

**NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

**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 rules to require TLC inspections and enhanced markings for for-hire vehicles and to clarify and enhance the accountability of licensed for-hire vehicle bases and vehicle owners.**

These rules are proposed pursuant to section 1043 of the Charter and sections 19-504 and 19-511 of the Administrative Code of the City of New York. The proposed rules encompass matters are included in the TLC’s regulatory agenda for Fiscal Years 2008 and 2009.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on April 16, 2009, at 9:30 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 April 3, 2009.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than April 10, 2009 to:

**Charles R. Fraser**  
***Deputy Commissioner for Legal Affairs/General Counsel***  
**Taxi and Limousine Commission**  
**40 Rector Street, 5<sup>th</sup> Floor**  
**New York, New York 10006**  
**Telephone: 212-676-1117**  
**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.

New material is underlined.

[Material inside brackets indicates deleted material.]

**Section 1.** It is hereby proposed that section 6-01 of Title 35 of the Rules of the City of New York be amended to add, in alphabetical order, the definitions of Base, Base License, Base Owner, Chairperson and Penalty Point to read as follows:

**Base.** A base is a base station, a black car base, or a luxury limousine base.

**Base license.** A base license is a license issued by the Commission for operation of a base.

**Base owner.** A base owner is an individual, partnership or corporation licensed by the Commission to operate a base.

**Chairperson.** The Chairperson is the chairperson of the Commission, or his or her designee.

**Penalty point.** A penalty point is a non-monetary penalty assessed against either a base owner or the owner of a for-hire vehicle upon conviction for violation of certain provisions of this chapter.

**Section 2.** It is hereby proposed that the definitions of for-hire operator's permit and for-hire vehicle permit set forth in section 6-01 of Title 35 of the Rules of the City of New York be amended to read as follows:

**For-hire vehicle [operator's permit] driver's license.** A for-hire vehicle [operator's permit] driver's license is a [permit] license issued by the Commission to persons who meet Commission qualifications as for-hire vehicle drivers.

**For-hire vehicle permit.** A for-hire vehicle permit is a permit issued by the Commission to a for-hire vehicle or base owner to allow [an affiliated] a vehicle affiliated with a base to be dispatched by said base.

**Section 3.** It is hereby proposed that section 6-02(a)(3) and (a)(4) of Title 35 of the Rules of the City of New York be amended to read as follows:

(3) (A) A license issued to a new applicant for a for-hire vehicle license shall expire two years subsequent to the date the license was issued. A license issued to a renewing applicant for a for-hire vehicle license shall expire two years subsequent to the date on which the previous license expired. The Commission may, in its discretion, extend the expiration date of such license by up to an additional thirty-one days.

(B) A for-hire vehicle permit shall terminate prior to the expiration date upon revocation or surrender of the permit, or surrender of the vehicle's license plates to the applicable state department of motor vehicles, and such permit shall not thereafter be renewed or reinstated.

(4)(A) [A] Prior to July 1, 2009, a renewing applicant must file a completed application on or before the expiration date of the license.

(B) (i) On and after July 1, 2009, a renewing applicant must file a completed application for renewal of a for-hire vehicle permit not less than thirty (30) days before the expiration date of the permit.

(ii) The Commission will permit a renewing applicant to file a completed application at any time up until the expiration date of the for-hire vehicle permit upon payment of a \$25 late fee.

(iii) No renewal application will be accepted after the expiration date of the for-hire vehicle permit and such permit will expire and not be renewed.

**Section 4.** It is hereby proposed that section 6-02(b) of Title 35 of the Rules of the City of New York be amended to read as follows:

(b) The term of every [base station, black car base and luxury limousine] base license issued by the Taxi and Limousine Commission under the For-Hire Vehicle Rules shall be as follows:

- (1) A license issued to a new applicant applying for a license on or after July 1, 2009 shall expire [two] three years subsequent to the last day of the month in which the new license is issued. (For example, a new applicant files on October 10, 2009 [1997], and is approved by TLC on December 15, 1997. No action is taken by the City Council before March 15, 1998;) and TLC issues a license on March 24, [1998]2010. That license would expire on March 3[0]1, [2000]2013.)
- (2) A license issued to a renewing applicant with a license expiring on or after July 1, 2009 shall expire [two] three years from the date on which the previous license expired. (For example, a renewing applicant whose license expired on [May]July 31, [1997]2009 would receive a license expiring on [May]July 31, [1999] 2012. An applicant who did not submit a completed renewal application until [June 15] July 31, [1997]2009 would still receive a license that expired on [May]July 31, [1999]2012, and may be subject to penalties pursuant to paragraphs ([3]5) and ([4]6) below.)
- (3) Licenses issued prior to July 1, 2009 shall expire (A) two years from the date on which the previous license expired if a renewal license or (B) two years subsequent to the last day of the month in which the license was issued, if a new license.

(4[3]) A renewing applicant for a base license must file a completed application by no [less] later than sixty days before the expiration date of the license. A renewing applicant must pay a late fee of \$25 with any late application filed later than 60 days before the expiration date of the license. No renewing applicant shall be permitted to file a renewal application after the date of expiration of its license. The license of a base which fails to file a completed renewal application prior to the expiration date of the base's license will expire and not be renewed.

([4]5) A person who engages in a licensed activity after the expiration date of a license and before the issuance of a renewal license is engaged in unlicensed activity and may be subject to penalties pursuant to applicable statutes and regulations, except as provided in paragraph ([5]6).

([5]6) If timely application for renewal of the license has been made pursuant to Rule 6-02(b)([3]4), the Chairperson shall extend the effectiveness of the license pending the review of the renewal application. If a renewal license is subsequently issued in such case, its term shall expire as provided in paragraphs (2) and (3) above. If a renewal application is denied, the applicant shall not be considered to have been unlicensed prior to the date of denial of the renewal application.

**Section 5.** It is hereby proposed that section 6-04(a) of Title 35 of the Rules of the City of New York be amended to read as follows:

(a) (i) No person shall operate a base [station, black car base or luxury limousine base] without a current and valid license from the Commission, which license is not suspended, revoked or expired. In addition to any penalties specified by this chapter, any person operating a base without a current and valid license, including a license which is suspended, revoked or expired shall be subject to penalties applicable to unlicensed operation. Subdivisions (b) through (d) and (f) and (g) and (j) of this section shall apply only to applicants for a base station license or renewal thereof, or to applicants for a change in base station location pursuant to §6-06(d) of this Chapter, except where otherwise noted.

(ii) For purposes of this subdivision (a), no suspension of a base license following a hearing under chapter 8 of this title shall be effective until notice of the suspension is given by the Commission. Such suspension shall be effective, for purposes of this subdivision (a), (A) ten days after mailing if service is made by certified mail, or (B) upon delivery if service is made by hand delivery.

**Section 6.** It is hereby proposed that section 6-04(b)(1) of Title 35 of the Rules of the City of New York be amended to read as follows:

~~(b)(1) An applicant for a license to operate a base station shall demonstrate to the satisfaction of the Commission that the operator of the base station shall provide and utilize lawful off street facilities for the parking and storage of the licensed for hire vehicles that are to be dispatched from the base station equal to not less than one parking space for every two such vehicles or fraction thereof. The maximum permissible distance between the base station and such off street parking facilities shall be one and one half miles. The off street parking facilities shall be in a location zoned for the operation of a parking facility. An applicant (including a renewal applicant, an applicant seeking to relocate an existing base station, or an applicant seeking to change the ownership of an existing base station) for a license to operate a base station must submit with the base station license application a copy of a lease agreement or contract for such off street parking facilities, which lease or contract must be in writing and which must contain the date the agreement was executed, the address for the off street parking location and contact information for such location, the total number of spaces subject to the agreement, the starting and ending dates for the agreement, the payment(s) required for the agreement, and the typewritten names and titles of the signatories, together with signatures and contact information for each signatory.~~

**Section 7.** It is hereby proposed that section 6-04(b)(4) of Title 35 of the Rules of the City of New York be amended to read as follows:

~~(4) No base station license shall be renewed, and any base station license may be revoked, where it has been determined after an administrative proceeding that the applicant or licensee has failed to comply with the off street parking requirements set forth in paragraph (1) of this section or as they may have been modified pursuant to paragraph (3) of this section, including if the applicant or licensee fails to maintain the number of off street parking spaces required by this section at any time.~~

**Section 68.** It is hereby proposed that section 6-04(e) of Title 35 of the Rules of the City of New York be amended to read as follows:

(e) Prior to the issuance of a license for a base [station] or the renewal of a valid base [station] license, the applicant shall provide to the Commission a bond in the amount of five thousand dollars with one or more sureties to be approved by the Commission. Such bond shall be for the benefit of New York City and shall be conditioned upon the licensee complying with the requirement that the licensee dispatch only vehicles which are currently licensed by the Commission and which have a current New York City commercial use motor vehicle tax stamp and upon the payment by the licensee of all civil penalties imposed pursuant to any provision of this chapter. The bond must be maintained by the base owner for the term of the license. The bond shall further permit the Commission to draw upon the bond to satisfy any penalties incurred by the base for any violation of this chapter which have not been paid following the imposition of the penalty and the completion of any appeal. The Chairperson will give the base owner 30 days' notice prior to drawing upon the bond to satisfy any penalty. In the event that the Commission draws on the bond, the base owner shall be assessed one penalty point.

**Section 79.** It is hereby proposed that section 6-04 of Title 35 of the Rules of the City of New York be amended to add a new subdivision (j) thereto to read as follows:

(j) Each applicant for a base station license or for the renewal of a base station license or for a change of ownership of a base station license must submit a business plan for the base station with such application. Such business plan must, at a minimum, set forth:

(1) The business name, address, telephone number, email address and 24 hour contact number for the base station;

(2) The base station's methods and practices for ensuring compliance with the rules of this chapter by itself, its employees, owners of vehicles affiliated with the base station, and drivers operating such vehicles;

(3) Such base station's plans to operate within the scope of, and in compliance with, the Commission's rules and how the base station intends to prevent recurrence of violations of the rules of this chapter incurred during the ending licensing term and the term preceding the ending term;

(4) Policies and procedures to ensure that affiliated vehicles will make use of the base station's off-street parking location, the address of the off-street parking location and such location's distance from the base station, and policies and procedures to ensure that affiliated vehicles not using the off-street parking location shall comply with all applicable traffic and parking regulations;

(5) The number of vehicles affiliated with the base station (or, in the case of an applicant for a new license, the number of vehicles anticipated to be affiliated with the base station upon licensure) and the average number of vehicles anticipated to be affiliated during the term of the license;

(6) The number of requests for transportation received and the number of trips dispatched on a daily basis (or, in the case of an applicant for a new license, the number of requests anticipated to be received and the number of trips anticipated to be dispatched), and the average number of trips anticipated to be dispatched during the term of licensure;

(7) A description of how calls will be answered, rides dispatched, and complaints handled;

(8) Hours of operation of the base and office hours;

(9) A fare schedule in a form and format prescribed by the Chairperson;

(10) A plan for assuring that affiliated vehicles and the drivers of such vehicles provide transportation only through pre-arrangement made with the base station and do not accept passengers by street hail or other than by dispatch by the base station; and

(11) Such other matters as may be required by the Chairperson or the Commission as a condition of renewal of a base station license in light of the specifics of the base station's application and operating history.

**Section 819.** It is hereby proposed that section 6-05(a)(1) of Title 35 of the Rules of the City of New York be amended to read as follows:

(a)(1)(A) Any base station license or ownership interest in the licensee may be transferred to a proposed transferee who has demonstrated to the satisfaction of the Commission the qualifications to assume the duties and obligations of a base station owner provided that either the transferor or transferee shall have filed a bond to cover all the outstanding tort liabilities of the transferor arising out of the operation of a base station and the for-hire vehicle owners by the transferor which is in excess of the amount covered by any bond or insurance policy in effect pursuant to the New York State Vehicle and Traffic Law, and all outstanding fines, penalties and other liabilities which the transferor owes to the Commission shall have been satisfied. An application for approval of a transfer of an interest in a base station license or base station owner must include a business plan meeting the requirements of section 6-04(j) of this chapter. All such transfers and any changes in corporate officers or directors must be approved by the Commission in order to be effective and no such transfer or change shall be effective until approved and the Chairperson has given notice of the approval to the licensee. Furthermore, no application to approve a transfer of a base station license or an interest in a base station license or an interest in a base station owner shall be complete, and no approval of such application shall be effective, until both the transferor and transferee have appeared in person as directed by the Chairperson to complete the transfer, with such appearance to be in person for a party who is an individual, or by a general partner, if the party to the transfer is a partnership, or by an officer and stockholders holding a majority of the stock of the party, if the party to the transfer is a corporation.

(B) A base license or ownership interest in a black car base or luxury limousine base may be transferred to a proposed transferee who has demonstrated to the satisfaction of the Chairperson the qualifications to assume the duties and obligations of a base owner provided that all outstanding fines, penalties and other liabilities which the transferor owes to the Commission shall have been satisfied. All such transfers and any changes in corporate officers or directors must be approved by the Chairperson and no such transfer or change shall be effective until approved and the Chairperson has given notice of the approval to the licensee. Furthermore, no application to approve a transfer of any black car base or luxury limousine base license or an interest in such a base license or an interest in the owner of such a base shall be complete, and no approval of such application shall be effective, until both the transferor and transferee have appeared in person as directed by the Chairperson to complete the transfer, with such appearance to be in person for a party who is an individual, or by a general partner, if the party to the transfer is a partnership, or by an officer and stockholders holding a majority of the stock of the party, if the party to the transfer is a corporation.

**Section 911.** It is hereby proposed that section 6-05(e) of Title 35 of the Rules of the City of New York be amended to read as follows:

(e) The Commission shall revoke any base station license for nonuse in the event it shall find after a [public] hearing that the base station has not been in operation for sixty consecutive days, provided that such failure to operate shall not have been caused by strike, riot, war, public catastrophe or other act beyond the control of the licensee. The Commission shall also revoke, after a hearing, any base license in the event that the base location is not occupied by the base. Where the Commission finds that a particular base station cannot be operated due to an act beyond the control of the licensee, a temporary [replacement] base station license shall be issued to the same licensee for an alternative location, provided that all other requirements for such license are met and provided further that the unexpired term of the original license is six months or more. Such temporary base station license shall be for a term not to exceed 60 days. During the 60 day period, the base owner must either file an application to change the base location or must return to operation at the original base location and notify the Chairperson of the return. The temporary base station license will not be extended unless within the 60 day period the base owner either (1) files an application to change the base location and the Commission has not completed its review of the application within the 60 day period or (2) demonstrates that good cause exists for a further extension because the base owner requires additional time to return the base to the original location

**Section 102.** It is hereby proposed that section 6-06(a) of Title 35 of the Rules of the City of New York be amended to add new subdivisions (6), (7) and (8) thereto, to read as follows:

(a) A licensed base owner must at all times:

\* \* \*

(6) Conspicuously display within the base the current schedule of rates charged by the base;

(7) Conspicuously display the base name, any trade, business or operating name, and the TLC license number on the front or office door of the base's premises.

(8) Maintain and have available for inspection at the base the evidence of compliance with off street parking requirements in the form required by section 6-04(b)(1) of this chapter.

**Section 113.** It is hereby proposed that section 6-06(b)(3) of Title 35 of the Rules of the City of New York be amended and that new paragraphs (4), (5) and (6) be added, to read as follows:

(3) A base owner shall file with the Commission the name, including any trade, business, or operating name[s] used in the operation of the base or in promotions or advertising, and address of the base from which for-hire vehicles affiliated with such base are dispatched. The Chairperson may reject any such trade, business or operating name if, in the judgment of the Chairperson, such name is substantially similar to the trade, business or operating name of



another base, and the base owner may not use such name. A base may use only one trade, business or operating name in its operations, including in its public communications, advertising, promotional activities, and passenger solicitation activities **although a base may add an additional word such as “premium” or “select” to its approved trade name to promote a different level of service if the base offers multiple levels of service.**

(4) Any trade, business or operating name approved by the Chairperson for one base may not be used by any other base, and such name will not be approved for use by any other base, unless both bases seeking to use the same trade, business or operating name share identical ownership.

(5) A base owner shall file with the Chairperson all contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, including telephone numbers, Web sites and email addresses. Such telephone numbers, Web sites, email addresses and other contact information and methods may be used only with the name approved pursuant to paragraph (3) of this subdivision.

(6) A base owner shall file with the Chairperson the base’s hours of operations and shall notify the Chairperson of any change in such hours of operation.

**Section 124.** It is hereby proposed that section 6-06(c) of Title 35 of the Rules of the City of New York be amended to read as follows:

(c) A base owner shall conspicuously state in all advertising, whether print, [and] broadcast, electronic and internet advertising and in all handbills, fliers, Web sites or other promotional materials and on all business cards and receipts that the base is licensed by TLC and shall include the number of the TLC license issued to the base **in all such materials.**

**Section 135.** It is hereby proposed that section 6-07(a) of Title 35 of the Rules of the City of New York be amended to read as follows:

(a) A base **station** owner shall provide an accurate and binding price quote to any prospective passenger contacting the base, and if the passenger engages to receive the transportation, the price for such transportation shall be the price quoted by the base **unless the passenger changes the destination or number of stops.** A base owner shall not quote or charge a fare in excess of the fare prescribed by the schedule of the rates of fare on file with the Commission as required by section 6-08(c) of this chapter. A base owner shall be responsible for ensuring that transportation is provided only by pre-arrangement through the base. [A base owner shall be responsible for handling passenger complaints. Complaints about a base or an affiliated driver or vehicle that are registered with the Commission shall be logged in at the Commission, assigned a case number and referred to the appropriate base. Within ten (10) working days from the date of referral, the base shall notify the Commission in writing, making reference to the case number, regarding the satisfactory handling of any such complaint. ]

**Section 146.** It is hereby proposed that section 6-07(b)(3) of Title 35 of the Rules of the City of New York be amended to read as follows:

(3) The base owner's responsibilities pursuant to paragraphs (1) and (2) shall extend to the public streets and sidewalks on either side of the street, within the city block front where the base is located, including both sides of the street on which the base is located.

**Section 157.** It is hereby proposed that the introductory material of section 6-07(b) of Title 35 of the Rules of the City of New York be amended and that new paragraphs (4) and (5) be added, to read as follows:

(b) A base owner shall be responsible for overseeing the management of the base to ensure that base personnel, and the owners and drivers [operators of affiliated vehicles]of vehicles affiliated with the base, whether on duty or not, do not, within the area set forth in paragraph (3), engage in any of the following activities:

\* \* \*

(4) A base owner shall further be responsible for ensuring that vehicles affiliated with the base or dispatched by the base and their drivers will obey all applicable traffic and parking regulations within the area set forth in paragraph 3.

(5) A base owner shall further be responsible for ensuring that vehicles affiliated with the base or dispatched by the base and their drivers when visiting the base will not create a nuisance such as by engaging in unnecessary horn honking, littering, or the playing of loud audio material within the area set forth in paragraph 3.

**Section 168.** It is hereby proposed that section 6-07 of Title 35 of the Rules of the City of New York be amended to add new subdivisions (g), (h), (i), (j) and (k) to read as follows:

(g) A base owner shall maintain and enforce rules and policies preventing vehicles affiliated with the base or dispatched by the base and drivers of such vehicles from accepting street hails.

(h) A base owner may terminate the affiliation of a vehicle only by (1) submitting to the Chairperson a signed and dated agreement in which the vehicle owner consents after submission to the Chairperson of either a form prescribed by the Chairperson indicating the vehicle owner's consent to such termination or (2) by giving the vehicle owner notice a form prescribed by the Chairperson indicating 10 days' notice of termination mailed to the vehicle owner's address as on file with the Commission by certified mail with return receipt requested, together with proof of mailing of such notice, with copies of the notice and proof of mailing mailed to the Commission. Such termination will become effective upon the date of the vehicle owner's agreement if termination occurs by option (1) or the date of mailing if termination occurs by option (2) the filing of the appropriate form with the Commission.

(i) Notwithstanding the provisions of subdivision (h) of this section, a vehicle's affiliation with a base will terminate automatically upon revocation of the base's license, suspension of the base's license for a continuous period in excess of 30 days, or upon expiration of the base's license. In addition, a vehicle's affiliation with a base will terminate automatically upon expiration or revocation of such vehicle's for-hire vehicle permit.

(j) A base owner shall not dispatch a vehicle which is not affiliated with such base unless (1) the base is dispatching an accessible vehicle pursuant to contract as provided by section 6-07(f) or (2) the is dispatching a vehicle affiliated with another licensed base and the customer is informed of the dispatch of the vehicle from the second base.

(k) A base owner shall be responsible for handling customer complaints when directed by the Chairperson and shall provide any information requested by the Chairperson regarding such complaints.

**Section 179.** It is hereby proposed that section 6-08(c) of Title 35 of the Rules of the City of New York be amended to read as follows:

(c) A base owner shall be responsible for filing with the [Commission] Chairperson in a form and format prescribed by the Chairperson, [ on an annual basis, or whenever there is a material change,] the schedule of the rates of fare charged by such base, including any surcharges such as credit card fees. Such a schedule shall be filed whenever rates are changed and also annually, no later than the anniversary date of the license and, in any year in which the license expires, such schedule must be filed with the renewal application. A schedule must also be filed with any application to change the ownership or location of the base. Failure to file such schedule with a renewal application or an application to change ownership or location will result in denial of the application by the Chairperson.

**Section 1820.** It is hereby proposed that section 6-08 of Title 35 of the Rules of the City of New York be amended to add a subdivision (f) thereto to read as follows:

(f) A base owner shall be responsible for maintaining paper or electronic records of all vehicles that are or have been affiliated with or dispatched by the base during the preceding 12 months, including dates of affiliation, vehicle identification numbers, Department of Motor Vehicles (or equivalent) registration numbers, for-hire vehicle permit numbers, and inspection records, together with the drivers of such vehicles including dates of operation, Department of Motor Vehicles license numbers, for-hire vehicle driver's license numbers and copies of forms affiliating and dis-affiliating vehicles.

**Section 1921.** It is hereby proposed that section 6-11(a) of Title 35 of the Rules of the City of New York be amended to read as follows:

(a) A for-hire vehicle owner shall be responsible for having said for-hire vehicle licensed by the Commission. The Commission shall post on its Web site a list of vehicles holding current, valid permits. A for-hire vehicle owner shall not allow a vehicle to be dispatched unless the owner

holds a current, valid for-hire vehicle permit for such vehicle which permit is not expired, suspended or revoked.

**Section 202.** It is hereby proposed that section 6-11(c) of Title 35 of the Rules of the City of New York be amended to read as follows:

(c) An owner of a for-hire vehicle shall not dispatch [n]or permit another person to dispatch such vehicle unless it is affiliated with a licensed base and such dispatch is made from the base with which the vehicle is affiliated, except when a dispatch is made pursuant to section 6-07(f) of this chapter. Dispatch of a vehicle which is not affiliated with a licensed base and dispatch of a vehicle from a base with which the vehicle is not affiliated shall constitute unlicensed operation and subject the owner to any applicable penalties for unlicensed operation unless the dispatch is made as authorized by section 6-07(j) of this chapter.

**Section 213.** It is hereby proposed that section 6-11(d)(2) of Title 35 of the Rules of the City of New York be amended to read as follows:

(d)(2) A for-hire vehicle owner, [who] which has received notice that [his] its liability insurance is to be terminated, shall surrender [his] its for-hire vehicle permit and [decal] decal(s) to the Commission on or before the termination date of the insurance, unless the vehicle owner [of the vehicle] submits proof of new insurance effective on the date of termination of the old policy before the termination of the policy.

**Section 224.** It is hereby proposed that section 6-11(e) of Title 35 of the Rules of the City of New York be amended to read as follows:

(e)(1) No unauthorized entry shall be made on [either] the for-hire vehicle permit or [decal] decal(s), nor shall any entry on [either] the for-hire vehicle permit or [decal] decal(s) be changed or defaced.

(2) An unreadable for-hire vehicle permit or [decal] decal(s) shall immediately be surrendered to the Commission for replacement.

(3) A for-hire vehicle owner shall immediately notify the Commission of the theft, loss or destruction of a for-hire vehicle permit or [decal] decal(s) of said vehicle, [and] furnish the Commission with an affidavit or information as may be required, and shall replace same.

**Section 235.** It is hereby proposed that section 6-11 of Title 35 of the Rules of the City of New York be amended to add new subdivisions (n), (o), (p), (q), (r), (s) and (t) to read as follows:

(n) There shall not be more than one for-hire vehicle permit issued and in effect for any vehicle, as indicated by the vehicle identification number, at any one time.

(o) If the Commission receives a for-hire vehicle permit application for a vehicle, as indicated by the vehicle identification number, for which Commission records indicate that a previously

issued for-hire vehicle permit is in effect and not expired, the holder of such previously issued permit shall be scheduled for a hearing to determine the fitness of such holder to hold such permit under section 8-15 of this title and the previously issued permit shall be revoked unless the holder demonstrates that the holder has transferred the permit to a new vehicle.

(p) The holder of a for-hire vehicle permit who wishes to transfer the permit to a new vehicle must file an application to transfer the permit within fifteen days after registering the new vehicle with the New York State Department of Motor Vehicles, or comparable agency of the state of registration. No such application will be approved until the permit holder presents the vehicle for inspection at the Commission's inspection facility.

(q) No for-hire vehicle permit shall be issued to any applicant if a previous for-hire vehicle permit held by the applicant was revoked by the Commission, until the applicant for such new permit has been determined fit to hold such permit following a determination of such applicant's fitness to hold a permit under section 8-15 of this title. For purposes of this subdivision and the review of fitness required for applicants under this paragraph, a previous permit which has been revoked shall include any permit held by any partner, officer or shareholder of applicant, or by any entity in which any partner, officer, or shareholder of applicant was a partner, officer, or shareholder

(r) A for-hire vehicle permit shall be revoked for non-use pursuant to section 19-504(g) of the Administrative Code of the City of New York if:

(1) the permit holder fails to maintain a base affiliation as required by section 6-11(c) of this chapter for 60 days;

(2) the permit holder fails to maintain insurance coverage as required by section 6-11(d) of this chapter for 60 days; or

(3) the permit holder fails to comply with the inspection requirements as required by section 6-12(c) of this chapter for 60 days.

(s) Any owner of a for-hire vehicle the for-hire vehicle permit for which has been revoked by the Commission, has expired, or has been denied renewal, must surrender the permit to the Commission, and, if the vehicle is registered in New York State, must surrender the T&LC license plates to the New York State Department of Motor Vehicles, each within 10 days after such revocation, expiration, or denial.

(t) A for-hire vehicle may be affiliated with only one base at any time.

**Section 246.** It is hereby proposed that section 6-12 of Title 35 of the Rules of the City of New York be amended to read as follows:

§ 6-12 **Conditions of Licensure and Operation Relating to For-Hire Vehicles and Bases.**

A [for-hire vehicle] base owner and a for-hire vehicle owner shall each be [jointly and severally]separately and independently responsible for compliance with the following provisions and liable for penalties for violation thereof. No for-hire vehicle [shall be used in the course of operations of a for-hire vehicle service unless the vehicle is] permit shall be issued or renewed unless the for-hire vehicle is in compliance with the requirements of this section at the time of issuance or renewal. Each for-hire vehicle must be in compliance with the following at all times during which such vehicle has a for-hire vehicle permit:

(a) (1) A current, valid Commission license decal or decals [is], which are not expired, suspended or revoked, are affixed to the front right side of the windshield of the vehicle so as to be plainly visible.

(2)(i) Beginning on September 1, 2009, each vehicle must have three (3) current, valid and unexpired Commission license decals issued by the Commission.

(ii) One of these decals must be on the front lower right side of the windshield of the vehicle and one on the lower rear corner of each of the two rear quarter windows, or, if there are no rear quarter windows, on the lower rear window just above the rear door.

(iii) Each decal must be plainly visible.

(iv) Each decal must contain all information that may be required by the Chairperson, and must be completed correctly and legibly.

(3) (i) For any vehicle for which a new application or a renewal application is made, or which is a replacement vehicle, or which is changing its base affiliation, or which is changing its license plates, beginning on September 1, 2009, the vehicle must have three (3) current, valid and unexpired Commission license decals.

(ii) One of these decals must be on the front lower right side of the windshield of the vehicle and one on the lower rear corner of each of the two rear quarter windows, or, if there are no rear quarter windows, on the lower rear window just above the rear door.

(iii) Each decal must be plainly visible.

(iv) The decals must be affixed by Commission staff.

(v) When the for-hire vehicle is replaced or changes affiliation to a different base, or changes its license plates, such vehicle must be brought to the Commission's Safety and Emissions Division to have new decals placed on the vehicle by Commission staff.

(4) *Single Decal exception applicable only to Stretch Limousines. Any for-hire vehicle that is a stretch limousine modified in accordance with section 6-12.1(d) of this chapter must comply with all the provisions of this subdivision (a) except that such vehicle will only be required to have a single Commission decal affixed to the front lower right side of the windshield of the vehicle.*

(b) A current, valid and unexpired registration sticker from an authorized state motor vehicle department is affixed to the left front windshield so as to be plainly visible.



(c) (1) A current, valid and unexpired New York State Department of Motor Vehicles inspection sticker, which is no fewer than eight (8) months from the month of expiration on the sticker, is affixed to the front left side of the windshield so as to be plainly visible.

(2) For-hire vehicles shall be inspected three times a year and at least once every four months [, and at any other time the Commission has reason to believe that said vehicle is unfit or unsafe for use].

*(3)(i) New Applications for For-Hire Vehicles That Are Model Year 1996 or Later.*

Beginning on September 1, 2009, and during such time as the Commission's Safety and Emissions Division is a Department of Motor Vehicles (DMV) certified inspection station, as a condition for issuance of a new for-hire vehicle permit or approval as a replacement vehicle, vehicles that are model year 1996 or later must be inspected at the Commission's Safety and Emissions Division within ten (10) days after the issuance of T&LC plates by DMV, or after the Commission's acceptance of the application for vehicles registered outside New York State, and, in either case, must pass such inspection within sixty (60) days after the date of the first scheduled inspection of such vehicle and before issuance of a new for-hire vehicle permit. The maximum number of inspections allowed in such sixty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 60 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 60 days will result in denial of the application. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the owner and vehicle requirements set forth in this chapter, and shall constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision, unless the vehicle has accumulated fewer than 500 miles traveled at the time the vehicle arrives at the Commission's facility for inspection in which case the inspection will be only a visual inspection. The fee for such TLC inspections shall be the fee prescribed by regulation of the DMV for inspections pursuant to section 305 of the Vehicle and Traffic Law.

*(ii) New Applications for For-Hire Vehicles That Are Model Year 1995 or Earlier.*

Beginning on September 1, 2009, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for issuance of a new for-hire vehicle permit or approval as a replacement vehicle, vehicles that are model year 1995 and earlier must be inspected at the Commission's Safety and Emissions Division within ten (10) days after the issuance of T&LC plates by DMV, or after the Commission's acceptance of the application for vehicles registered outside New York State, and, in either case, must pass such inspection within sixty (60) days after the date of the first scheduled inspection of such vehicle and before issuance of a new for-hire vehicle permit. The maximum number of inspections allowed in such sixty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 60 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 60 days will result in denial of the application. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further

inspect for compliance with the owner and vehicle requirements set forth in this chapter, except that such inspections shall not include emissions testing and shall not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. The fee for such TLC inspections shall be the safety inspection fee prescribed by regulation of the DMV for inspections pursuant to section 305 of the Vehicle and Traffic Law.

*(4)(i) Renewals for For-Hire Vehicles That Are Model Year 1996 or Later.*

Beginning on February 1, 2010, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for renewal of a for-hire vehicle permit, vehicles that are model year 1996 or later must have been inspected at the Commission's Safety and Emissions Division and pass such inspection within thirty (30) days after the date of the first scheduled inspection of such vehicle and before a renewal permit will be issued. The maximum number of inspections allowed in such thirty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 30 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 30 days will result in denial of the application. If a vehicle has not passed inspection by the permit expiration date, the vehicle shall not operate until it passes inspection. If a vehicle does not pass inspection within the thirty-day period, the vehicle shall not operate and the application shall be denied. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the vehicle owner and for-hire vehicle requirements set forth in this chapter and shall constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. The fee for such TLC inspections shall be the fee prescribed by regulation of the DMV as set forth in paragraph (3)(i) of this subdivision.

*(ii) Renewals for For-Hire Vehicles That Are Model Year 1995 or Earlier.*

Beginning on February 1, 2010, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for renewal of a for-hire vehicle permit, vehicles that are model year 1995 and earlier must have been inspected at the Commission's Safety and Emissions Division and pass such inspection within thirty (30) days after the date of the first scheduled inspection of such vehicle and before a renewal permit will be issued. The maximum number of inspections allowed in such thirty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 30 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for inspection and of all replacement vehicles to pass an inspection four times within 30 days will result in denial of the application. If a vehicle has not passed inspection by the permit expiration date, the vehicle shall not operate until it passes inspection. If a vehicle does not pass inspection within the thirty-day period, the vehicle shall not operate and the application shall be denied. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the vehicle owner and for-hire vehicle requirements set forth in this chapter, except that such inspections shall not include emissions testing and shall



not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. The fee for such TLC inspections shall be the safety inspection fee prescribed by regulation of the DMV as set forth in paragraph (3)(ii) of this subdivision.

(d) For vehicles registered with the Department of Motor Vehicles prior to April 30, 1999, a current, valid and unexpired New York City commercial use motor vehicle tax stamp is affixed to the front right side of the windshield of the vehicle so as to be plainly visible. For vehicles registered after April 30, 1999, proof that the required commercial use motor vehicle tax for the current tax period has been paid.

(e)

(1) The license plate number on said motor vehicle tax stamp, state registration and Commission decals each match, and match the license plates affixed to the vehicle.

(2) The last six digits of the vehicle identification number (VIN) on [said state registration and] the Commission decals shall [each] match[,] the last six digits of the VIN on the state registration and match the VIN of the vehicle.

(3) A for-hire vehicle that is registered in New York State [for which a for-hire vehicle license is issued or renewed on or after May 10, 2006,] must have New York State license plates affixed to the vehicle that are embossed with the legend "T & LC."

(4) A base and/or a base owner shall not dispatch, and a for-hire vehicle owner shall not allow a vehicle to be dispatched:

(A) unless the vehicle is registered in New York State and has license plates embossed with the legend "T & LC", or unless the vehicle is registered in another state and complies with any applicable license plate requirements.

(B) unless the vehicle has a current, valid for-hire vehicle permit which has not expired, been suspended, or been revoked.

(f)

(1) The marking requirements of the Commission;[, including, but not limited to: Exterior identification of the base name and base vehicle number. Luxury limousines shall be exempt from the requirements of this paragraph.]

(i) Exterior Markings. Beginning on July 1, 2009, the exterior markings of a for-hire vehicle must include: the name of the base station with which the vehicle is affiliated, the base station license number, and the base station telephone number, either (1) all in letters and numerals not

less than one-and-one-half inches in height, on the exterior of a door or doors on both sides of the affiliated vehicle, below the windows and not less than six inches above the bottom of the door(s); (2) all in letters and numerals not less than one inch in height in one location on the rear of the affiliated vehicle below the rear window, and not less than six inches above the bottom of the rear of the vehicle, or (3) both on the doors and rear of the vehicle. The letters and numerals must be of a color contrasting with the color of the body of the vehicle to provide easy legibility. Lettering and numbering shall be spaced to provide easy legibility and, if placed on doors on both sides of the vehicle shall be identical on both sides of the livery. All decals shall have semi-permanent adhesive. Luxury limousines and black cars shall be exempt from the requirements of this subdivision (f)(1)(i).

(2) A[n] vehicle owner may not display any advertising, either on the exterior or the interior of a for-hire vehicle, unless such advertising has been authorized by the Commission, and a permit has been issued to the owner in accordance with the provisions of the Administrative Code. The Commission shall not approve any advertising for the exterior of a for-hire vehicle that consists, in whole or in part, of roof top advertising.

(3) Any accessible vehicle licensed by the Commission shall display insignia, the design of which shall be provided by the Commission on its Web site or through means it deems appropriate as set forth on its Web site, that identify such vehicle as an accessible vehicle. Such insignia shall 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 vehicle, and shall be visible to passengers entering the accessible vehicle.

(4) Any clean air for-hire vehicle licensed by the Commission shall display insignia, the design of which shall be provided by the Commission on its Web site or through other means it deems appropriate as set forth on its Web site, that identify such vehicle as a clean air vehicle. Such insignia shall 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 vehicle, and shall be visible to passengers entering the clean air for-hire vehicle.

(g) A for-hire vehicle shall not be equipped with a rooflight, except for a vehicle that operates primarily in Staten Island and is affiliated with a base located in Staten Island. A rooflight on such a Staten Island vehicle must meet the specifications set forth in the definition of "rooflight" in these rules.

(h) No for-hire vehicle [used in the course of operations of a for-hire vehicle service] shall be, in whole or in part, any shade of taxicab yellow.

(i) No for-hire vehicle shall be equipped with a meter, except a wheelchair accessible livery which is participating in the dispatch program as set forth in chapter 16 of this title.

(j) The provisions of this subdivision (j) apply to the base owner and the owner of the for-hire vehicle; the driver's responsibilities are set forth separately in subdivision 6-16(e) of this chapter.

(1) Before July 1, 2009[No] each for-hire vehicle [shall be used in the course of operations of a for-hire vehicle service unless] must contain the following items [are present] in the right visor or on top of the right side of the dashboard or in the glove compartment:

[1] (A) the certificate of registration or legible photostat thereof;

[2] (B) the for-hire vehicle permit or legible photostat thereof; and

[3](C) the insurance card or legible photostat thereof.

(2) Beginning on July 1, 2009, each for-hire vehicle must contain the following items:

(A) in the right visor or on top of the right side of the dashboard or in the glove compartment:

(i) the certificate of registration or legible photostat thereof;

(ii) the insurance card or legible photostat thereof; and

(iii) the for-hire vehicle permit or legible photostat thereof.

(B) in a protective holder mounted behind the driver's seat in the vehicle (except as provided in subdivision (j)(4)):

(i) the for-hire vehicle driver's license of the driver.

(3) Beginning on September 1, 2009, each for-hire vehicle must contain the following items:

(A) in the right visor or on top of the right side of the dashboard or in the glove compartment:

(i) the certificate of registration or legible photostat thereof; and

(ii) the insurance card or legible photostat thereof.

(B) in a protective holder mounted behind the driver's seat in the vehicle (except as provided in subdivision (j)(4)):

(i) the for-hire vehicle driver's license of the driver; and

(ii) the for-hire vehicle permit.

(4) Exception regarding license and permit postings applicable only to Black Cars and Luxury Limousines. Any for-hire vehicle which is either a black car or a luxury limousine must comply with all requirements of this subdivision (j) and display all items required to be displayed as of the dates specified, except that such vehicles will not be required to display the for-hire vehicle driver's license and the for-hire vehicle permit in a protective holder mounted behind the driver's seat in the vehicle provided that those items are 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.

(k) Livery Bill of Rights. Beginning on June 26, 2009 every livery owner must post a Livery Passengers' Bill of Rights in a form and format prescribed by the Commission, which shall be posted by the Commission on its Web site or through means it deems appropriate as set forth on its Web site. The Livery Passengers' Bill of Rights must be placed in a protective holder mounted behind the front passenger's seat of the vehicle.

[(k)

(1) Neither a base owner nor a for-hire vehicle owner shall dispatch an affiliated vehicle while the affiliated driver's chauffeur's license is not current and valid. For purposes of these rules, a valid chauffeur's license shall mean a license which is neither expired, suspended, revoked, conditional or restricted as to use by the New York State Department of Motor Vehicles or agency of another state which issued such license for violations of traffic laws or regulations.

(2) A base owner and a for-hire vehicle owner shall not dispatch an affiliated vehicle unless the driver possesses a current for-hire operator's permit issued by the Commission. For purposes of these rules, a current operator's permit shall mean a permit issued for the current time period which is neither suspended, revoked nor expired. The Commission shall mail to each licensed base owner a copy of the suspension list(s) prepared by the Commission. There shall be a seventy-two (72) hour grace period, which shall be calculated from the date appearing on the face of the suspension list(s), during which time a licensed base owner and a for-hire vehicle owner shall not be held accountable for knowing the information contained therein.

(3) A base owner and a for-hire vehicle owner shall not knowingly allow an affiliated for-hire vehicle to be operated by a driver who is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.

(1) No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service when the Commission or the New York State Department of Motor Vehicles has determined that the vehicle is unsafe or unfit for use as a for-hire vehicle and the vehicle owner has been directed to remove such vehicle from service.

(m)

(1) No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless all seat belts and shoulder belts are clearly visible, accessible and in good working order.

(2) Each for-hire vehicle commencing with the 1991 model year and for all model years thereafter shall in addition to seat belts for each seating position and shoulder belts for both outside front seat positions be equipped with shoulder belts for both outside passenger rear seat positions.

(n) No vehicle shall be used to transport passengers for hire in the City of New York if said vehicle has been altered after manufacture to increase its length, width, weight or seating capacity, or to modify its chassis and/or body design, unless said modification has been made in accordance with a program approved in advance by the original vehicle manufacturer, and said alteration has been performed by a coachbuilder or other entity approved and certified by the vehicle manufacturer to perform such alterations. An original, unaltered, approved coachbuilder's or vehicle modifier's certification sticker shall be affixed to the vehicle at a location to be determined by the Commission.

(o) Any officer or employee of the Commission designated by the Chairperson of the Commission, or any police officer may conduct on-street inspections of a vehicle providing transportation for hire and operating within New York City to assure compliance with New York City regulations or where such inspections are otherwise permitted. The owner of such vehicle must repair or replace such vehicle within ten days if ordered to do so.

(p)

(1) To be affiliated with a black car base, a vehicle owned or leased by a new applicant must meet the requirements set forth in sections 6-09 and 6-10 of this chapter. For purposes of this paragraph (p)(1), a "new applicant" is the owner or lessee of a vehicle who does not hold a current for-hire vehicle permit for that vehicle.

(2) To be affiliated with a black car base, a vehicle owned or leased by a renewal applicant must meet the requirements set forth in section 6-10 of this chapter. For purposes of this paragraph (p)(2), a "renewal applicant" is the owner or lessee of a vehicle who holds a current for-hire vehicle permit for that vehicle and is affiliated with a black car base when the application is submitted.]

**Section 257.** It is hereby proposed that f Title 35 of the Rules of the City of New York be amended by the addition of a new section 6-12.1 thereto, to read as follows:

**§ 6-12.1 Additional Conditions of Operation of For-Hire Vehicles and Bases.**

A base owner and a for-hire vehicle owner shall each be separately and independently responsible for compliance with the following provisions and liable for penalties for violation thereof.

(a)

(1) A base owner shall not dispatch or allow to operate, and a for-hire vehicle owner shall not allow to be dispatched or operated, a for-hire vehicle unless the driver's chauffeur's license is current and valid. For purposes of these rules, a valid chauffeur's license shall mean a license which is neither expired, suspended, revoked, conditional or restricted as to use by the New York State Department of Motor Vehicles or agency of another state which issued such license for

violations of traffic laws or regulations. Each base owner and each for-hire vehicle owner is responsible for knowing the status of the state issued driver's license for any driver dispatched.

(2) A base owner shall not dispatch or allow to operate, and a for-hire vehicle owner shall not allow to be dispatched or operated, a vehicle unless the driver possesses a current for-hire vehicle driver's license issued by the Commission. For purposes of these rules, a current for-hire vehicle driver's license shall mean a license issued for the current time period which is neither suspended, revoked nor expired. The Commission shall post on its Web site a list of drivers and vehicles holding current, valid permits and licenses.

(3) A base owner and a for-hire vehicle owner shall not knowingly allow a for-hire vehicle to be operated by a driver who is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.

(b)

(1) No for-hire vehicle shall be driven when the Chairperson or the New York State Department of Motor Vehicles or a DMV inspection facility has determined that the vehicle is unsafe or unfit for use as a for-hire vehicle. The for-hire vehicle permit shall be suspended pursuant to section 8-17(b) of this title upon such determination. In addition:

(2) If the Chairperson has determined that the vehicle is unsafe or unfit, the decals shall be confiscated by the Chairperson.

(3) If the New York State Department of Motor Vehicles or a DMV inspection facility other than the Commission has determined that the vehicle is unsafe or unfit, the vehicle owner must return the decals to the Chairperson within 72 hours of issuance of the determination.

(4) If the Chairperson has any reason to believe that any for-hire vehicle is unsafe or unfit for use, the Chairperson may order such vehicle to report to the Commission's inspection facility.

(c)

(1) Each for-hire vehicle shall have all seat belts and shoulder belts clearly visible, accessible and in good working order.

(2) Each for-hire vehicle shall in addition to seat belts for each seating position and shoulder belts for both outside front seat positions be equipped with shoulder belts for both outside passenger rear seat positions.

(d) No for-hire vehicle shall be issued a permit or be used to transport passengers for hire in the City of New York if the vehicle has been altered after manufacture to increase its length, width, weight or seating capacity, or to modify its chassis and/or body design, unless the modification has been made in accordance with a program approved in advance by the original vehicle manufacturer, and the alteration has been performed by an entity approved and certified by the

vehicle manufacturer to perform such alterations. An original, unaltered, approved vehicle modifier's certification sticker shall be affixed to the vehicle at a location to be determined by the Commission.

(e) Any officer or employee of the Commission designated by the Chairperson of the Commission, or any police officer, may conduct on-street inspections of vehicles providing transportation for hire and operating within New York City to assure compliance with all applicable laws and rules and may order the vehicle to report to the Commission's inspection facility.

(f) No for-hire vehicle owner shall permit his or her vehicle to transport passengers for hire other than through pre-arrangement with a base licensed by the Commission. A for-hire vehicle owner shall be liable for penalties for any violation of this section if the vehicle is used to transport passengers other than through pre-arrangement.

(g)

(1) To be affiliated with a black car base, a vehicle owned or leased by a new applicant, beginning January 1, 2010, must meet the requirements set forth in section 6-09 and, beginning January 1, 2011, must meet the requirements set forth in section 6-10 of this chapter. For purposes of this paragraph (g)(1), a "new applicant" is the owner or lessee of a vehicle who does not hold a current for-hire vehicle permit for that vehicle.

(2) To be affiliated with a black car base, a vehicle owned or leased by a renewal applicant, beginning January 1, 2011, must meet the requirements set forth in section 6-10 of this chapter. For purposes of this paragraph (g)(2), a "renewal applicant" is the owner or lessee of a vehicle who holds a current for-hire vehicle permit for that vehicle and is affiliated with a black car base when the application is submitted.

(h) No base and no owner of a for-hire vehicle shall require that any prospective passenger must share a ride with another prospective passenger.

(i) The owner of a for-hire vehicle shall be responsible for ensuring that the driver and vehicle will obey all applicable traffic and parking regulations within the area set forth in section 6-07(b)(3) of this chapter.

(j) The owner of a for-hire vehicle shall be responsible for ensuring that the driver and the vehicle while stopped at the base with which the vehicle is affiliated or by which the vehicle is dispatched will not create a nuisance such as by engaging in horn honking, littering, or the playing of loud audio material within the area set from in section 6-07(b)(3) of this chapter.

(k) The owner of a for-hire vehicle shall be responsible for ensuring that the vehicle is equipped with functioning heating and air conditioning equipment.

| **Section 268.** It is hereby proposed that section 6-16 (e) of Title 35 of the Rules of the City of New York be amended to read as follows:

(e)(1)A driver [shall] must not operate a for-hire vehicle without a current, valid and unexpired for-hire vehicle permit decal or decals issued by the Commission. [Said] The decal shall be affixed to the [right] front right side of the windshield of the vehicle and, if three decals are required, also on each of the two rear quarter windows. The decals must be plainly visible.[and ] In addition, until July 1, 2009 the following items shall be present in the for-hire vehicle:

[1](A) the [affiliated] driver's [for-hire vehicle operator's permit] for-hire vehicle driver's license;

[2](B) the certificate of registration or legible photostat thereof;

[3](C) the for-hire vehicle permit or legible photostat thereof;

[4](D) the insurance card or legible photostat thereof;

[5](E) if such for-hire vehicle is used for providing pre-arranged transportation for hire between the City of New York and an issuing jurisdiction, a trip log conforming to the requirements of §6-25 of this chapter.

(2) Beginning on July 1, 2009, the driver's for-hire vehicle driver's license must be displayed in a protective holder mounted behind the driver's seat and the vehicle must contain all other items listed in paragraph (1) of this subdivision.

(3) Beginning on September 1, 2009 a driver must not operate a for-hire vehicle without three (3) current, valid and unexpired for-hire vehicle license decals, issued by the Commission's Licensing Division, affixed, one to the front right side of the windshield of the vehicle and one to each of the two rear quarter windows, so as to be plainly visible, and the following items shall be present in the for-hire vehicle:

(A) in the right visor or on top of the right side of the dashboard or in the glove compartment:

(i) the certificate of registration or legible photostat thereof;

(ii) the insurance card or legible photostat thereof;

(B) in a protective holder mounted behind the driver's seat in the vehicle:

(i) the for-hire vehicle driver's license of the driver; and

(ii) the for-hire vehicle permit.



(C) if such for-hire vehicle is used for providing pre-arranged transportation for hire between the City of New York and an issuing jurisdiction, a trip log conforming to the requirements of §6-25 of this chapter.

**Section 279.** It is hereby proposed that section 6-16(o) of Title 35 of the Rules of the City of New York be amended to read as follows:

(o) A driver shall not charge or attempt to charge a fare above the pre-approved rate quoted by the dispatcher. A driver shall 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. No passenger shall be asked or required to tip.

**Section 2830.** It is hereby proposed that section 6-16 of Title 35 of the Rules of the City of New York be amended to add a new subdivisions (w) through (bb) to read as follows:

(w) A driver while stopped at the base with which the driver's vehicle is affiliated shall use the off-street parking facilities required by section 6-04(b) of this chapter or, if not, shall comply with all applicable traffic and parking regulations.

(x) A driver while stopped at the base with which the driver's vehicle is affiliated must not create a nuisance such as by engaging in littering or the playing of loud audio material within the area set forth in section 6-07(b)(3) of this chapter. A driver must never engage in horn honking while stopped at the base.

(y) No driver of a for-hire vehicle shall require that any prospective passenger must share a ride with another prospective passenger.

(z) A driver during his or her workshift must keep the vehicle's interior clean and scent free.

(aa) All audio equipment controlled by the driver must be turned on or off at the request of the passenger. The passenger shall have the right to select what is played on the audio equipment. Whether or not the vehicle is hired, an audio device must be played at normal volume only, and all noise ordinances shall be complied with.

(bb) A driver must turn on or off heating or air-conditioning equipment at the request of the passenger.

**Section 2931.** It is hereby proposed that section 6-22 of Title 35 of the Rules of the City of New York be amended to add the new penalties for sections 6-04(b)(4), 6-04(e), 6-05(e) 6-06(a)(6), 6-06(a)(7), 6-06(a)(8), 6-06(b)(5), 6-06(b)(6), 6-07(g)(1), 6-07(j), 6-07(k), 6-11(o), 6-11(r), 6-12(e)(4), 6-12(f)(1)(ii), 6-12(k) 6-16(w) through 6-16(bb),6-29(b) and 6-29(d); to amend the penalties for sections 6-04(a), 6-06(d), 6-06(f), 6-07(a), 6-07(f), 6-11(a), 6-11(b), 6-11(c), 6-12(a), 6-12(c), 6-12(f)(1), 6-12(j), 6-16(e), and 6-16(o), to eliminate the penalties for former

sections 6-02(b)(3) and 6-12(k)(1) through 6-12(o) , and to add new penalties for new section 6-12.1(a)(1) through 6-12.1(k), to read as follows:

Rule No.	<b><u>Penalty</u></b> All fines listed below also include a separate license suspension, to run concurrent with any underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.	Personal Appearance Required
[§ 6-02(b)(3)	\$25	No]
* * *	* * *	* * *
§ 6-04(a)	\$200-1,500 and <u>one penalty point, plus any applicable penalties under the NYC Administrative Code for unlicensed operation.</u>	Yes
§ 6-04(b)(4)(ii)	<u>Revocation</u>	<u>Yes</u>
§ 6-04(e)	<u>\$250 for failure to post or maintain bond; one penalty point for draw on bond.</u>	<u>No</u>
§6-04(i[j])(1)	\$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or base license revocation	Yes
**	**	**
§6-05(e)	<u>Revocation</u>	<u>Yes</u>
**	**	**
§ 6-06(a)(4)	Suspension until requirement is met	Yes
§ 6-06(a)(6)	<u>\$50</u>	<u>No</u>
§ 6-06(a)(7)	<u>\$50</u>	<u>No</u>
§ 6-06(a)(8)	<u>\$50</u>	<u>No</u>
**	**	**
§ 6-06(b)(5)	<u>\$100</u>	<u>No</u>
§ 6-06(b)(6)	<u>\$50</u>	<u>No</u>
§ 6-06(c)	\$100	No
§ 6-06(d)	Suspension of base license <u>and one penalty point</u>	Yes

**	**	**
§ 6-06(f)	\$250 and suspension until compliance <u>and one penalty point</u>	Yes
**	**	**
6-07(a)	[ \$50-250 and/or suspension until a complaint procedure satisfactory to the Commission has been implemented.] <u>\$100 for failure to provide quote on request. \$200 for passenger overcharge, whether from any quote or from schedule of fares required to be filed with the Commission .</u>	[Yes] <u>No</u>
**	**	**
§ 6-07(f)	<u>\$1000 and, if the violation includes failure to maintain either an affiliated accessible vehicle or an arrangement with another base to provide such service, [S]suspension of the base license until compliance</u>	Yes
§ 6-07(g)	<u>Suspension until compliance</u>	<u>Yes</u>
**	**	**
§ 6-07(j)	<u>\$150</u>	<u>No</u>
§ 6-07(k)	<u>\$150</u>	<u>No</u>
**	**	**
§ 6-08(b)	\$100	No
**	**	**
§6-11(a)	[ <u>\$200-1,500 One penalty point, plus \$500 for the first offense in 12 months; \$1000 for the second and subsequent offenses within a 12-month period.</u>	[Yes] <u>No</u>
§6-11(b)	<u>One penalty point and \$100-350 and/or suspension up to 30 days; summary suspension until compliance pursuant to §8-17(b) of this title.</u>	Yes
§ 6-11(c)	<u>\$150 plus penalties applicable for unlicensed operation</u>	[No] <u>Yes</u>

**	**	**
<u>§ 6-11(o)</u>	<u>Revocation of previously issued permit</u>	<u>Yes</u>
<u>§ 6-11(r)</u>	<u>Revocation</u>	<u>Yes</u>
<u>§ 6-12(a)</u>	<u>For failure to have the proper decal(s):\$[300 - ]500 [- ]for the first offense in 12 months; \$[600 - ]1,000 [-] for the second offense and subsequent offenses within a 12-month period for the base and the vehicle owner; and suspension of the for-hire vehicle permit until compliance; and one penalty point for the base. [Base license revocation for the third offense within a 12-month period] For failure to complete the decal(s) correctly: \$100 for the vehicle owner</u>	[ <u>Yes</u> ] <u>No</u>
**	**	**
<u>§6-12(c)</u>	<u>Base: \$350. [and] Vehicle: \$100 and suspension of the vehicle owner license until the condition is corrected plus one penalty point.</u>	<u>No for Base. Yes for Vehicle</u>
**	**	**
<u>§ 6-12(e)(4)</u>	<u>Base: \$300 and one penalty point</u>	<u>No</u>
<u>§ 6-12(f)(1)(i)</u>	<u>\$25</u>	<u>No</u>
<u>§6-12(f)(1)(ii)</u>	<u>\$50</u>	<u>No</u>
**	**	**
<u>§ 6-12(j)</u>	<u>[\$15] 50 for each violation of this rule; however, no fine for a violation of this rule shall exceed \$ [30]100</u>	<u>Yes</u>
<u>§6-12(k)</u>	<u>\$100</u>	<u>No</u>
<u>[§6-12(k)(1)</u>	<u>\$100</u>	<u>No]</u>
<u>[§6-12(k)(2)</u>	<u>Base: \$100 for the first violation in 12 months</u>	<u>Yes]</u>

\* [As reads in the Official Compilation of the Rules of the City of New York. Should read: “\$500 for the *second* violation in 24 months.”] [Emphasis added.]

	\$250 for each subsequent offense within a 12-month period Owner: \$350 for the first violation \$500 for the second* violation in 24 months Revocation for third violation in 36 months	
[§6-12(k)(3)]	Revocation and \$10,000	Yes]
[§6-12(l)]	\$50 – 500	Yes]
[§6-12(m)(1)]	\$100 – 250	Yes]
[§6-12(m)(2)]	\$100 – 250	Yes]
[§6-12(n)]	\$10,000 and license suspension until compliance if alteration is not approved. \$10,000 and license revocation if certification sticker is altered.	Yes]
[§6-12(o)]	Suspension of for-hire vehicle permit or recognition of issuing jurisdiction vehicle license until compliance.	No]
§ 6-12.1(a)(1)	<u>Base: \$500, except if the DMV status of the driver's license is not available on the Commission's Web site;</u> <u>Vehicle: \$100 and one penalty point</u>	<u>No</u>
§ 6-12.1(a)(2)	<u>Base:</u> <u>\$500 for the first violation in 12 months</u> <u>\$800 for each subsequent offense within a 12-month period</u>  <u>Vehicle owner:</u> <u>\$350 and one penalty point</u>	<u>No</u>
§ 6-12.1(a)(3)	<u>Revocation and \$10,000</u>	<u>Yes</u>
§ 6-12.1(b)	<u>Vehicle owner: \$100-350 and/or suspension up to 30 days; summary suspension until compliance pursuant to section 8-17(b) of this title</u>	<u>Yes</u>

<u>§6-12.1(c)(1)</u>	<u>\$100-250</u>	<u>Yes</u>
<u>§6-12.1(c)(2)</u>	<u>\$100-250</u>	<u>Yes</u>
<u>§6-12.1(d)</u>	<u>Vehicle owner: \$10,000 and license suspension until compliance if alteration is not approved. \$10,000 and license revocation if certification sticker is altered.</u>  <u>Base: \$1000</u>	<u>Yes</u>
<u>§6-12.1(e)</u>	<u>Suspension of for-hire vehicle permit or recognition of issuing jurisdiction vehicle license until compliance.</u>	<u>No</u>
<u>§6-12.1(f)</u>	<u>Vehicle: During any license term, \$100 for the first violation during such term, with the penalty increasing by \$100 for each subsequent violation up to a maximum of \$10,000. One penalty point.</u>	<u>No</u>
<u>§6-12.1(h)</u>	<u>\$50</u>	<u>No</u>
<u>§6-12.1(i)</u>	<u>\$50</u>	<u>No</u>
<u>§6-12.1(j)</u>	<u>\$50</u>	<u>No</u>
<u>§6-12.1(k)</u>	<u>\$50</u>	<u>No</u>
**	**	**
<u>§ 6-16(e)</u>	<u>\$(15) 50 for each violation of this rule; however, no fine for a violation of this rule shall exceed \$ [30]100.</u>	<u>Yes</u>
**	**	**
<u>§ 6-16(o)</u>	<u>\$100-250 except that the penalty for seeking a tip shall be \$50, and order restitution of overcharge to the passenger</u>	<u>Yes</u>
**	**	**§
<u>§6-16(v)(3)</u>	<u>Suspension until compliance (If compliance after 30 days, \$200 for reinstatement)</u>	<u>N/A</u>
<u>§6-16(w)</u>	<u>\$50</u>	<u>No</u>
<u>§6-16(x)</u>	<u>\$50</u>	<u>No</u>
<u>§6-16(y)</u>	<u>\$50</u>	<u>No</u>
<u>§6-16(z)</u>	<u>\$25</u>	<u>No</u>
<u>§6-16(aa)</u>	<u>\$25</u>	<u>No</u>

<u>§6-16(bb)</u>	<u>§25</u>	<u>No</u>
**	**	**
<u>§6-29(b)</u>	<u>Revocation</u>	<u>Yes</u>
<u>§6-29(d)</u>	<u>Revocation</u>	<u>Yes</u>

**Section 302.** It is hereby proposed that Title 35 of the Rules of the City of New York be amended to add a new section 6-29 thereto to read as follows:

§6-29 Penalty Points for Bases and For-Hire Vehicles.

A base or the holder of a for-hire vehicle permit will accumulate penalty points as penalties for violation of certain rules as specified in section 6-22.

(a) When a penalty point is imposed upon a for-hire vehicle, the base with which the for-hire vehicle is affiliated will be given notice of the imposition of the point by first class mail to the base address on file with the Commission.

(b) The permit of any for-hire vehicle that accumulates **fourthree** penalty points for occurrences during any license term shall be revoked.

(c) The base affiliated with any for-hire vehicle for which the for-hire vehicle permit is revoked pursuant to subdivision (b) of this section shall accumulate one penalty point.

(d) The license of any base that accumulates **sixfive** penalty points for occurrences during any license term shall be revoked.

(e) The revocation of any license or permit required by this section shall occur at any time the required number of penalty points have been accumulated, even if the permit or license has been renewed subsequent to the term for which such points have been accumulated.

(f) Revocation required under this section may be imposed as part of the decision imposing the final point necessary for revocation, or the Chairperson may commence revocation proceedings against any licensee which has accumulated sufficient points to require revocation proceedings at any other time. At any time base revocation is mandated and the last penalty point arises from for-hire vehicle permit revocation pursuant to subdivision (b) of this section, revocation must be imposed following a separate revocation proceeding. Any revocation proceeding required by this section shall proceed under section 8-15 of this title.

(g) The Chairperson shall develop a point reduction program applicable to vehicles and bases.





## Statement of Basis and Purpose

The proposed rule would amend chapter 6 of the Taxi and Limousine Commission's rules to strengthen oversight of the for-hire vehicle industry, to enhance the ties among bases and for-hire vehicle owners and FHV drivers, and to better communicate the legal status of for-hire vehicles to the public. The proposed rule will require greater accountability of bases and vehicle owners for the lawful conduct of the for-hire business. The rule will reward greater accountability by enhancing the value of a base license.

In particular, the proposed rule would:

As to vehicles:

- require that each for-hire vehicle be inspected at the TLC's inspection facility at upon first licensure and upon license renewal. For vehicles that are model year 1996 or later, the TLC inspection will qualify as one of the three DMV inspections required annually. (upon initial licensure of a vehicle that has been driven less than 500 miles, the inspection can be a visual inspection only, and will not count as a DMV inspection.)-
- set time limits during the application or renewal process by which the TLC inspection must be passed and require that each vehicle must pass within four tries.
- require that license decals be placed on the vehicle by the TLC only after the vehicle has passed the TLC inspection or at any time a vehicle is replaced or changes affiliation.
- require that, starting in September, 2009, vehicles (except stretch limousines) must have three exterior TLC decals.
- enhance requirements for exterior base identification markings for each vehicle.
- require the summary suspension pursuant to section 8-17(b) of any for-hire vehicle permit and the return of the TLC decal(s) at any time a vehicle is found to be unfit or unsafe at its inspection.
- require that renewal applications for for-hire vehicle permits must be filed at least 30 days prior to permit expiration. Renewing applicants may file a renewal application after that date only upon payment of a \$25 late fee and in no event later than the expiration date.
- provide explicitly that for-hire vehicle permit termination includes revocation or surrender of the permit.
- provide explicitly that a for-hire vehicle may be affiliated with only one base at any time.

- prohibit a base and a vehicle owner from dispatching a for-hire vehicle from a base other than the base with which the vehicle is affiliated, although bases may dispatch vehicles from other bases provided that the customer is notified.
- specify that applicants for for-hire vehicle permits with a prior history of vehicle permit revocation will be subject to a fitness hearing before any new permit can be issued.
- impose penalties for vehicle owners if drivers accept street hails.
- impose fixed penalties and suspension until compliance with respect to the for-hire vehicle permits for failure to have a valid TLC license decal on a vehicle.
- require that vehicle owners who fail for any 60-day period to maintain affiliations or insurance or to comply with the inspection requirements, be subject to revocation under section 19-504(g) of the Administrative Code.
- provide for the non-renewal of any for-hire vehicle permit if the vehicle is not in compliance with the requirements of section 6-12 of the TLC's rules at the time of renewal.
- require for-hire vehicles to have heating and air conditioning.

As to bases:

- impose new requirements for bases seeking to terminate vehicle affiliations to reduce the possibility that licensed vehicles lack affiliations.
- require base stations to submit business plans meeting certain minimum standards with license applications, renewal applications or applications for ownership changes.
- ~~strengthen requirements for demonstrating compliance with off street parking requirements.~~
- enhance requirements regarding base use of trade names and telephone numbers, Web sites and contact information.
- strengthen base record keeping requirements.
- extend the term of base licenses to three years.
- require base license renewal applications be filed 60 days prior to license expiration.
- enhance requirements for bases with respect to filing their rates of fare with the Commission.

- ~~enhance requirements regarding on and off street parking for bases.~~

- require livery bases to provide a price quote to prospective riders.
- require bases to provide bonds.
- require base owners to maintain lists of vehicles which are affiliated with the base and their drivers.
- impose penalties for base station owners which fail to maintain a bond and for those who have failed to pay fines and penalties resulting in a draw on the bond.
- add a fine for base owners who fail to meet requirements to provide transportation service to persons with disabilities.
- provide that base transfers can occur only upon appearance of the transferor and transferee at the TLC and clarify that all base license transfers require TLC approval.

As to bases and vehicles:

- require revocation of base licenses and for-hire vehicle permits upon repeated convictions for violations of certain rules, in particular rules regarding the dispatch of unlicensed drivers.
- specify that bases, vehicle owners and drivers cannot require passengers to share rides.
- clarify that base owners and vehicle owners are separately and independently responsible for the conditions of operation of for-hire vehicles.
- specify that base owners, vehicles and drivers are responsible for obeying traffic laws and not creating a nuisance while visiting a base.

As to drivers:

- require the driver of a for-hire vehicle to keep the vehicle clean during his or her work shift.
- require the driver of a for-hire vehicle to comply with passenger requests regarding heat, air conditioning and audio equipment.

Finally, the proposed rule provides for the posting of a Livery Passengers' Bill of Rights, as required by section 19-537 of the Administrative Code of the City of New York, recently added by local law (effective June 26, 2009).