. The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed by the terms of a collective bargaining agreement that regulates the subject of lease prices.
- (d) Commission Review and Change of Lease Caps. The Commission can make changes to the lease caps as a response to policy needs or in conjunction with its regular two-year review, as follows:
- (1) The Commission can initiate lease cap changes at any time, if the Commission believes that policy considerations require changes to be made.
 - (2) During March of each even-numbered year, the Commission will hold a public hearing and solicit written comment as to operating expenses, driver earnings, the retention of experienced drivers in the Taxicab industry, and other matters relevant to the setting of lease caps, for purposes of considering changes to the Standard Lease Caps.

- (e) Security Deposit on Taxicab Vehicles.
- (1) Security Deposit Provision Permitted. An Owner can include a lease provision for a security deposit from the Driver, provided it complies with the requirements of this subdivision (e).
- (2) Permitted Withholdings from Security Deposit. At the termination or expiration of a lease an Owner may be reimbursed from the security deposit only for the following:
- (i) Any unpaid but owing lease charges.
- (ii) Damage to the vehicle, if the lease clearly and prominently states that the Driver is responsible for damage.
- (iii) Any parking tickets issued during the lease.
- (iv) Any red light violations issued to the Owner during the lease, under the NYC Department of Transportation's camera surveillance system.
- (v) If the Owner (or Owner's Agent) is a Taxpayer, any MTA Tax remaining due from the Driver after deductions from credit card receipts due to the Driver.
- (3) Deposit Not to be Used for Owner Violations. An Owner must not require a Driver to pay any summons that is written to the Owner as Respondent, other than those specified above.
- §8-20.1(e)(3) Fine: First violation: \$250; Appearance Second violation: \$350; REQUIRED Third and subsequent violations \$500 and/or suspension of the Medallion for up to thirty days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was withheld from the Driver, or equal to the amount that the Driver paid, at the requirement of the Owner, to satisfy any summons against the Owner
- (4) Limits on Amount of Deposit. An Owner must not require a Driver to post any security deposit that is greater in amount than the rate for one lease term. However, if the lease term is for more than one week, an Owner must not require a Driver to pay a security deposit in an amount greater than the lease rate for one week. Examples include:
- (i) An Owner who leases a Taxicab for one shift at the rate of \$80 per shift can require up to an \$80 security deposit.
- (ii) An Owner who leases a Taxicab or Medallion for one week at the rate of \$500 a week can require up to a \$500 security deposit.
- (iii) An Owner who leases a Taxicab for six months at the rate of \$2,000 a month can require up to a \$500 security deposit.
- §8-20.1(e)(4) Fine: \$200 Appearance NOT REQUIRED
- (5) Provide Driver Written Receipt and Accounting for Security Deposit.
- (i) An Owner must provide written receipts for any security deposits made by a Driver.
- (ii) An Owner must provide a Driver with a written itemization of any items withheld or deducted from a security deposit.
- §8-20.1(e)(5) Fine: \$50 Appearance NOT REQUIRED
- (6) Return Deposit within 30 Days of Lease Termination.
- (i) An Owner must return a security deposit no later than 30 days after the end of the lease term.
- (ii) An Owner must return a security deposit either by check or by cash exchanged for a written receipt from the Driver.
- §8-20.1(e)(6) Fine: \$50 Appearance NOT REQUIRED
- (7) Interest on Security Deposit.
- (i) An Owner who requires a security deposit must secure the funds in an interest-bearing account in a bank or credit union within the City of New York, in an account devoted to security deposits and not commingled with funds of the Owner.
- (ii) The Owner must indicate in writing provided to the Driver the name and address of the bank or credit union and the applicable account number.
- (iii) Interest on the security deposit must accrue to the benefit of the Driver furnishing the security, except, however, that the Owner can retain one percentage point of any interest, as compensation for bookkeeping expenses.
- §8-20.1(e)(7) Fine: \$50 Appearance NOT REQUIRED
- (8) Collective Bargaining Agreement Exception to Limitations on Security Deposits. The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed by the terms of a collective bargaining agreement that regulates the subject of security deposits.
- (f) Credit Card Charges.
- (1) For any lease of a Taxicab (vehicle and Medallion), an Owner (or Owner's Agent) must pay a Driver in cash, on a daily basis, the total amount of all credit card payments made during the Driver's shift;
- (2) For any lease not described in subparagraph (1), an Owner (or Owner's Agent) must pay the Driver in cash, on no less than a weekly basis, the total amount of all credit card payments made during that period;
- §8-20.1(f)(1)& (2) Fine: \$100 Appearance NOT REQUIRED
- (3) An Owner (or Owner's Agent) can withhold from the cash payments, a credit card pass-along of no more than five percent (5%) of the total amount.
- §8-20.1(f)(3) Fine: First violation: \$200 Appearance Second violation: \$300 REQUIRED Third violation: \$500 In addition to the penalty payable to the Commission, the ALJ may order the Owner to pay restitution to the Driver, equal to the excess amount that was charged to the Driver.
- (4) If an Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can deduct from the credit card receipts payable to the Driver the amount due for the MTA Tax from the Driver's trips.
- (g) Receipts to Drivers for All Payments.
- (1) An Owner (or Owner's Agent) must give a Driver a written receipt for every payment or deduction made under the lease and these Rules.
- (2) The receipt must include the name of the Driver and the number of the Medallion subject to the lease.
- (3) The receipt must clearly state the following information with respect to the payment or deduction:
- (i) The date
- (ii) The name of the recipient
- (iii) The amount
- (iv) The purpose
- (v) The number of the section of this chapter that authorizes the payment or deduction
- §8-20.1(g) Fine: \$50 plus driver gets free shift.
- (h) Lease Must Be in Writing.
- (1) Every Taxicab operating lease (including any amendments), must be in writing, and must be signed by the Owner (or a person authorized to act on behalf of the Owner), and by the leasing Driver or Drivers.
- (2) A copy of the fully executed lease must be provided to the leasing Driver or Drivers.
- §8-20.1(h) Fine: \$500 Appearance NOT REQUIRED
- (i) Terms. Every lease must contain the following terms:
- (1) The type and term of the lease. The lease must state the beginning date and time of the lease and the ending date and time of the lease.
- (i) A weekly lease must run for seven consecutive calendar days.
- (ii) A shift must run for 12 consecutive hours.
- (2) Costs covered by the lease. The lease must state the total lease amount, and must itemize that total cost, including:
- (i) The amount of the lease that applies to the medallion and the amount, if any, that applies to the vehicle
- (ii) The amounts, if any, of the security deposit
- (iii) The percentage credit card pass-along
- (iv) Any other costs that the Driver will be charged
- (3) Reference Authorizing Rule Sections.
- (i) For each itemized cost listed above (in subparagraph (2)), the lease must include a reference to the Commission Rule authorizing the Owner to charge the cost to the Driver.
- (ii) The lease must either recite the complete text of each Rule or state the address of the Commission's Web page on which the Rule is published.
- (4) Overcharges. Every lease must contain clearly legible notice that overcharging a lessee/Driver is prohibited by the Commission's Rules, and that complaints of overcharges may be made in writing to the Commission or by telephone call to 311.
- (5) Charges Upon Cancellation.
- (i) If an Agent demands the return of a Medallion upon the request of an Owner, the Driver has the right to request the Agent to provide a replacement Medallion and, if the Agent provides another Medallion, the Driver will not be responsible for the costs of picking up a replacement vehicle.
- (ii) Any cancellation charge contained in the lease must be reasonable, and will not be permitted unless the lease also provides that:
- A. Owner is not permitted to charge a Driver a cancellation charge if the Driver is not late in making lease payments at the time the Owner cancels the lease.
- B. When a cancellation payment is made, the Driver's obligation to make lease payments terminates immediately.
- (6) Deposit information. Each lease must include the information regarding deposits required by §8-20.1(e) of this chapter.
- §8-20.1(i) Fine: First violation \$500 Appearance Second and subsequent violations: \$1000 and/or suspension of the Medallion for up to thirty days. In addition to the penalty payable to the Commission, the administrative law judge may order the owner to pay restitution to the driver, equal to the excess or non-authorized charge that was charged to the driver.
- (j) Retaliation.
- (1) An Owner must not retaliate against any Driver for making a good faith complaint against any Owner for violation of the leasing provisions in §8-20.1 of this chapter.
- (2) "Retaliation" will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.
- §8-20.1(j) Fine: \$1,000 Appearance NOT REQUIRED
- §8-21 Records - Trip Record Information**
- (a) Record of Passenger Trip Information. The Trip Record is the record of all data collected from every for hire trip made by a Taxicab and must include the following information:
- (1) The Taxicab Medallion number
- (2) The Taxicab Driver's License number
- (3) The location where each passenger is picked up
- (4) The time each passenger is picked up
- (5) The total number of passengers
- (6) The location where each passenger is dropped off
- (7) The time each passenger is dropped off
- (8) The total trip mileage
- (9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- (10) Method of payment
- (11) The trip number
- (12) Other information required by the Commission
- (b) Form of Trip Record.
- (1) Trip Records must be collected and stored electronically, through the use of the Taxicab Technology System (T-PEP).
- (2) If the T-PEP is inoperable, a written Trip Record must be kept during the 48-hour period the Taxicab is permitted to operate after timely notification of the malfunction. (See §8-40 of this Chapter)
- (c) Access to Trip Record.
- (1) Trip Record information must be available to the Commission and the Taxicab Driver.
- (2) Trip Record information must be available at the end of each shift and/or at the end of a lease term.
- (3) An Owner must take possession of any written Trip Records weekly.
- §8-21(c)(3) Fine: \$25 Appearance NOT REQUIRED
- (d) Changes and Corrections.
- (1) An Owner must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record.
- (2) An Owner must not make erasures or obliterate information on a written Trip Record, or other record that Owner is required to maintain.
- §8-21(d)(2) Fine: \$50 Appearance NOT REQUIRED
- (3) If a wrong entry is made on any written Trip Record, the Driver or Owner must correct it and record the date, time, and reason for the change, so long as a record of the manually changed entry exists.
- §8-21(d)(3) Fine: \$50 Appearance NOT REQUIRED
- (4) Trip Records must not be changed either in whole or in part, unless authorized by the Commission.
- §8-21(d)(4) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance NOT REQUIRED
- §8-22 Records - Contact Information**
- (a) Mailing Addresses.
- (1) Each Owner must designate a Mailing Address; this can be the Agent's address but cannot be a post office box number.
- (2) Any notice from the Commission will be

sufficient if sent to the Mailing Address.

(3) Each individual Owner must also file and maintain with the Commission the Owner's personal address and a telephone number where the Owner can be reached directly.

(4) Each Business Entity Owner must also file and maintain with the Commission the personal addresses and telephone numbers of each of Owner's Business Entity Persons.

§8-22(a)(1)-(4) Fine: \$100 Appearance NOT REQUIRED

(5) The Commission is not required to send any communication to the Owner's personal address, except when notifying Owner that the License of the Agent designated by Owner has been revoked. Other communications sent to the Owner's personal address are at the discretion of the Commission.

(b) Telephone Number and Immediate Access. An Owner must maintain on file with the Commission a current telephone number connected to an answering machine or recording device, a pager number, an answering service telephone number or a similar means of telephone contact, so that the Commission can reach the Owner on a 24-hour basis.

§8-22(b) Fine: \$100 Appearance NOT REQUIRED

§8-23 Records - Maintenance Requirements

(a) Shift Drivers. An Owner must keep accurate records of the Driver for each shift.

§8-23(a) Fine: \$250 Appearance NOT REQUIRED

(b) Fleet or Minifleet Owner Records. A fleet or minifleet Owner must maintain for a period of three years a written record of every shift providing the following information for each Taxicab:

- (1) Driver's name,
- (2) Taxicab Driver's License number,
- (3) State license plate number,
- (4) Medallion number,
- (5) Time of leaving garage,
- (6) Exact time of return.

§8-23(b) Fine: \$25 Appearance NOT REQUIRED

(c) All Owners must maintain the following additional records for a period of three years:

- (1) Drivers' electronic and written trip records
- (2) Receipts and disbursements from the Taxicab operations
- (3) Payments to Drivers
- (4) Mileage record of each vehicle
- (5) Workers' compensation insurance coverage, if any
- (6) Liability insurance coverage
- (7) Any other information required by the Commission

§8-23(c)(1)-(7) Fine: \$50 for violation of each subdivision hereof. Appearance NOT REQUIRED

(d) An Owner must make available to a Driver any records that the Owner is required to maintain, and that the Driver can be required to present to the Commission or any other governmental agency; the Owner can provide photocopies of the records.

§8-23(d) Fine: \$50 Appearance NOT REQUIRED

§8-24 Reporting Requirements

(a) Report Change in Status.

(1) When an Owner has a change of Mailing Address or a change in the office of record, the Owner must personally appear at the Commission to report the changes within 72 hours of such change (not including weekends and holidays).

(2) The Owner must bring the Rate Cards for all of Owner's Taxicabs.

§8-24(a) Fine: \$100 Appearance NOT REQUIRED

(b) Lost, Stolen, or Damaged Taximeter. If a Taximeter is lost, stolen or damaged beyond repair, the Owner must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the loss, theft or destruction, and must provide any affidavit or information that the Commission requires.

§8-24(b) Fine: \$100 Appearance NOT REQUIRED

§8-25 Operations - Rates and Tolls

(a) Metered Rate of Fare.

(1) Metered Rate of Fare. The rate of fare for Taxicabs is as follows, regardless of the number of passengers or stops:

- (i) The charge for the initial unit is \$2.50
- (ii) The charge for each additional unit is \$.40
- (iii) The unit of fare is:
 - A. One-fifth of a mile, when the Taxicab is traveling at 12 miles an hour or more; or
 - B. 60 seconds (at a rate of \$.40 per minute), when the Taxicab is traveling at less than 12 miles an hour.

(iv) The Taximeter must combine fractional measures of distance and time in accruing a unit of fare. Any combination of distance or time specified in paragraph (iii) above must be computed by the Taximeter in accordance with Handbook 44 of the National Institute of Standards and Technology.

(v) The fare must include pre-assessment of the unit currently being accrued; the amount due can therefore include a full unit charge for a final, fractional unit.

(2) Surcharges. In addition to the metered rate of fare, Taxicabs will add the following surcharges, except where surcharges are specifically exempted:

- (i) A rush hour surcharge of \$1.00 for all trips beginning on a weekday after 4:00 P.M. and before 8:00 P.M.; this surcharge will not be applied on legal holidays
- (ii) A nighttime surcharge of \$.50 for all trips beginning after 8:00 P.M. and before 6:00 A.M.

(3) MTA Tax. The MTA Tax must be charged on any trip that starts in New York City and ends in any of the following:

- (i) New York City
- (ii) Dutchess County
- (iii) Nassau County
- (iv) Orange County
- (v) Putnam County
- (vi) Rockland County
- (vii) Suffolk County
- (viii) Westchester County

(b) Flat Rates from Kennedy Airport.

(1) Flat Fare Rate to Manhattan. The fare for a trip between Kennedy Airport and Manhattan will be a Flat Rate of \$45, plus any tolls.

- (i) NO surcharge will be added to this Flat Rate.
- (ii) The MTA Tax must be charged in addition to the Flat Rate.
- (iii) The Taximeter must reflect that this trip is a Flat Rate fare.

(2) Calculating Fare for Multiple Stops to Manhattan. If passengers request multiple stops on a trip from Kennedy Airport to Manhattan, the fare will be determined as follows:

- (i) The first stop in Manhattan is paid as required by paragraph (1) of this subdivision (a Flat Rate fare of \$45 plus tolls plus the MTA Tax).
- (ii) The Taximeter is then turned on as if for a new trip and a new fare is calculated as a regular metered trip.
- (iii) The total metered fare (plus any surcharge) is paid at the last stop by the remaining passenger.
- (iv) No fare is due at the time any other passengers are dropped off between the first and last passenger.
- (v) Example: if three passengers request stops at 42nd St., 18th St. and 4th St.:
 - A. \$45.50 will be collected at 42nd St.
 - B. The Taximeter will be turned on at that point
 - C. When the second passenger exits at 18th St., the Taximeter remains on and no money is paid to the Driver.
 - D. The passenger dropped off at 4th St. must pay the fare on the Taximeter.

(3) Metered Fare to Boroughs Other Than Manhattan. All trips between Kennedy Airport and a borough other than Manhattan are governed by the metered rate of fare as set forth in §8-25(a).

(4) Chairperson's Right to Suspend this Provision. The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport.

(c) Group Ride Fares.

(1) Group Ride Fare from LaGuardia Airport (Reserved)

(2) Group Ride Fare from York Avenue. The fare for trips made under a Group Riding plan from York Avenue to the Financial District will be \$6.00 per passenger. In addition, there can be a fee for dispatch services as the Commission determines.

(3) Experimental Group Ride Programs.

- (i) Additional Pickup Locations.

The Chairperson can recommend for Commission approval additional Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan.

(ii) Demand-Driven Temporary Group Riding Plans. The Chairperson can also recommend for Commission approval additional Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances.

(iii) Duration. Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:

A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or

B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.

(iv) Termination. The Commission can discontinue any Group Riding plan that has not been the subject of final rulemaking upon a determination that continuation of the plan is not in the best interest of the public.

(4) MTA Tax. In a group ride, one passenger will pay the MTA Tax. The fare for that passenger will be reduced by the amount of the MTA Tax. All passengers will pay the same total amount. (Example: If three passengers are taking a group ride for which the fare is \$6.00 per person, the fare will be adjusted so that the total fare for all three passengers equals \$17.50 plus the \$.50 MTA Tax.)

(d) Trips Beyond the City.

(1) For a trip beyond the limits of the City of New York, except for Westchester or Nassau County, or Newark Airport, the fare will be a Flat Rate. The MTA Tax must be added to the Flat Rate for any trip that starts in New York City and ends in any of the following:

- (i) Dutchess County
- (ii) Orange County
- (iii) Putnam County
- (iv) Rockland County
- (v) Suffolk County

(2) For a trip to Westchester or Nassau County the fare will be the sum of the following amounts:

- (i) The amount shown on the Taximeter for that portion of the trip that is inside the City limits, plus
- (ii) Twice the amount shown on the Taximeter for that portion of the trip that is outside the City limits, plus
- (iii) All necessary tolls to and from the destination.
- (iv) The MTA Tax must be added to the total fare.

(3) For a trip to Newark Airport the fare will be the sum of the following amounts:

- (i) The amount shown on the Taximeter, plus
- (ii) A surcharge of \$15.00, plus
- (iii) All necessary tolls to and from the destination

(4) Any continuous trip where the point of origin and the destination are both within the limits of the City of New York will not be considered a trip beyond the City limits, even though the shortest and most direct route requires traveling outside the City limits but within continuous counties. The Taximeter must be kept in the recording position throughout the trip.

(e) No Charge for Luggage or Mobility Aids. There will be no charge for:

- (1) Steamer trunks or other luggage or belongings;
- (2) Wheelchairs, crutches, three-wheeled motorized scooters and other mobility aids transported in the interior of the Taxicab;
- (3) Use of the Taxicab's trunk.

(f) Tolls - How Tolls are Paid.

- (1) All Taxicabs must be equipped with a New York MTA Bridges & Tunnels EZ.

- Pass*®. (See §8-26)
- (2) When a Taxicab drives through a toll plaza with an *EZ-Pass*®, the MTA Bridges & Tunnels automatically deducts the cost of the toll from an account maintained by the *EZ-Pass*® tag holder.
- (3) Passengers must pay for the toll, and must be informed of this fact before the trip begins, but are only required to pay the actual amount (often a discounted toll) charged to the *EZ-Pass*®.
- (4) Drivers must collect the proper toll amount from the passenger and forward it to the holder of the *EZ-Pass*® tag.
- (g) **Tolls – What Tolls are Paid by Passenger.**
- (1) On all trips within the City of New York, the passenger must pay:
- (i) All tolls incurred driving to the passenger's destination
- (ii) No tolls for the Driver's return trip, except for trips over:
- A. The Cross Bay Veterans Bridge
- B. The Marine Parkway – Gil Hodges Memorial Bridge
- (2) On trips beyond the City of New York, the passenger must pay all necessary tolls to and from the destination.
- (3) A Driver who charges a passenger more than the actual amount of the *EZ-Pass*® toll is guilty of an overcharge as prohibited by §4-15(g) of the Taxicab Drivers chapter.
- (4) A Driver who fails to reimburse an *EZ-Pass*® tag holder for all toll charges incurred, including toll charges for which there is no passenger reimbursement, will be subject to the provisions of §4-15(f)(4) of the Taxicab Drivers chapter.
- (5) In addition to any other penalty permitted, the Commission can order restitution to a passenger or the *EZ-Pass*® tag holder.
- (h) **Credit/Debit Card Rules.**
- (1) An Owner who is a merchant is permitted to charge the Driver a pass-along of not more than five percent (5%) of the total credit/debit charges incurred during the Driver's shift.
- (2) Merchants are not permitted to charge a pass-along to any passenger for credit/debit card transactions.
- §8-26 Operations – EZ-Pass® Required**
- (a) *EZ-Pass*® Account. All Owners must participate in the *EZ-Pass*® New York Program by maintaining a current account with the Metropolitan Transportation Authority, Triborough Bridge and Tunnel Authority ("MTA Bridges and Tunnels" or "MTA B&T").
- §8-26(a) Fine: \$100 and suspension until compliance Appearance REQUIRED
- (b) *EZ-Pass*® Tags Required on all Taxicabs.
- (1) Owners must either:
- (i) Equip all of Owner's Taxicabs with an MTA Bridges and Tunnels *EZ-Pass*® tag, each of which must be attached as required by MTA B&T, or
- (ii) Allow a Driver to use his or her personal *EZ-Pass*® tag.
- (2) Owners must have available at least one MTA Bridges and Tunnels tag for each of their Medallions.
- (3) Owners must maintain a sufficient balance in their *EZ-Pass*® account, according to what is required by the program.
- §8-26(b) Fine: \$100 and suspension until compliance Appearance REQUIRED
- (c) **Driver Provides EZ-Pass® Tag.**
- (1) A Driver can choose to use his or her own *EZ-Pass*® tag.
- (2) If a Driver uses his or her own *EZ-Pass*®, the Driver keeps the toll money paid by the passenger, or is reimbursed the amount of the toll(s) if the passenger pays by credit or debit card.
- (d) **Owner Provides EZ-Pass® Tag.**
- (1) **Funds Accrue to Owner.** When an Owner provides the *EZ-Pass*® tag, the Driver must ensure that all of the monies paid by a passenger for toll(s) accrue to the Owner.
- (i) If the customer pays by cash, the Driver will forward the money to the Owner at the end of his or her shift or at the end of his or her lease.
- (ii) If the customer pays by credit or debit card, the Owner will retain any amount paid for toll(s).
- §8-26(d)(1) Fine: \$250 Appearance NOT REQUIRED
- (2) **Owner can Require Driver to Maintain a "Replenishment" Account.**
- (i) An Owner who is the *EZ-Pass*® tag holder can require a Driver who is Dispatched in one of Owner's Taxicabs for one or more shifts to maintain an *EZ-Pass*® replenishment account with the Owner.
- (ii) The Owner can require a Driver to maintain a maximum of \$10 for every 12-hour shift included within a lease period, up to a maximum of \$100, in the replenishment account for the benefit of Owner.
- (iii) The Owner can collect from this account any tolls paid by the Owner's *EZ-Pass*® account for a tag assigned to a Taxicab operated by the Driver, for which the Owner has not been reimbursed.
- (iv) Any funds held in the replenishment account that are not used to reimburse the Owner must be returned to a Driver within 30 days after the termination of the Driver's lease with the Owner.
- (v) An Agent has the same rights and obligations as Owner under this paragraph §8-26(e)(2).
- §8-26(d)(2) Fine: \$250 plus restitution to the Driver of any replenishment account improperly retained by an Owner or Agent Appearance REQUIRED
- §8-27 Operations – Miscellaneous Requirements**
- (a) **Lost Property–Police Notification.** Passenger lost property found in a Taxicab must be taken without delay to the police precinct in which the garage is located unless it can be returned to its rightful owner within a reasonable time.
- §8-27(a) Fine: \$25 – 250 Appearance REQUIRED
- (b) **Lost Property–Notify the Commission.** The Taxicab Owner must promptly inform the Commission of any property that has been taken to a police precinct as required by §8-27(a).
- §8-27(b) Fine: \$25 Appearance NOT REQUIRED
- (c) **No Solicitation.**
- (1) When a Taxicab is operating, Owners must not allow any service or merchandise to be sold or advertised to any passenger.
- (2) An Owner must not make any arrangement with an owner, manager or employee of any restaurant, bar, night club, cabaret, dance hall, hotel, or any similar place, in which the Driver agrees to solicit or recommend patronage for such places, without prior written approval of the Commission.
- §8-27(c) Fine: \$50 – 200 Appearance REQUIRED
- (d) **No Disruption of Pedestrian or Vehicular Traffic.** An Owner must not Dispatch a Taxicab from a public street or other public area if the Dispatch will prevent the flow of pedestrians or vehicular traffic, or cause inconvenience or annoyance to the public.
- §8-27(d) Fine: \$100 Appearance NOT REQUIRED
- §8-28 Vehicle Condition – Inspections**
- (a) **Required Inspections.** No new or replacement Taxicab can operate for hire unless it has been inspected and approved by the Commission.
- §8-28(a) Fine: \$100 and seizure of the vehicle Appearance NOT REQUIRED
- (b) **Tri-Annual Inspection.** An Owner must have his Taxicab inspected every four months at a date and time designated by the Commission and at any other time deemed necessary by the Commission.
- §8-28(b) Fine: (penalties below are cumulative) Appearance REQUIRED
0-30 days past inspection due date: \$100 and Summary Suspension until compliance
31-60 days past inspection due date: \$100/\$250 and Summary Suspension until compliance
61-120 days past inspection due date: \$250/\$500 and Summary Suspension until compliance
More than 120 days past inspection due date: \$500 and/or revocation.
- §8-29 Vehicle Condition – Meet Safety Standards**
- (a) While a taxicab is in operation, all equipment, including brakes, tires, lights and signals must be in good working order and meet all requirements of the New York State Vehicle and Traffic Law, and the Rules of the Commission.
- §8-29(a) Fine: \$100 Appearance N/A
- (b) An Owner must comply with all notices and directives to correct defects in Taxicabs.
- §8-29(b) Fine: \$50 and suspension until the defective condition is corrected. Appearance N/A
- (c) An Owner must repair or replace a Taxicab when the Commission determines that the vehicle is unsafe or unfit for use as a Taxicab and directs the Owner to remove it from service. The Owner must surrender the Medallion and Rate Card to the Commission for storage and the License will be suspended.
- §8-29(c) Fine: \$100 - \$350 and/or suspension up to 30 days Summary Suspension until compliance Appearance N/A
- §8-30 Vehicle Condition – Miscellaneous**
- (a) **Clean.** The Taxicab's exterior and interior must be clean.
- §8-30(a) Fine: \$25 Appearance NOT REQUIRED
- (b) **Trunk.** The trunk compartment must be capable of securely holding passengers' baggage.
- §8-30(b) Fine: \$75 Appearance NOT REQUIRED
- (c) **Shoulder Belts.**
- (1) Every Taxicab must be equipped with shoulder belts for both outside front seat positions and both outside rear seat positions.
- §8-30(c)(1) Fine: \$100 - \$250 Appearance REQUIRED
- (2) All seat belts and shoulder belts must be clearly visible, accessible and in good working order.
- §8-30(c)(2) Fine: \$100 - \$250 Appearance REQUIRED
- (d) **No Alterations.** An Owner will make no structural change in a Taxicab that deviates from the Taxicab specifications set forth in Chapter 17 of these Rules without the Commission's written approval.
- §8-30(d) Fine: \$100 Appearance NOT REQUIRED
- (e) **No Physical Movement of Medallion.** An Owner must not affix, remove or transfer a Medallion to a new or replacement vehicle without prior authorization of the Commission, except that an Owner can affix additional bolts to a Medallion in order to further secure it.
- §8-30(e) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED
- (f) **Medallion Number on Roof Light.** The Medallion number on the front and rear of the roof light must be clean and unobstructed so that the Medallion number is plainly visible.
- §8-30(f) Fine: \$50 Appearance NOT REQUIRED
- (g) **Illumination.** When a Taxicab is in operation for hire after sunset, the following items must be illuminated so that they are clearly visible from the rear seat:
- (1) The face of the Taximeter
- §8-30(g)(1) Fine: \$25 Appearance NOT REQUIRED
- (2) The Taxicab Driver's License
- §8-30(g)(2) Fine: \$200 Notice to correct within 10 Days Appearance REQUIRED
- (3) The Rate Card
- §8-30(g)(3) Fine: \$200 Notice to correct within 10 Days Appearance REQUIRED
- (h) **Lighting Control.** The dashboard dimmer switch or any other device must not control the candlepower of the roof light, Taximeter light, card frame light or interior lighting.
- §8-30(h) Fine: \$50 - \$350 and/or suspension up to 30 days Appearance N/A
- §8-31 Vehicle – Markings & Advertising**
- (a) **Approved Exterior Markings.**
- (1) An Owner of a Taxicab must apply to the exterior of the Taxicab the following markings approved by the Commission:
- (i) Two Taxicab logo decals
- (ii) Two rate of fare decals
- (iii) Two Medallion number decals
- (iv) Two checkerboard stripe decals
- (2) An Owner of a Taxicab must obtain the approved Taxicab markings from a person or entity authorized by the Commission to print and distribute the decals. A depiction of the decals and a list of persons authorized to print and distribute the decals will be available on the Commission's website and/or through other means determined by the Commission and announced on its website.
- (3) Authorized Stand-by vehicles must display SBV number decals in lieu of the Medallion number decals.
- §8-31(a)(1)-(3) Fine: \$75 Appearance NOT REQUIRED
- (b) **Approved Emblems.**
- (1) An Owner must not display emblems on the Taxicab exterior, other than an emblem identifying:
- (i) The Owner
- (ii) An association of Owners
- (iii) A Taxicab Drivers' union
- (iv) The Taxicab manufacturer
- (2) These emblems must conform to the Marking Specifications for Taxicabs and will be subject to the approval of the Commission.
- (3) No more than two of the same emblem can be displayed on a Taxicab, unless otherwise authorized by the Commission.
- §8-31(b)(1)-(3) Fine: Notice to correct within 10 days; failure to comply: \$200 Appearance REQUIRED
- (c) **Other Approved Markings.** An Owner must not display any lettering, emblem, advertising or marking of any kind on the exterior of a Taxicab, including windows and exterior accessories, unless authorized by the Commission, except for the following:
- (1) Markings, inscriptions and/or advertising specifically permitted or authorized by the Commission.

- (2) Advertising that is authorized by the Commission on the Vehicle's Rate Card and for which the Owner has obtained a permit from the Commission
- (3) Accessible Taxicab Insignia
- (i) The design for insignia that will identify the vehicle as an Accessible Taxicab will be provided by the Commission on its website or through other means presented on its website.
- (ii) These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the accessible Taxicab, and will be visible to passengers entering the accessible Taxicab.
- (4) Clean Air Taxicab Insignia.
- (i) The design for insignia that will identify the vehicle as a Clean Air Vehicle will be provided by the Commission on its website or through other means presented on its website.
- (ii) These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such Taxicab, and will be visible to passengers entering the clean air Taxicab.
- §8-31(c) Fine: \$25 Appearance NOT REQUIRED
- (d) Maintain in Good Condition. Required inscriptions and markings must be maintained in good condition.
- §8-31(d) Fine: \$75 Appearance NOT REQUIRED
- (e) Commercial Use Tax Stamp. An Owner must affix a current New York City commercial use motor vehicle tax stamp to the lower right side of the Taxicab windshield so as to be plainly visible.
- §8-31(e) Fine: Notice to correct within 10 days Failure to comply: \$200 Appearance REQUIRED
- (f) Approved Interior Markings. An Owner must not display inside a Taxicab any advertising or other notice not specifically authorized by these rules or the Commission's Marking Specifications for Taxicabs unless approved by the Commission, except for the following:
- (1) Industry signage/logos of all credit/debit cards accepted by the Taxicab Technology System, all of equal size, shown in the information content on the passenger information monitor screen; and
- (2) Advertising in the information content on the passenger information monitor screen as set forth below in the Taxicab Marking Specifications table (§8-31(i)) and in §17-15(d) of these Rules.
- §8-31(f)(2) Fine: \$50 Appearance NOT REQUIRED
- (g) Braille and Raised Lettering Plaques. An Owner must equip all Taxicabs with both of the following:
- (1) A Taxicab Identification Braille Plaque.
- (i) This plaque must be made of .040 gauge aluminum with a matte finish and measure 3 1/4 inches in length and 1 3/4 inches in height, with radius corners.
- (ii) The plaque must state, in Raster Braille grade two:
- A. The Medallion number centered on the first line,
- B. The word "COMPLAINTS" centered on the second line, and
- C. The telephone number "212 NYC TAXI" centered on the third line.
- (iii) The plaque must be permanently affixed on the door armrest of the horizontal plane of the right rear door, or another location approved by the Chairperson.
- (2) A Taxicab Identification Raised Lettering Plaque.
- (i) This plaque must be made of 2-inch thick black acrylic plastic and measure 11 inches in length and five inches in height, with radius corners and four holes (one in each corner) for attachment with screws.
- (ii) The plaque must state, in one inch high white Helvetica lettering that is permanently affixed:
- A. The Medallion number centered on the first line,
- B. The word "COMPLAINTS" centered on the second line, and
- C. The telephone number "212 NYC TAXI" centered on the third line with appropriate spacing between the three words.
- (iii) The plaque must be permanently affixed on the rear of the front right passenger seat or partition, not more than six inches below the lexan or polycarbonate portion of the partition.
- §8-31(g)(2) Fine: \$100. No penalty for missing plaque, if condition is corrected within forty-eight hour Appearance N/A

- (h) Special Markings for Clean Air Vehicles. Owners of a Clean Air Taxicab must display on the Taxicab's Personal Information Monitor information provided by the Commission that accomplishes the following:
- (1) Identifies the Taxicab as a Clean Air Vehicle
- (2) Includes the address of the Commission web page(s)
- (3) Includes, to the extent practicable:
- (i) Estimated air quality benefits associated with the use of the vehicle, and
- (ii) The type of fuel used to power the vehicle.

§8-31(h) Fine: Notice to correct within 10 days Failure to comply: \$200 Appearance REQUIRED

(i) Marking Specifications for Taxicabs.

INSCRIPTION*	LOCATION	SIZE
(a) Rate of fare decals (required). (Non-detachable type only.)	Both rear doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle. The base line of the rate of fare and Taxicab logo decals must be parallel and the same distance to the bottom door edge.	The size of the approved rate of fare decals must be determined by the Commission.
(b) Taxicab logo decals (required). (Non-detachable type only.)	Both front doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle. The base line of the rate of fare and Taxicab logo decals must be parallel and the same distance to the bottom door edge.	The size of the Taxicab logo decals must be determined by the Commission
(n) Medallion number (required)	Front and rear of roof light.	2 3/4" to 3" high letters 1/2" thick.
(o) "OFF DUTY" (required)	Each end of roof light.	1 1/4" high letters 1/4" thick.
(e) "Owner-Driver" (optional)	Rear of taxi.	3" maximum height
(f) EMBLEMS (Optional) (1) Fleet Owner (2) Owner Association (3) Taxicab Drivers' Union insignia (4) Taxicab manufacturer	On rear baggage compartment in lower right corner of deck lid. Consult the Commission if contour of lid requires another location on the lid.	2" high letters 1/4" thick. Avoid overcrowding
(g) Medallion number, interior (required). Can be one-piece decal or a stencil. The number must be of a color contrasting with the seat, to provide for easy legibility.	On the back of the front seat. The top of the number must be located not more than two inches below the top of the front seat.	Numbers and letter must be 3" minimum in height.
(h) Passenger Information Sign, (required) Must contain the information required by the Chairman or his designee.	On the back of the front seat or on a safety partition, displayed in a manner that is clearly visible to the passengers in the back seat.	Approximately 12" wide by 6" high.
	If the taxi is equipped with a safety partition, the passenger information sign can be placed on the partition behind the Driver's head, but no higher than a headrest would be.	
(p) "Drivers Wanted" sign. Can include the telephone number of the Owner. (Optional)	Rear of taxi.	No more than 24" wide by 3" high.
(j) "If this taxi is parked for over 24 hours, please call Owner at (telephone number)..." (Optional)	Rear of taxi or horizontal on dashboard.	No more than 24" wide by 3" high.
(q) Telephone available, or similar language or symbol (optional)	Exterior, on a door or a side window.	4" by 6", or smaller.
(r) Brand name of passenger information monitor manufacturer or Taxicab Technology Service Provider	On the bezel of the frame of the passenger information monitor	Not to exceed 1 1/4" in height and 4" in length
(m) "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED." (Non-detachable decals only)	On rear passenger window	Letters must be at least one-half inch high.
(s) Medallion number decals (required). (Non-detachable decals only.)	Immediately before the checkerboard stripe decal so that the two decals appear to be one stripe. The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and checkerboard are aligned and appear to be one stripe. On some vehicles, such as minivans, the Medallion number can be placed at the rear of the sliding door, but must still align with the checkerboard stripe.	The size of the Medallion number decals must be determined by the Commission.
(o) Checkerboard stripe decals (required). (Non-detachable decals only.)	Immediately behind the Medallion number decal so that the two decals appear to be one stripe. The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and checkerboard are aligned and appear to be one stripe. The trailing end of the checkerboard can be shortened, if necessary, on vehicles with short quarter panels.	The size of the checkerboard stripe decals must be determined by the Commission.
(p) "Drivers are not allowed to use cell phones or handheld electronics." Decal or sticker shall be issued by the Commission	Interior of passenger compartment in a location plainly visible to passengers	As issued by the Commission

*Detachable signs suspended from door frames are not permitted.

- §8-32 Vehicles - Items Required in Vehicle
- (a) The following must be present in the Taxicab while it is in operation for hire:
- (1) The Taxicab Driver's License, in the Driver's License frame
- (2) The Rate Card, in the Driver's License frame
- (3) An insurance card or photocopy, unless the Owner is self insured and has noted this fact on the Rate Card along with any other information required by the Commission
- (4) All other notices required to be posted in the Taxicab
- §8-32(a)(1)-(4) Fine: \$25 for each (1) - (4) not in vehicle, not to exceed \$75 in the aggregate Appearance NOT REQUIRED
- (5) A means of collecting and recording all of the Trip Sheet data.
- §8-33 Vehicle Equipment
- (a) Roof Light. A roof light is required on all Taxicabs, as required by the Hack-Up specifications in Chapter 17; the Taxicab Owner must ensure compliance with the following:
- (1) Off-duty Sign by Manual Switch. While a Taxicab is in operation for hire, the "Off Duty" sign must not be illuminated in any way other than by a manually operated switch on the Taxicab dashboard.
- §8-33(a)(1) Fine: \$75 Appearance NOT REQUIRED
- (2) Controlled by Taximeter. The Taxicab roof light must be automatically controlled by the operation of the Taximeter so that it is lighted only when the Taximeter is in an off position and unlighted when the Taximeter is in a recording position. An Owner must not tamper with the operation of the Taxicab's roof light.
- §8-33(a)(2) Fine: \$50 - \$350 and/or suspension up to 30 days Appearance REQUIRED
- (b) Optional Two-way Radio.
- (1) A Taxicab can be equipped with a two-way radio only in the Citizens Radio Service and only on the forty frequencies, within allowed deviation, specifically authorized under the rules of the Federal Communications Commission.
- (2) Emissions, transmission power and antenna length must comply with limits established by the rules of the Federal Communications Commission.
- (3) A two-way radio must not be used for purposes of Dispatch or passenger reservations.
- §8-33(b) Fine: \$100 - \$350 And removal of radio Appearance N/A
- (c) Air Conditioning. Each Taxicab must be equipped with an operable air conditioning system; when the vehicle is also equipped with a partition, the air conditioning system must be able to provide cool air to the rear passenger area.
- §8-33(c) Fine: \$50 per day except that where the system is installed and malfunctioning, a notice to correct within ten days must be issued Appearance REQUIRED
- (d) Trouble Lights. An Owner must equip all Taxicabs with a help or distress signaling light system meeting the requirements of §17-11.
- §8-33(d) Fine: \$100 and suspension until the condition is corrected Appearance REQUIRED
- §8-34 Vehicle Equipment - Partitions
- (a) Partition Required. An Owner must equip all Taxicabs, except as provided in subdivision (b) of this section, with a partition that meets the specifications set forth in §17-10 of these Rules, and with provision for air conditioning for the rear passenger compartment, as set forth in §17-14.
- §8-34(a) Fine: \$300 and suspension until the condition is corrected Appearance REQUIRED
- (b) Owner-Drives Exemption from Partition Requirement. An Owner of an Independent Medallion Taxicab or a Business Entity owning one or more Medallions will be exempt from the provisions of subdivision (a) provided all of the following five conditions are met:
- (1) The Taxicab is driven only by the Owner(s) of the Medallion (including a Business Entity Person of a Business Entity Owner).
- (2) The Rate Card lists only the persons named above in paragraph (1) as Named Driver(s).
- (3) The Taxicab is equipped with the following:
- (i) The required Trouble Lights
- (ii) A cellular telephone with an emergency dialing feature.
- (iii) A camera approved by the Commission
- (4) The Owner has not previously been found in violation of this rule with respect to the subject Medallion.
- (5) The Owner has applied for and received a certification of exemption from the Commission.
- (c) Exception to Exemption. Even if the Owner meets all the conditions for an exemption, if a partition is the only approved location for display of the Rate Card and Driver License in a particular model of automobile, then a partition is required.

(d) Curtain Airbags Modification.

(1) A Taxicab that is equipped with factory installed curtain airbags will be equipped with a modified partition that does not extend the full width of the interior of the Taxicab.

(2) The modified partition instead must allow a space of six inches at each side, sufficient to permit proper deployment of the curtain airbags.

(3) The modified partition must conform in all other respects with the applicable requirements of §17-10 of these Rules.

§8-34(d) Fine: \$300 and suspension until the condition is corrected Appearance REQUIRED

§8-35 Vehicle Equipment – In Vehicle Camera System (IVCS)

(a) When an existing in-vehicle camera system is required to be replaced or when the system is installed, the Taxicab will be equipped with an IVCS that meets the specifications of §17-12; the system must be installed and maintained by the manufacturer's authorized installer and will be in good working order.

§8-35(a) Fine: \$50 Appearance NOT REQUIRED

(b) Each Taxicab equipped with an IVCS must be equipped with a cellular telephone as set forth in subdivision (b) of this section.

§8-35(b) Fine: \$50 Appearance NOT REQUIRED

(c) Each Taxicab equipped with an IVCS must display decals on each rear passenger window, visible to the outside, that contain the following information: "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED."

§8-35(c) Fine: \$50 Appearance NOT REQUIRED

§8-36 Vehicle Equipment – Taximeters

(a) Taximeter Requirements. An Owner must equip the Taxicab with a Taximeter subject to the following conditions:

(1) The Taximeter must be of a make and type acceptable to the Commission.

§8-36(a)(1) Fine: \$50 Appearance NOT REQUIRED

(2) It must be affixed to the vehicle's dashboard so that it is clearly readable and visible to all passengers in the vehicle.

§8-36(a)(2) Fine: \$50 Appearance NOT REQUIRED

(3) The Taximeter's serial number must be the same as that shown on the Rate Card assigned to the Taxicab; or entered on the Rate Card by a Licensed Taximeter shop.

§8-36(a)(3) Fine: \$500 Appearance NOT REQUIRED

(4) The Taxicab tire size must be the same as that for which the Taximeter is calibrated, as indicated by the Rate Card.

§8-36(a)(4) Fine: \$50 Appearance NOT REQUIRED

(5) All Taximeter seals must be installed by a Licensed Taximeter repair shop or agent of the Commission.

§8-36(a)(5) Fine: \$500 Appearance REQUIRED

(6) The wiring harness leading from the Taximeter to the speed sensor must be of one piece construction with no intervening connectors, splices, "Y" connections, or direct or indirect interruptions or connections of any kind whatsoever.

§8-36(a)(6) Fine: \$500 Appearance REQUIRED

(b) Accuracy of Taximeter. A Taxicab must be equipped with a Taximeter that is in good working condition and will accurately compute the rate of fare currently established by the Commission. Penalties for violation are as follows:

(1) 1% Inaccurate. The penalty is \$50, if the Taximeter is found to be at least 52.8 feet (one percent) inaccurate, but less than 264 feet (five percent) inaccurate in computing distance, or more than one percent but less than five percent inaccurate in computing time.

(2) 5% Inaccurate. The penalty is \$200, if the Taximeter is found to be at least 264 feet (five percent) inaccurate but less than 528 feet (ten percent) inaccurate in computing distance, or more than five percent but less than ten percent inaccurate in computing time.

(3) 10% Inaccurate. The penalty is \$300, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a first violation.

(4) Repeated 10% Inaccuracy. The penalty is \$600, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a second or subsequent violation within thirty-six months.

§8-37 Vehicle Equipment – Taximeter Defects

(a) No Defects in Taximeter or Installation. A Taxicab must not be in service for hire with a defective Taximeter or a Taximeter that has been improperly installed.

(b) Repair or Replace Defective Taximeter. Whenever a Taximeter or its installation is defective or whenever a Taximeter computes an inaccurate rate of fare, the Owner must have the Taximeter:

(1) Repaired, tested and certified at a licensed Taximeter Business, or

(2) Replaced by the Taximeter Business with an approved Taximeter that has been inspected, tested and sealed;

(c) Assembly Must be Certified. After repair or replacement of the Taximeter, the Taximeter/vehicle assembly must be tested and certified in compliance with Commission regulations.

§8-37(a)-(c) Fine: \$100 Appearance NOT REQUIRED

(d) Repairs by Licensed Agent. No adjusted, repaired or recalibrated Taximeter or appurtenance of a

Taximeter can be installed in a Taxicab unless the adjustment, repair or recalibration was done at a licensed Taximeter repair shop or other authorized facility; the Owner is responsible for any installation that violates this rule.

§8-37(d) Fine: \$75 Appearance NOT REQUIRED

§8-38 Vehicle Equipment – Taximeter Tampering

(a) Unauthorized Tampering. Unless authorized by the Commission, no person will tamper with, alter, repair or attempt to repair any portion of the Taximeter system that would affect the operation of the Taximeter or the Taxicab Technology System, including, but not limited to:

(1) The Taximeter

(2) The Taxicab Technology System

(3) Any seal affixed to the Taxicab by a licensed Taximeter repair shop or other authorized facility

(4) Any cable connection or cable system electrical wiring

(5) The vehicle's mechanism or its tires

(b) Owner's Responsibility. The Owner is responsible for any tampering, alteration or any unauthorized repair or attempt to repair.

§8-38(a) & (b) Fine: \$250 - 1,500 and/or suspension up to 30 days. Appearance N/A Summary suspension until compliance under to §8-17(b) of this title

(c) Owner's Defense. It will be an affirmative defense to a violation of this section that the Owner:

(1) Did not know of or participate in the alleged tampering of the Taximeter or T-PEP; and

(2) Exercised due diligence to ensure that tampering with the Taximeter or T-PEP does not occur. Examples of an Owner's due diligence include, but are not limited to:

(i) Clearly warning Drivers that if they violate the Taximeter or T-PEP tampering rules, Owner will:

A. Immediately terminate any lease agreement Owner has with the Driver; and

B. Report the tampering violation to the Commission, which will result in the probable revocation of their Taxicab Driver's License;

(ii) Including the warning against violating the Taximeter and T-PEP tampering rules as a provision in any written lease agreement;

(iii) Stamping the warning against violating the Taximeter and T-PEP tampering rules on any written Trip Records whenever paper Trip Records must be issued to one or more Taxicab Drivers;

(iv) Conducting periodic random comparisons of the odometer and the Taximeter mileage readings of a Taxicab to check for any inappropriate disparities;

(v) Conducting periodic random inspections of the Taximeter and the T-PEP system in all the Owner's Taxicabs to detect any evidence of tampering; and

(vi) Having all of the Owner's Taxicabs inspected by a licensed Taximeter shop once every inspection cycle.

(d) Notify the Commission of Tampered, Unauthorized or Removed Taximeter. An Owner must notify the Commission by telephone immediately, and in writing within 24 hours, upon discovering any of the following:

(1) Any Taximeter other than the Taximeter approved by the Commission (as indicated on the Rate Card) has been installed in the Owner's Taxicab;

(2) Any Taximeter seal in the Owner's Taxicab has been removed or tampered with;

(3) Any unauthorized device has been connected to any Taximeter, any seal, cable connection or electrical wiring, in the Owner's Taxicab, which can affect the operation of the Taximeter;

(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 Owner's Taxicab.

§8-38(d) (1)-(4) Fine: \$500-\$1,000 and/or suspension up to 60 days or revocation Appearance REQUIRED

(e) Inspections by Authorized Person.

(1) A Taxicab's Taximeter must be tested for accuracy over a measured mile course and its installation must be tested for compliance with the rules of the Commission.

(2) Only personnel authorized by the Commission can perform these tests.

(3) These two inspections must be completed and the results of the tests indicated on the Rate Card in each of the following circumstances:

(i) At least once every 12 months.

§8-38(e) (3)(i) Fine: \$100 Appearance NOT REQUIRED

(ii) Whenever a Taximeter is installed in a vehicle

§8-38(e) (3)(ii) Fine: \$100 Appearance NOT REQUIRED

(iii) When the transmission or differential is altered, repaired or replaced

§8-38(e) (3)(iii) Fine: \$50 Appearance NOT REQUIRED

(iv) When a change is made in any other part of the Taxicab that can affect the Taximeter reading

§8-38(e) (3)(iv) Fine: \$50 Appearance NOT REQUIRED

(v) At any other time required by the Commission

§8-38(e)(3)(v) Fine: \$100 Appearance NOT REQUIRED

§8-39 Vehicle Equipment – Taxicab Technology System (T-PEP) Installation

(a) Taxicab Technology System. The T-PEP is a system of hardware and software that electronically provides the following four Core Services in the Taxicab vehicle:

(1) The ability for passengers to pay using a debit, credit or prepayment card

(2) The ability for Drivers to send and receive text messages

(3) The ability to record, collect and transmit Trip Record data

(4) The ability to provide passengers with information through a rear seat monitor screen (a Passenger Information Monitor or PIM) including:

(i) A map of the route being traveled

(ii) Public service announcements, including information about the Taxicab fares and passenger Bill of Rights

(iii) Limited commercial advertising and sponsorships

(iv) Directions on how to turn off all audio and visual presentations

(b) Required Installation. Owners must ensure that all of their Taxicabs are equipped with the T-PEP and otherwise meet the requirements of these provisions.

§8-39(b) Fine: \$1,000 and suspension until compliance Appearance REQUIRED

§8-40 Vehicle Equipment – Taxicab Technology System (T-PEP) Operation

(a) Good Working Order. Owners must ensure that the Taxicab Technology System equipment is constantly maintained, is in good working order, and that each of the four core services functions properly.

§8-40(a) Fine: \$250 and suspension until compliance Appearance REQUIRED

(b) Failure to Operate.

(1) If the T-PEP malfunctions or fails to operate, an incident report must be filed with the authorized T-PEP Provider within two hours following the discovery of the malfunction or at such time as the Owner reasonably should have known of the malfunction.

(2) If the Driver or Owner's Agent filed the incident report, the Owner will not be required to file a separate incident report but must verify the filing by obtaining the incident report number.

(3) The Owner or Owner's Agent must meet the appointment for repair scheduled by the T-PEP Provider following the incident report.

(c) 48-Hour Repair Deadline. A Taxicab in which any of the Four Core Services of the Taxicab Technology System or any material feature of a Core Service is not functioning must not operate more than 48 hours following the timely filing of an incident report.

§8-40(c) Fine: \$250 and suspension until compliance Appearance REQUIRED

(d) Inspection upon Multiple T-PEP Malfunctions. The Owner of any Taxicab requiring six or more repairs of the Taxicab Technology System in any 30 day period must promptly take the vehicle for inspection to, or schedule an inspection with, the Commission's Safety and Emissions Facility. This requirement will not apply to the Owner if compliance is made by the Driver or Agent of the vehicle.

§8-40(d) Fine: \$250 Appearance REQUIRED

§8-41 Vehicles – Use of Stand-by Vehicles (SBV)

(a) Who Can Use. Only a Fleet can maintain and use Stand-By Vehicles.

(b) When Used. A Stand-by Vehicle can be used in place of a currently Licensed Taxicab only in the following circumstances and for the length of time indicated below:

(1) When the currently Licensed Taxicab is out of service for repairs or for required inspection, until the repairs or inspection have been completed

(2) When a Vehicle has been stolen, for no more than 30 days after the date stolen

(3) When a vehicle has been permanently retired from service, for no more than 30 days from the date of retirement

(c) Maximum Number of Stand-By Vehicles. A Fleet can maintain Stand-by Vehicles equal to 10% of the total number of current Medallion Taxicabs owned or operated by the Fleet.

(d) Medallion to be Transferred to Stand-By Vehicle. When a Stand-by Vehicle is Dispatched, the Medallion and Medallion number in the Roof light of the out-of-service Taxicab must be transferred to the Standby Vehicle.

(e) Required in the Stand-By Vehicle. A Stand-by Vehicle must not be Dispatched unless the SBV transfer form and the SBV Rate Card are present in the vehicle.

§8-41(a)-(e) Fine: \$50 – 350 and/or suspension up to 30 days. Appearance REQUIRED

§8-42 Medallion Transfers – Overview

(a) Applicability of the “Medallion Transfer” Sections.

(1) The “Medallion Transfers” sections of this Chapter, along with “Licensing” §8-04 and §8-05, establish the rules for all Transfers of a Taxicab Medallions between/among private parties, either by:

- (i) Purchase
- (ii) Gift
- (iii) Bequest, or
- (iv) Operation of law

(2) These provisions do not apply to the sale or resale of Medallions by the Commission, as described in Chapter 15.

(3) Except where the provisions specifically reference Secured Lenders, these provisions do not apply to Secured Lender Recipients.

(b) Overview of Requirements to Complete and Effect Transfer. The transfer of an interest in a Taxicab Medallion will be complete and effective upon all of the following:

(1) Commission Approval. Commission approval of the Transferee’s application

(2) Proper Appearances. All persons described in §8-43(a) below must appear before the Commission.

(3) Transfer Tax Payment. A Transferee of a Taxicab Medallion must satisfy his or her transfer tax liability as determined by the NYC Department of Finance, prior to or at the time of transfer.

(4) Fulfillment of the Licensing Requirements. The parties to the transfer must fulfill the Licensing requirements set forth in §8-04 and §8-05 of this Chapter.

(5) Fulfillment of Tort Liability Requirements. The parties to the transfer must fulfill the Tort Claim liability requirements set forth in §8-46, below.

(6) Fulfillment of the Medallion Clearance Requirements. The parties to the transfer must fulfill the applicable Medallion Clearance Requirements set forth in §8-45 below.

(7) Medallion Put into Service. Each Transferee, as well as any Administrator seeking to operate a Medallion under §8-47 below, must place the Medallion in service with a Hacked-up Taxicab vehicle within seven days of approval of the approval of the application.

§8-42(b)(7) Fine: \$250 Appearance NOT REQUIRED

(c) Comply with Transfer Provisions.

(1) No person or entity is permitted to attempt to transfer or participate in the transfer of an interest in any Taxicab Medallion without fulfilling the requirements of subdivision (b) above, as applicable.

(2) The mere act of submitting a transfer application to the Chairperson will not be considered as a violation of this subdivision.

§8-42(c) Fine: \$10,000 per entity, per Medallion and attempted transfer invalid, applicable to any person or persons (transferor, transferee or both) whose actions constituted a violation; Revocation may be ordered. Appearance NOT REQUIRED

§8-43 Medallion Transfers – Special Requirements

(a) Personal Appearance.

(1) All Transferees or Administrator applicants seeking to operate a transferred Medallion must appear in person as directed by the Chairperson.

(2) If the Transferee applicant is a Business Entity, the following Business Entity Persons must appear in person before the Commission:

- (i) All individual shareholders of a corporate entity
- (ii) All general partners of a partnership entity
- (iii) All members of a Limited Liability Company

(3) Exception to Personal Appearance Requirement. A power of attorney can appear and represent any Applicant or Business Entity Person of a Business Entity Applicant who:

- (i) Holds an existing, continuing License from the Commission, and
- (ii) Has an electronic fingerprint record on file with the Commission, made not earlier than one year prior to the date of the transfer

(b) Transfers During and After Pending Judgment.

(1) No voluntary transfer or sale of an interest in a Taxicab License can be made if a judgment docketed with the clerk of court of any county within the City of New York remains unsatisfied against the Licensee and in favor of any state, federal or New York City government agency unless:

- (i) A bond is filed in an amount sufficient to satisfy the judgment,
- (ii) All the judgment creditors of a Licensee file written permission for the transfer, or
- (iii) The proceeds from the transfer are paid into court or held in

escrow, on terms and conditions approved by the Commission, to protect the rights of all parties that can have a legitimate interest.

(2) An Owner’s interest a Taxicab License can be transferred involuntarily and disposed of by public or private sale in the same manner as personal property. In that event:

- (i) Owner’s License will be immediately cancelled,
- (ii) A new License will be issued to the new owner when the Transfer is properly approved and the transfer is effective, and
- (iii) If the transfer is by reason of a tort judgment against the involuntary Transferor, no bond need be provided with respect to that judgment.

(c) Voluntary Transfer During Revocation Proceedings.

(1) The Owner must not transfer his Taxicab License after the commencement of revocation proceedings without the written permission of the Chairperson.

(2) The Chairperson can also require that no relative of the Medallion Owner or any other person or entity affiliated with the Owner receive the Taxicab License.

(3) The Chairperson can also require an escrow be held in an amount to be determined by the Chairperson after an approved closing in order to satisfy any fines subsequently levied against the Owner.

(d) Preserve Medallion Category

(1) A transfer of an Independent Medallion will be made only to an approved individual or Business Entity that does not own any interest in any other Medallion; similarly, the transfer of a Minifleet Medallion will be made only to a Transferee approved to own and operate a Fleet or Minifleet.

(2) An Independent Medallion Owner must not have a financial interest in any other Taxicab.

(3) A Minifleet Medallion Owner must not have a financial interest in any Independent Medallion Taxicab.

(4) For the purpose of this subdivision (d), “financial interest” will mean an ownership interest or an interest received as a pledge or security or subject to a security agreement to secure financing.

(e) Additional Requirements for Transfers Made by Conditional Sales Agreements. Where an interest in a Medallion is acquired through a conditional sales agreement, the following requirements apply:

(1) The parties must provide the Commission with a disclosure statement indicating the terms of the agreement.

(2) The seller must remain liable for any fines or penalties imposed against the Taxicab License for violations occurring during the term of the agreement, unless they are paid by the purchaser.

(3) The seller must notify the Commission in writing if the seller repossesses the Taxicab within 72 hours of the sale (exclusive of weekends and holidays).

(4) The parties to a conditional sales agreement are subject to the Lease Cap provisions in §8-20.1 of this Chapter.

(5) No conditional transfer shall be effective until the parties have completed all the requirements for transfer required by this Chapter.

§8-44 Medallion Transfers – Application Documentation and Requirements.

(a) Application. An Applicant/Transferee must file a completed application in the form prescribed by the Chairperson.

(b) Payment of Fees. An Applicant/Transferee must pay the following fees:

- (1) A transfer fee of Fifty Dollars (\$50).
- (2) An administrative charge of \$160.
- (3) The licensing and inspection fees required under §8-07 of this Chapter.

(c) Proof of Identity. An individual Transferee and all Business Entity Persons of a Business Entity Transferee must:

- (1) Provide proof of identity in the form specified in §8-04(a) of this Chapter, and
- (2) Disclose any trade name under which the Transferee intends to operate.

(d) Owner-Must-Drive Proof. If the Transferee is acquiring an interest in a Medallion from an Independent Taxicab Owner, Transferee must provide the Valid License number of the person who will fulfill the service requirements of the Owner-Must-Drive Rule in §8-05(d).

(e) Proof of Vehicle Ownership. Transferee must provide proof that Transferee has or will have an appropriate vehicle, by providing either:

- (i) A bill of sale of a vehicle eligible to be used as a Taxicab (see Chapter 17, Taxicab Hack-Up), or
- (ii) An affidavit specifying that the Transferee will have a vehicle to be used as a Taxicab within the seven days

following the effective date of the transfer (see §8-42(b)(7), above).

(f) Payment of Fines and Fees. An Applicant/Transferee must provide proof of payment of any outstanding fines or fees owed to the Commission, the Parking Violations Bureau (or their successors) by the Transferee or any Business Entity Persons of a Business Entity Transferee.

(g) Source of Funds.

(1) An Applicant/Transferee must provide documentation in a form satisfactory to the Chairperson detailing the sources of the funds, if any. Transferee is using to purchase the Medallion, including:

- (i) Copies of bank account passbooks or bank statements;
- (ii) Affidavit explaining cash sums and deposits over \$10,000 paid to or by the Transferee within six months prior to the date of submission of this documentation;
- (iii) Affidavits from donors of any gifts;
- (iv) Statements from secured and/or unsecured lenders detailing amounts lent, security if any, and terms of payment; and
- (v) Copies of IRS Form 8300 filed by any Broker in connection with funds received in the context of the transaction.

(2) If the transfer is by gift or is for less than Market Value, the Transferee must produce a waiver letter from the NYC Department of Finance along with any documentation referred to in the waiver.

(h) Additional Documents Required from Corporate Transferee Applicants. Any corporate Applicant/Transferee or any Applicant seeking to purchase an interest in a corporation must provide, for that corporation:

- (1) All newly formed corporations must include a copy of the certificate of incorporation and the filing receipt of the certificate of incorporation.
- (2) Established corporations can include the documents described in (i) above alternatively, they can include a certified copy of the certificate of incorporation.
- (3) All corporations must include a copy of the resolution or action by the incorporators, shareholders or directors electing officers of the corporation.
- (4) All corporations must include a list of stockholders, with the number of shares owned by each.

(i) Additional Documents Required for Partnerships. Any partnership Transferee Applicant or any Applicant seeking to purchase an interest in a partnership must provide for that partnership:

- (1) A copy of the certificate of partnership
- (2) A list of the partners, including the percentage owned by each

(j) Additional Documents Required for Limited Liability Companies. Any LLC Transferee Applicant or any Applicant seeking to purchase an interest in an LLC must provide for that LLC:

- (1) A copy of the articles of organization
- (2) A copy of the operating agreement
- (3) A list of the members, with the percentage owned by each.

(k) Additional Document Required from a Foreign Business Entity. Any Business Entity not organized under the laws of the State of New York must also provide proof of authorization to operate in New York.

(l) Documents Required from a Secured Lender Recipient. If the transfer is the result of a foreclosure or similar action by a creditor, the following documents must be provided:

- (1) A hypothecation agreement, stock pledge or stock pledge agreement if the transfer is occurring by transfer of, or foreclosure upon, stock;
- (2) A UCC Article 9 Foreclosure “Affidavit of Disbursements” showing that all claims have been satisfied or will be satisfied or acceptable documentation regarding any claims not satisfied;
- (3) Copies of UCC-1 filings (including file stamp or file number) filed against the former Owner or Owner’s interest in the Medallion;
- (4) Copies of all security agreements involved in the transfer in respect of the lenders’ interests in the Medallion;
- (5) A bill of sale, if any, or proof of other transfer in connection with any security agreement;
- (6) If the Medallion was sold in an auction, proof of advertisement of the auction together with the attendance sheet;
- (7) If the Medallion was sold outright, a copy of the Notice of Sale.

(m) Affidavits Required by the Commission. Transferees must provide:

- (1) An affidavit or affirmation under penalty of perjury, in a form approved by the Chairperson, that the Applicant does not

rely upon the actions or determination of the Commission with respect to the Medallion; and

(2) Any other affidavit or affirmation regarding documentation required by the Chairperson.

(n) **Lien Searches.** An Applicant/Transferee must submit with the application:

(1) Copies of a NYS UCC lien search of the Transferor/Owner.

(2) Copies of a lawsuit and judgment search for all counties in which the transferor has been domiciled for the shorter of (i) five years, or (ii) length of time the transferor has owned the Medallion being transferred.

(3) Copies of all active records found in the search, and

(4) An affidavit or affirmation, under penalty of perjury, from the Applicant/Transferee and the transferor warranting that:

(i) They have reviewed and are familiar with the contents of all of the searches

(ii) All disclosed liens and judgments will be:

A. Satisfied prior to or from the proceeds of the transfer

B. Included in the escrow amount, or

C. Assumed by the Applicant

(o) **Tort Letters to Establish Escrow Amount.** The application of any Transferee subject to the Tort Liabilities rules in §8-46 below (and except as excused in §8-46(d)) must include all of the following:

(1) All Tort Letters from the transferor's insurer(s) during the shorter of

(i) Six years, or

(ii) The length of time the transferor has owned the Medallion up to and including the date the Medallion is put into storage or the date prior to the effective date of transfer

(2) Any documentation that may be required regarding any potential Excess Claims that the Tort Letters may disclose.

(3) Any information held by the Applicant/Transferee or transferor regarding any potential Excess Claims.

(4) Any other information held by the Applicant/Transferee or Transferor that might be necessary to determine the Escrow Amount.

(p) **Transferring T-PEP.** The application must include the following information regarding T-PEP:

(1) **Proof of Notice to T-PEP Provider**

(i) The Transferor must provide proof that notice of the transfer has been sent to the T-PEP provider that holds the contract to provide the T-PEP for the Medallion being transferred.

(ii) The notice must be:

A. Sent at least 30 days prior to the proposed date of transfer (NOTE: The TPEP Provider can waive the 30-day requirement by signing the form)

B. Sent by certified mail, return receipt requested, and

C. Sent to the address specified in the contract

(iii) Proof of notice will be:

A. A copy of the Notice

B. A copy of the certified mail receipt, and

C. An affidavit or affirmation under penalty of perjury verifying the mailing

(2) **Transferor's Statement of Intent.** The Transferor must use a form approved by the Chairperson to:

(i) Provide a statement of Transferor's intent to

A. Cancel the contract with the T-PEP Provider or

B. Assign the contract to the Transferee

(ii) Provide a statement of Transferor's intent to:

A. Return the T-PEP equipment to the T-PEP Provider,

B. Retain the T-PEP equipment, or

C. Transfer the equipment to the Transferee

(3) **Transferee's Statement of Intent.** The Transferee must use a form approved by the Chairperson to provide a statement of Transferee's intent to:

(i) Assume the Transferor's contract with the T-PEP Provider, or

(ii) Identify the approved T-PEP Provided with which the Transferee intends to use to provide T-PEP.

(q) **Other Documentation.** The Applicant must provide any other documentation required by the Chairperson in order to assist in the Chairman in determining whether the proposed Transferee meets the criteria for licensing and ownership of a Taxicab Medallion.

§8-45 Medallion Transfers - Transferor Must Clear the Medallion.

(a) **Place in Storage.** Before a Medallion can be transferred, it must be placed in storage for at least seven days not counting the day it is put in storage or the day the clearance is given. (Exception: A Medallion owned by a corporation or LLC need not be placed in storage if the transfer is to be accomplished by a transfer of stock or membership interests in the company.)

(b) **Clear All Open Items.** All open items against the Medallion Owner/Transferor (including any Business Entity Person of the Owner) must be cleared, including but not limited to summons issued by the Commission, outstanding fines and penalties owed to the Commission or the Parking Violations Bureau (or their successors), incomplete License renewal requirements, and violations against the Taxicab Drivers License.

(c) **Requirements of Secured Lenders.** Any secured lender that obtains possession of a Medallion through foreclosure, repossession or in any similar manner, must place the Medallion in storage with the Chairperson.

§8-46 Medallion Transfers - Tort Claims

(a) **Applicability.**

(1) This §8-46 applies:

(i) To all Transferees other than Administrators and Legatees.

(ii) To all Transferors other than Administrator/operator making a distribution to a Legatee.

(2) This §8-46 does not apply to Secured Lender Recipients.

(b) **Provisions for Satisfaction of Tort Liabilities.**

(1) The parties to any applicable transfer must prove that provisions have been made to satisfy all outstanding tort claims against the Transferor of the Taxicab Medallion.

(2) This can be accomplished either by:

(i) Posting a bond with the Chairperson to cover all outstanding tort liabilities; or

(ii) Establishing an escrow account in the Escrow Amount (not exceeding the Maximum Escrow Amount), determined as described in subdivision (c) below.

(3) No transfer of the Taxicab Medallion(s) can occur until:

(i) The bond is posted

(ii) The Escrow Amount is established and the escrow agent has given an undertaking to the Chairperson to establish and hold the escrow account on the terms required by this §8-46 and to notify the Chairperson within five days after the escrow account has been established, or

(iii) It is determined by the Chairperson that neither a bond nor an escrow account is required.

(4) Secured Lender Recipients must create an escrow account in the amount of the Secured Lender Escrow Amount.

(c) **Determining the Amount of the Escrow Account.**

(1) **Identify Potential Claimants.** The Transferor must identify the holders of all potential Excess Claims, by obtaining and reviewing the following sources of information:

(i) All Valid Claim Letters held in Commission files

(ii) Prior Claim Letters held in Commission files

(iii) Tort Letters

(iv) Potential claims revealed through the lien, judgment and lawsuit searches required under §8-44(n), above.

(2) **Notify Potential Claimants.**

(i) The Transferor must provide adequate mail notice, as described in subdivision (3) below, to the holder of each potential Excess Claim. The notice must state the following:

A. Whether the Transferor believes the holder's claim is a potential Excess Claim and the dollar amount (including \$0) that

Transferor proposes to establish for that claimant's claim.

B. That the claimant has 30 days from the date of the notice to object to the amount by sending a written response to the Transferor (with a copy to the Commission, attention Legal Department Transfer Division); the response must state the basis for claimant's objection to the proposed Escrow Amount.

C. That if the Commission does not receive the claimant's objection within the 30 day period, the Commission will consider the claimant to have accepted the Transferor's proposal regarding the Escrow Amount to be established for the claim.

D. That claimant's acceptance of or failure to object to the Transferor's proposed Escrow Amount will not affect any rights, claims or remedies the claimant has directly against the Transferor.

(ii) If the Commission does not receive the claimant's objection within 30 days from the date of the notice, the Commission will consider the claimant to have accepted the Transferor's proposal regarding the Escrow Amount to be established for the claim.

(3) **Adequate Mail Notice to Potential Claimants.** Transferor's notice to potential claimants must be sent by certified mail, return receipt requested, with a copy also sent by regular mail and a copy sent to the Commission, attention "Legal Department Transfer Division," as follows:

(i) For potential claimants disclosed by the lien, judgment and lawsuit searches required under §8-44(n) above, adequate notice will be considered given if the following steps are taken:

A. Notice is sent to the address for the claimant disclosed by the search

B. If this mailing is returned as non-deliverable, the notice is sent to any other address for the claimant or claimant's attorney of record disclosed by the search

(ii) For potential claimants disclosed by a Prior Claim Letter or a Valid Claim Letter, adequate notice will be considered given if the following steps are taken:

A. Notice is sent to the sender of the letter and

i. To the claimant at the address disclosed in the letter, or

ii. If no address for the claimant is disclosed, to whatever address the sender provides in the letter

B. If these mailings are returned as non-deliverable, notice must be sent to any subsequent address provide for claimant by:

i. The sender of the letter, or

ii. The recipient of the notice at the subsequent address of a further address for claimant

(iii) For potential claimants disclosed by a Tort Letter, adequate notice will be considered given if the following steps are taken, as necessary:

A. Notice is sent to the address disclosed in, by or through the Tort Letter or to any counsel of record disclosed in, by or through the Tort Letter

B. If neither the claimant's address nor counsel of record is disclosed by the Tort Letter, Transferor must consult with the insurers providing the Tort Letter to ascertain an address for claimant or for claimant's counsel of record and notice must be sent to any address provided by the insurer

C. If a recipient of the notice at this address (or any subsequent recipient who is neither the claimant or claimant's counsel) provides a subsequent address for claimant or claimant's counsel, notice must be mailed to all subsequently provided addresses

D. If no address can be obtained for the claimant or claimant's counsel or representative, public notice of the contents of the notice must be placed in the *New York Times* and *The New York Law Journal* as a public notice for one business day.

(iv) The Transferor must provide the Chairperson with proof of

all mailings by providing:

A. A copy of the mailing receipts

B. An affidavit or affirmation under penalty of perjury verifying the mailings.

(4) Response to Claimant's Objection. If a claimant sends a timely objection, the Chairperson will refer the matter to OATH to determine the amount of claimant's claim to be included in the Escrow Amount.

(i) OATH's rules of practice will govern the proceedings and OATH will apply principles of tort law.

(ii) For the purposes of this proceeding, the OATH terminology will apply as follows:

A. The claimant will be considered to be the "Petitioner"

B. The response sent by claimant objecting to the proposed Escrow Amount will be considered to be the "Petition"

C. Transferor will be considered the "Respondent"

D. Transferor's original notice to claimant will be considered to be the "Answer."

(5) Settling the Escrow Amount by Agreement.

(i) At any time, the Transferor and claimant can agree on the amount of the claim to be used in establishing the Escrow Amount for the claim.

(ii) If the parties reach an agreement, it must be verified in writing and signed by both parties with a copy provided to the Chairperson.

(6) Finalizing the Escrow Amount. If the parties have not reached agreement:

(i) The Chairperson will make a final determination of the required Escrow Amount for each claim, as follows:

A. Any Escrow Amount determined by OATH will be the Escrow Amount for that claim;

B. When the claimant has not objected, the Chairperson's determination will be based on the Transferor's proposed Escrow Amount for the claim;

C. If the claimant and the Transferor have come to a written agreement, the Chairperson's determination will be based on that agreement.

(ii) The Chairperson's determination will be a final agency determination regarding Escrow Amount(s) for the purpose of transferring the Medallion, but is not and is not intended to determine the actual merits of the claim(s).

(d) When the Escrow Amount Cannot Be Reasonably Determined.

(1) If Tort Letters cannot be obtained for all or any part of the period for which they are required to be provided (see §8-44(o) above) the Escrow Amount will be as follows:

(i) When a Secured Lender Recipient is foreclosing on a Taxicab License and the transfer is occurring as a result of that action, the escrow account will be established in the amount of the Secured Lender Escrow Amount;

(ii) For all other applicable Transferors, the escrow account will be established in the Maximum Escrow Amount.

(2) An escrow account created with either a Secured Lender or Maximum Escrow Amount must be maintained for the shorter of:

(i) Six years following the date of transfer, or

(ii) As required by subdivision (e) below, provided that all Tort Letters have been obtained and Transferor has determined the appropriate Escrow Amount under subdivision (c) above.

(e) The Escrow Account When Amount Is Determinable

(1) Creating the Escrow Account

(i) Once the Escrow Amount has been determined, an escrow account in that amount will be established from the proceeds of the transfer or other resources of the Transferor and maintained until all claims represented in the account are satisfied or released, as

described subdivision (2) below.

(ii) The Escrow Account can be held by either:

A. Counsel for the claimant,

B. Counsel for the Transferor, or

C. Otherwise as the claimant and Transferor agree

(iii) The parties must notify the Chairperson as to who is holding the account

(2) Releasing Funds from the Escrow Account

(i) Any person or entity seeking a release of funds from the escrow account must show that the claim is no longer outstanding by providing one of the following forms of evidence:

A. Proof of release of the claim

B. Proof of satisfaction of the claim

C. Proof of dismissal of the underlying claim

D. Agreement of the parties settling the claim

E. A court judgment directing payment of all or part of the Escrow Amount to a party

(ii) If the evidence is a court order, it must be a final order, fully executed and, if necessary, filed or entered.

(iii) No funds will be released from the escrow account without the prior written approval of the Chairperson.

§8-46(e) Fine: \$10,000 Appearance NOT REQUIRED

§8-47 **Medallion Transfers – Special Provisions Regarding Estates and Incompetency**

(a) Notice. Notice of the death or the declaration of incompetency of a Medallion Owner must be given to the Chairperson promptly upon the occurrence. A Medallion Owner which is a Business Entity must also give prompt notice upon the death or the declaration of incompetency of a shareholder, partner, or member of a Business Entity.

§8-47(a) Fine: \$250 for failure to notify. Appearance NOT REQUIRED

(b) Distribution of Interest in Medallion to Legatee.

(1) To A Legatee. When a Medallion(s) or an interest in a company or corporation that owns a Medallion(s) is distributed from an estate, the Legatee recipient must qualify as a Transferee under the applicable rules in this Chapter 8, and must submit the following additional documents to the Commission:

(i) A certified copy of the death certificate of the former Owner listed with the Commission;

(ii) A certified copy of letters testamentary or letters of administration and for an estate not in New York, a certified copy of ancillary letters testamentary or letters of administration covering the estate's New York property, which letters:

A. Must have been issued no earlier than six months prior to the date of submission

B. Must be unqualified as to the amount of estate assets that the Executor is authorized to administer and distribute or, if the amount is qualified, it must be in excess of the value of the Medallion(s) to be operated or transferred

(iii) A certified copy of the will, if any.

(2) Additional Requirements for Distribution to a Legatee in Trust.

(i) An interest in a Medallion Taxicab can only be distributed to a Trust if the distribution is made to a trust for the benefit of a minor and:

A. The ownership interest is in the stock of a corporation, or

B. The interest is in membership of an LLC that owns one or more Medallions.

(ii) The ownership interest in the Taxicab Medallion must be distributed out of the trust within 60 days after the date on which the beneficiary reaches the age for ownership of a Taxicab Medallion (see §8-04(b)).

(iii) The beneficiary must apply and be approved as a Transferee under these Medallion Transfer rules before the transfer will be effective.

(iv) Notice must be given to the Chairperson promptly upon the

beneficiary reaching the age for ownership of a Taxicab Medallion.

(c) Additional Requirements for Temporary Operation of Medallion Taxicab

(1) If an Owner of an interest in a Taxicab Medallion dies or is declared incompetent by a court of competent jurisdiction, the Medallion can continue to be operated by an Agent for a period of up to 120 days following the date of death or declaration of incompetency.

(2) If, during the 120-day period, an Administrator is appointed, the administrator will have 60 days from the date of appointment to apply and be approved under the applicable Medallion Transfer rules to operate the Medallion; an Agent can continue to operate the Medallion during this 60-day period.

(3) If the decedent or incompetent Owner was an Independent Medallion Owner, the Owner-Must-Drive Rule (see §8-05(d)) will be waived for the 120-day period as well as during the 60-day period following the appointment of an Administrator, if the appointment occurs during the 120-day period; the Owner-Must-Drive rule will apply to an Administrator who is approved to operate the Taxicab.

(4) If no one has been approved by the Commission to operate the Medallion by the end of the 120-day period, the Medallion must be placed in storage until an Administrator or new person has qualified to operate the Medallion.

(5) If no Administrator, Legatee or other new owner associated with the estate has qualified to operate the Medallion by the end of the 180-day period from the date of the death or declaration of incompetency of the Owner:

(i) The interest in the Medallion must be transferred to a Transferee who has applied and been approved as a Transferee by the Commission.

(ii) The Medallion must remain in storage until the transfer is effective.

§8-47(c) Revocation may be ordered if medallion operated beyond, or not transferred by, the periods specified. Appearance NOT REQUIRED

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 2, Taxicab Owners Rules	Chapter 8, Medallion Taxicab Service

The proposed rules make several substantive changes to the provisions of current rules governing taxicab owners. Specifically, the proposed rules:

- Correct the mis-numbering of the penalty applicable to failure to report loss or theft of license plates.
- Eliminate references to pinion gears, which are obsolete.
- Eliminate obsolete transition provisions phasing in now well-established requirements regarding medallion renewal dates, TPEP phase-in, and the requirement that only one agent may manage an owner's medallions.
- Provide that the TLC will reject an agent designation if the agent is the subject of a stop-use directive (the prior rule provides only that no owner may use an agent subject to such a directive, but not that the TLC will reject the designation).
- Eliminate a reference to an "association" which was used in the prior rule as a type of owner to which ownership standards apply. This change was made to make the rule consistent with existing requirements for owners. Medallions may be owned by persons, corporations, partnerships, and limited liability companies.
- Clarify the medallion transfer provisions requiring 30 days notice of transfer to a taxicab technology system vendor to permit the vendor to waive the 30 day notice, which is consistent with existing practice.

- Delete as obsolete the provisions permitting a taxicab to contain a cell phone for use by the passenger.
- Clarify that a camera is the only device, together with a cell phone with an emergency dialing feature, that has been approved by the Commission for taxicabs that are not required to have a partition.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

Supplemental Statement

A public hearing on these proposed rules was held on February 19, 2010. Following that hearing, the TLC voted at a public meeting on March 18, 2010 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions as a result of staff comment.
- Technical changes were made to clarify lease charge pass-throughs based on staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- Provisions regarding advertising permits, including fees for such permits, were added based on staff comment to reflect provisions of the Administrative Code.
- Provisions regarding costs for new models of medallions as opposed to the cost to replace lost or stolen medallions were clarified, based on staff comment.
- Provisions were added specifying the fees for stand-by vehicles, consistent with existing practice, based on staff comment.
- The provisions of section 8-15 regarding acts of omission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment on these provisions.
- The provisions regarding response to TLC communications were modified to make clear that the TLC expects a response to any communication, not just a communication by telephone or pager.
- The markings provisions of section 8-31 were updated to accommodate the revised cell phone and electronic device rules passed by the TLC.

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SPECIAL MATERIALS

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on 6/7/2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
3	4728	2
4	4740	15
12	4736	12
6	4740	14
7,8,9,10,13	4740	1,7,9,11,13
22	4737	14
11,14,15	4736	1,6,15
21,23,24,25,26,27	4737	1,5,7,9,13,18
36,37,38	4738	1,3,13
46,47,48,49,50,51	4692	1,11,18,21,28,33
5,18,19,20,30,31,32,33	4740	16,21,24,33,35,36,37,41
41,42,43,44,45	4739	1,3,9,20,29
34	4740	43
35	4740	46

Acquired in the proceedings, entitled: **OAKWOOD BEACH BLUEBELT, STAGE 1** Subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

m25-j7

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on 6/8/2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
28	15960	P/O 54
29	15960	P/O 53
30	15960	P/O 51
31	15960	P/O 49
39	15960	P/O 37
41	15960	P/O 34
42	15960	P/O 32

Acquired in the proceedings, entitled: **BEACH 43, 44, & 45 AND CONCH DRIVE, ET AL** Subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

m25-j8

TRANSPORTATION

NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON DEKALB AVENUE, BETWEEN FULTON STREET, BOND STREET AND ALBEE SQUARE, BOROUGH OF BROOKLYN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on DeKalb Avenue between Fulton Street, Bond Street and Albee Square in Brooklyn ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fulton Mall Improvement Association as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

m13-j8

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON EAST FORDHAM ROAD, EAST KINGSBRIDGE ROAD AND CELIA CRUZ BOULEVARD, BOROUGH OF THE BRONX

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on East Fordham Road, East Kingsbridge Road and Celia Cruz Boulevard in the Bronx ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fordham Road Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

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m13-j8

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON BROAD STREET, BETWEEN WALL STREET AND BEAVER STREET, BOROUGH OF MANHATTAN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on Broad Street between Wall Street and Beaver Street in Manhattan ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food,

flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion. DOT has identified the Alliance for Downtown New York as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

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LATE NOTICES

ENVIRONMENTAL PROTECTION

BUREAU OF MANAGEMENT AND BUDGET

PUBLIC HEARING

THIS PUBLIC HEARING IS CANCELLED

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on June 3, 2010 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and New York City College of Technology, 300 Jay Street, Brooklyn, NY 11201 for CITYTECH: Construction Related Training for Residents in the Bronx. The Contract term shall be 1 year from the date of the written notice to proceed. The Contract amount shall be \$360,623.00 - Location: Borough of The Bronx - PIN 82610CTYTECH.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from May 21, 2010 to June 3, 2010 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by May 27, 2010, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to dbutlien@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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BUREAU OF WATER SUPPLY

PUBLIC HEARING

THIS PUBLIC HEARING IS CANCELLED

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on June 3, 2010 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and U.S. Geological Survey, 425 Jordan Road, Troy, New York 12180 for USGS-TURB10: Turbidity and Suspended Sediment Monitoring in the Upper Esopus Creek Watershed in Ulster County. The Contract term shall be 1,095 consecutive calendar days with an 1 year option to renew from the date of the written notice to proceed. The Contract amount shall be \$337,118.00 - Location: NYC Watershed Region - PIN 82610S00041.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from May 24, 2010 to June 3, 2010 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by May 27, 2010, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to dbutlien@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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