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| <b>SUB-CHAPTER 59A</b> | <b>FOR-HIRE VEHICLE OWNERS</b>         |
| <b>SUB-CHAPTER 59B</b> | <b>FOR-HIRE BASE OWNERS</b>            |
| <b>SUB-CHAPTER 59C</b> | <b>FOR-HIRE VEHICLE SPECIFICATIONS</b> |
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***Updated October 24, 2025***

### **§59A-01 Scope of this Sub-chapter**

- (a) To establish the procedures, rules and requirements for obtaining and maintaining a For-Hire Vehicle License, including:
  - (1) For-Hire Livery Vehicles
  - (2) For-Hire Black Car Vehicles
  - (3) For-Hire Luxury Limousine Vehicles
- (b) To provide penalties for violations of the rules and requirements for maintaining a For-Hire Vehicle License.
- (c) Except as otherwise provided, this chapter does not apply to For-Hire Vehicles that are Street Hail Liveries. The requirements for Street Hail Livery service are provided in Chapter 82 of these Rules.

### **§59A-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 Respondent is found guilty of the violation, unless:

- (i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.
- (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

### **§59A-03 Definitions Specific to this Sub-chapter**

- (a) *Applicant* in this Sub-chapter means an Applicant for an original or renewal For-Hire Vehicle License.
- (b) *Black Car* is a Vehicle that affiliates with a Black Car Base or with a High-Volume For-Hire Service.
- (c) *Black Car Base* is a For-Hire Base, excluding a High-Volume For-Hire Service, 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) *Driver* in this Sub-chapter means a For-Hire Driver.
- (e) *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,
  - (4) A High-Volume For-Hire Service.
- (f) *For-Hire Driver* in this Sub-chapter means a Driver of a For-Hire Vehicle.

- (g) *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.
- (h) *Issuing Jurisdiction* is a county within New York State and covered by Article 17-B, Section 498 of the New York Vehicle and Traffic Law 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.
- (i) *License* in this Sub-chapter means a License for a For-Hire Vehicle.
- (j) *Livery* is a For-Hire Vehicle that is affiliated with a Livery Base Station.
- (k) *Livery Base Station* (“Base” or “Base Station”) is a For-Hire Base that operates as follows:
  - (1) All Livery Vehicles are dispatched from the Base 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.
- (l) *A Luxury Limousine* is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.
- (m) *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.



- (n) *Owner or Vehicle Owner* in this Sub-chapter refers to the title owner, registered owner or lessee of a For-Hire Vehicle. An Owner can be a Business Entity or a person.
- (o) *Penalty Point* is a non-monetary penalty assessed against either a Base Owner or the Owner of a For-Hire Vehicle if they are convicted of certain violations in this Sub-chapter.
- (p) *Qualified Jurisdiction* is an Issuing Jurisdiction that meets the requirements for reciprocity described in §498 of the NYS Vehicle and Traffic Laws.
- (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) *Vehicle* in this Sub-chapter refers to a For-Hire Vehicle.

#### **§59A-04 Licensing – General Requirements**

- (a) ***Reserved.*** Identification.
- (b) ***Reserved.*** Age.
- (c) ***Reserved.*** Fingerprinting for Good Moral Character.
- (d) *Designate Drivers as Agents to Receive Service.*
  - (1) An Applicant for a For-Hire Vehicle License (and a Licensee) must designate every Driver who operates one of Owner’s Vehicles as an agent for accepting service of summons or Commission notices to correct defects in the Vehicle.

- (i) Delivery of the summons or notice to correct defect(s) to a Driver will be adequate notice to the Vehicle Owner.
    - (ii) The Commission will send a photocopy of any summons or notice to correct defect(s) to the Vehicle Owner and the Base Owner of record.
  - (2) An Applicant for a For-Hire Vehicle License (and a Licensee) must designate every Driver who operates one of Owner's Vehicles as agent for service of any legal process from the Commission that can be issued against the Owner.
- (e) *Inspection Required for a New Vehicle License.*
- (1) An Applicant for a new For-Hire Vehicle License (or approval for a replacement vehicle) must demonstrate that the vehicle was inspected at the Commission's Safety and Emissions Division within ten days:
    - (i) After being issued T&LC plates by the NYS DMV, or
    - (ii) After the Commission's acceptance of the application for vehicles registered outside New York State
  - (2) Vehicles must pass inspection within 60 days after the date of the first scheduled inspection before the new For-Hire Vehicle License will be issued.
  - (3) The maximum number of inspections allowed in this 60-day period is four.
  - (4) The maximum limit of four inspections applies whether the Applicant submits only the original vehicle, or also submits a replacement vehicle.
  - (5) Failure of the original vehicle or any replacement vehicle to pass an inspection after four tries within the 60-day period will result in denial of the application.
  - (6) *Nature of the Inspection.*
    - (i) If the vehicle has accumulated fewer than 500 miles traveled at the time the vehicle arrives at the Commission's facility for inspection, irrespective of the vehicle's model year, the inspection will be only a visual inspection.
    - (ii) Unless exempt under (i), if the vehicle is a year 1996 or later model:

- A. The vehicle must pass (i) the vehicle inspection requirements set forth in Section 301 of the NYS Vehicle and Traffic Law, (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
  - B. The inspection will count as one of the “tri-annual” inspections required by §59A-26 of this Sub-chapter.
- (iii) Unless exempt under (i), if the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle’s maximum gross weight (MGW) as recorded on the registration card, is 8,501 pounds or more:
  - A. The vehicle must pass (i) the vehicle inspection requirements set forth in Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
  - B. The inspection will *not* count as one of the “tri-annual” inspections required by §59A-26 of this Sub-chapter.
- (7) The Commission’s fee for a required Commission inspection is \$75; this fee includes the certificate of inspection issued when the vehicle passes inspection. Inspection fees must be prepaid with each application and renewal application.
- (8) *Reinspection Fee.* A reinspection fee can be required if a vehicle must be reinspected. There is a reinspection fee only if reinspection is required because the vehicle failed a component of the inspection required by Section 301 of the NYS Vehicle and Traffic Law. In that case, the reinspection fee is the maximum fee allowed by DMV regulation for any component that must be reinspected. If reinspection is required because the vehicle failed any other component of the inspection, there is no reinspection fee.
- (9) If the vehicle was altered after manufacture and seats 10 or more passengers (including the driver) and is not exempt from inspection by the NYS Department of Transportation, the vehicle must pass an inspection by the NYS Department of Transportation. The vehicle must also pass a visual inspection by the Commission.

(f) *Inspection Required to Renew a Vehicle License.*

- (1) An Applicant for renewal of a For-Hire Vehicle License must have the vehicle inspected at the Commission's Safety and Emissions Division and demonstrate that the Vehicle has passed an inspection within 120 days after the date of the first scheduled inspection.
- (2) The maximum number of inspections allowed in this 120-day period is four.
- (3) The maximum limit of four inspections applies whether the Applicant submits only the original vehicle, or also submits a replacement vehicle.
- (4) After the License expiration date, the vehicle must not operate until it passes inspection and meets all other requirements for Licensure.
- (5) Failure of the original vehicle or any replacement vehicle to pass an inspection after four tries within the 120-day period will result in denial of the renewal application.
  - (i) If an original vehicle fails to pass inspection on four tries within the 120day period, the licensee can have a different vehicle inspected if they so choose. This subsequent vehicle will be subject to the same inspection requirements outlined in 59A-04(f)(1)-(5), above.

(6) *Nature of the Inspection.*

- (i) If the vehicle is a year 1996 or later model:
  - A. The vehicle must pass (i) the vehicle inspection requirements set forth in Section 301 of the NYS Vehicle and Traffic Law, (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
  - B. The inspection will count as one of the "tri-annual" inspections required by §59A-26 of this Sub-Chapter.

If the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle's maximum gross weight (MGW) as recorded on the registration card is 8,501 pounds or more:

- C. The vehicle must pass (i) the vehicle inspection requirements set forth in Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
- D. The inspection will *not* count as one of the “tri-annual” inspections required by §59A-26 of this Sub-chapter.

- (7) If the vehicle was altered after manufacture and seats 10 or more passengers (including the driver) and is not exempt from inspection by the NYS Department of Transportation, the vehicle must pass an inspection by the NYS Department of Transportation. The vehicle must also pass a visual inspection by the Commission.

(g) ***Reserved – Vehicle Owner Training.***

(h) ***Affiliation Required.*** All Applicants for a For-Hire Vehicle License must demonstrate that they are affiliated with an appropriate For-Hire Base.

(i) ***Affiliation with Only One Base.*** For-Hire Vehicles can only affiliate with one Base at a time.

(j) ***One License per Vehicle.***

Only one For-Hire Vehicle License will be issued and in effect for any vehicle, as indicated by the vehicle identification number, at any one time.

(k) ***Reserved--Special Requirements for Black Car Affiliation.***

(l) ***Payment of Fines and Fees.***

- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to

- (i) the Commission,
- (ii) NYC Department of Finance’s Parking Violations Bureau,
- (iii) NYC Department of Finance’s Red Light Camera Unit,
- (iv) NYS DMV’s Traffic Violations Bureau and

- (v) any of their successor agencies.
- (2) This requirement includes payment of fines and fees owed as of the date of the application by
  - (i) any Business Entity Persons of the Applicant
  - (ii) any Business Entity of which the Applicant is a Business Entity Person, and
  - (iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.
- (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (m) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:
  - (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.* If the Applicant is a corporation, it must file with its application:
    - (i) A certified copy of its certificate of incorporation
    - (ii) A list of officers and shareholders
    - (iii) A certified copy of the minutes of the meeting at which the current officers were elected.
  - (3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:
    - (i) A copy of its articles of organization
    - (ii) A copy of its operating agreement
    - (iii) A list of the members, with the percentages of the Applicant owned by each.
- (n) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

- (o) *Fit to Hold a License.* An Applicant for a For-Hire Vehicle License must demonstrate that the Applicant is Fit to Hold a License.
- (p) *Registration.* An Applicant for a new or renewal For-Hire Vehicle License must demonstrate that the vehicle has been properly registered. For a vehicle that has been modified after manufacture, this means the Applicant must show that the vehicle was properly re-registered with NYS after modification.
- (q) *Operating Authority.* An Applicant for a new or renewal For-Hire Vehicle License must show that the vehicle possesses a current and Valid operating authority license from NYS and a current and Valid MC-300 Vehicle inspection form if the vehicle is not exempt from NYS DOT inspection and operating authority requirements and either of the following are true.
  - (1) The vehicle seats 10 or more passengers (including the driver)  
or
  - (2) The vehicle is a modified vehicle.
- (r) *Exempt Vehicles.* An Applicant for a new or renewal For-Hire Vehicle License for a vehicle which has been modified and IS exempt from NYS Department of Transportation inspection and operating authority requirements must show an exemption letter from the NYS Department of Transportation.
- (s) *Warranty.* An Applicant for a new For-Hire Vehicle License for a vehicle which has been modified after manufacture (except in a program supported by the original vehicle manufacturer) must provide evidence of warranty from the vehicle modifier that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
- (t) *Modifier Insurance Coverage.* An Applicant for a new or renewal For-Hire Vehicle License for a vehicle which has been modified after manufacture (except in a program supported by the original vehicle manufacturer) must provide evidence that the modifier maintains a General Liability Insurance Policy in a minimum amount of \$5,000,000

#### **§59A-05 Licensing – Reciprocal Recognition with Other Jurisdictions**

- (a) *Eligibility for Reciprocal Recognition.* To be eligible for Reciprocity, a vehicle with a QVL issued by a Qualified Jurisdiction meet the following requirements:

(1) Evidence of a Valid QVL from the Qualified Jurisdiction must be attached to the vehicle's windshield.

(2) The vehicle must be operated by driver with a Valid Chauffeur's License.

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|---------------|-------------|-------------------------|
| §59A-05(a)(2) | Fine: \$100 | Appearance NOT REQUIRED |
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(3) The vehicle must be operated by a driver who:

(i) Has a Valid QDL issued by the Qualified Jurisdiction.

(ii) Carries proof of the Valid QDL while operating within New York City and displays it on request or has it posted within the vehicle.

(iii) Meets the requirements of Chapter §80-21 of these Rules.

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| §59A-05(a)(3) | Fine: \$350 | Appearance NOT REQUIRED |
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(4) The vehicle must have a Valid state registration, and the certificate of registration (or a legible copy of it) is in the vehicle.

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| §59A-05(a)(4) | Fine: \$100 | Appearance NOT REQUIRED |
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(5) The vehicle must contain a Trip Record that:

(i) Meets the requirements of §59A-19 of this Chapter,

(ii) Demonstrates that any trip (including travel within New York City) was established by pre-arrangement, and

(iii) Shows that either the origin or final destination of the trip is outside New York City.

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| §59A-05(a)(5) | Fine: \$300 | Appearance NOT REQUIRED |
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(6) The vehicle must carry a Valid inspection sticker issued under the laws of New York State or the state of the vehicle's registration. The sticker must indicate the date of last inspection or the expiration date of the inspection.

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| §59A-05(a)(6) | Fine: \$100 | Appearance NOT REQUIRED |
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(7) The vehicle's Reciprocal Recognition must not have been suspended for failure to make required repairs within 10 days of failing an inspection.

(b) *Privileges of Reciprocal Recognition.* A vehicle that meets the requirements of this section 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 vehicle's Qualified Jurisdiction for travel to or through New York City
- (2) Pick up Passengers in New York City for travel to the vehicle'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

#### **§59A-06 Licensing – Term of License**

- (a) *New License.* The term of a new For-Hire Vehicle License is two years.
  - (1) *New License Issuance.* Beginning February 2023, the Commission will review the number of For-Hire Vehicle Licenses, pursuant to section 19-550(b)(2) of the Administrative Code of the City of New York and determine the number of For-Hire Vehicle Licenses, if any, to issue in the twelve months following such review and the types of vehicles to which the Commission will issue such new Licenses. In reviewing the number of Licenses to issue in the next twelve months, the Commission will review congestion levels, driver pay, License attrition rates, outer borough service, availability and demand for battery electric vehicles, availability of battery electric vehicle charging infrastructure, and any other information it deems relevant to determine the number of Licenses to issue. The results of such review, and the number of new For-Hire Vehicle Licenses the Commission will issue, will be posted on the Commission's website. The Commission will not issue new For-Hire Vehicle Licenses until such time as it completes its first review of the number of For-Hire Vehicle Licenses pursuant to this section.
  - (2) *Exceptions.* Notwithstanding paragraph (1) of this subdivision, the Commission will continue to issue new Licenses to:
    - (i) Wheelchair accessible vehicles, and
    - (ii) Until August 13, 2023, an applicant who possesses a TLC Driver's License, provides written proof that the applicant entered into a lease for the use of a licensed for-hire vehicle that contains a conditional purchase agreement for the vehicle prior to August 14, 2018, and demonstrates that the term of such lease is no less than two (2) years.

- (3) New Electric Vehicle License Issuance for individual Drivers. The Commission may make available individual, non-transferable For-Hire Vehicle Licenses that are restricted to fully battery electric vehicles, powered only by electric batteries and not gasoline. Such License may be required to be registered to a Driver using the Driver's individual name and personal Social Security number. When such requirement applies, no Driver may apply for more than one such license or hold additional for-hire vehicle licenses.
- (i) In order to apply for such restricted electric vehicle license, a statement of interest must be submitted using an online form prescribed by the Commission. Applicants who submit a statement of interest will be contacted by the Commission on a first-come-first-served basis until the number of submitted statements of interest matches the total number of available individual, non-transferable licenses.
  - (ii) Applicants will have one hundred and twenty (120) days from the date they are contacted by the Commission to submit a complete license application, fulfilling all licensing requirements, including but not limited to the purchase of an electric vehicle, the submission of proof of insurance, payment of application fees, and the possession of a valid Driver license. Additionally, vehicles must pass inspection within 60 days after their first scheduled inspection.
  - (iii) Any Applicant who is contacted and has not completed all the requirements of the application will have their application denied. The next Applicant on the list will be contacted to begin the application process. An Applicant who has their application denied may submit a new statement of interest and be added to the bottom of the list.
- (4) New Electric Vehicle License Issuance for any applicant. The Commission may make available For-Hire Vehicle Licenses that are restricted to fully battery electric vehicles, powered only by electric batteries and not gasoline. Such License may be made available on a first-come-first-served basis to an Applicant and shall initially be restricted to a maximum of 25 such new electric vehicle licenses per individual Social Security number or Employer Identification number. It will be within the Chairperson's discretion after the initial release of the licenses to increase the maximum number of new electric vehicle licenses per individual Social Security number or Employer Identification number, depending upon the interest shown by the public in applying for such licenses. Applications will be submitted in a form

approved by the Chairperson, and the Commission will post application procedures on its website at least fifteen calendar days prior to the release of such applications.

(b) *Renewal License.* The term of a renewal License is two years.

(c) *When to File for Renewal.*

(1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License. The review of applications submitted fewer than 30 days before the expiration date will not be completed until after the expiration date of the License. Licenses are not Valid after the License expiration date until the application for renewal is approved by the Commission.

(2) A renewing Applicant can file a completed application up to 60 days after the expiration date as a “late application,” if the Applicant pays a late fee of \$25. When a late application is submitted, the License will remain expired and not Valid until the application for renewal is approved by the Commission.

(3) *Application Submission Date.*

(i) Applications filed online: The date of submission is the date an application is filed online.

(ii) Applications filed in person: The date of submission is the date an application is filed in person.

A License cannot be renewed more than 60 days after the expiration date.

(d) *Early Termination.*

(1) A For-Hire Vehicle License terminates early if it is revoked or surrendered, or if the vehicle’s state license plates are voluntarily surrendered.

(2) A License that has been terminated early cannot be renewed or reinstated.

(e) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (c) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

- (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.
- (f) *Livery Base Affiliated Vehicles.* For a period of one (1) year, For-Hire Vehicle owners whose licenses were affiliated with a Livery Base and expired between March 7, 2020 and September 12, 2022 may apply to renew their licenses, subject to the following requirements.
  - (1) The For-Hire Vehicle License was affiliated with a Livery Base and expired starting on March 7, 2020, through September 12, 2022.
  - (2) The For-Hire Vehicle must not transfer affiliation to a High-Volume For-Hire Service.
  - (3) Applicants renewing Livery Base Affiliated Vehicles are responsible for fees associated with the current license renewal cycle and any outstanding fees or fines already owed to the Commission prior to expiration.
  - (4) Applicants shall renew Livery Base Affiliated Vehicles with the same license restrictions that applied at the time of expiration.

#### **§59A-07 Licensing – Fees**

- (a) *Vehicle License Fee.* The fee for each For-Hire Vehicle License will be \$275 annually.
- (b) *Late Filing Fee.* The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.
- (c) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.
- (d) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (e) *Vehicle License Replacement Fee.* The Commission will charge a fee of \$25 for each replacement License or Decal.
- (f) *Vehicle Transfer Fees.*
  - (1) A Vehicle Licensee can change the Vehicle's affiliation from one Base to a different Base after approval by the Chairperson and payment of a \$25 fee.

- (2) A Vehicle Licensee can transfer the License from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.
- (3) A Vehicle Licensee can replace the license plates on the Vehicle after approval by the Chairperson and payment of a \$25 fee.
- (4) A Vehicle Licensee can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.
- (5) A Vehicle Licensee must pay a separate fee for each type of vehicle transfer. This is true even if the Vehicle Licensee wants to do several types of vehicle transfer all at one time.

#### **§59A-08 Licensing – Causes for Denial or Revocation**

(a) *Material Misrepresentation.*

- (1) The Commission can deny an application for a License or its renewal and revoke or suspend any License issued if it finds that an Applicant has made a material misstatement or misrepresentation on an application for a License or its renewal.
- (2) The Commission must send notice and conduct a hearing before revoking or suspending any License already issued.

(b) *Non-Compliance with Rules.* No For-Hire Vehicle License will be issued or renewed unless the For-Hire Vehicle is in compliance with the requirements of this Chapter at the time of the application for issuance or renewal.

(c) *Non-Use.* A For-Hire Vehicle License must be revoked for non-use if:

- (1) For 60 or more days, the Licensee fails to maintain a Base affiliation (as required by §59A-11(e) of this Chapter) or fails to transfer from a base that has been suspended or
- (2) For 60 or more days, the Licensee fails to maintain insurance coverage (as required by §59A-12 of this Chapter) or
- (3) For 60 or more days, the License holder fails to comply with the inspection requirements (as required by §59A-26 of this Chapter)

(d) *Prior Revocation.*

- (1) If the Applicant has had a previous For-Hire Vehicle License revoked, the Chairperson may deny the Applicant's application if the previous revocation shows that the applicant is not Fit to Hold a License.
  - (2) To determine if a previously revoked For-Hire Vehicle License ("Revoked License") will be attributed to this Applicant, the Commission will include any Revoked License held by any of the following:
    - (i) All of Applicant's Business Entity Persons, and
    - (ii) Any other entity in which any of Applicant's Business Entity Persons also serve as a partner, officer or shareholder.
- (e) *Failure to Complete Application Requirements.*
- (1) The Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 45 days of the date the application is filed. This does not apply to inspections.
  - (2) The Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 60 days of the expiration date of the prior License. This does not apply to inspections.
  - (3) The Chairperson will not deny an application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.
  - (4) The Applicant must also complete the inspection requirements of 59A-04(e) and (f) within 60 days of the first scheduled appointment. The Commission will deny the application of any Applicant which does not complete the inspection requirements as required.
- (f) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

## **§59A-09 Licensing – Transfer of License**

- (a) *Transfer of Vehicle License to a New Vehicle.*
- (1) In order to transfer the For-Hire Vehicle License to a new vehicle, the Owner must file an application to transfer the License within 15 days after registering the new vehicle with the applicable state DMV.
  - (2) No transfer application will be approved until the Owner presents the vehicle for inspection by the Commission. *(See §59A-04(e))*
- (b) *Only One License per Vehicle.* There can only be one Valid For-Hire Vehicle License issued for any one Vehicle, as determined by the VIN.

#### **§59A-10 Licensing – Care of Licenses**

- (a) *Unauthorized Entries.* No unauthorized entry can be made on the For-Hire Vehicle License or the Decal(s). No entry on the For-Hire Vehicle License or Decal(s) can be changed or defaced.

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| §59A-10(a) | Fine: \$350 for first violation<br>\$500 for second violation in 24 months<br>Revocation for third violation in 36 months | Appearance REQUIRED |
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- (b) *Prompt Replacement of Unreadable License.* An unreadable For-Hire Vehicle License or Decal(s) must immediately be surrendered to the Commission for replacement.

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| §59A-10(b) | Fine: \$25 | Appearance NOT REQUIRED |
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- (c) *Prompt Report of Loss of License.* In case of the theft, loss, or destruction of a For-Hire Vehicle License or Decal(s), the Owner must immediately notify the Commission, provide the Commission with an affidavit or information as required, and replace the License or Decal.

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| §59A-10(c) | Fine: \$50 | Appearance NOT REQUIRED |
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- (d) *Prompt Replacement of License Plates.* A For-Hire Vehicle Owner must report the replacement of any lost or stolen New York State license plates in writing to the Commission within 48 hours (not including weekends and holidays) after obtaining new plates.

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| §59A-10(d) | Fine: \$50 | Appearance NOT REQUIRED |
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#### **§59A-11 Compliance with Law – No Unlicensed Activity**

- (a) *For-Hire Vehicle License and Commission License Plate.*

- (1) A For-Hire Vehicle Owner must not allow any of Owner's Vehicles to be dispatched unless:

- (i) A Vehicle registered in NYS has license plates embossed with the legend "T & LC"

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| §59A-11(a)(1)(i) | Vehicle Fine: \$350 Penalty Points: 1 | Appearance NOT required |
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- (ii) A Vehicle registered in a state other than New York has complied with any applicable license plate requirements.

- (iii) The vehicle has a Valid For-Hire Vehicle License.

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| §59A-11(a)(1)(iii) | Vehicle Fine: \$500 for the first offense in 12 months; \$1000 for the second and subsequent offenses within a 12-month period.<br>Penalty Point: 1 | Appearance NOT REQUIRED |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (2) The Commission will post a list of Validly Licensed For-Hire Vehicles on its Web site.

(b) *Valid TLC Driver License.*

- (1) A Vehicle Owner must not allow any of its Vehicles to be dispatched unless its driver possesses a Valid TLC Driver License.
- (2) The Commission will post on its website a list of Drivers holding Valid TLC Driver Licenses.

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| §59A-11(b) | Vehicle Fine: \$350<br>Penalty Points: 1 | Appearance NOT REQUIRED |
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(c) *Valid Chauffeur's License Required.*

- (1) A Vehicle Owner must not allow any of its Vehicles to be dispatched unless it is being driven by a Driver with a Valid Chauffeur's License.
- (2) A Vehicle Owner is responsible for knowing the status of the state-issued driver's license for any Driver dispatched in one of Owner's Vehicles.

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| §59A-11(c) | Vehicle Fine: \$100<br>Penalty Points: 1 | Appearance NOT REQUIRED |
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(d) *Validity of For-Hire Vehicle License Requires Valid State Registration.*

- (1) A For-Hire Vehicle License will be Valid only while the state registration of the Vehicle remains Valid. The License of an Owner who operates a



For-Hire Vehicle without a valid state registration will be summarily suspended.

- (2) A For-Hire Vehicle Owner must immediately surrender his For-Hire Vehicle License to the Commission upon the expiration, restriction, suspension, or revocation of the Vehicle's state registration.

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| §59A-11(d) | Fine: \$400 and Suspension until compliance. | Appearance REQUIRED |
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- (e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner may only dispatch or permit another person to dispatch Owner's Vehicle if:

- (1) The Vehicle is affiliated with a Validly Licensed Base;
- (2) The base dispatching the Vehicle is Validly Licensed; and at least one of the following conditions is met:
  - (i) The Vehicle is being dispatched from its affiliated Base,
  - (ii) The Vehicle is an Accessible Vehicle affiliated with a For-Hire Base, or
  - (iii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer.

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| §59A-11(e) | Fine: \$400 | Appearance NOT REQUIRED |
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- (f) *Surrendering Licenses.* If a For-Hire Vehicle Owner license is revoked, expired or denied:
  - (1) It must be surrendered to the Commission within 10 days after revocation, expiration or denial.
  - (2) If the vehicle is registered in New York State, the Owner must surrender the T&LC license plates to the New York State Department of Motor Vehicles.
- (g) *NYS DOT Authority.* A For-Hire Vehicle License for a vehicle which either
  - (1) seats 10 or more passengers and is NOT exempt from NYS Department of Transportation operating authority and inspection requirements, OR

- (2) has been modified after manufacture and is NOT exempt from NYS Department of Transportation operating authority and inspection requirements will be Valid only while the NYS Department of Transportation operating authority required for the Vehicle remains Valid. The License of an Owner who operates a For-Hire Vehicle without a valid NYS Department of Transportation operating authority will be summarily suspended.

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| §59A-11(g) | Fine: Suspension until Valid NYS DOT operating authority obtained | Appearance REQUIRED |
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## §59A-12 Compliance with Law – Vehicle Insurance Coverage

### (a) *Maintain Liability Insurance.*

- (1) A For-Hire Vehicle Owner must maintain the required insurance coverage on all of Owner's Vehicles at all times.
- (2) When a For-Hire Vehicle Owner receives notice that his or her liability insurance is to be terminated, Owner must surrender the For-Hire Vehicle License and Decal(s) to the Commission on or before the termination date of the insurance.
- (3) This requirement will not apply if the Owner of the Vehicle submits, before the termination of the policy, proof of new insurance effective on the date of termination of the old policy.

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| §59A-12(a) | Fine: \$150-\$350 and/or suspension up to 30 days | Appearance REQUIRED |
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- (b) *Notification to Commission of Changes in Insurance Coverage.* Within seven days, not including holidays and weekends, a For-Hire Vehicle Owner must notify the Commission in writing of any change in insurance carrier or coverage, specifying the name and address of the new and the former insurance carriers and the number of the policy for each affiliated Vehicle. The Owner must submit proof of such coverage.

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| §59A-12(b) | Fine: \$100 | Appearance REQUIRED |
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### (c) *Coverage Requirements.*

- (1) *General Coverage for Vehicles with Seating Capacity of Less than Eight.* For the purposes of insurance or other financial security, each Owner of a For-Hire Vehicle with a seating capacity of less than eight passengers (not including the Driver) must maintain coverage for each Vehicle owned 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 section 5102 of the New York State Insurance Law;
- (ii) \$100,000 minimum liability and \$300,000 maximum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law; and
- (iii) \$10,000 minimum liability for injury to or destruction of property.

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| §59A-12(c)(1) | Fine: \$350 and suspension until compliance | Appearance REQUIRED |
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- (2) *Coverage for Vehicles with Seating Capacity of Eight to Fifteen.* Each Owner of a For-Hire Vehicle with a seating capacity of at least eight but not more than 15 Passengers (not including the Driver) must maintain coverage for each Vehicle owned in amounts not less than the following:

- (i) \$1,500,000 minimum liability for bodily injury or death to one or more persons, and because of injury to or destruction of property in any one accident, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law

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| §59A-12(c)(2) | Fine: \$350 and suspension until compliance | Appearance REQUIRED |
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- (3) *Special Coverage for Luxury Limousines with Seating Capacity of Less than Eight.* Each Owner of a Luxury Limousine with a seating capacity of fewer than eight Passengers must maintain coverage for each Vehicle in an amount of not less than:

- (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
- (ii) \$500,000 per accident where one person is injured, and
- (iii) \$1,000,000 per accident for all persons injured in that accident.

- (4) *Coverage for For-Hire Vehicles with Seating Capacity of Sixteen or More.* Each Owner of a For-Hire Vehicle with a seating capacity of at least 16 Passengers (not including the Driver) must maintain coverage for each Vehicle owned 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 section 5102 of the New York State Insurance Law

- (ii) \$5,000,000 minimum liability for bodily injury or death to one or more persons, and because of injury to or destruction of property in any one accident, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law

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| §59A-12(c)(3)&(4) | Fine: \$350 and suspension until compliance | Appearance REQUIRED |
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(d) *Report of Collisions to Carrier and the Commission.*

- (1) *Report to Carrier.* A For-Hire Vehicle Owner must immediately report in writing to Owner's insurance carrier all Collisions that are required to be reported to the insurance carrier involving Owner's For-Hire Vehicle(s).

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| §59A-12(d)(1) | Fine: \$500-\$1,000 | Appearance REQUIRED |
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(2) *Report to Commission.*

- (i) A For-Hire Vehicle Owner must immediately report in writing to the Commission all Collisions that are required to be reported to the Department of Motor Vehicles (*under §605 of the Vehicle and Traffic Law*) involving Owner's Vehicle(s).
- (ii) A copy of the report sent to the Department of Motor Vehicles must also be provided to the Commission within 10 days from the date by which the Owner is required to file the report with the DMV.

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| §59A-12(d)(2) | Fine: \$150 and \$25 for each day of violation thereafter and suspension until compliance | Appearance REQUIRED |
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### §59A-13 Compliance with Law – Personal Conduct

(a) *Bribery Prohibited.*

- (1) *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.

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| §59A-13(a)(1) | Fine: Revocation and \$10,000 | Appearance REQUIRED |
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- (2) *Demand for Gratuity.* 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.

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| §59A-13(a)(2) | Fine: \$1,000 up to Revocation | Appearance REQUIRED |
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- (3) *Offer of Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control, or baggage handling, whether or not the person or persons are employed by the Port Authority of New York and New Jersey, LIRR, Metro-North, or any similar entity.

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| §59A-13(a)(3) | Vehicle Owner Fine: \$250 – 1,000 | Appearance REQUIRED |
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- (b) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

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| §59A-13(b) | Fine: \$350-1,000 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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- (c) *Willful Acts of Omission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

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| §59A-13(c) | Fine: \$150-\$350 and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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- (d) *Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform any act that is against the best interests of the public, although not specifically mentioned in these Rules.

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| §59A-13(d) | Fine: \$150 - \$350 and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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- (e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

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| §59A-13(e) | Fine: \$350-1,000 and suspension up to 30 days | Appearance REQUIRED |
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- (f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person.

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| §59A-13(f) | Fine: \$500-1,500 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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- (g) *Threat or Harm to Service Animal.* A Licensee must not distract, harm or use physical force against or attempt to distract, harm or use physical force against a Service Animal accompanying a person with a disability.

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| §59A-13(g) | Fine: \$500-1,500 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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(h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission within 15 calendar days after any felony conviction of the Licensee, or of any of Licensee's officers or members.
- (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.

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| §59A-13(h) | Fine: \$50 | Appearance NOT REQUIRED |
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(i) *Failure to Cooperate with Law Enforcement.*

- (1) A Licensee must cooperate with all law enforcement officers and all authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

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| §59A-13(i) | Fine: \$15-\$150 | Appearance REQUIRED |
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(j) *Cooperation with the Commission.* A Licensee must comply with the following required actions:

- (1) Answer truthfully all questions and comply as directed with all communications, directives, and summonses from the Commission or its representatives.
- (2) Within five business days following a request from the Commission, produce any Licenses or other documents the Licensee is required to have.

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| §59A-13(j)(1)&(2) | Fine: \$300 and Suspension until compliance | Appearance REQUIRED |
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- (3) Within 48 hours, a Licensee must respond to any contact from the Commission, seven days a week.

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| §59A-13(j)(3) | Fine: \$500 | Appearance NOT REQUIRED |
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(k) *Courtesy.* A Licensee will be courteous to Passengers.

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| §59A-13(k) | Fine: \$150 | Appearance NOT REQUIRED |
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- (l) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

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| §59A-13(l) | Fine: \$10,000 and revocation. | Appearance NOT REQUIRED |
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- (m) *Retaliation.*

(1) A For-Hire Vehicle Owner must not retaliate against any Driver for making a good faith complaint against any Owner.

(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.

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|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-13(m) | Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for the second violation within five years. | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

#### **§59A-14 Compliance with Law – Miscellaneous**

- (a) *Alcohol and Drug Laws.* A For-Hire Vehicle Owner must 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.

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| §59A-14(a) | Fine: \$10,000 and revocation | Appearance REQUIRED |
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- (b) *Payment of all Fines and Judgments.* The holder of a For-Hire Vehicle License issued under this Chapter must satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a Qualified Jurisdiction or for a violation of the regulations of a Qualified Jurisdiction.

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| §59A-14(b) | Penalty: Suspension until satisfaction or payment | Appearance NOT REQUIRED |
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- (c) *Commercial Motor Vehicle Tax*

(1) An owner must pay the Commercial Motor Vehicle Tax due as described in paragraphs (2) and (3) of this subdivision on an Owner's Vehicle as and when required by the Commission in these Rules.

(2) An Owner must pay the amounts required in subdivision (g) of Section 59A-07 of this Chapter, including interim payments, if any.

(3) An Owner must also pay any additional Commercial Motor Vehicle Tax amount for any tax year or period which the New York City Department of Finance has notified the Commission is due and unpaid.

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| §59A-14(c) | Fine: \$400 and suspension until compliance | Appearance NOT REQUIRED |
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**§59A-15 RESERVED (Operations – Base Station Business Premises)**

**§59A-16 RESERVED (Operations – Management Oversight (Use of Agents))**

**§59A-17 Operations – Service Requirements (Customers)**

- (a) *No Required Ride-Sharing.* An Owner of a For-Hire Vehicle must not require that any prospective Passenger share a ride with another prospective Passenger.

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|------------|--------------------|-------------------------|
| §59A-17(a) | Vehicle Fine: \$50 | Appearance NOT REQUIRED |
|------------|--------------------|-------------------------|

**§59A-18 Operation – Responsibilities with Respect to Drivers**

- (a) *“Restricted Area”.* For the purposes of this subdivision, “restricted area” is defined as all public streets and sidewalks located on either side of the street on which the Vehicle’s affiliated Base is located or within the city block front where the Base is located, including both sides of the street on which the Base is located.

- (b) *Obey Traffic Rules in Restricted Area.* The Owner of a For-Hire Vehicle must make sure that the Driver and Vehicle will obey all applicable traffic and parking regulations within the “restricted area.”

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| §59A-18(b) | Vehicle Owner Fine: \$50 | Appearance NOT REQUIRED |
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- (c) *Obey Noise, Littering and General Nuisance Laws.* The Owner of a For-Hire Vehicle must make sure that the Driver and the Vehicle will not create a nuisance while stopped at the Base, such as engaging in horn honking, littering, or playing loud audio material within the “restricted area.”

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|------------|--------------------------|-------------------------|
| §59A-18(c) | Vehicle Owner Fine: \$50 | Appearance NOT REQUIRED |
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- (d) *Business Requirements – Nondiscrimination.* No Owner of a For-Hire Vehicle may discriminate against or impose any negative consequences on a Driver based on whether or not the Driver chooses to operate a For-Hire Vehicle with an Interior Advertising System, or based on the brand or affiliation of the Interior Advertising System. Negative consequences and/or discrimination include but are not limited to: refusing to lease a For-Hire Vehicle to a Driver, imposing an additional charge for leasing a For-Hire Vehicle without an Approved Electronic Tablet, reducing the compensation provided to the Driver, either directly or indirectly through manipulating the number or type of rides assigned to the Driver, or disciplinary action.

|            |                                                                                                           |                         |
|------------|-----------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-18(d) | Penalty:<br>First Violation: \$1,000 fine<br>Second Violation: \$1000 and/or Suspension for up to 30 days | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------|-------------------------|



## **§59A-19 Operations – Trip Record Information**

- (a) *Record-Keeping with Issuing Jurisdictions.* Both of the following entities must ensure the requirements set forth in subdivision (b) below are met:
- (1) The holder of a For-Hire Vehicle License issued by the Commission for a Vehicle used in for hire transportation between New York City and an Issuing Jurisdiction
  - (2) The holder of an Issuing Jurisdiction Vehicle License issued by a Qualified Jurisdiction for a vehicle used in For-Hire transportation between New York City and the Qualified Jurisdiction
- (b) *Issuing Jurisdiction's Trip Record.* The entities identified in (a) above must ensure that a record is made of each trip between New York City and the Issuing Jurisdiction. This record must contain:
- (1) A record is made prior to the commencement of the trip in the Trip Record carried in the vehicle.
  - (2) The record is kept for a period of no less than one year after the trip.
  - (3) The record is written legibly in ink and includes the following information:
    - (i) The Passenger's name or other identifier
    - (ii) The time of the scheduled pick-up of the Passenger
    - (iii) The location of the scheduled pick-up of the Passenger
    - (iv) The locations of any intermediate stops at which the Passenger is picked up or dropped off
    - (v) The final destination of the Passenger
    - (vi) The time the trip was completed.

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|------------|-------------|-------------------------|
| §59A-19(b) | Fine: \$300 | Appearance NOT REQUIRED |
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## **§59A-20 Operations – Current Contact Information**

- (a) *Mailing Address and Email Address.*

- (1) A Vehicle Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days of the change.

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|---------------|---------------------------|-------------------------|
| §59A-20(a)(1) | Vehicle Owner Fine: \$100 | Appearance NOT REQUIRED |
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- (2) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the For-Hire Vehicle Owner.

(b) *Capacity for 24-Hour Access.*

- (1) A For-Hire Vehicle Owner must maintain a current telephone number on file with the Commission.
- (2) This number must be connected to an answering machine or must be a pager number, an answering service telephone number, or something similar that allows the Commission to reach the Vehicle Owner on a 24-hour basis.
- (3) A Vehicle Owner must have a working Email Address at all times.

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|------------|---------------------------|-------------------------|
| §59A-20(b) | Vehicle Owner Fine: \$100 | Appearance NOT REQUIRED |
|------------|---------------------------|-------------------------|

**§59A-21 Leasing a For-Hire Vehicle**

- (a) A For-Hire Vehicle Owner may lease a Vehicle to a Driver, or otherwise make a Vehicle available to a Driver for use in exchange for compensation, for any period of time if the Owner complies with the provisions of this section.

- (1) Written records required under this section must be provided to the Driver who is leasing or otherwise obtaining the use of the Vehicle and must be maintained in hard copy or electronically.

(b) *Lease Must Be in Writing.*

- (1) All leases, including any amendments, must be in writing and signed by the lessor and leasing Driver. Electronic signatures are permissible for electronic leases.
- (2) A copy of the fully executed lease must be provided to the leasing Driver upon lease execution and upon the Driver's request.

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|-----------------|-------------------------------|-------------------------|
| §59A-21(b)(1-2) | Fine: \$500 per missing lease | Appearance NOT REQUIRED |
|-----------------|-------------------------------|-------------------------|

- (3) *Terms.* The lease must provide:

- (i) The beginning date and time and ending date and time of the lease.

- (ii) All costs and possible fees that may be charged by the lessor.
  - (A) For each cost and fee that will be charged, the lease must provide in clear and unambiguous language an explanation of the cost or fee.
  - (B) For each cost and fee that may be charged, the lease must provide in clear and unambiguous language an explanation of the conditions that will result in the imposition of such cost or fee.
  - (C) If a cancellation fee is included in the lease, the lease must specify the minimum prior notice that must be provided by Drivers to avoid the cancellation fee.
  - (D) The lease must specify if the Driver will be responsible for physical damage to the vehicle. However, if the lessor Owner receives compensation for damages to the Vehicle incurred from an entity other than the Driver, any amount previously paid by the Driver as compensation for damages must be refunded to the Driver.
  - (E) If the lease includes the conditional purchase of the Vehicle, the lease must provide the Vehicle sales price and an itemized total of all other fees and costs to be paid before title to the Vehicle will be passed to the Driver.
  - (F) If the lessor permits subleasing, all restrictions on subleases must be specified in the lease. These restrictions must include, at a minimum, that only Drivers with a Valid TLC License may sublease the Vehicle.
  - (G) If a security deposit is included in the lease, the terms and costs of the security deposit must be specified in the lease, including all costs that may be reimbursed from the security deposit. The lease must provide the number of days after termination of the lease, not to exceed 30 days, when the lessor will return the security deposit.
- (4) *Overcharges.* Every lease must contain clearly legible notice that overcharging a Driver is prohibited by the Commission's Rules, and that complaints of overcharges may be made to the Commission or by calling 311.

- (5) RESERVED (limitations on costs and fees related to the lease of a For-Hire Vehicle)

|                 |                                                                                                                                                                                                                                                                                                                     |                     |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59A-21(b)(3-5) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the lessor to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance REQUIRED |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

(c) *Fees Charged to Drivers.*

- (1) A lessor may require payment of only those costs and fees provided in the lease. Requiring payment of costs and fees not provided in the lease is an overcharge.
- (2) A lessor cannot charge, request or accept a tip.
- (3) A lessor cannot require payment of a summons not written to the Driver, except the following summonses issued to the Vehicle Owner:
  - (i) Any parking tickets or red light violations issued during the lease if the Driver was provided an opportunity to dispute the ticket; and
  - (ii) Fines for violation of Rule 59B-26(a), provided that such fine was assessed because of the conduct of the Driver, and provided further the lessor is able to show that the Driver had notice of the inspection date, and provided further that the lease clearly states that inspection of the Vehicle as required by Rule 59B-26(a) is the responsibility of the Driver.

|                 |                                                                                                                                                                                                                                                                                                                     |                     |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59A-21(c)(1-3) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the lessor to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance REQUIRED |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (4) *Vehicle Availability.* The lease payment must be pro-rated if the Vehicle is unavailable for use during any part of the term of the lease for any reason that is not the lessee's responsibility.

|               |                                                                                                                                                                                                                                                                                                                     |                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59A-21(c)(4) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the lessee to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance REQUIRED |
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- (5) *Interior Advertising System Revenue.* A lessor cannot charge, request or accept any fee from a driver for revenue generated from an Interior Advertising System.

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|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-21(c)(5) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the lessor must pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance NOT REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

(d) *Driver Earnings.*

- (1) Driver earnings received by the lessor must be remitted to the Driver. The lessor may only deduct costs and fees from the Driver's earnings if those costs and fees are specified in the lease as required in subdivision (b) of this section and the lease further provides that such costs and fees will be withheld from the Driver's earnings.

|               |                                                                                                                                                                                                                                                                |                     |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59A-21(d)(1) | Fine: First violation: \$200<br>Second violation: \$300<br>Third violation: \$500<br>In addition to the penalty payable to the Commission, the Hearing Officer must order the lessor to pay restitution to the Driver, equal to the amount owed to the Driver. | Appearance REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (2) Drivers must be paid earnings within one week of a trip's completion.

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|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-21(d)(2) | Fine: \$100<br>In addition to the penalty payable to the Commission, the Hearing Officer must order the lessor to pay restitution to the Driver, equal to the cost to the Driver. | Appearance NOT REQUIRED |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (e) *Written Receipt.* For every financial transaction completed under the lease or these Rules, the lessor must give a written receipt to the Driver.

- (1) The receipt must include the name of the Driver and the Vehicle license number.
- (2) 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 and calculations showing how the amount was determined;

- (iv) The purpose of the payment or deduction;
- (v) The number of the section of this chapter or provision of the lease that authorizes the payment or deduction; and
- (vi) For leases including the conditional purchase of the Vehicle, an accounting of the portion of each payment made under the lease that is devoted to the conditional purchase of the Vehicle, the cumulative amount paid towards the conditional purchase of the Vehicle, and the number of payments remaining.

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|------------|---------------------------------|---------------------|
| §59A-21(e) | Fine: \$200 per missing receipt | Appearance REQUIRED |
|------------|---------------------------------|---------------------|

- (f) *Records Maintenance.* A lessor must maintain for a period of three years from the date a lease expires or is cancelled:

- (1) A copy of the executed lease and any lease amendments;
- (2) Records of all itemized earnings paid to Drivers;
- (3) Records of all itemized payments received from Drivers;
- (4) Records of all itemized security deposit withholdings; and
- (5) Records of all Drivers subleasing the Vehicle, including the dates and times of the sublease, the subleasing Drivers' names, DMV license number and TLC Driver License number.

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|------------|-----------------------------------|---------------------|
| §59A-21(f) | Fine: \$100 for each missing item | Appearance REQUIRED |
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- (g) *Collective Bargaining Exception.* The provisions of this section do not apply to lessors and Drivers whose business relationship is governed by the terms of a collective bargaining agreement.

## **§59A-22 RESERVED (Operations – Reporting Requirements)**

## **§59A-23 Operations – Rates and Tolls**

- (a) *Tolls – How Tolls are Paid.*

- (1) All For-Hire Vehicles must be equipped with a New York MTA Bridges & Tunnels EZ-Pass®.
- (2) When a For-Hire Vehicle drives through a toll plaza with an EZ-Pass®, MTA Bridges & Tunnels will automatically deduct the cost of the toll from an account maintained by the EZ-Pass® tag holder.

(3) Passengers must pay for the toll, but only must 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.

(b) *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 during the trip except for trips as follows:

A. From the Rockaway Peninsula over the Cross Bay Veterans Bridge to Queens

B. From the Rockaway Peninsula over the Marine Parkway – Gil Hodges Memorial Bridge to Brooklyn

C. From Staten Island over the Verrazzano Narrows Bridge to Brooklyn

(ii) Two times the amount of the toll if incurred during the trip:

A. From Queens over the Cross Bay Veterans Bridge to the Rockaway Peninsula

B. From Brooklyn over the Marine Parkway – Gil Hodges Memorial Bridge to the Rockaway Peninsula

C. From Brooklyn over the Verrazzano Narrows Bridge to Staten Island

(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 §80-17(a) of these rules and will be subject to the penalties provided in section 80-02(e) of these rules.

(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 penalties provided for violation of §80-15(d)(4) of these rules.

(5) In addition to any other penalty permitted, the Commission can order restitution to a passenger or the EZ-Pass® tag holder.

## §59A-24 Operations – EZ-Pass® Required

- (a) *EZ-Pass® Account.* All For-Hire Vehicle 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”).

|            |                                             |                     |
|------------|---------------------------------------------|---------------------|
| §59A-24(a) | Fine: \$100 and suspension until compliance | Appearance REQUIRED |
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- (b) *EZ-Pass® Tags Required on all For-Hire Vehicles.*

- (1) For-Hire Vehicle Owners must either:
  - (i) Equip all of Owner’s For-Hire Vehicles 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 their personal EZ-Pass® tag.
- (2) For-Hire Vehicle Owners must have available at least one MTA Bridges and Tunnels tag for each of their For-Hire Vehicle licenses.
- (3) Owners must maintain a sufficient balance in their EZ-Pass® account, according to what is required by the EZ-Pass program.

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| §59A-24(b) | Fine: \$100 and suspension until compliance | Appearance REQUIRED |
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- (c) *Driver Provides EZ-Pass® Tag.*

- (1) A Driver can choose to use their own EZ-Pass® tag.
- (2) If a Driver uses their 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) *For-Hire Vehicle Owner Provides EZ-Pass® Tag.*

- (1) *Funds Accrue to Owner.* When a For-Hire Vehicle 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 For-Hire Vehicle Owner.
  - (i) If the customer pays by cash, the Driver will forward the money to the For-Hire Vehicle Owner at the end of the shift or lease.
  - (ii) If the customer pays by credit or debit card, the For-Hire Vehicle Owner will retain any amount paid for toll(s).



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| §59A-24(d)(1) | Fine: \$250 | Appearance NOT REQUIRED |
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(2) *For-Hire Vehicle Owner can Require Driver to Maintain a “Replenishment” Account.*

- (i) A For-Hire Vehicle Owner who is the EZ-Pass® tag holder can require a Driver who is Dispatched in one of Owner’s For-Hire Vehicles for one or more shifts to maintain an EZ-Pass® replenishment account with the For-Hire Vehicle Owner.
- (ii) The For-Hire Vehicle 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 For-Hire Vehicle Owner.
- (iii) The For-Hire Vehicle Owner can collect from the replenishment account any tolls paid by the For-Hire Vehicle Owner’s EZ-Pass® account for a tag assigned to a Taxicab operated by the Driver, for which the For-Hire Vehicle Owner has not been reimbursed.
- (iv) Any funds held in the replenishment account that are not used to reimburse the For-Hire Vehicle Owner must be returned to a Driver within 30 days after the termination of the Driver’s lease with the For-Hire Vehicle Owner.
- (v) An Agent has the same rights and obligations as a For-Hire Vehicle Owner under this paragraph §58-27(d)(2).

|               |                                                                                                                           |                         |
|---------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-24(d)(2) | Fine: \$250 plus restitution to the Driver of any replenishment account improperly retained by the For-Hire Vehicle Owner | Appearance NOT REQUIRED |
|---------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------|

## §59A-25 Operations – Miscellaneous Operating Requirements

(a) *Passenger Trips by Pre-Arrangement Only.*

- (1) No For-Hire Vehicle Owner will allow Owner’s Vehicle(s) to transport Passengers for hire other than through pre-arrangement with a Base licensed by the Commission.
- (2) A For-Hire Vehicle Owner will be liable for penalties for any violation of this section.

|            |                                                                                                                                                                                   |                         |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-25(a) | 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. | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

## §59A-26 Vehicles – Inspections

### (a) *Tri-Annual Inspections.*

- (1) For-Hire Vehicles must be regularly inspected three times every year, including at least once every four months. Section 59A-04(e)(1) and (f)(1) specifies that inspections required for new and renewal applications must be done at the Commission's Safety and Emissions Division facility, except as specifically set forth in Section 59A-04(e) and (f); the other required inspections can be done at any DMV registered facility.
- (2) *Exception for vehicles seating 10 or more passengers (including the driver) and stretched vehicles.* A Vehicle which either:
  - (i) seats 10 or more passengers and is not exempt from NYS Department of Transportation operating authority and inspection requirements, or
  - (ii) has been modified after manufacture and which is not exempt from NYS Department of Transportation operating authority and inspection requirements must be inspected two times a year by the NYS Department of Transportation. Each Inspection will be performed as required by the NYS Department of Transportation and its regulations.

|            |                                                                                                                                                                                         |                     |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59A-26(a) | Fine: \$100 and suspension of the Vehicle Owner License until any defect found is corrected or until the vehicle passes inspection, including any applicable inspection by the NYS DOT. | Appearance REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (b) *On-Street Inspections.* Any officer or employee of the Commission designated by the Chairperson or any police officer can conduct on-street inspections of any For-Hire Vehicle operating within New York City to assure compliance with all applicable laws and rules and can order the Vehicle to report to the Commission's inspection facility.

|            |                                                                                                                       |                         |
|------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59A-26(b) | Fine: Suspension of For-Hire Vehicle License or recognition of issuing jurisdiction vehicle License until compliance. | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------|

## §59A-27 Vehicles – Meets Safety Standards

### (a) *Unsafe or Unfit Vehicles.*

- (1) No For-Hire Vehicle can be used in a For-Hire Vehicle service when the Commission or the New York State DMV has determined that the vehicle is unsafe or unfit for use as a For-Hire Vehicle and the Owner has been directed to remove the vehicle from service.
- (2) If the Chairperson has determined that the Vehicle is unsafe or unfit, the Decals will be confiscated by the Chairperson.
- (3) If the New York State DMV 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 can order the Vehicle to report to the Commission's inspection facility.
- (5) The License of an Owner who operates a vehicle that has been determined to be unsafe or unfit will be summarily suspended.

|            |                                                                                    |                     |
|------------|------------------------------------------------------------------------------------|---------------------|
| §59A-27(a) | Fine: \$100 – 350 and/or suspension up to 30 days;<br>Suspension until compliance. | Appearance REQUIRED |
|------------|------------------------------------------------------------------------------------|---------------------|

- (b) *Seat and Shoulder Belts.* Each For-Hire Vehicle must have all seat belts and shoulder belts clearly visible, accessible, and in good working order.

|            |                   |                     |
|------------|-------------------|---------------------|
| §59A-27(b) | Fine: \$100 – 250 | Appearance REQUIRED |
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- (c) *Shoulder Belts Required.* In addition to seat belts for each seating position and shoulder belts for both outside front seat positions, all For-Hire Vehicles must be equipped with shoulder belts for both outside Passenger rear seat positions.

|            |                   |                     |
|------------|-------------------|---------------------|
| §59A-27(c) | Fine: \$100 – 250 | Appearance REQUIRED |
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- (d) *Correct Defect Directives.* A For-Hire Vehicle Owner must comply with all Commission notices and directives to correct defects in the Vehicle.

|            |                                                                      |                     |
|------------|----------------------------------------------------------------------|---------------------|
| §59A-27(d) | Fine: \$50 and suspension until the defective condition is corrected | Appearance REQUIRED |
|------------|----------------------------------------------------------------------|---------------------|

- (e) *Daily Personal Inspection by Owner.* A For-Hire Vehicle Owner must not permit a For-Hire Vehicle to be operated without daily personal inspection and reasonable determination that all equipment, including brakes, lights, signals, and Passenger seatbelts and shoulder belts, are in good working order and meet all the requirements of the New York State Vehicle and Traffic Law and these Rules.

|            |                                                                                             |                         |
|------------|---------------------------------------------------------------------------------------------|-------------------------|
| §59A-27(e) | Fine: \$150 if plead guilty before a hearing;<br>\$200 if found guilty following a hearing. | Appearance NOT REQUIRED |
|------------|---------------------------------------------------------------------------------------------|-------------------------|

## **§59A-28 Vehicles –Miscellaneous Requirements and Vehicle Retirement**

### **(a) *Post-Manufacture Alterations.***

- (1) No For-Hire Vehicle can be altered after manufacture:
  - (i) To increase its length, width, weight or seating capacity, or
  - (ii) To modify its chassis and/or body design,
- (2) *Exception for all types of Vehicles:* A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:
  - (i) The modification has been made under a program approved in advance by the original vehicle manufacturer, and
  - (ii) The alteration has been performed by an entity approved and certified by the vehicle manufacturer to perform such alterations.
  - (iii) An original, unaltered, approved vehicle modifier's certification sticker must be affixed to the Vehicle on the left center post or hinge post.
- (3) *Exception for Vehicles seating 10 or more passengers (including the driver) and NOT exempt from NYS DOT Requirements:*

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

- (i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.
- (ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.
- (iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.
- (iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application

and renewal as required by section 59A-04(e) and (f) of this Chapter.

- (v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
  - (vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
  - (vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
  - (viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
  - (ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.
- (4) *Exception for Vehicles seating 10 or more passengers (including the driver) and exempt from NYS DOT Requirements:*

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

- (i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
- (ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
- (iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
- (iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
- (v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.

(5) *Exception for modified Vehicles seating 9 or fewer and exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

- (i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
- (ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
- (iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
- (iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
- (v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.

(6) *Exception for modified Vehicles seating 9 or fewer and NOT exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

- (i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.
- (ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.
- (iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.

- (iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.
- (v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
- (vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
- (vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
- (viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
- (ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.

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| §59A-28(a) | Vehicle Owner Fine: \$10,000 and License suspension until compliance if alteration is not approved or revocation if the vehicle is not brought into compliance within 30 days. | Appearance REQUIRED |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

(b) *Proper Vehicle Identification Required.*

- (1) *License Plate Number Matches.* The license plate number on the motor vehicle tax stamp, on the state registration certificate, and on the Commission Decals must match each other and must match the number on the license plates applied to the Vehicle.

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| §59A-28(b)(1) | Fine: \$200 if plead guilty before a hearing;<br>\$300 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (2) *Vehicle Identification Number Matches.* The last six digits of the vehicle identification number (VIN) on the Commission Decals must match the last six digits of the VIN on the state registration, and the VIN on the Vehicle.

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| §59A-28(b)(2) | Fine: \$100 | Appearance NOT REQUIRED |
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- (3) *T & LC License Plates.* A For-Hire Vehicle that is registered in New York must have New York State license plates affixed to the Vehicle that are embossed with the legend “T & LC.”

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| §59A-28(b)(3) | Fine: \$100 - \$350 and Suspension until compliance | Appearance NOT REQUIRED |
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- (c) *Two-Door Vehicles Prohibited.* No For-Hire Vehicle can be a two door vehicle.

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| §59A-28(c) | Fine: Suspension of the Vehicle Owner License | Appearance REQUIRED |
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## §59A-29 Vehicles – Markings & Advertising

- (a) *Valid License Decals.*

- (1) Three Valid Commission License Decals must be plainly visible and affixed to the Vehicle in the following locations:
  - (i) One Decal must be on the lower front right side of the windshield
  - (ii) One Decal must be on the lower rear corner of each of the two rear quarter windows; if there are no rear quarter windows, the Decals must be on the lower rear window just above the rear door.
  - (iii) The Decals must be affixed by Commission staff.
- (2) New Decals must be placed on the Vehicle by the Commission Safety and Emissions Division:
  - (i) When the License is renewed;
  - (ii) If the Vehicle is replaced, changes affiliation, or changes its license plates.
- (3) *Exception for Luxury Limousines.* Any For-Hire Vehicle that is a Luxury Limousine will only be required to have a single Commission Decal affixed to the lower right side of the front windshield.

|            |                                                                                                                                                                                                                          |                         |
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| §59A-29(a) | Failure to have proper Decal(s):<br>\$500 for the first offense in 12 months<br>\$1,000 for the second and subsequent offenses within a 12-month period and suspension of the For-Hire Vehicle License until compliance. | Appearance NOT REQUIRED |
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- (b) *Valid Registration Sticker.* A Valid registration sticker from an authorized state motor vehicle department must be affixed to the left front windshield so as to be plainly visible.



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| §59A-29(b) | Fine: \$100 | Appearance NOT REQUIRED |
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- (c) *Inspection Sticker.* A Valid New York State DMV inspection sticker that has no fewer than eight months left before the sticker expires must be plainly visible on the front left side of the front windshield.

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| §59A-29(c) | Vehicle Owner Fine: \$100 and suspension of the Vehicle Owner License until any defect found is corrected<br>Penalty Points: 1. | Appearance REQUIRED |
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- (d) *Prohibited Colors for Vehicle Exteriors.* No For-Hire Vehicle can be, in whole or in part, any shade of Taxicab yellow and no For-Hire Vehicle not licensed and Valid to operate as a Street Hail Livery can be, in whole or in part, any shade of Apple Green as authorized for use with a Street Hail Livery provided in Chapter 82 of these Rules.

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| §59A-29(d) | Fine: \$350 for the first violation; \$500 for the second violation in 24 months; revocation for the third violation in 36 months | Appearance REQUIRED |
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- (e) *Prohibited Advertising.*

- (1) An Owner must not display any advertising on the exterior or the interior of a For-Hire Vehicle unless the advertising has been authorized by the Commission and a License has been issued to the Owner following the provisions of the Administrative Code.
- (2) The Commission will not approve any advertising for the exterior of a For-Hire Vehicle that consists, in whole or in part, of roof top advertising.
- (3) An Owner must not display or attempt to display any advertising on the interior of a For- Hire Vehicle unless the advertising has been authorized by the Commission and a License has been issued to the Interior Advertising Provider in accordance with the provisions of Sub-Chapter 59E of this chapter.

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| §59A-29(e) | Fine: \$100 if plead guilty before a hearing;<br>\$200 if found guilty following a hearing | Appearance NOT REQUIRED |
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- (f) *Motor Vehicle Tax Stamp.*

- (1) For Vehicles registered with the Department of Motor Vehicles prior to April 30, 1999, a Valid NYC commercial use motor vehicle tax stamp must be affixed to the front right side of the windshield of the Vehicle so as to be plainly visible.

- (2) For Vehicles registered after April 30, 1999, the Owner must show proof that the required commercial use motor vehicle tax for the current tax period has been paid.

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| §59A-29(f) | Fine: \$100 | Appearance NOT REQUIRED |
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- (g) *Base Station Affiliation Signs.* For-Hire Vehicles must identify their Affiliated Base Station on the exterior of the Vehicle as follows:

- (1) The name of the Base Station, its License number and telephone number in one of the following ways:
- (i) In letters and numerals at least one-and-one-half inches in height, on the outside of a door or doors on both sides of the Vehicle, below the windows and at least six inches above the bottom of the door(s);
  - (ii) In letters and numerals at least one inch in height in one location on the rear of the Vehicle below the rear window, and at least six inches above the bottom of the rear of the Vehicle, or
  - (iii) Both on the doors and rear of the Vehicle.
- (2) The letters and numerals must be of a color that contrasts with the color of the body of the Vehicle so that it is easy to see and read.
- (3) Lettering and numbering must be spaced to provide easy legibility and, if placed on doors on both sides of the Vehicle must be identical on both sides of the livery.
- (4) All Decals must be semi-permanent adhesive stickers.
- (5) *Exemption.* Luxury Limousines and Black Cars are exempt from the requirements of this subdivision.

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| §59A-29(g) | Fine: \$25 | Appearance NOT REQUIRED |
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- (h) *Required Signage for Accessible Vehicles.* Any Accessible Vehicle licensed by the Commission must display signs that identifies the Vehicle as an Accessible Vehicle. The signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

- (1) 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 Vehicle
- (2) Must be visible to Passengers entering the accessible Vehicle

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| §59A-29(h) | Fine: \$75 | Appearance NOT REQUIRED |
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- (i) *Required Signage for Clean-Air Vehicles.* Any Clean Air For-Hire Vehicle licensed by the Commission must display signs that identify the Vehicle as a Clean Air Vehicle. The signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:
- (1) 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 Vehicle
  - (2) Must be visible to Passengers entering the clean air vehicle

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| §59A-29(i) | Fine: \$75 | Appearance NOT REQUIRED |
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- (j) *Required Sticker.* Each For hire-vehicle must display an internal safety sticker, with the following inscription: "Turning? People are Crossing." The dimensions of the sticker are 3.5 inches wide by 2.5 inches high. The sticker must be obtained pursuant to the instructions on the Commission's website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:
- (1) On the inside of the front windshield, in the center and adjacent to the top of the windshield directly behind the rearview mirror.
  - (2) In such a manner not to obstruct the driver's view.

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| §59A-29(j)(1) and (2) | Fine: \$75 | Appearance NOT REQUIRED |
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- (k) *Optional Sticker.* For hire-vehicles may display an optional external sticker, with the following inscription: "The choices you make behind the wheel matter." The dimensions of the sticker are 15 inches wide by 4 inches wide. The sticker may be obtained pursuant to the instructions on the Commission's website or through other appropriate means announced on the website. If displayed, the sticker must be placed on the Vehicle as follows:
- (1) On the rear bumper of the vehicle.
- (l) *Required Sticker.* Each For Hire-Vehicle must display an internal safety sticker, with the following inscription: "ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison." The dimensions of the sticker are 8.0 inches wide by 2.0 inches high. The sticker must be obtained pursuant to the instructions on the Commission's website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

- (1) Incorporated into the Livery Bill of Rights.

The provisions of this subdivision do not apply to black cars and luxury limousines.

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| §59A-29(l)(1) | Fine: \$50 if plead guilty before a hearing,<br>\$75 if found guilty following a hearing | Appearance NOT REQUIRED |
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- (m) *Optional Sticker.* Each For Hire-Vehicle may display an external safety sticker, with the following inscription: “Taxi and Limousine Drivers Are Protected By New York State Law ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 3.5 inches wide by 3.5 inches high. The sticker may be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

- (1) On a rear passenger window.

- (n) *Required Decal.* Each For-Hire Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will include the language “Induction loop installed. Switch hearing aid to T-coil.” The decal will be placed as follows:

- (1) As directed by the Chairperson.

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| §59A-29(n)(1) | Fine: \$50 if plead guilty before a hearing,<br>\$75 if found guilty following a hearing | Appearance NOT REQUIRED |
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- (o) *Required Decal.* Each For-Hire Vehicle must display decals provided by the Commission warning passengers to look for cyclists before opening the door. Such decals must be placed on the inside of both rear passenger doors.

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| §59A-29(o) | Fine: \$50 if plead guilty before a hearing;<br>\$75 if found guilty following a hearing. No<br>penalty for missing decal if condition is<br>corrected within 10 days | Appearance NOT REQUIRED |
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### **§59A-30 Vehicles – Items Required to be in Vehicle**

- (a) *Required Items.* Each For-Hire Vehicle must have:

- (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
  - (ii) The insurance card or a legible copy of it
- (2) A protective holder to display the TLC Driver License attached to the back of the driver's seat.
- (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 the TLC Driver License.
  - (ii) The TLC Driver License 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.

|                   |                                                                                                            |                     |
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| §59A-30(a)(1)-(3) | Fine: \$50 for each violation of this rule; however, no fine for a violation of this rule can exceed \$100 | Appearance REQUIRED |
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- (4) *Livery Passengers' Bill of Rights.*
  - (i) Every Livery Vehicle Owner must post a Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.
  - (ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.
  - (iii) The Livery Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

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| §59A-30(a)(4) | Fine: \$100 if plead guilty before a hearing;<br>\$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (5) *Modified Vehicles.* If the Vehicle has been modified after manufacture and IS exempt from NYS Department of Transportation inspection and authorization requirements, a copy of the valid exemption letter from the NYS Department of Transportation must be kept in the Vehicle at all times.

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| §59A-30(a)(5) | Fine: \$100. | Appearance NOT REQUIRED |
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(b) *Trip Record.*

- (1) The Trip Record required in §59A-19(b) of this Chapter must be kept in the Vehicle during any trip between New York City and an Issuing Jurisdiction, including a trip through either New York City or an Issuing Jurisdiction.
- (2) On request, the Trip Record must be presented for inspection to any police officer or peace officer acting in his or her special duties or to other persons authorized by the Commission or by the Issuing Jurisdiction.
- (3) Failure to present the Trip Record as required when requested by an authorized person will be presumptive evidence of an unlicensed operation.

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| §59A-30(b) | Fine: \$300 | Appearance NOT REQUIRED |
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**§59A-31 Vehicle – Equipment**

- (a) *Heating and Air Conditioning.* The Owner of a For-Hire Vehicle must be responsible for ensuring that the Vehicle is equipped with functioning heating and air conditioning equipment.

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| §59A-31(a) | Fine: \$50 | Appearance NOT REQUIRED |
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- (b) *Roof Light.* A For-Hire Vehicle must not be equipped with a roof light, except for a Vehicle that operates primarily in Staten Island and is affiliated with a Base located in Staten Island. A roof light on a Staten Island Vehicle must be approved.

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| §59A-31(b) | Fine: \$350 – first violation<br>\$500 – second violation in 24 months Revocation for third violation in 36 months | Appearance REQUIRED |
|------------|--------------------------------------------------------------------------------------------------------------------|---------------------|

- (c) *Taximeter.* No For-Hire Vehicle can be equipped with a Taximeter except a wheelchair accessible Livery which is participating in the dispatch program as described in Chapter 3 of this title or a Street Hail Livery pursuant to Section 59B-51 of this Chapter.

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| §59A-31(c) | Fine: \$50 | Appearance NOT REQUIRED |
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- (d) *Distress Signaling Light – Livery Vehicle.*

- (1) *Requirement.* Livery Vehicles must be equipped with a help or distress signaling light system as required by the specifications in §59C-03 of these Rules.

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| §59A-31(d) | Fine: \$175 and suspension until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC's Safety and Emissions Division. | Appearance NOT REQUIRED |
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- (e) *Electronic Dispatching Device.* In addition to the dispatch equipment required by the Vehicle's affiliated Base pursuant to §59B-15(d)(1) of these Rules, a For-Hire Vehicle may be equipped with the following electronic device(s) provided that that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:
- (1) If the dispatch equipment required by the Vehicle's affiliated Base is capable of accepting dispatches from other Bases, *ONE* electronic device that is used to accept dispatches from a Base.
  - (2) If the dispatch equipment required by the Vehicle's affiliated Base is not capable of accepting dispatches from other Bases, *TWO* electronic devices that are used to accept dispatches from a Base.
- (f) *Approved Electronic Tablet.* A For-Hire Vehicle may be equipped with one Approved Electronic Tablet pursuant to §59E-22(i), provided that the device is mounted in a fixed position and not hand-held, and provided further that the Driver's use of the Approved Electronic Tablet is limited to either voice or preprogrammed buttons while the vehicle is in motion.

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| §59A-31(f) | Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing. | Appearance NOT REQUIRED |
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## **§59A-32 REPEALED Vehicle Equipment – Partitions for Livery Vehicles**

## **§59A-33 Vehicle Equipment – In-Vehicle Camera System (IVCS)**

- (a) *Required Signage About In-Vehicle Camera System.* Each For-Hire Vehicle equipped with an in-vehicle camera system must display Decals on each rear Passenger window, visible to the outside, that contain the following information in letters at least one-half inch high: "This vehicle is equipped with camera security. You will be photographed."

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| §59A-33(a) | Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. | Appearance NOT REQUIRED |
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## **§59A-34 RESERVED (Taxicab Specific Vehicle Equipment)**

## **§59A-35 Penalty Points for For-Hire Vehicles**

- (a) *Four Penalty Points Requires License Revocation.* The License of any For-Hire Vehicle that accumulates four penalty points for violations during any License term will be revoked.
- (b) *Points Accrued but not Assessed Before Renewal.*
  - (1) If points are imposed *after* a Vehicle License has been renewed based on a violation that occurred *before* the renewal, the points will be added to the total points accumulated by the Vehicle *before* its renewal.
  - (2) If the additional Points raise the total number to four or more Points, the Vehicle License will be revoked.
- (c) *Revocation Process.*
  - (1) The Chairperson can begin revocation proceedings whenever a Licensee has been assessed four or more points during the current term of that License.
  - (2) The Licensee's License can also be revoked as part of the decision imposing the final point necessary for revocation.
  - (3) At any time revocation of a Base License is mandated and the last penalty point arises from the same incident that created the For-Hire Vehicle License revocation mandate, separate proceedings must be held for the Base License revocation and the Vehicle License revocation.
- (d) The Chairperson will develop a point reduction program applicable to Vehicles and Bases.
- (e) No penalty points will be imposed for violations occurring before August 1, 2009.

#### **§59A-36 Storage of For-Hire Vehicle Licenses**

- (1) *Short-Term For-Hire Vehicle License Storage Program.*
  - (a) *Description of Program.* A Licensee may put their For-Hire Vehicle License in storage with the Commission for up to 90 days once during every two year license term, during which time the TLC will not enforce insurance or inspection requirements set forth in this sub-chapter 59A, or pursuant to any other applicable TLC rules, subject to the following terms.
  - (b) *Application, Criteria and Approval.* In order to be placed into the Short-Term For-Hire Vehicle License Storage Program:



- (i) All suspensions must be cleared, and the licensee must pay all fines and fees due to TLC,
- (ii) Plates must be surrendered to the DMV within 60 days prior to the storage date,
- (iii) The licensee must submit an application as set forth by the Commission, and
- (iv) Licenses with pending transfers will not be permitted to go into storage.

(c) *Removal from Storage.* To remove a license from storage, a Licensee must submit an application as prescribed by the Commission, and if the period the license is in storage exceeds the renewal date, the licensee must complete all renewal requirements.

(d) *Licenses Remaining in Storage at the End of the Storage Period.* Any For-Hire Vehicle License not taken out of storage when the 90-day period has ended will be subject to fines and suspension for failure to follow directives to exit the storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the 90-day storage period has ended.

(2) *COVID-19 For-Hire Vehicle License Storage Program, End of Program.*

(a) *End of Program.* The COVID-19 For-Hire Vehicle License Storage Program established in 2020 ends on August 31, 2023.

(b) *Licenses Remaining in Storage at the End of the Program.* Any For-Hire Vehicle License not taken out of storage when the COVID-19 For-Hire Vehicle License Storage Program ends on August 31, 2023 will not be transferred to the new Short-Term For-Hire Vehicle License Storage Program. For-Hire Vehicle Licenses in storage after the program end date, August 31, 2023, that are not expired will be subject to fines and suspension for failure to follow directives to exit the storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the program has ended.

## **§59B-01 Scope of this Sub-chapter**

- (a) To establish the procedures, rules and regulations for obtaining and maintaining a For-Hire Base License.
- (b) To provide penalties for violations of the rules and requirements for maintaining a For-Hire Base License.

## **§59B-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 (except as provided in this Sub-chapter), or
    - (ii) Any person who does not hold a License or Authorization from the Commission;
  - (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 Respondent is found guilty of the violation, unless:
    - (i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.
  - (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

### §59B-03 Definitions Specific to this Sub-chapter

- (a) *Applicant* in this Sub-chapter means an Applicant for an original or renewal For-Hire Base License.
- (b) Base Agreement is any agreement or terms or conditions a Driver or Vehicle owner must accept or agree to in order to receive a dispatch from the For-Hire Base, any costs or fees the Driver or Vehicle owner must pay to a For-Hire Base, or any schedules or formulas used to calculate Driver or Vehicle owner earnings.
- (c) *Black Car* is a Vehicle that affiliates with a Black Car Base or with a High-Volume For-Hire Service.
- (d) *Black Car Base* is a “central dispatch facility” (as the term is defined in New York Executive Law, §160-cc) and For-Hire Base, excluding a High-Volume For-Hire Service, 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.
- (e) *Black Car Fund* is the New York Black Car Operators’ Injury Compensation Fund, Inc. established under Article 6-F of the NYS Executive Law.
- (f) *Driver* in this Sub-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,
  - (4) A High-Volume For-Hire Service.
- (h) *For-Hire Driver* in this Sub-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) *Independent Base Station* is a Livery Base Station that is designated as an independent livery base under §18-c of the NYS Workers' Compensation Law because it has joined the Livery Fund.
- (k) *Independent Livery Driver* is the Driver of a Livery which is affiliated with an Independent Base Station.
- (l) *License* in this Sub-Chapter means a For-Hire Base License.
- (m) *Livery* is a For-Hire Vehicle that is affiliated with a Livery Base Station.
- (n) *Livery Base Station* ("Base" or "Base Station") is a For-Hire Base that operates as follows:
  - (1) Livery Vehicles are dispatched from the Base on a pre-arranged basis.
  - (2) 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.
- (o) *Livery Fund* is the independent livery driver benefit fund established under Article 6-G of the NYS Executive Law.
- (p) *Luxury Limousine* is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.
- (q) *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.
- (r) *Mailing Address* for a For-Hire Base will be the Base address.
- (s) *Owner* in this Sub-chapter refers to a For-Hire Base Owner. An Owner can be a Business Entity or a person.

- (t) *Penalty Point* is a non-monetary penalty assessed against either a Base Owner or the Owner of a For-Hire Vehicle if they are convicted of certain violations in this Chapter.
- (u) *Respondent* means an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being unfit to hold a License.
- (v) *Vehicle* in this Sub-chapter refers to a For-Hire Vehicle.

#### **§59B-04 Licensing – General Requirements**

- (a) ***Reserved.*** Identification.
- (b) ***Reserved.*** Age.
- (c) *Fingerprinting to Verify Good Moral Character.*
  - (1) *Initial Applicants.* An individual or all Limited Business Entity Persons of a Business Entity applying for a Base License must be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services.
  - (2) *Review of Criminal History.* The criminal history must be reviewed in a manner consistent with Article 23-A of the New York State Correction Law.
  - (3) *Additions or Changes to Applicant.* Before or within five days after any change or addition to the Limited Business Entity Persons of a Business Entity Licensee:
    - (i) The Licensee must file an application with the Commission for approval of the change or addition on forms that are prescribed by the Commission.
    - (ii) The new Limited Business Entity Person(s) must be fingerprinted as required by this subdivision.
  - (4) The Applicant or Licensee must pay any processing fee required.
- (d) ***Reserved.*** Designate Drivers as Agents to Receive Service.
- (e) *Bond Required.*
  - (1) Before a For-Hire Base License will be issued or renewed, the Applicant must provide the Commission with a bond in the amount of \$5,000 with one or more sureties to be approved by the Commission.

- (2) The bond must be for the benefit of New York City and must guarantee the following:
  - (i) The Licensee will dispatch only vehicles that are currently licensed by the Commission and that have a current New York City commercial use motor vehicle tax stamp.
  - (ii) The Licensee will pay all civil penalties owed for violating any provision of this Chapter.
- (3) The bond will permit the Commission to draw upon the bond to pay any penalties owed by the Base for any violation of this Chapter that has not been paid when due or after completion of any appeal.
  - (i) The Chairperson will give the Base Owner 30 days' notice before drawing upon the bond to pay any penalty.
  - (ii) If the Commission has to draw on the bond, the Base Owner will be assessed one Penalty Point.
- (4) The bond must be maintained by the Base Owner for the term of the License.

|            |                                                                                                       |                         |
|------------|-------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-04(e) | Fine: \$250 for failure to post or maintain bond; Penalty Points: One Penalty Point for draw on bond. | Appearance NOT REQUIRED |
|------------|-------------------------------------------------------------------------------------------------------|-------------------------|

(f) *Payment of Fines and Fees.*

- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
  - (i) the Commission,
  - (ii) NYC Department of Finance's Parking Violations Bureau,
  - (iii) NYC Department of Finance's Red Light Camera Unit,
  - (iv) NYS DMV's Traffic Violations Bureau and
  - (v) any of their successor agencies.
- (2) This requirement includes payment of fines and fees owed as of the date of the application by
  - (i) any Business Entity Persons of the Applicant
  - (ii) any Business Entity of which the Applicant is a Business Entity Person, and

- (iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.
- (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (g) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:
  - (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.* If the Applicant is a corporation, it must file with its application:
    - (i) A certified copy of its certificate of incorporation
    - (ii) A list of officers and shareholders
    - (iii) A certified copy of the minutes of the meeting at which the current officers were elected.
  - (3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:
    - (i) A copy of its articles of organization
    - (ii) A copy of its operating agreement
    - (iii) A list of the members, with the percentages of the Applicant owned by each.
- (h) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.
- (i) *Fit to Hold License.* An Applicant (including the individual, Business Entity or any Limited Business Entity Persons) must demonstrate that they are Fit to Hold a License.

#### **§59B-04.1 Licensing—Issuance of Street Hail Livery Base Licenses**

- (a) *Issuance of Licenses.* The Commission can issue up to 450 Street Hail Livery Base Licenses. The Commission can re-issue any Street Hail Livery Base Licenses when such licenses are revoked, surrendered, not renewed or otherwise terminated by a holder or the Commission.

(b) Initial Issuance Period

- (1) *Priority to Licensed Bases.* During the one month period following issuance of the first Street Hail Livery License which is the Initial Street Hail Livery Base Issuance Period, only a Livery Base that is licensed by the Commission and is in good standing can obtain a Street Hail Livery Base License.
- (2) *Good Standing.* For purposes of the Street Hail Livery Base Issuance Period Initial, a Livery Base is in good standing and may participate in the issuance if the Base:
  - (i) Has been continuously in operation as a Licensed Livery Base for at least three years on the date of Street Hail Livery Base License application and
  - (ii) Has no outstanding fines, summonses or suspensions as of the date of the application for the Street Hail Livery Base License.

(c) Second Issuance Period

- (1) *Priority to Licensed Livery and Paratransit Bases.* During the Second Street Hail Livery Base Issuance Period (that is, the five month period following the Initial Street Hail Livery Base Issuance Period), a Street Hail Livery Base License can be issued only to the following types of bases and only if those bases are in good standing.
  - (i) A Livery Base
  - (ii) A Paratransit Base
  - (iii) A Commuter Van Service
- (2) *Good Standing.* For purposes of the Second Street Hail Livery Base Issuance Period, a base is in good standing and may participate in the issuance if that base:
  - (i) Has been continuously in operation as a Licensed Livery Base or Paratransit Base or Commuter Van Service for at least three years on the date of Street Hail Livery Base License application and
  - (ii) Has no outstanding fines, summonses or suspensions as of the date of the application for the Street Hail Livery Base License.

(d) Issuance following Initial and Second Issuance Periods.

- (1) After the Street Hail Livery Base Initial and Second Issuance Period, any person or Business Entity can apply for a Street Hail Livery Base License.

(e) Each Applicant for a Street Hail Livery Base License must meet all the requirements of this Chapter.



- (f) An Applicant which also holds a Paratransit Base License or Commuter Van Service Authorization must continue to comply with requirements applicable to such license for all vehicle dispatched under that license.

#### **§59B-04.2 Licensing—Street Hail Livery Base Can Act as Representative**

- (a) Upon notice to the Commission, in a manner prescribed by the Commission, the Owner of a Street Hail Livery License may designate an individual Owner of a Street Hail Livery Base with which such Owner of a Street Hail Livery License is affiliated, or a Limited Business Entity Person of a Business Entity that owns a Street Hail Livery Base with which such Owner of a Street Hail Livery License is affiliated, to appear before the Commission as a representative of such Owner of a Street Hail Livery License. Upon notice to the Commission and in a manner prescribed by the Commission, an applicant for a Street Hail License seeking to affiliate with a Street Hail Livery Base may designate an individual Owner of a Street Hail Livery Base with which such applicant is seeking to affiliate, or a Limited Business Entity Person of a Business Entity that owns a Street Hail Livery Base with which such applicant is seeking to affiliate, to appear before the Commission as a representative of such applicant. The scope of such representation is limited to business transactions related to licensing and transfers of vehicle affiliations with a Street Hail Livery License, and excludes transactions for the initial purchase of a Street Hail Livery License or transfer of ownership of or interests in a Street Hail Livery License.

#### **§59B-05 Licensing – Special Requirements for Livery Base Stations and Street Hail Livery Bases**

- (a) *Fitness to Hold a License.*
  - (1) An Applicant for a License to operate a Livery Base Station must demonstrate to the satisfaction of the Commission that the Applicant is fit to operate a Base Station.
  - (2) The Commission will consider:
    - (i) The ability of the Applicant to adequately manage the Base Station,
    - (ii) The Applicant's financial stability,
    - (iii) Whether the Applicant operates or has previously operated a Licensed Base Station and the manner in which that Base Station was operated.
  - (3) The Commission will also consider any relevant information maintained in the records of the Department of Motor Vehicles or the Commission.
- (b) *Off-Street Parking.* An Applicant for a License to operate a Livery Base Station must demonstrate to the satisfaction of the Commission that the operator of the Base Station will

comply with the provision to provide and use lawful off-street facilities as described in §59B-15(j).

- (c) *Local Review.* A determination by the Commission to approve an application for a new or renewal License to operate a Livery Base Station will not become final until the determination has been subject to review by the New York City Council, as follows:
  - (1) Upon receipt of an application for a new or renewal Livery Base Station License, the Commission will, within five business days, submit a copy of the application to the City Council and to the district office of the City Council member and the community board for the area in which the Base Station is or would be located.
  - (2) Within five days of a decision to approve a new or renewal Base Station License, the Commission will send to the City Council and to the district office of the Council member within whose district that Base Station is or would be located:
    - (i) A written copy of the approval decision.
    - (ii) Copies of the data, information, and other materials the Commission relied on to make the decision.
  - (3) *Action by City Council. [Admin Code §19-511.1]*
    - (i) Within 90 days of the first scheduled meeting following receipt of the decision and back-up data, the Council can adopt a resolution to review the decision and can approve or disapprove it.
    - (ii) If the Council fails to act within the 90-day period, the Commission's decision will become final.
- (d) *Submit Business Plan – Livery Base Only.* A Livery Base Station must submit a business plan with each application for a new or renewal License or for a change of ownership of the Base Station License. The business plan must include:
  - (1) *Contact Information.* The business name, address, telephone number, email address and 24-hour contact number for the Base Station;
  - (2) *Plans for Ensuring Compliance with Commission Rules.*
    - (i) A general description of how the Base Station intends to monitor and ensure that the Base Station itself, its affiliated Vehicle Owners, and the Drivers operating the affiliated Vehicles comply with these Rules;
    - (ii) A specific plan for assuring that affiliated Vehicles and their Drivers provide transportation only through pre-arrangement made with the Base

- (iii) A specific description of how the Base plans to prevent its affiliated Vehicles and their Drivers from accepting street hails
- (3) *Plans for Preventing Recurrence of Past Violations.* A description of how the Base Station intends to prevent a recurrence of any Rule violations that occurred during the current and previous (if any) term(s) of its License.
- (4) *Off-Street Parking.* Policies and procedures regarding off-street parking, including:
  - (i) The address of the Livery Base's off-street parking location
  - (ii) How far the off-street parking location is from the Livery Base.
  - (iii) How the Base will encourage its affiliated Vehicles to use the Livery Base's off-street parking location, and
  - (iv) How the Livery Base will ensure that the affiliated Vehicles not using the off-street parking location do not violate applicable traffic and parking regulations when they are in the area around the Base Station.
- (5) *Number of Vehicles.*
  - (i) Renewal Applicants must include the number of Vehicles currently affiliated with the Base Station
  - (ii) New Applicants must include the number of Vehicles they expect to be affiliated with the Base Station when it obtains the License
  - (iii) Both new and renewal Applicants must include an estimate of the average number of Vehicles they expect to be affiliated with the Base during the term of the License
  - (iv) A Street Hail Livery Base can affiliate both Street Hail Liveries and other For-Hire Vehicles if it is also a Base or Street Hail Liveries and Paratransit Vehicles if it is a Paratransit Base.
- (6) *Number of Trips.*
  - (i) A renewal Applicant must include the average number of requests currently received and the average number of trips currently dispatched on a daily basis.
  - (ii) A new Applicant must include an estimate of average number of requests it expects to receive and the average number of trips it expects to dispatch on a daily basis when it obtains the License.

- (iii) Both new and renewal Applicants must include an estimate of the average requests they expect to receive and the average number of trips they expect to dispatch on a daily basis during the term of the License;
- (7) *Customer Service.* A description of how calls will be answered, rides dispatched, and complaints handled;
- (8) *Hours of Operation.*
  - (i) The hours during which the Base will be providing transportation,
  - (ii) The hours the Base office will be open;
- (9) *Rates.* A Rate Schedule in a form and format approved by the Chairperson, including, for a Street Hail Livery Base, rates applicable to Street Hail Liveries when dispatched on a Pre-Arranged Trip; provided that a Street Hail Livery Base doing no pre-arranged business is not required to file a Rate Schedule.
- (10) *Miscellaneous.* Any other matters 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.

#### **§59B-06 Licensing – Term of License**

##### **(a) *New Base License Term.***

- (1) The term of a new For-Hire Base License will expire three years after the last day of the month in which the new License is issued.
- (2) Example:
  - (i) A new Applicant files on October 10, 2009.
  - (ii) The Commission approves the application on December 15, 2009.
  - (iii) No action is taken by the City Council within its 90-day period (by March 15, 2010), and the Commission issues a License on March 24, 2010.
  - (iv) That License would expire on March 30, 2013.

##### **(b) *Base License Renewal Term.***

- (1) A License issued to a renewing Applicant on or after July 2, 2009 will expire three years after the date on which the previous License expired.
- (2) A License issued prior to July 2, 2009 will expire two years after the date on which the previous License expired.

(c) *When to File for Renewal.*

- (1) A renewing Applicant must file a completed application *at least* 60 days before the expiration date of the License.
- (2) Application Submission Date.
  - (i) Applications filed online: The date of submission is the date an application is filed online.
  - (ii) Applications filed by mail: The date of submission is the postmark date.
  - (iii) Applications filed in person: The date of submission is the date an application is filed in person.
- (3) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(d) *Extensions.*

- (1) If a timely application for renewal of a License has been made as required in subdivision (c), above, the Chairperson will extend the effectiveness of the License until review of the renewal application is completed.
- (2) The effectiveness of the License during this extended period applies even if the application is ultimately denied.
- (3) If an extended License renewal application is approved, the renewal License expiration date will be based on the original expiration date of the License and not the extended date.

(e) *Suspended Licenses.*

- (1) If a License is suspended, the Licensee must apply for renewal as required in (c) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.
- (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.
- (3) The suspended Base License holder must notify all vehicle owners that are affiliated with the suspended Base of the suspension within five days of the imposition of that suspension.

(f) *Street Hail Livery Base Licenses.*

- (1) *Suspension, Revocation, or Failure to Renew.* If an underlying Base License or Paratransit Base License or Commuter Van Service Authorization is suspended or revoked as a result of the imposition of a penalty under this or another Chapter of these Rules, or if the underlying License fails to be renewed for any reason, the suspension, revocation or failure to renew is also applicable to the Street Hail Livery Base License.
  - (2) A Street Hail Livery Base License will expire three years after the date it was issued or earlier if it, or the underlying Base License or Paratransit Base License or Commuter Van Service Authorization, is revoked or surrendered or is not renewed.
  - (3) Upon issuance of a Street Hail Livery Base License:
    - (i) the underlying Base License or Paratransit Base License term will be pro-rated (and the License fee for that License will be pro-rated which means an additional fee will be charged) so that the Base License will expire on the same date that the Street Hail Livery Base License expires. *Example.* The underlying Base License expires on 6/15/14. A Street Hail Livery Base License is issued to the Base on 6/16/12 and will expire on 6/15/15. The underlying Base License will be extended for one year and an additional 1 year license fee of \$500 will be charged. The underlying Base License and the Street Hail Livery Base License will both expire on 6/15/15.
- (g) *Exception.* This section shall not apply to High-Volume For-Hire Services. The License term for High-Volume For-Hire Services is specified in Section 59D-06 of these Rules.

**§59B-07 Licensing – Fees**

(a) *Base License Fee.*

- (1) The fee for the operation of a For-Hire Base is \$500 annually.
- (2) *Exception:* The fee for the operation of a Street Hail Livery Base is \$1000 annually for the Street Hail Livery Base License plus \$500 annually for the fee for a For-Hire Base License or Paratransit Base License or \$275 for a Commuter Van Service Authorization.
- (3) Upon issuance of a Street Hail Livery Base License:
  - (i) an underlying Base License term will be pro-rated (and the License fee for that License will be pro-rated which means an additional fee will be charged) so that the Base License will expire on the same date that the Street Hail Livery Base License expires.

- (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 the application.
- (d) *Base License Replacement Fee.* The Commission will charge a fee of \$25 for each replacement License.
- (e) *Exception.* This section shall not apply to High-Volume For-Hire Services. The License fee for High-Volume For-Hire Services is specified in Section 59D-07 of these Rules.
- (f) *Base Transfer Fee.* The fee for the transfer of a Base License or Ownership interest will be \$500.
- (g) *Name Change Fee.* The fee to change the name of a Base will be \$500.
- (h) *Relocation Fee.* The fee to change the location of a Base will be \$500.

#### **§59B-08 Licensing – Causes for Denial or Revocation**

- (a) *Material Misrepresentation.*
  - (1) The Commission can deny an application for a License or its renewal and revoke or suspend any License issued if it finds that an Applicant has made a material misstatement or misrepresentation on an application for a License or its renewal.
  - (2) The Commission must send notice and conduct a hearing before revoking or suspending any License already issued.
- (b) *Violation of NYS Franchise Act.*
  - (1) The Commission will not grant a License or renew a License when the base owner is offering and selling franchises in violation of the New York Franchise Sales Act (for the purposes of this subdivision, “Act”).
  - (2) The Commission can also suspend or revoke the License of any Base Owner found to have violated the Act.
  - (3) In determining whether a Base Owner is in violation of the Act, the Commission can rely upon the written advice of the New York State Department of Law certifying to the Commission that the Base Owner is in violation of the Act.
- (c) In determining whether a Base Owner is in violation of the Act, the Commission can rely upon the written advice of the New York State Department of Law certifying to the Commission that the Base Owner is in violation of the Act.

(d) *Livery Base Station—Criteria for Reviewing New Application.* In reviewing an application for a License to operate a Livery Base Station, the Commission will examine and consider the following factors:

(1) Any negative impact on Other Transportation Systems, including:

- (i) The adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public
- (ii) Any negative impact that the proposed operation might have on those existing services
- (iii) The extent and quality of service provided by existing, legally operating For-Hire Vehicles and Taxicabs

(2) Any negative impact on quality of life in the vicinity of the Base Station, including:

- (i) Traffic congestion
- (ii) Sidewalk congestion
- (iii) Noise.

(e) *Livery Base Station – Compliance with Rules.*

- (1) In reviewing an application to renew a Base Station License, the Commission will consider whether the Licensee has violated any applicable Rule of the Commission.
- (2) No Livery Base Station will be renewed if the Applicant has been found guilty of violating the off-street parking requirements described in §59B-15(j) of this Chapter.

(f) *Revocation for Livery Fund violations*

- (1) No Livery Base Station License will be issued to an Applicant if a Livery Base Station License previously held by Applicant was revoked for violations of Article 6-G of the NYS Executive Law.
- (2) A Livery Base Station License previously held by an Applicant includes any Livery Base Station License held by any Licensee in which any of Applicant's Limited Business Entity Persons was also a Limited Business Entity Person.
- (3) The ban on issuance will continue for five years following the revocation, and until



- (i) Any money owed to the Livery Fund on the account of the revoked License is paid or
  - (ii) The Livery Fund agrees on a payment plan for money owed to it.
- (g) *Failure to Complete Application Requirements.*
  - (1) The Chairperson will deny an application for a new Black Car Base or Luxury Limousine Base License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.
  - (2) The Chairperson will deny an application for a renewal Black Car Base or Luxury Limousine Base License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.
  - (3) The Chairperson will deny an application for a new or renewal Livery Base Station License if the Applicant has not completed all the requirements of an application and has not completed all the requirements for Licensing as a Livery Base Station set forth in Section 59B-05 of this Chapter within 90 days of Commission approval of the application.
  - (4) The Chairperson will not deny an application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.
- (h) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License to operate a Base Station, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

#### **§59B-09 Licensing – Transfer of an Ownership Interest in a For-Hire Base License**

- (a) *Transfer Requirements for All For-Hire Bases.* Any For-Hire Base License or Ownership interest in the Licensee can be transferred to a proposed transferee if all of the following conditions are met:
  - (1) The transferee demonstrates to the satisfaction of the Commission the qualifications to assume the duties and obligations of a Base Owner.
  - (2) All the outstanding fines, penalties, and other liabilities that the transferor owes to the Commission have been satisfied.

- (3) The Commission approves the transfer and any changes in corporate officers or directors.
  - (4) Both the transferor and transferee must appear in person as directed by the Chairperson to complete the transfer:
    - (i) A party who is an individual must appear in person
    - (ii) A party that is a partnership must be represented by a general partner
    - (iii) A party that is a corporation must be represented by a Limited Business Entity Person.
  - (5) No transfer or change will be effective until approved and the Chairperson has given notice of the approval to the Licensee.
- (b) *Additional Requirements for Transfers of a Livery Base Station.*
- (1) *Additional Bond for Tort Liabilities.* The transferor or the transferee files an additional bond to cover the transferor's tort liabilities (if any) that have arisen out of the operation of a Base Station, that remain outstanding and that exceed the amount covered by any bond or insurance policy already in effect.
  - (2) *Transferee Business Plan.* The transferee provides a business plan meeting the requirements in §59B-05(d) above.
  - (3) *Transfer While Judgment Pending.* No voluntary transfer of a Base Station 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 Government agency. However, the transfer can be permitted under one of the following conditions:
    - (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 with the Commission.
    - (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 have a legitimate interest.
  - (4) *Criteria for Approving Proposed Transferee.* In reviewing a proposed transfer of a Base Station License or of the ownership interest in the License, the Commission will consider the following:

- (i) The criminal history of the proposed transferee and of the transferee's Business Entity Persons, if any
  - (ii) Any relevant information maintained in the records of the DMV or the Commission
  - (iii) The transferee's financial stability
- (5) *Criteria for Denying Proposed Transferee.* A transfer will not be approved if, in the past two years, the proposed transferee or any Business Entity Person of the proposed transferee, where appropriate, has been found to have violated any law or rule involving any of the following:
  - (i) Assault of a Passenger, official, or member of the public in connection with any matter relating to a For-Hire Vehicle
  - (ii) Giving or offering an unlawful gratuity to a public servant, as defined in §10.00 of the NYS Penal Law
  - (iii) Providing the Commission with false information
  - (iv) Three unexplained failures to respond to an official communication from the Commission or the Department of Investigation that was sent by certified mail, return receipt requested
- (c) *Street Hail Livery Base Licenses Not Transferrable.*
  - (1) Street Hail Livery Base Licenses can only be used in connection with the specific entity to which they were initially issued (i.e. the specific Livery Base to which the Street Hail Livery Base License was initially issued) and cannot be transferred for use by any other entity.
  - (2) A change in the ownership structure of or an ownership interest in an owner of a Street Hail Livery Base License is valid only if the conditions of Section 59B-09(a) are met.

**§59B-10 RESERVED (Licensing – Care of Licenses)**

**§59B-11 Compliance with Law – No Unlicensed Activity**

- (a) *Base License Required.* No person or entity is permitted to operate a business as a Livery Base Station, Black Car Base or Luxury Limousine Base without a Valid For-Hire Base License from the Commission. No person or entity is permitted to operate a business as a Street Hail Livery Base without a Valid Street Hail Livery Base License from the Commission.

|            |                     |                     |
|------------|---------------------|---------------------|
| §59B-11(a) | Fine: \$200-\$1,500 | Appearance REQUIRED |
|------------|---------------------|---------------------|

|  |                                                                           |  |
|--|---------------------------------------------------------------------------|--|
|  | Penalty Point: 1<br>Administrative Code Penalties for Unlicensed Activity |  |
|--|---------------------------------------------------------------------------|--|

(b) *For-Hire Vehicle License and Commission License Plate.*

- (1) A Base Owner must not dispatch any For-Hire Vehicle unless:
  - (i) A Vehicle registered in NYS has license plates embossed with the legend “T & LC”
  - (ii) A Vehicle registered in a state other than New York has complied with any applicable license plate requirements.
  - (iii) The vehicle has a Valid For-Hire Vehicle License.
- (2) The Commission will post a list of Validly Licensed For-Hire Vehicles on its Web site.
- (3) In addition to the other requirements of this Rule, a Street Hail Livery Base Owner must not dispatch a vehicle to engage in the business of being a Street Hail Livery unless the vehicle has a Valid Street Hail Livery License.

|            |                                                                                                      |                         |
|------------|------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-11(b) | Base Owner Fine: \$300<br>Penalty Points: 1<br>Administrative Code Penalties for Unlicensed Activity | Appearance NOT required |
|------------|------------------------------------------------------------------------------------------------------|-------------------------|

(c) *Valid TLC Driver License Required.*

- (1) A Base Owner must not dispatch any Vehicle unless its driver possesses a Valid TLC Driver License.
- (2) The Commission will post on its Web site a list of Drivers holding Valid TLC Driver Licenses.
- (3) In addition to the other requirements of this Rule, a Street Hail Livery Base Owner must not dispatch a Vehicle to engage in the business of being a Street Hail Livery unless the Driver possesses a Valid TLC Driver License or, in the event the Vehicle is an Accessible Street Hail Livery, a Valid License to operate a Paratransit Vehicle.

|            |                                                                                                                      |                         |
|------------|----------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-11(c) | Base Fine: \$500 for the first violation in 12 months;<br>\$800 for each subsequent offense within a 12-month period | Appearance NOT REQUIRED |
|------------|----------------------------------------------------------------------------------------------------------------------|-------------------------|

(d) *Valid Chauffeur’s License Required.*

- (1) A Base Owner must not dispatch any Vehicle unless it is being driven by a Driver with a Valid Chauffeur’s License

- (2) A Vehicle Owner is responsible for knowing the status of the state-issued driver's license for any Driver dispatched in one of Owner's Vehicles.

|            |                                                                                                                 |                         |
|------------|-----------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-11(d) | Base Fine: \$500 except if the DMV status of the driver's license is not available on the Commission's website. | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------|-------------------------|

- (e) *Advertising of Unlicensed For-Hire Service.* A base owner must not hold him or herself out to the public as a for-hire service without a current License issued by the Commission for that activity. "For-Hire" service includes Livery, Black Car, High-Volume For-Hire or Luxury Limousine service.

|            |                                                                                                                                |                     |
|------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-11(e) | Fine: \$350 for the first violation;<br>\$500 for the second violation;<br>revocation for the third violation within 36 months | Appearance REQUIRED |
|------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (f) *Unapproved Transfer of Base Location.* A Base Owner who moves a Base to any location without the prior approval of the Commission is engaging in Unlicensed Activity.

|            |                                                                                          |                     |
|------------|------------------------------------------------------------------------------------------|---------------------|
| §59B-11(f) | Fine: \$200-\$1,500 and Suspension of Base License until compliance.<br>Penalty Point: 1 | Appearance REQUIRED |
|------------|------------------------------------------------------------------------------------------|---------------------|

## §59B-12 Compliance with Law – Workers' Compensation

- (a) *Livery Base Station.*

- (1) *Compliance with Workers' Compensation Law.*

- (i) Every Livery Base Station must either

(A) be a member of the Livery Fund or

(B) maintain coverage under the NYS Workers' Compensation Law for all drivers dispatched.

- (ii) Every Livery Base Station must maintain either Livery Fund membership or workers' compensation insurance coverage at all times.

- (iii) A Livery Base Station that is an Independent Base Station must be a member of Livery Fund. To prove it is a member of the Livery Fund, a Livery Base Station must submit to the Commission

(A) A copy of the affirmation given by the Livery Base Station to the Workers' Compensation Board as required by §18-c(2) of the NYS Workers' Compensation Law and

(B) A copy of any certificate of membership or similar documentation issued by the Livery Fund.

(iv) A Livery Base Station that is not an Independent Base Station must buy insurance providing compensation under the NYS Workers' Compensation Law for all drivers dispatched. To prove that it has bought insurance coverage, a Livery Base Station must submit to the Commission

(A) a current certificate of insurance and

(B) proof that the insurer is licensed by the NYS Insurance Department, together with a list of authorized signatories.

|               |                                                                                                                                  |                     |
|---------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(a)(1) | Fine: \$25 for each day of non-compliance up to \$5,000 and either suspension until compliance or Livery Base License revocation | Appearance REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------|

(2) *Audit of Independent Base Stations.* The Commission can audit any Independent Base Station as provided in §18-c(2)(g) of the NYS Workers' Compensation Law.

(3) *Coercion Prohibited.* An Independent Base Station must not coerce any driver or vehicle owner into making false statements or refrain from reporting any violation of Article 6-G of the NYS Executive Law.

|               |                                                                                                                |                     |
|---------------|----------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(a)(3) | Fine: \$1,000-\$5,000 and or suspension of Livery Base License and membership in Livery Fund for up to 2 years | Appearance REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------|---------------------|

(4) *Enforcement on Request.* The Commission will enforce the provisions of this paragraph (4) only at the request of the Livery Fund or the NYS Workers' Compensation Board. The Livery Fund or NYS Workers' Compensation Board can ask the Commission to enforce these rules by filing a complaint against a Livery Base. The complaint will include documentation of the violation.

(i) An Independent Base Station must pay any assessment by the Livery Fund within 30 days of the assessment.

|                  |                                                                                                                                                                                                                                                       |                     |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(a)(4)(i) | Fine: \$500 for each 30 days after notice payment is overdue, plus payment of the overdue amount plus interest on such amount at 12% per annum, together with either suspension until compliance or revocation of license and Livery Fund membership. | Appearance REQUIRED |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

(ii) If an Independent Base Station License is suspended or revoked for failure to pay an assessment, the License cannot be reinstated, and the Independent Base Station cannot apply for a new or renewal license until:

(A) The Independent Base Station pays any money it owes to the Livery Fund  
or

(B) The Livery Fund agrees on a payment plan for money owed to it.

(iii) An Independent Base Station must not make a materially false statement in the sworn affirmation required by §18-c(2) of the Workers' Compensation Law.

|                    |                                                                                                                                            |                     |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(a)(4)(iii) | Fine: \$1,000-\$10,000 and/or Livery Base License revocation for up to 5 years for first offense and permanent bar to licensure for second | Appearance REQUIRED |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

(iv) Any Independent Base Station found to have made a materially false statement under (iii) of this subparagraph on two separate occasions may not apply for or hold a Livery Base Station License.

(v) An Independent Base Station must not make any material misrepresentation about

(A) the number of Vehicles affiliated with the Independent Base Station,

(B) the number of owners of such Vehicles, or

(C) the number of drivers dispatched by the Independent Base Station.

(D) Material misrepresentation includes any temporary alteration of records to reduce the numbers of vehicles or drivers.

|                  |                                                                                                                  |                     |
|------------------|------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(a)(4)(v) | Fine: \$1,000-\$5,000 and/or Livery Base License suspension or Livery Base License revocation for up to 2 years. | Appearance REQUIRED |
|------------------|------------------------------------------------------------------------------------------------------------------|---------------------|

(5) *Cessation of Benefits to Drivers.* Upon filing with the Workers' Compensation Board to end the payment of benefits to the Driver of an affiliated Vehicle who has recovered from a disability and is ready to return to work, a Base Owner must provide the Driver with documentation that benefits have been stopped in order for the Commission to return that Driver's License.

|               |                   |                     |
|---------------|-------------------|---------------------|
| §59B-12(a)(5) | Fine: \$100-\$250 | Appearance REQUIRED |
|---------------|-------------------|---------------------|

(b) *Black-Car Bases, Luxury Limousine Bases, and High-Volume For-Hire Services.*

(1) *Membership in the Black Car Operators' Injury Compensation Fund.*

(i) Every Black Car Base, Luxury Limousine Base, and High-Volume For-Hire Service must become and remain a member of the Black Car Fund and must register with the Department of State as a Member of the Black Car Fund.

- (ii) This provision does not apply to a Black Car or Luxury Limousine Base that owns fifty (50%) percent or more of the Vehicles it dispatches.

|               |                                                                                                                                        |                     |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(b)(1) | Fine: \$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation | Appearance REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (2) *Submit Certificate of Registration with the Fund.* Every Black Car Base, Luxury Limousine Base, and High-Volume For-Hire Service must:

- (i) Provide the Commission with a copy of its certificate of registration with the Black Car Fund.
- (ii) Pay to the Department of State all fees due as required by State law.

|               |                                                                                                                                        |                     |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(b)(2) | Fine: \$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation | Appearance REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (3) *Bill and Collect Surcharge.* Every Black Car Base, Luxury Limousine Base, and High-Volume For-Hire Service member of the Black Car Fund must, for every trip dispatched from that Base, bill and collect the surcharge established by the Black Car Fund and required by State law in the manner prescribed by the Black Car Fund and State law.

|               |                                                                                                                                                                                               |                     |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(b)(3) | Fine: \$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation, together with revocation of Black Car Fund membership | Appearance REQUIRED |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (4) *Remit Surcharges.* Every Black Car Base, Luxury Limousine Base, and High-Volume For-Hire Service must forward to the Black Car Fund all surcharges due and owing under paragraph (3), above, no later than the 15<sup>th</sup> day of the month following the month in which the surcharge is collected.

|               |                                                                                                                                                                                                                                                                                                      |                     |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-12(b)(4) | Fine: \$500-\$5,000 for each 20 days the payment is overdue, and suspension until compliance or revocation, together with restitution to the Black Car Fund of any unpaid amount, together with interest at the rate of 12 percent per annum, together with revocation of Black Car Fund membership. | Appearance REQUIRED |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (5) *Comply with all Rules of the Black Car Fund.* Every Black Car Base, Luxury Limousine Base, and High-Volume For-Hire Service must comply with all applicable provisions of law governing the Black Car Fund, and all rules and regulations.

|               |                                                                    |                     |
|---------------|--------------------------------------------------------------------|---------------------|
| §59B-12(b)(5) | Fine: \$500-\$10,000 and suspension until compliance or revocation | Appearance REQUIRED |
|---------------|--------------------------------------------------------------------|---------------------|



- (6) *Enforcement at Black Car Fund's Request.* The Black Car Fund can ask the Commission to enforce these rules by filing a complaint against a Black Car Base, Luxury Limousine Base, or High-Volume For-Hire Service. The complaint will include documentation of the violation.

(c) *Street Hail Livery Bases.*

- (1) Every Street Hail Livery Base must comply with the NYS Workers' Compensation Law and maintain the coverage required.

**§59B-13 Compliance with Law – Personal Conduct**

(a) *Bribery Prohibited.*

- (1) *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.

|               |                               |                     |
|---------------|-------------------------------|---------------------|
| §59B-13(a)(1) | Fine: Revocation and \$10,000 | Appearance REQUIRED |
|---------------|-------------------------------|---------------------|

- (2) *Demand for Gratuity.* 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.

|               |                                |                     |
|---------------|--------------------------------|---------------------|
| §59B-13(a)(2) | Fine: \$1,000 up to Revocation | Appearance REQUIRED |
|---------------|--------------------------------|---------------------|

- (3) *Prohibited Offer of Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control, or baggage handling.

|               |                                     |                     |
|---------------|-------------------------------------|---------------------|
| §59B-13(a)(3) | Base Fine: \$1,000 up to revocation | Appearance REQUIRED |
|---------------|-------------------------------------|---------------------|

- (b) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

|            |                                                                 |                     |
|------------|-----------------------------------------------------------------|---------------------|
| §59B-13(b) | Fine: \$350-1,000 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
|------------|-----------------------------------------------------------------|---------------------|

- (c) *Deliberate 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.

|            |                                                     |                     |
|------------|-----------------------------------------------------|---------------------|
| §59B-13(c) | Fine: \$150 - \$350 and/or suspension up to 30 days | Appearance REQUIRED |
|------------|-----------------------------------------------------|---------------------|

|  |               |  |
|--|---------------|--|
|  | or revocation |  |
|--|---------------|--|

- (d) *Deliberate 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.

|            |                                                                   |                     |
|------------|-------------------------------------------------------------------|---------------------|
| §59B-13(d) | Fine: \$150 - \$350 and/or suspension up to 30 days or revocation | 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.

|            |                                                |                     |
|------------|------------------------------------------------|---------------------|
| §59B-13(e) | Fine: \$350-1,000 and suspension up to 30 days | 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.

|            |                                                                 |                     |
|------------|-----------------------------------------------------------------|---------------------|
| §59B-13(f) | Fine: \$500-1,500 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
|------------|-----------------------------------------------------------------|---------------------|

- (g) *No 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.

|            |                                                                 |                     |
|------------|-----------------------------------------------------------------|---------------------|
| §59B-13(g) | Fine: \$500-1,500 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
|------------|-----------------------------------------------------------------|---------------------|

- (h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission within 15 calendar days after any felony conviction of the Licensee or of any of Licensee's officers or members.
- (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.

|            |            |                         |
|------------|------------|-------------------------|
| §59B-13(h) | Fine: \$50 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

- (i) *Failure to Cooperate with Law Enforcement.* A Licensee 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 Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

|            |                  |                     |
|------------|------------------|---------------------|
| §59B-13(i) | Fine: \$15-\$150 | Appearance REQUIRED |
|------------|------------------|---------------------|

- (j) *Failure to Cooperate with the Commission.*

- (1) A Licensee must truthfully answer all questions and comply with all communications, directives, and summonses from the Commission or its representatives.
- (2) Within five business days following a request from the Commission, a Licensee must produce any Licenses or other documents the Licensee is required to have.
- (3) Licensee must aid the Commission in obtaining information it seeks regarding Drivers or Vehicles affiliated with the Base.

|                   |                                             |                     |
|-------------------|---------------------------------------------|---------------------|
| §59B-13(j)(1)-(3) | Fine: \$200 and suspension until compliance | Appearance REQUIRED |
|-------------------|---------------------------------------------|---------------------|

- (4) Within 48 hours, a Licensee must respond to any contact from the Commission, seven days a week.

|               |             |                         |
|---------------|-------------|-------------------------|
| §59B-13(j)(4) | Fine: \$500 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|

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

|            |             |                         |
|------------|-------------|-------------------------|
| §59B-13(k) | Fine: \$150 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (l) *MTA Tax*

- (1) The MTA Tax must be charged on any Hail Trip in a Street Hail Livery 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

- (2) A Street Hail Livery Base must ensure that the Taximeter in each Street Hail Livery affiliated with the Base is adjusted to properly collect the MTA Tax for Hail Trips.

- (3) A Street Hail Livery Base must collect the MTA Tax due for each Hail Trip made by a Street Hail Livery affiliated with that Base from the Driver of the Street Hail Livery.
- (4) A Street Hail Livery Base must remit all MTA Taxes due to the NYS Department of Taxation and Finance together with such returns as are required by NYS Department of Taxation and Finance as and when such taxes are due.

|            |                                                           |                     |
|------------|-----------------------------------------------------------|---------------------|
| §59B-13(l) | Fine: \$1,000 per vehicle and suspension until compliance | Appearance REQUIRED |
|------------|-----------------------------------------------------------|---------------------|

- (m) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

|            |                                |                         |
|------------|--------------------------------|-------------------------|
| §59B-13(m) | Fine: \$10,000 and revocation. | Appearance NOT REQUIRED |
|------------|--------------------------------|-------------------------|

- (n) *Retaliation.*

- (1) A For-Hire Vehicle Base must not retaliate against any Driver or Vehicle owner for making a good faith complaint against any Base.
- (2) Retaliation will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or Vehicle owner or withholding or withdrawing any beneficial condition or consequence from the Driver or Vehicle Owner.

|            |                                                                                                                                                                                                                     |                         |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-13(n) | Fine: \$1,000 plus restitution to the driver or vehicle owner for losses for the first violation and a fine of \$10,000 plus restitution to the driver or vehicle owner for the second violation within five years. | Appearance NOT REQUIRED |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

#### **§59B-14 Compliance with Law – Miscellaneous**

- (a) *Alcohol and Drug Laws.* A Base Owner must 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.

|            |                               |                     |
|------------|-------------------------------|---------------------|
| §59B-14(a) | Fine: \$10,000 and revocation | Appearance REQUIRED |
|------------|-------------------------------|---------------------|

- (b) *Disability Laws.*

- (1) A Base Owner must not instruct, authorize, or permit an affiliated Driver to discriminate unlawfully against people with disabilities.
- (2) Discrimination includes:
  - (i) Refusing to serve People with Disabilities,

- (ii) Refusing to load and unload the mobility aids of People with Disabilities,
- (iii) Charge any more than the set rate for the transportation of People with Disabilities, or their Service Animals, wheelchairs, or other mobility aids.

|            |                                                                 |                     |
|------------|-----------------------------------------------------------------|---------------------|
| §59B-14(b) | Fine: \$350-1,000 and/or suspension up to 30 days or revocation | Appearance REQUIRED |
|------------|-----------------------------------------------------------------|---------------------|

### §59B-15 Operations – Business Premises

- (a) *Maintenance of Physical Location.* A For-Hire Base Owner must maintain a principal place of business in a commercially zoned area, from which affiliated Vehicles and Drivers can be dispatched.

|            |                                            |                     |
|------------|--------------------------------------------|---------------------|
| §59B-15(a) | Fine: Suspension until requirement is met. | Appearance REQUIRED |
|------------|--------------------------------------------|---------------------|

- (b) *Minimum Number of Affiliated Vehicles.*

- (1) A Base must have at least ten affiliated Vehicles associated with the Base except when either of the following applies:
  - (i) A Base that was first Licensed before January 1, 1988 will only be required to have at least five affiliated Vehicles.
  - (ii) A Livery Base that has an affiliated Accessible Vehicle is only required to have at least five affiliated Vehicles.

|            |                                       |                     |
|------------|---------------------------------------|---------------------|
| §59B-15(b) | Fine: Suspension until minimum is met | Appearance REQUIRED |
|------------|---------------------------------------|---------------------|

- (2) A Street Hail Livery Base can meet the requirement of paragraph (1) by affiliating either or both of Street Hail Liveries or other licensed For-Hire Vehicles or, if the Base is also a Paratransit Base, Paratransit Vehicles and Street Hail Liveries.

- (c) *Working Phone at the Base.* A Base Owner must maintain a working telephone at the Base.

|            |                                   |                     |
|------------|-----------------------------------|---------------------|
| §59B-15(c) | Fine: Suspension until compliance | Appearance REQUIRED |
|------------|-----------------------------------|---------------------|

- (d) *Dispatching of Vehicles from Base.*

- (1) A Base Station Owner must provide a device for transmitting trip request information to Drivers of affiliated Vehicles.
- (2) Except for Accessible Vehicles, no For-Hire Vehicle can be dispatched from any location other than the location specified in the Base License.

|            |                                             |                     |
|------------|---------------------------------------------|---------------------|
| §59B-15(d) | Fine: \$250 and Suspension until compliance | Appearance REQUIRED |
|------------|---------------------------------------------|---------------------|

(e) *Application to Move Base.*

- (1) A Base Owner who moves the Base to a new location must apply for approval of the new location by the Commission.
- (2) The proposed location must comply with all of the requirements for obtaining the particular Base License sought; except that if there has been no change in the Ownership of the Base, the Commission can waive the requirements for:
  - (i) Proving fitness to hold License and
  - (ii) Posting a bond.

|            |                                   |                     |
|------------|-----------------------------------|---------------------|
| §59B-15(e) | Fine: Suspension of Base License. | Appearance REQUIRED |
|------------|-----------------------------------|---------------------|

(f) *Application to Transfer or Assign Base.* A Base Owner must not transfer or assign the Base Owner's License to another without obtaining the Commission's written approval as described in §59B-09 of this Chapter. *Note: A Street Hail Livery Base License cannot be transferred.*

|            |                                   |                     |
|------------|-----------------------------------|---------------------|
| §59B-15(f) | Fine: Suspension of Base License. | Appearance REQUIRED |
|------------|-----------------------------------|---------------------|

(g) *Display Rates.* A Base Owner must at all time conspicuously display the current schedule of rates charged by the Base.

|            |            |                         |
|------------|------------|-------------------------|
| §59B-15(g) | Fine: \$50 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

(h) *Display Base Information.* A Base Owner must conspicuously display the Base name, any trade, business or operating name, and the Base License number on the front or office door of the Base's premises.

|            |            |                         |
|------------|------------|-------------------------|
| §59B-15(h) | Fine: \$50 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

(i) *Black Car Base Affiliation.* Only Black Car Bases can dispatch Vehicles to do line work and only For-Hire Vehicles that are affiliated with Black Car Bases can perform line work.

|            |                                                 |                         |
|------------|-------------------------------------------------|-------------------------|
| §59B-15(i) | Fine: \$250 for first violation                 | Appearance NOT REQUIRED |
|            | \$500 for second violation within 24 months     | Appearance NOT REQUIRED |
|            | Revocation for third violation within 24 months | Appearance REQUIRED     |

(j) *Off-Street Parking Requirements – Livery Base Stations.*

- (1) A Base Station Owner must ensure that the operator of the Base provides and uses legal, off-street facilities for parking and storing the Livery Vehicles that will be dispatched from the Base.

- (2) The available off-street facilities must provide at least one parking space for every two Livery Vehicles (not including Street Hail Liveries) affiliated with the Base.
- (3) The distance between the Base and the off-street parking facilities for Livery Vehicles must be one and one-half miles or less.
- (4) The off-street parking facilities for Livery Vehicles must be in a location zoned for the operation of a parking facility.
- (5) *Waiver.* The Chairperson can reduce the number of required off-street parking spaces or can waive that requirement entirely upon a determination that:
  - (i) There are not enough legal off-street parking facilities in the vicinity of the Base to fulfill these requirements,
  - (ii) An Applicant demonstrates to the satisfaction of the Chairperson that complying with the off-street parking requirements in paragraphs (1) and (2) would impose an economic hardship upon the Applicant.
  - (iii) The Chairperson will not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the Applicant, or a predecessor in interest, has violated any provision governing the transfer of the Base.
  - (iv) The Commission's decision to waive or reduce the off-street parking requirements:
    - A. Will be made in writing,
    - B. Will contain a detailed statement of the reasons for the decision
    - C. Will be made a part of the Commission's approval of the application for the Base Station License.

#### **§59B-16 Operations – Special Requirements**

- (a) *Occupy Licensed Base Location.* All Base Owners must operate the Base on the premises licensed by the Commission.

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| §59B-16(a) | Penalty: Revocation of License |  |
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- (b) *Maintain Operations – Livery Base Only.*

- (1) A Livery Base Station Owner must not cease operations at the Base Station for a period of 60 or more consecutive days.

- (2) There will be no penalty if the failure to operate for 60 or more days has been caused by strike, riot, war, public catastrophe or other acts beyond the control of the Licensee.

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| §59B-16(b) | Penalty: Revocation of License |  |
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(c) *Use of Temporary Premises – Livery Base Only.*

- (1) Where the Commission finds that a particular Livery Base Station cannot be operated due to an act beyond the control of the Licensee, a temporary Base Station License will 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.
- (2) A temporary Base Station License will last no longer than 60 days.
- (3) During the 60-day period, the Base Owner must either:
- (i) File an application to change the Livery Base location or
  - (ii) Return operations to the original location and notify the Chairperson of the return.
- (4) The temporary Base Station License will not be extended unless within the 60 day period the Base Station Owner either (1) files an application to change the 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 Owner requires additional time to return the Base Station to the original location.

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| §59B-16(c) | Fine: Revocation | Appearance REQUIRED |
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**§59B-17 Operations – Service Requirements (Customers)**

- (a) *Customer Complaints.* A Base Owner will be responsible for handling customer complaints when directed by the Chairperson and will provide any information requested by the Chairperson regarding such complaints.

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| §59B-17(a) | Fine: \$150 | Appearance NOT REQUIRED |
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- (b) *No Required Ride-Sharing.* A For-Hire Base Owner must not require that any prospective Passenger share a ride with another prospective Passenger.

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| §59B-17(b) | Base Fine: \$50 | Appearance NOT REQUIRED |
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- (c) *Provide Accessible Transportation.* A Base Owner must provide transportation service to Persons with Disabilities.



- (1) Requirements for Percentage of all Dispatched Trips Serviced by an Accessible Vehicle:
  - (i) At least five (5) percent of a Base's total trips dispatched between July 1, 2018, and June 30, 2019 must be trips dispatched to and completed by an Accessible Vehicle.
  - (ii) At least ten (10) percent of a Base's total trips dispatched between July 1, 2019, and June 30, 2020 must be trips dispatched to and completed by an Accessible Vehicle.
  - (iii) At least fifteen (15) percent of a Base's total trips dispatched between July 1, 2020, and June 30, 2021 must be trips dispatched to and completed by an Accessible Vehicle.
  - (iv) At least twenty (20) percent of a Base's total trips dispatched between July 1, 2021, and June 30, 2022 must be trips dispatched to and completed by an Accessible Vehicle.
  - (v) Beginning July 1, 2022, and continuing each year thereafter, at least twenty-five (25) percent of a Base's total trips dispatched between the dates of July 1 and June 30 must be trips dispatched to and completed by an Accessible Vehicle.
- (2) For purposes of 59B-17(c)(1), Hail Trips performed by an Accessible Street Hail Livery affiliated with a Base will count toward the total number of trips dispatched by that Base.

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| §59B-17(c)(1) | <p>Fine: \$50 for each 100 trips by which the Base missed the percentage of trips it was required to dispatch to Accessible Vehicles in that calendar year. <i>Example:</i> If Base A dispatches 100,000 trips between July 1, 2018 and June 30, 2019, but only dispatches 2,500 trips to Accessible Vehicles, the base will have missed the 5% requirement by 2,500 trips and be subject to a \$1,250 fine.</p> <p>If a Base fails to dispatch enough trips to Accessible Vehicles to meet at least half of its percentage requirement, the Commission may seek suspension of up to 30 days or revocation.</p> | Appearance REQUIRED |
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- (3) *Evaluation by the Commission.* Every year, beginning July 1, 2019, the Commission will review Base compliance levels, service levels, and any other information it deems relevant to determine if adjustments need to be made to the percentages outlined in 59B-17(c)(1).
- (4) *Must Provide "Equivalent Service."*

- (i) The Base Owner must provide “equivalent service” to persons with disabilities.
- (ii) “Equivalent Service” means that the service available to Persons with Disabilities, is equivalent to the service provided to other individuals with respect to:
  - A. Response time to requests for service
  - B. Fares charged
  - C. Hours and days of service availability
  - D. Ability to accept reservations
  - E. Restrictions based on trip purpose
  - F. Vehicle types offered
  - G. Other limitations on capacity or service availability

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| §59B-17(c)(4) | Fine: \$1000 | Appearance REQUIRED |
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- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner’s Base unless: the Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer.

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| §59B-17(d) | Fine: \$150 | Appearance NOT REQUIRED |
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- (e) *Special Requirements for Street Hail Liveries.*

(1) *Credit/Debit Card Rules.*

- (i) A Street Hail Livery Base Owner must ensure that each affiliated Street Hail Livery is equipped to accept customer payment by credit and debit card.
- (ii) A Street Hail Livery Base Owner is not permitted to charge a pass along or additional fee to any passenger for debit or credit card transactions in Hail Trips.

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| §59B-17(e)(1) | <p>Fine: First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.</p> <p>Second violation w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible suspension of License for up to 30 days if found</p> | Appearance REQUIRED |
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|  | <p>guilty following a hearing.</p> <p>Third violation w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing.</p> |  |
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(2) *E-Z-Pass® Required.*

A Street Hail Livery Base Owner must ensure that each affiliated Street Hail Livery is equipped with an E-Z-Pass® tag.

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| §59B-17(c)(2) | Fine: \$100 and suspension until compliance | Appearance REQUIRED |
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- (f) *Exception to the Percentage of all Dispatched Trips Serviced by an Accessible Vehicle Requirement.* A Base currently licensed on the effective date of this subdivision (f) may opt to meet a response time requirement for requests for Accessible Vehicles, in lieu of the requirements contained in section 59B-17(c)(1) of these rules, if the Base meets the following requirements:

- (1) A Base will be exempt from the requirements contained in section 59B-17(c)(1) if it either:
  - (i) Is approved by the Commission as an Accessible Vehicle dispatcher, responsible for receiving requests for Accessible Vehicles from associated Bases with which it has entered into an agreement and dispatching Accessible Vehicles on behalf of itself and its associated Bases in accordance with the response time requirements contained in paragraph (3) below, or
  - (ii) Associates with an approved Accessible Vehicle dispatcher by entering into an agreement with an approved Accessible Vehicle dispatcher and sending its requests for Accessible Vehicles to its associated Accessible Vehicle dispatcher.
- (2) *Application Requirements to be an Approved Accessible Vehicle Dispatcher.* A Base applying to be approved as Accessible Vehicle dispatcher must:
  - (i) Submit a list of at least ten (10) Bases, owned by an entity or entities other than the owner(s) of the applicant Base, that have demonstrated an intent to associate with the applicant Base,
  - (ii) Submit an outreach and marketing plan outlining the ways it will inform passengers who use wheelchairs about its associated Bases' wheelchair accessible offerings, subject to the approval of the Commission, and
  - (iii) Submit a statement outlining the number of Accessible Vehicles it will be able to dispatch in the first three (3) and six (6) months following its

approval as an Accessible Vehicle dispatcher, subject to the approval of the Commission.

- (3) *Response Time Requirement for Requests for Accessible Vehicles for Accessible Vehicle Dispatchers*
- (i) The Accessible Vehicle dispatcher must service at least ninety percent (90%) of all the requests for Accessible Vehicles it receives in under ten (10) minutes.
  - (ii) For purposes of (i), “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger within ten (10) minutes of the requests.
  - (iii) If an Accessible Vehicle dispatcher fails to meet the requirements contained in (i) above, the Commission will notify the Accessible Vehicle dispatcher and provide the Accessible Vehicle dispatcher thirty (30) days to come into compliance with the stated response time requirement. Failure to come into compliance within thirty (30) days of notification may result in termination of the Accessible Vehicle dispatcher’s approval, immediately subjecting the Accessible Vehicle dispatcher to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (4) *Calculating Response Time.* For purposes of paragraph (3) above, response time will be calculated in the following manner:
- (i) For trips arranged at least one hour in advance, response time will be calculated from the time at which the vehicle was scheduled to arrive at the passenger’s pick-up location until the vehicle arrives at the passenger’s pick-up location.
  - (ii) For all other trip requests, response time will be calculated from when the Accessible Vehicle dispatcher received the request until the vehicle arrived at the passenger’s pick-up location.
- (5) *Record Collection and Reporting Requirements for Accessible Vehicle Dispatcher.* In addition to the trip records an Accessible Vehicle dispatcher must submit pursuant to its licensure as an FHV Base, an approved Accessible Vehicle dispatcher must collect and transmit to the Commission within one week of the end of each calendar month, in a format, layout, and procedure prescribed by the Commission, the following records for each request for an Accessible Vehicle the Accessible Vehicle dispatcher receives:
- (i) the Base License Number of the Base that sent the request to the Accessible Vehicle dispatcher,

- (ii) the date and time that the request was received by the Accessible Vehicle dispatcher,
- (iii) the manner in which the request was received (e.g., via phone call, smartphone app, website),
- (iv) an indicator as to whether each request resulted in a completed trip,
- (v) if the request was fulfilled,
  - A. the TLC License number of the vehicle that fulfilled the request, the Base to which the vehicle is affiliated, and the driver who fulfilled the request
  - B. the pickup and drop off locations of the trip
  - C. the date and time the vehicle arrived at the pickup location, and
  - D. the total passenger wait time, calculated pursuant to paragraph (4) above,
- (vi) if the request was not fulfilled,
  - A. the date, time, and location of the requested pickup
  - B. the location of the requested drop off (if provided), and
  - C. an indicator as to the reason the request was not fulfilled, such as passenger cancellation (including time of cancellation), passenger no-show, driver cancellation, or no vehicles available.

Failure to timely provide trip records may result in termination of the Accessible Vehicle dispatcher's approval, immediately subjecting the Accessible Vehicle dispatcher to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.

- (6) *Fares Charged to Passengers.* An Accessible Vehicle dispatcher and an associated Base cannot charge a passenger more for a trip request received from an associated Base than that associated Base would charge a passenger requesting a non-Accessible Vehicle for the same trip. Overcharging a passenger may result in an Accessible Vehicle dispatcher or an associated Base being immediately subject to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (7) *Passenger Feedback.* Each Accessible Vehicle dispatcher and associated Base must collect and transmit to the Commission within one week of the end of each calendar

month, in a format, layout, and procedure prescribed by the Commission, all complaints and compliments the Base and Accessible Vehicle dispatcher received from passengers in the preceding calendar month concerning its provision of wheelchair accessible service, including all driver ratings, where applicable.

- (8) Bases opting to associate with an approved Accessible Vehicle dispatcher must be able to accept requests from passengers for Accessible Vehicles in the same manner(s) in which they accept requests from passengers for non-Accessible Vehicles. Failure to accept requests from passengers for Accessible Vehicles in the same manner(s) in which a base accepts requests from passengers for non-Accessible Vehicles may result in the associated Base being immediately subject to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (9) In addition to submitting trip records pursuant to 59B-19, a Base opting to associate with an approved Accessible Vehicle dispatcher, and Accessible Vehicle dispatchers in their capacity as a Base which accepts trip requests, must submit to the Commission within one week of the end of each calendar month, in a format, layout, and procedure approved by the Commission, records containing the following information:
  - (i) For each request for an Accessible Vehicle received by the Base:
    - A. the date and time the Base received the request
    - B. the date and time the Base forwarded the request to its Accessible Vehicle dispatcher, and
  - (ii) For each request for a non-Accessible Vehicle that results in a completed trip
    - A. the date and time that the request was received by the Base,
    - B. an indicator corresponding to the trip record for the completed trip provided pursuant to 59B-19,
  - (iii) All complaints and compliments received from passengers concerning its provision of wheelchair accessible service, including all driver ratings, where applicable.

Failure to timely provide trip records may result in termination of the Accessible Vehicle dispatcher's approval, immediately subjecting the base to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.

- (10) *Good Standing of Associated Bases.* An associated Base must remain in good standing with its Accessible Vehicle dispatcher. To remain in good standing with its

Accessible Vehicle dispatcher, an associated Base must adhere to the terms of the agreement it entered into with its Accessible Vehicle dispatcher. Failure to remain in good standing with its Accessible Vehicle dispatcher may result in the associated Base being immediately subject to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period, subject to the conditions of paragraph (12) below.

- (11) *Evaluation by the Commission.* Every year, beginning July 1, 2019, the Commission will review Base compliance levels, service levels, feedback received pursuant to paragraph (7) of this subdivision, and any other information it deems relevant to determine if adjustments need to be made to the response time requirements set forth in paragraph (3) of this subdivision or any other requirement contained in this subdivision (f). Any changes made to the provisions of 59B-17(f), resulting from an annual review performed pursuant to this paragraph (11), will be subject to the City Administrative Procedure Act, Section 1041-1047 of the Charter of the City of New York.
- (12) *Consequences of Termination of Approval.* If the Commission terminates a Base's associated Accessible Vehicle dispatcher's approval, or if an Accessible Vehicle dispatcher terminates a Base's association, a Base associated with the Accessible Vehicle dispatcher must:
  - (i) Associate with a different Accessible Vehicle dispatcher within thirty (30) days following Commission provided notification of the Accessible Vehicle dispatcher's approval termination, or
  - (ii) Submit an application to be approved as an Accessible Vehicle dispatcher within thirty (30) days following the Commission provided notification of the Accessible Vehicle dispatcher's termination.

If a Base that is no longer associated with an Accessible Vehicle dispatcher does not associate with a different approved Accessible Vehicle dispatcher or submit an application to be approved as an Accessible Vehicle dispatcher within thirty (30) days following notification of the termination, the Base may be subject to the requirements contained in section 59B-17(c)(1) on the thirty-first (31st) day following the notification.

(13) *Base Accessible Service Selection Date.*

- (i) A Base currently licensed on the effective date of subdivision (f) of these Rules must inform in the Commission, as provided below, whether it is opting into the exception to section 59B-17(c)(1) provided by this section 59B-17(f).
  - A. A Base opting into the exception provided by this section 59B17(f) as an Accessible Vehicle dispatcher must submit an application to be

approved as an Accessible Vehicle dispatcher within thirty (30) days of the effective date of subdivision (f).

B. A Base opting into the exception provided by section 59B-17(f) must apply with an Accessible Vehicle dispatcher at the time the Base exercises this option and must do so within sixty (60) days of the effective of subdivision (f).

C. A Base that does not opt into the exception to section 59B-17(c)(1) provided by this section 59B-17(f), either as an approved Accessible Vehicle dispatcher or a Base affiliating with an Accessible Vehicle dispatcher, within the timeframes provided by this subdivision may not apply to opt into such exception until the Base's next renewal License application.

(ii) A renewing Base Applicant that had previously opted into the exception to section 59B-17(c)(1) provided by this section 59B-17(f) must indicate at the time of its renewal application whether it is continuing to opt into the exception to section 59B-17(c)(1) provided by this section 59B-17(f).

(iii) A Base that previously opted into the exception to section 59B-17(c)(1) of TLC's Rules provided by this section 59B-17(f), but failed to comply with the requirements of section 59B-17(f) and is now subject to the requirements in section 59B-17(c)(1) may not reapply to opt into the exception provided by section 59B-17(f) except for good cause shown.

## **§59B-18 Operations – Owners' Responsibilities with Respect to Drivers**

(a) *Create and Enforce Good Conduct Rules.*

(1) A Base Owner must create, maintain and enforce rules governing the conduct of affiliated Drivers while performing their duty as For-Hire Vehicle Drivers.

(2) These rules must be submitted in writing to the Commission within seven days of their creation (not including holidays and weekends) and whenever these rules are updated or amended.

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| §59B-18(a) | Fine: \$25-\$100 | Appearance REQUIRED |
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(b) *Rules for Conduct in Area Surrounding the Base.*

(1) A Base Owner will be responsible for ensuring that all "Base personnel" comply with the restrictions established in this subsection (b) within the "restricted area."

(2) For the purposes of this subdivision, "Base personnel" are the Owners of Vehicles affiliated with the Base or dispatched by the Base and their Drivers, whether they are on duty or not.



- (3) For the purposes of this subdivision, “restricted area” is defined as all public streets and sidewalks located on either side of the Base’s street or within the city block front where the Base is located, including both sides of the street on which the Base is located.
- (4) In the “restricted area,” “Base personnel” must not do any of the following:
- (i) Double park
  - (ii) Park on the sidewalk
  - (iii) Park across a driveway
  - (iv) Park by or at a fire hydrant or bus stop
  - (v) Park, stop, or stand in any manner that violates the Vehicle and Traffic Laws of the State of New York and the New York City Traffic Rules
  - (vi) Do mechanical maintenance or make repairs on any Vehicle, except to emergency repairs that are necessary to move a disabled Vehicle (Examples of disabling conditions: a dead battery or a flat tire)

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| §59B-18(b)(1)-(4) | Fine: \$50 for first occasion;<br>\$100 - \$250 for the second and subsequent occasions;<br>non-renewal of Base License for violations on six dates within 12 months | Appearance REQUIRED |
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- (5) A Base Owner must ensure that “Base personnel” obey all applicable traffic and parking regulations within the “restricted area.”

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| §59B-18(b)(5) | Fine: \$50 | Appearance REQUIRED |
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- (6) A Base Owner must ensure that “Base personnel” do not create a nuisance such as engaging in unnecessary horn honking, littering, or playing loud audio material within the “restricted area.”

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| §59B-18(b)(6) | Fine: \$50 | Appearance REQUIRED |
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(c) *Special Requirements for Street Hail Liveries: Credit Cards for Hail Trips*

- (1) A Street Hail Livery Base Owner can deduct from any credit or debit card payments due to a Street Hail Livery Driver any amounts required to be collected for payment of the MTA Tax.
- (2) A Street Hail Livery Base Owner must pay the Street Hail Livery Driver on no less than a weekly basis, the total amount of all credit card payments received during

that period. The Base Owner must provide an itemized receipt, showing all deductions, with each payment.

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| §59B-18(c)(2) | Fine: \$100 | Appearance NOT REQUIRED |
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(3) A Street Hail Livery Base Owner can withhold from the cash payments to a Street Hail Livery Driver (and all such withholdings must be identified on the receipt) the following:

- (i) the sum of all MTA Tax payments due from the Street Hail Livery Driver; and
- (ii) the sum of all tolls and charges deducted by the MTA Bridges & Tunnels from the *E-Z-Pass*® account of the Street Hail Livery Base Owner for trips provided by the Street Hail Livery Driver.

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| §59B-18(c)(3) | <p>Fine: First violation: \$200<br/> Second violation: \$300<br/> Third violation: \$500<br/> In addition to the penalty payable to the Commission, the ALJ may order the Base Owner to pay restitution to the Driver, equal to the excess amount that was charged to the Driver</p> | Appearance REQUIRED |
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(d) A Base is permitted to penalize a Driver who does not pick up a Passenger for a pre-arranged trip.

(e) *Limits on Hours of Driving.*

(i) *Generally.* A Base or Associated Base must not dispatch a Driver to transport any Passenger(s) for hire in excess of the daily and weekly limits detailed in this subdivision.

A Daily and weekly driving hours will be calculated by adding up the time that passengers are being transported for hire. Time between trips will not be counted as driving hours.

B If any time exceeds the daily limit and serves as the basis for a violation of the daily limit, such time cannot also [serve as a basis for] be counted toward a violation of the weekly limit.

C It is a defense to a violation of the limits set forth in this subdivision that any such limit was exceeded because of a single trip that began before the limit was reached.

(ii) *Daily Limit.* A Base or Associated Base must not dispatch a Driver to transport any Passenger(s) for hire in more than 10 hours in total in any 24-hour period. EXCEPTION: If a Base or Associated Base does not dispatch a Driver to

transport Passengers in at least eight consecutive hours, the 10-hour count resets and such Base or Associated Base can resume dispatching such Driver to pick up Passengers for hire.

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| §59B-18(e)(ii) | \$200 for each dispatch over the limit | Appearance NOT REQUIRED |
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- (iii) *Weekly Limit.* A Base or Associated Base must not dispatch a Driver to transport any Passenger(s) for hire in more than 60 hours in total in any seven-day period that begins on Monday and ends on Sunday.

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| §59B-18(e)(iii) | \$200 for each dispatch over the limit | Appearance NOT REQUIRED |
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(f) *Base Agreements.*

- (1) *Agreements Must Include All Terms.* Any terms or conditions a Driver or Vehicle owner must accept or agree to in order to receive a dispatch from a For-Hire Base, any terms or conditions a Driver or Vehicle owner must accept or agree to in order to receive payment from a For-Hire Base or the entity designated by the For-Hire Base to process and disburse payments to Drivers and Vehicle owners, any costs a Driver or a Vehicle owner must pay a For-Hire Base, and any formulas used by a Base to calculate Driver or Vehicle owner earnings must be included in a Base Agreement that complies with the provisions of this subdivision.

- (a) Written records required under this subdivision may be maintained in hard copy or electronically.

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| §59B-18(f)(1) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the Base to pay restitution to the Driver or Vehicle owner, equal to the amount charged to the Driver or Vehicle owner in violation of this rule. | Appearance REQUIRED |
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(2) *Base Agreement Must be in Writing.*

- (i) All Base Agreements, including any amendments, must be in writing and signed by the Base and the Driver or Vehicle owner. Electronic signatures are permissible for electronic Base Agreements.
- (i) A copy of the fully executed Base Agreement must be provided to the Driver and/or Vehicle owner and be made available on-demand at the Driver's and/or Vehicle Owner's request.
- (ii) A Base Owner must ensure that all Base Agreements are maintained in accordance with paragraph (6) of this subdivision and made available for inspection by Commission representatives during regular business hours.

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| §59B-18(f)(2)(i-ii) | Fine: \$500 | Appearance NOT REQUIRED |
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(iii) *Terms.* The Base Agreement must provide:

(A) All costs and fees that may be charged by the Base.

(1) For each cost or fee that will be charged, the Base Agreement must provide in clear and unambiguous language an explanation of the cost or fee.

(2) For each cost or fee that may be charged, the Base Agreement must provide in clear and unambiguous language an explanation of the conditions that will result in the imposition of such cost or fee.

(B) An explanation of how the Driver's earnings will be calculated, including but not limited to a percentage of fares paid by passengers that will be forwarded to the Driver or a formula used by the Base.

(C) All requirements the Driver or Vehicle must meet in order to receive a dispatch.

(iv) *Overcharges.* Every Base Agreement must contain a clearly legible notice that overcharging a Driver or Vehicle owner is prohibited by the Commission's Rules, and that complaints of overcharges may be made in writing to the Commission or by telephone to 311.

(v) *Plain Language.* Base Agreements must be written in clear and unambiguous language.

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| §59B-18(f)(2)(iii-v) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the Base to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance REQUIRED |
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(3) *Driver Payments.*

(i) A Base may require payment of only those costs and fees specified in the Base Agreement. Requiring payment of costs and fees not specified in the Base Agreement is an overcharge.

(ii) A Base cannot charge, request or accept a tip.

(iii) A Base cannot require payment by a Driver of a summons not written to the Driver except when:

- A. the Driver and Base are operating under the terms of a franchise agreement filed with the Attorney General of the State of New York or a cooperative agreement filed with the Commission,
- B. such franchise agreement or cooperative agreement explicitly allows for such payments, and
- C. the base does not operate as or dispatch trips on behalf of a High-Volume For-Hire Service.

(iv) A Base cannot charge, request or accept any fee for revenue generated from an Interior Advertising System.

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| §59B-18(f)(3) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the Base to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule. | Appearance REQUIRED |
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(4) *Driver Earnings.*

- (i) A Base must remit all earnings to the Driver or Vehicle owner. A Base may only deduct costs and fees from the earnings if those costs and fees are specified in the Base Agreement as required in paragraph (2) of this subdivision and the Base Agreement further provides that such costs and fees will be withheld from the earnings.

|                  |                                                                                                                                                                                                                                                             |                     |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-18(f)(4)(i) | Fine: First violation: \$200<br>Second violation: \$300<br>Third violation: \$500 In addition to the penalty payable to the Commission, the Hearing Officer must order the lessor to pay restitution to the Driver, equal to the amount owed to the Driver. | Appearance REQUIRED |
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(ii) Drivers must be paid earnings for every trip made by the Driver within one week of the trip's completion except when:

- A. the Driver and Base are operating under the terms of a franchise agreement filed with the Attorney General of the State of New York or a cooperative agreement filed with the Commission,
- B. such franchise or cooperative agreement explicitly defines the terms under which and times at which the driver will receive payment for completed trips, and
- C. the base does not operate as or dispatch trips on behalf of a High-Volume For-Hire Service.

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| §59B-18(f)(4)(ii) | Fine: \$100 In addition to the penalty payable to the Commission, the Hearing Officer must order the Base to pay restitution to the Driver, equal to the difference between what the Base paid the Driver and what the Driver actually earned. | Appearance NOT REQUIRED |
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(5) *Written Receipts.* For every financial transaction under the Base Agreement or these Rules, the Base must give a written receipt to the Driver or Vehicle owner.

- (i) The receipt must include, as applicable, the name of the Driver and the Vehicle license number subject to the Base Agreement.
- (ii) The receipt must clearly state the following information with respect to the payment or deduction:
  - (A) The date;
  - (B) The name of the recipient;
  - (C) The amount;
  - (D) The purpose of the payment or deduction;
  - (E) The number of the section of this chapter or provision of the Base Agreement that authorizes the payment or deduction; and
  - (F) If the Base is a High-Volume For-Hire Service, the applicable minimum per minute and per mile rates for the time period covered by the receipt.
- (iii) For Driver and Vehicle owner earnings, in addition to the items specified in subparagraph (ii) of this paragraph, the receipt must also include the amount paid by passengers for trips during the time period covered by the receipt and any calculation used to determine the earnings, including the per-trip minutes and miles for which the Driver is being paid. Such calculation must conform to the applicable policy, formula or schedule provided in the Base Agreement.

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| §59B-18(f)(5) | Fine: \$200 per missing receipt | Appearance REQUIRED |
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(6) *Records Maintenance.* A Base must maintain for a period of three years from the date a Base Agreement expires or is cancelled or from the last trip dispatched to the Driver or Vehicle, whichever is later:

- (i) A copy of the executed Base Agreement and any amendments;
- (ii) Records of all itemized earnings paid to Drivers and Vehicle owners; and

- (iii) Records of all itemized payments received from Drivers and Vehicle owners.

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| §59B-18(f)(6) | Fine: \$100 for each missing item | Appearance REQUIRED |
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- (7) *Form 1099-K.* If a High-Volume For-Hire Service is required to provide a Driver with a Form 1099-K, the High-Volume For-Hire Service must also provide the Driver:

- (i) The total mileage for trips covered by the Form 1099-K, and
  - (ii) An itemization of the items deducted from the gross amount reported on the Form 1099-K

- (8) *Collective Bargaining Exception.* The provisions of this subdivision do not apply to Bases and Drivers whose business relationship is governed by the terms of a collective bargaining agreement.

- (g) *Vehicle Leases.* Any Vehicle lease agreement entered into between a Base and Driver must comply with all provisions of §59A-21. Failure to comply with any provision of §59A-21 shall subject the Base to the penalties contained therein.

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| §59B-18(g) | Fine: Penalties as set forth in §59A-21. | Appearance REQUIRED |
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- (h) *Business Requirements – Nondiscrimination.* No Base may discriminate against or impose any negative consequences on a Driver based on whether or not the Driver chooses to operate a For-Hire Vehicle with an Interior Advertising System, or based on the brand or affiliation of the Interior Advertising System. Negative consequences and/or discrimination include but are not limited to: deactivating the Driver, reducing the compensation provided to the Driver, either directly or indirectly through manipulating the number or type of rides assigned to the Driver, or disciplinary action.

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| §59B-18(h) | Penalty:<br>First Violation: \$1,000 fine<br>Second Violation: \$1000 and/or Suspension for up to 30 days | Appearance NOT REQUIRED |
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## §59B-19 Operations – Trip Record Information

- (a) *Required Information.* A Base Owner must make sure that the following records are collected and transmitted to the Commission on a monthly basis in a format, layout and procedure prescribed by the Commission:

- (1) With respect to all dispatched calls:

- (i) The date, the time, and the location of the Passenger pickup and drop-off

- (ii) The Driver's TLC Driver License number
  - (iii) The dispatched Vehicle's License number
  - (iv) The TLC License number of the For-Hire Base that dispatched the Vehicle
  - (v) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle
  - (vi) Whether the Passenger is sharing the Vehicle for part or all of the trip with a Passenger from another dispatched call, and
  - (vii) Where applicable, an indication that the trip concluded in a cancellation by the Passenger or Driver.
- (2) *Affidavit of No Dispatch.* Where a base has not dispatched any trips in a reporting period, the base must submit an affidavit to the TLC affirming same. Use of e-signature on the TLC website will satisfy this requirement.

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| §59B-19(a)(2) | Fine: \$100 for each day past the date the affidavit is due if plead guilty before a hearing and suspension until compliance; \$150 for each day past the affidavit due if found guilty following a hearing and suspension until compliance. Fine amount not to exceed \$10,000 | Appearance NOT REQUIRED |
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(3) *Timely Submission of Trip Records.*

- (i) A base must submit trip records for a month's trips no later than the last day of the following month. For example, all September trip records will be due on October 31st. The following penalties accrue with respect to each untimely submission of trip records:

|               |                                                                                                                                                                                                                                                                                   |                         |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-19(a)(3) | Fine: \$100 for each day past the date the records are due if plead guilty before a hearing and suspension until compliance; \$150 for each day past the records are due if found guilty following a hearing and suspension until compliance. Fine amount not to exceed \$10,000. | Appearance NOT REQUIRED |
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(4) *Incomplete Trip Records.* With respect to all trip records submitted to TLC:

- (i) Each set of submitted records must be complete and include all information listed in and required by paragraph (1) of this subdivision, and for those bases subject to Minimum Driver Payment Requirements, all information listed in and required by subdivision (d) of this section. The following penalties accrue with respect to each trip for which all required information was not submitted.



|                  |                                                                                                                                                                                                                               |                         |
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| §59B-19(a)(4)(i) | Fine: \$100 per incomplete trip record for the first ten incomplete records and suspension until compliance; \$500 per each incomplete record thereafter and suspension until compliance. Fine amount not to exceed \$10,000. | Appearance NOT REQUIRED |
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(5) *Inaccurate Trip Records.* With respect to all trip records submitted to TLC:

- (i) The records that each Base submits for any time period in which they dispatch trips must not contain inaccuracies. For example, the date, time and location of the passenger pick-up that is required by paragraph (1) of this subdivision must be accurate. The following penalties accrue with respect to each trip that was submitted inaccurately.

|                  |                                                                                                                                                                                                             |                         |
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| §59B-19(a)(5)(i) | Fine: \$100 per trip record inaccuracy for the first ten inaccuracies and suspension until compliance; \$500 per inaccuracy thereafter and suspension until compliance. Fine amount not to exceed \$10,000. | Appearance NOT REQUIRED |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

(6) With respect to all affiliated Vehicles:

- (i) The Owner's name, mailing address, and home telephone number
- (ii) The Vehicle's registration number
- (iii) The Vehicle's License number
- (iv) The Vehicle's license plate number
- (v) The name of the Vehicle's insurance carrier and the policy number
- (vi) The dates of inspection of the Vehicle and the outcome of each inspection

(b) *Maintenance of Required Information.*

- (1) A Base Owner must make sure that all required information listed above is kept and made available for inspection by Commission representatives during regular business hours.
- (2) Required operational records must be maintained at the Base for a period of 18 months; inspection records must be kept for 12 months.

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| §59B-19(b) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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(c) *Special Requirements for Street Hail Liveries—Trip Record Information*

- (1) *Trip Record.*

- (i) Trip Data must be collected and stored by the Technology Service Provider (TSP) electronically, through the use of the Technology System.
- (ii) If the Technology System is inoperable, a written Trip Record must be kept by the Driver during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §59B-52(c) of this Chapter*)
- (iii) A written Trip Record, if required, must be kept for eighteen months.

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| §59B-19(c)(1) | Fine: \$100 | Appearance NOT REQUIRED |
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(2) *Written Trip Records.* A written Trip Record must include the following information:

- (i) The Street Hail Livery License number
- (ii) The TLC Driver License number
- (iii) The location where each passenger is picked up
- (iv) The time each passenger is picked up
- (v) The total number of passengers
- (vi) The location where each passenger is dropped off
- (vii) The time each passenger is dropped off
- (viii) The total trip mileage
- (ix) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- (x) Method of payment
- (xi) The trip number
- (xii) Whether the trip is a Hail Trip or a Pre-Arranged Trip
- (xiii) Other information required by the Commission
- (xiv) For a Pre-Arranged Trip, the following information is required:
  - A. The time of dispatch.
  - B. If the dispatch was for a Pre-Arranged Trip to begin with an airport pickup.

(3) *Access to Trip Record and Trip Data.*

- (i) Trip Data and Trip Record information must be available to the Commission (in a form and format and delivery method as specified by the Commission), the Street Hail Livery Licensee and the Street Hail Livery Driver.
- (ii) Trip Data and Trip Record information must be available at the end of each shift and/or at the end of a lease or contract term.
- (iii) A Street Hail Livery Base Owner must take possession of any written Trip Records weekly and hold such Trip Records for eighteen months.

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| §59B-19(c)(3) | Fine: \$100 | Appearance NOT REQUIRED |
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(4) *Changes and Corrections.*

- (i) A Street Hail Livery Base Owner must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record
- (ii) A Street Hail Livery Base Owner must not make erasures or obliterate information on a written Trip Record, or other record that Owner is required to maintain.

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| §59B-19(c)(4)(i)-(ii) | Fine: \$100 | Appearance NOT REQUIRED |
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- (iii) If a wrong entry is made on any written Trip Record, the Driver, the Street Hail Livery Licensee or Street Hail Livery Base Owner must correct it and record the date, time, and reason for the change. This record must be kept as long as the written Trip Record must be kept.

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| §59B-19(c)(4)(iii) | Fine: \$100 | Appearance NOT REQUIRED |
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- (iv) Trip Records, whether electronic or paper, must not be changed either in whole or in part, unless authorized by the Commission.

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| §59B-19(c)(4)(iv) | Fine: \$100 - \$350 and/or suspension up to 30 days | Appearance REQUIRED |
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**§59B-20 Operations – Current Contact Information**

(a) *Base Name.*

- (1) *File with Commission.* A For-Hire Base Owner must file with the Commission a Base name and any public facing name it uses in its branding, operations, promotions or advertising as its trade, business or operating names.

- (2) *No “Substantially Similar” Names.* The Chairperson can reject any such Base name or 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.
- (3) *Only One Name and One Trade, Business, or Operating Name per Base.*
  - (i) A Base must use only one Base name and only one trade, business or operating name in its operations, including in its public communications, advertising, promotional activities, and Passenger solicitation activities.
  - (ii) A Base can add words 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) *Only One Base per Name.* Any trade, business or operating name approved by the Chairperson for one Base cannot be used by any other Base, unless both Bases seeking to use the same trade, business or operating name share identical Owners.

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| §59B-20(a) | Fine: \$100 | Appearance NOT REQUIRED |
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(b) *Mailing and Email Address.*

- (1) A For-Hire Base Owner must file the address of its Base with the Commission.
- (2) A For-Hire Base Owner must have a working Email Address at all times.
- (3) A For-Hire Base Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

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| §59B-20(b)(1)-(3) | Fine: \$100 | Appearance NOT REQUIRED |
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- (4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the For-Hire Base Owner.
- (5) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the For-Hire Base Owner.

(c) *Capacity for 24-Hour Access.*

- (1) A For-Hire Base Owner must maintain a current telephone number on file with the Commission.
- (2) This number must be connected to an answering machine or must be a pager number, an answering service telephone number, or something similar that allows the Commission to reach the Base Owner on a 24-hour basis.

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| §59B-20(c) | Fine: \$100 | Appearance NOT REQUIRED |
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## **§59B-21 Operations – Additional Records to be Maintained and Reported**

### **(a) *Maintenance of Current Rate Schedule.***

- (1) A Base Owner must file a Rate Schedule with the Commission, in a form approved by the Chairperson. This Rate Schedule must include any lawful price multipliers or variable pricing policies and the Base's rates for rides dispatched by the Base for Pre-Arranged Trips provided by Street Hail Liveries, if the Base dispatches Street Hail Liveries.
- (2) A new Rate Schedule must be filed:
  - (i) Whenever rates are changed and also
  - (ii) Annually, no later than the anniversary date of the License,
  - (iii) With every renewal application
  - (iv) With any application to change the Ownership or location of the Base.
- (3) Failure to file a Rate Schedule with a renewal application or an application to change Ownership or location will result in denial of the application by the Chairperson.

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| §59B-21(a) | Fine: \$50 | Appearance NOT REQUIRED |
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### **(b) *Hours of Operation.*** A Base Owner must file with the Chairperson the Base's hours of operations and must notify the Chairperson of any change in the hours of operation.

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| §59B-21(b) | Fine: \$50 | Appearance NOT REQUIRED |
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### **(c) *Public Access Information.***

- (1) A Base Owner must file with the Chairperson all contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, including but not limited to telephone numbers, smartphone applications, websites, and email addresses.
- (2) If the contact information made available to or offered to the public for purposes of pre-arranging transportation for hire cannot be used to contact the Base for trip-related customer service, a Base Owner must file with the Chairperson a working customer service telephone number and/or email address.

- (3) These telephone numbers, smartphone applications, websites, email addresses, and other contact information and methods can be used only with the name of the Base or the Base's trade, business or operating name approved under §59B-20(a) of this Chapter

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|------------|-------------|-------------------------|
| §59B-21(c) | Fine: \$100 | Appearance NOT REQUIRED |
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(d) *Affiliated Vehicles and Drivers List.*

- (1) A Base Owner must maintain paper or electronic records of all For-Hire Vehicles that are or have been affiliated with or dispatched by the Base during the prior 12-month period, including, as applicable:
- (i) Dates of affiliation,
  - (ii) Vehicle identification numbers,
  - (iii) Department of Motor Vehicles (or equivalent) registration numbers,
  - (iv) For-Hire Vehicle License numbers,
  - (v) Inspection records.
  - (vi) Copies of forms affiliating and disaffiliating Vehicles.
- (2) A Base Owner must maintain paper or electronic records of all Drivers of these Vehicles including:
- (i) Dates of operation,
  - (ii) Department of Motor Vehicles driver's license numbers,
  - (iii) TLC Driver License numbers.

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| §59B-21(d) (1) & (2) | Fine: \$50 | Appearance NOT REQUIRED |
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- (3) *Filing Notice with the Commission.* A Base Owner, other than a High-Volume For-Hire Service, must send the Commission the list of affiliated Drivers and Vehicles (described in (1) and (2) above) on a quarterly basis. High-Volume For-Hire Services must report eligible drivers and affiliated Vehicles to the Commission on a monthly basis pursuant to §59D-16(d) of these Rules.

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| §59B-21(d)(3) | Fine: \$100 | Appearance NOT REQUIRED |
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- (4) *Special Reporting Requirements for Street Hail Livery Bases.* A Street Hail Livery Base Owner must maintain and report all information required by this subdivision 59B-21(d) electronically in a format specified by the Commission. All such

information must also be maintained by the Street Hail Livery Base Owner for at least 12 months.

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| §59B-21(d)(4) | Fine: \$500 | Appearance NOT REQUIRED |
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- (e) *Evidence of Compliance with Off-Street Parking Rules – Livery Base Only.* A Livery Base Owner must maintain and have available for inspection at the Base the evidence of compliance with off street parking requirements in the form required by §59B-15(J) of this Chapter.

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| §59B-21(e) | Fine: \$50 | Appearance NOT REQUIRED |
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- (f) *Compliance with all Record Keeping Rules.* A Base Owner must comply with all record-keeping procedures established and required by the Commission.

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| §59B-21(f) | Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (g) *Information Security and Use of Personal Information Policy.* If the Base collects or maintains passenger “Personal Information,” as defined by New York General Business Law §899-aa(1)(a), or if the Base collects or maintains passenger geolocation data, the Base Owner must file with the Commission a current detailed information security and use of personal information policy. Such policy must include, a minimum:
- (1) a statement of internal access policies relating to passenger and driver personal information for employees, contractors, and third party access, if applicable;
  - (2) a statement that, except to the extent necessary to provide credit, debit, and prepaid card services and services for any application that provides for electronic payment, personal information will only be collected and used with such passenger’s affirmative express consent and that such personal information will not be used, shared, or disclosed, except for lawful purposes;
  - (3) procedures for notifying the Commission and affected parties of any breach of the security of the system, pursuant to section 899-aa of the General Business Law;
  - (4) a statement that any credit, debit, or prepaid card information collected by the Base or a credit, debit, or prepaid card services provider is processed by the Base or such provider in compliance with applicable payment card industry standards, and;
  - (5) a statement of the Base’s policies regarding the use of passenger geolocation information, which must include, at a minimum, a prohibition on the use, monitoring, or disclosure of trip information, including the date, time, pick-up location, drop-off location, and real-time vehicle location and any retained vehicle location records, without such passenger's affirmative express consent.
- (h) *Compliance with Information Security and Use of Personal Information Policy.* Any Base that files with the TLC an information security and use of personal information policy must comply with the terms of such policy.
- (i) *Security Breach:* If the Base is required to make disclosures under New York State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa), the Base Owner must inform the Commission immediately following such disclosure(s).

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| §59B-21(h) and (i) | Penalty: \$1,000 | Appearance REQUIRED |
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## §59B-22 Records—Reporting Requirements for Street Hail Liveries

- (a) *TSP Required.* Every Street Hail Livery must be equipped with a Technology System.
- (b) *Trip Data Collection and Transmission.*
- (1) All Trip Data must be transmitted to the Commission in a form and format and delivery method as specified by the Commission.



- (2) To the extent necessary to facilitate data transfer, the Commission may mandate that each Street Hail Livery be equipped with external antennas.
- (3) No equipment designed to comply with the provisions of this section may be installed unless it has been approved by the Commission based on a determination that the equipment conforms to the specifications set herein, is safe, and fulfills the intended purposes for such equipment.

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| §59B-22(b)(1)-(3) | Fine: \$500 | Appearance NOT REQUIRED |
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### §59B-23 Operations – Rates and Tolls

- (a) *Rates Must Not Exceed Scheduled Rates.* A Base Owner must not quote or charge a fare that is more than the fare listed in the Rate Schedule filed with the Commission.

|            |                                                                                                                                  |                         |
|------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-23(a) | Fine: \$200 for Passenger overcharge, whether from any quote or from schedule of fares required to be filed with the Commission. | Appearance NOT REQUIRED |
|------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (b) *Rate Quotes – Livery Base Only.*

- (1) Each time a prospective Passenger contacts a Base for transportation, regardless of the means by which the Passenger contacts the Base, the Base Station Owner must ask the Passenger to specify a destination and any intermediate stop(s). If the Passenger specifies a destination and any intermediate stop(s), the Base Station Owner must provide the prospective Passenger with an accurate and binding price quote for travel to the specified destination and any intermediate stop(s). If the Passenger does not specify a destination and any intermediate stop(s), the Base Station Owner must then provide the Passenger with an accurate and binding statement of how the fare is to be calculated, which can be by time, mileage, zones, or other means.
- (2) *Disclosure.* For requests for transportation made by means other than a telephone call, the Base Station Owner must ask the Passenger to specify a destination and any intermediate stop(s), and must prominently disclose in writing to the Passenger, as the Passenger books the trip, that the Passenger will receive an accurate and binding price quote for the trip upon entering his or her destination.
- (3) *Honoring Rate Quotes.* If the Passenger agrees to receive the transportation, the Base Owner must honor the price quoted unless the Passenger changes the date, time, or location of the pick up; the destination or number of stops; or the vehicle type requested, if any.

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| §59B-23(b) | Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing. | Appearance NOT REQUIRED |
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- (c) *Special Rule for Street Hail Liveries.* Fares for Hail Trips in Street Hail Liveries will be as set forth in section 82-26 of these Rules
- (d) *Transportation by Pre-Arrangement Only.* A Base Owner must be responsible for ensuring that transportation is provided only by pre-arrangement through the Base.
- (1) A Base Owner must be responsible for ensuring that transportation is provided only by pre-arrangement through the Base.
  - (2) A Base Owner must ensure that a For-Hire Vehicle does not accept passengers except by pre-arrangement through the base. Exception: A Street Hail Livery affiliated with a Street Hail Livery Base can provide transportation by accepting hails from passengers in the street in the Hail Zone.
  - (3) A Base Owner is responsible and can be issued a summons if Vehicles improperly accept Passenger. A Base Owner's liability will be based on a three month weighted average of total vehicles affiliated with the Base. It will be a defense to any summons issued under this rule that the Base can demonstrate an average of ten Pre-Arranged Trips per affiliated vehicle per day.

|            |                                                                                                                                                                                              |                         |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-23(d) | Fine: \$1000 if 10% of the Base's affiliated vehicles receive summonses under Section 59A-25(a)<br>\$3000 if 20% of the Base's affiliated vehicles receive summonses under Section 59A-25(a) | Appearance NOT REQUIRED |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (e)
- (1) A Street Hail Livery Base Owner must ensure that no Street Hail Livery affiliated with the Street Hail Livery Base, or any other Vehicle affiliated with the Street Hail Livery Base, will provide transportation by accepting hails from passengers in the Hail Exclusionary Zone.
  - (2) A Street Hail Livery Base Owner is responsible and can be issued a summons if Vehicles improperly accept Passengers. A Street Hail Livery Base Owner's liability will be based on a three month weighted average of total vehicles affiliated with the Street Hail Livery Base. It will be a defense to any summons issued under this rule that the Base can demonstrate an average of ten Pre-Arranged Trips per affiliated vehicle per day.

|            |                                                                                                                                                                                                                                  |                         |
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| §59B-23(e) | Fine: \$1000 if 10% of the Base's affiliated Street Hail Livery vehicles receive summonses under Section 82-13(a)<br>\$3000 if 20% of the Base's affiliated Street Hail Livery vehicles receive summonses under Section 82-13(a) | Appearance NOT REQUIRED |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (f) A Street Hail Livery Base Owner must not dispatch a Street Hail Livery for a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

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|------------|-------------|-------------------------|
| §59B-23(f) | Fine: \$500 | Appearance NOT REQUIRED |
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- (g) *For Black Car Bases, Luxury Limousine Bases and High-Volume For-Hire Services: Fare Estimates.* Each time a prospective Passenger contacts a Base for transportation, regardless of the means by which the Passenger contacts the Base, the Base must provide, upon request, an estimate of the total fare in dollars and cents, inclusive of all fees and any price multiplier, for the specific trip requested, prior to dispatching the trip, subject to the following requirements:

- (1) Each Passenger requesting service must be notified of the passenger's right to receive a fare estimate.
- (2) A Base must ask any Passenger requesting a fare estimate to specify a destination.
- (3) The fare estimate may be expressed in a range in dollar and cents, provided that the higher price in such range shall not be more than 150 percent of the lower price in such range.
- (4) A Base may not charge a Passenger a fare that is more than 120 percent of the fare estimate unless the Passenger takes any action to alter the estimated route, including, but not limited to, changing the location of the pick-up, destination, number of stops, or the vehicle type requested, or requests a route change requiring the payment of a toll.
- (5) If the fare estimate is expressed in a range, a Base may not charge the Passenger more than 120 percent of the highest price included in that range.
- (6) The provisions of this subdivision shall not apply to Black Car Bases while providing line work, as that term is defined in section 19-545 of the Administrative Code.
- (7) *Affirmative Defense.* A Base can offer an affirmative defense to a summons issued under paragraphs (3) or (4) of this subdivision if the Base can demonstrate that the Base reimbursed the Passenger the portion of the fare charged that exceeded 120 percent of the given fare estimate within 10 business days of receiving a request for reimbursement from the Passenger.

|            |             |                         |
|------------|-------------|-------------------------|
| §59B-23(g) | Fine: \$500 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (h) *Tips and Gratuities.* A Base Owner must provide a means to allow passengers to tip Drivers using the same method of payment that passengers use to pay for the fare. A Base Owner must remit to the Driver the entirety of anything designated as a tip or gratuity collected by the Base Owner from a customer on behalf of the Driver.

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|------------|-------------|-------------------------|
| §59B-23(h) | Fine: \$500 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

## §59B-24 REPEALED

## §59B-25 Operations – Miscellaneous Operating Requirements

- (a) *No Street Hails Permitted.* A Base Owner must maintain and enforce rules and policies preventing Vehicles affiliated with the Base or dispatched by the Base and Drivers of these Vehicles from accepting street hails and preventing Street Hail Liveries from accepting Hail Trips in the Hail Exclusionary Zone. *NOTE:* Street Hail Liveries are permitted to accept street hails in Hail Zone.

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|------------|-----------------------------------|---------------------|
| §59B-25(a) | Fine: Suspension until compliance | Appearance REQUIRED |
|------------|-----------------------------------|---------------------|

- (b) *Prohibited Use of “Taxi.”* A Base Owner must not hold himself out for business as a “taxi” or “taxicab” service or in any way use the word “taxi,” “taxicab,” “cab,” “hack,” or “coach” to describe the business.

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|------------|-------------|-------------------------|
| §59B-25(b) | Fine: \$250 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (c) *Advertising of Commission License.*

- (1) A Base Owner must clearly state that the Base is licensed by the Commission in all Passenger-facing advertising, whether print, broadcast, electronic or Internet, and in all handbills, fliers, websites, smartphone applications, or other promotional materials and on all business cards and receipts.
- (2) All of the advertising and materials listed in (1) above must include the For-Hire Base License number.

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|------------|-------------|-------------------------|
| §59B-25(c) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (d) *Termination of Affiliation.*

- (1) *Base Owner Termination.* A Base Owner can terminate the affiliation of a Vehicle only by:
- (i) Giving the Chairperson an agreement signed and dated by both parties in which the Vehicle Owner consents to the termination, or
  - (ii) Sending notice to the Vehicle Owner’s Mailing Address by certified mail, return receipt requested, together with proof of mailing, and sending copies of the notice and proof of mailing mailed to the Commission.
  - (iii) Termination will become effective either:
    - A. The date of the Vehicle Owner’s signed agreement, or
    - B. The date notice is mailed to the Vehicle Owner.

- (iv) A Base Owner can notify the Commission at any time when a Vehicle is no longer affiliated with Owner's Base; this notification will be a defense to any liability attaching to the Owner for damage to persons or property caused by the Vehicle after the notification.

(2) *Automatic Termination of Affiliation.*

- (i) A Vehicle's affiliation with a Base will terminate automatically when any of the following occurs:
  - A. The Base License is revoked
  - B. The Base License is suspended for more than 30 continuous days;
  - C. The Base License expires
- (ii) In addition, a Vehicle's affiliation with a Base will terminate automatically upon expiration or revocation of the Vehicle's License.

- (e) *Passenger Complaint Notification:* Upon receipt of a Passenger complaint related to a Driver, a Base Owner must provide the Passenger with the "311" Commission complaint telephone number and inform the Passenger that only the TLC can suspend or revoke a Driver's TLC License.

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|------------|-------------|-------------------------|
| §59B-25(e) | Fine: \$250 | Appearance NOT REQUIRED |
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- (f) *Dispatching to Vehicles at Airports.* A Base Owner must not dispatch a Vehicle parked or otherwise located at Kennedy Airport or La Guardia Airport unless the Vehicle is parked in an area other than the airport's designated passenger pick up locations.

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|------------|-------------|-------------------------|
| §59B-25(f) | Fine: \$250 | Appearance NOT REQUIRED |
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- (g) *Base Name and Rates on Booking Tools.* If a Base allows a Passenger to request a dispatch through its own publicly available Passenger-facing booking tool without speaking to a dispatcher, the Passenger-facing booking tool must use only the Base Name or the trade, business, or operating name the Base has on file with the Commission pursuant to §59B-20(a)(1) of these Rules and must display the Base's rates or fares within the booking tool.

- (h) *For Black Car Bases, Luxury Limousine Bases, and High-Volume For-Hire Services: Price Multipliers.* If a price multiplier or variable pricing policy is in effect at the time at which a customer requests a Vehicle from a Black Car Base, Luxury Limousine Base, or a High-Volume For-Hire Service, such Base must require the customer to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to dispatching a Vehicle to the customer.

- (i) *Receipts.* If a Base provides a receipt for a trip, the receipt must contain all of the following information:
- (1) The Dispatching Base License number;
  - (2) Vehicle License number;
  - (3) Vehicle's affiliated Base License number;
  - (4) Driver's TLC License number;
  - (5) Total amount due;
  - (6) Itemized fees charged (if any) including any price multiplier or variable pricing policy in effect for the trip;
  - (7) The "311" Commission complaint telephone number; and
  - (8) The public access information the Base has on file with the Commission pursuant to §59B-21(c) of these Rules.
- (j) *Electronic Dispatch Requests to Drivers.* If a Base sends dispatch requests to Drivers through an electronic, Driver-facing interface, that interface must be available to a Driver *ONLY* when the Vehicle is standing or stopped, except that the Driver-facing interface can permit a Driver to accept a dispatch with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. All other uses of a Driver-facing interface must be velocity gated to prevent its use while the vehicle is in motion.

## **§59B-26 Vehicles – Inspections**

- (a) *Tri-Annual Inspection Required.* For-Hire Vehicles must be inspected three times a year including at least once every four months and a Base must not dispatch a Vehicle that has missed an inspection until the Vehicle passes inspection.

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| §59B-26(a) | Base Fine: \$350 | Appearance NOT REQUIRED |
|------------|------------------|-------------------------|

## **§59B-27 Vehicles – Meets Safety Standards**

- (a) *Unsafe or Unfit Vehicles.*
- (1) No For-Hire Vehicle can be used in a For-Hire Vehicle service after the Commission or the NYS DMV has determined that the Vehicle is unsafe or unfit for use as a For-Hire Vehicle, and the Owner has been directed to remove the Vehicle from service.
  - (2) If the Commission or the Commission's inspection facility determines that the Vehicle is unsafe or unfit, the Decals must be removed by the Commission.

- (3) If the NYS DMV or a DMV inspection facility determines that the Vehicle is unsafe or unfit, the Vehicle Owner must return the Decals to the Chairperson within 72 hours after the determination is made.
- (4) If the Chairperson has any reason to believe that any For-Hire Vehicle is unsafe or unfit for use, the Chairperson can order the Vehicle to report to the Commission's inspection facility.
- (b) *Seat and Shoulder Belts.* Each For-Hire Vehicle must have all seat belts and shoulder belts clearly visible, accessible, and in good working order.

|            |                   |                     |
|------------|-------------------|---------------------|
| §59B-27(b) | Fine: \$100 – 250 | Appearance REQUIRED |
|------------|-------------------|---------------------|

- (c) *Shoulder Belts Required.* In addition to seat belts for each seating position and shoulder belts for both outside front seat positions, all For-Hire Vehicles must be equipped with shoulder belts for both outside Passenger rear seat positions.

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|------------|-------------------|---------------------|
| §59B-27(c) | Fine: \$100 – 250 | Appearance REQUIRED |
|------------|-------------------|---------------------|

## **§59B-28 Vehicles – Miscellaneous Requirements**

- (a) *Post-Manufacture Alteration.*
  - (1) No For-Hire Vehicle License can be altered after manufacture:
    - (i) To increase its length, width, weight or seating capacity, or
    - (ii) To modify its chassis and/or body design.
  - (2) *Exception for all types of Vehicles:* A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:
    - (i) The modification has been made under a program approved in advance by the original vehicle manufacturer, and
    - (ii) The alteration has been performed by an entity approved and certified by the vehicle manufacturer to perform such alterations.
    - (iii) An original, unaltered, approved vehicle modifier's certification sticker must be affixed to the Vehicle at a location to be determined by the Commission.
  - (3) *Exception for Vehicles seating 10 or more passengers and NOT exempt from NYS DOT Requirements:*

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

- (i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.
  - (ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.
  - (iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.
  - (iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.
  - (v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
  - (vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
  - (vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
  - (viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
  - (ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.
- (4) *Exception for Vehicles seating 10 or more passengers (including the driver) and exempt from NYS DOT Requirements:*

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:



- (i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
  - (ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
  - (iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
  - (iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
  - (v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.
- (5) *Exception for modified Vehicles seating 9 or fewer and exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

- (i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
- (ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
- (iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
- (iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
- (v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.

(6) *Exception for modified Vehicles seating 9 or fewer and NOT exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

- (i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.
- (ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.
- (iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.
- (iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.
- (v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.
- (vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.
- (vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.
- (viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.
- (ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of \$5,000,000.

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|------------|---------------------------|---------------------|
| §59B-28(a) | Base Owner Fine: \$1,000. | Appearance REQUIRED |
|------------|---------------------------|---------------------|

(b) *Proper Vehicle Identification Required.* A Base Owner must not dispatch a Vehicle unless the Vehicle complies with the following requirements:

- (1) *License Plate Number Matches.* The license plate number on the motor vehicle tax stamp, on the state registration certificate, and on the Commission Decals must match each other and must match the number on the license plates affixed to the Vehicle.

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|---------------|-------------|-------------------------|
| §59B-28(b)(1) | Fine: \$100 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|

- (2) *Vehicle Identification Number Matches.* The last six digits of the vehicle identification number (VIN) on the Commission Decals must match the last six digits of the VIN on the state registration, and the VIN on the Vehicle.

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|---------------|-------------|-------------------------|
| §59B-28(b)(2) | Fine: \$100 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|

- (3) *T & LC License Plates.* A For-Hire Vehicle that is registered in New York must have official “T&LC” license plates.

|               |                                                     |                         |
|---------------|-----------------------------------------------------|-------------------------|
| §59B-28(b)(3) | Fine: \$100 - \$350 and Suspension until compliance | Appearance NOT REQUIRED |
|---------------|-----------------------------------------------------|-------------------------|

- (4) *License Plates for Street Hail Liveries.* A Street Hail Livery must be registered in New York and must have license plates issued by the NYS DMV and embossed with the legend “T&LC”. No “vanity” plates are permitted for Street Hail Liveries.

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|---------------|-----------------------------------------------------|---------------------|
| §59B-28(b)(4) | Fine: \$100 - \$350 and Suspension until compliance | Appearance REQUIRED |
|---------------|-----------------------------------------------------|---------------------|

## §59B-29 Vehicles – Markings & Advertising

A Base Owner must not dispatch a Vehicle unless the Vehicle complies with the following requirements.

- (a) *Valid License Decals.*

- (1) Three Valid Commission License Decals must be plainly visible and affixed to the Vehicle in the following locations:
- (i) One Decal must be on the lower front right side of the windshield.
  - (ii) One Decal must be on the lower rear corner of each of the two rear quarter windows; if there are no rear quarter windows, the Decals must be on the lower rear window just above the rear door.
  - (iii) The Decals must be affixed by Commission staff.
- (2) When the Vehicle License is renewed or when the Vehicle is replaced, changes affiliation, or changes its license plates, the Vehicle must be brought to the

Commission Safety and Emissions Division to have new Decals placed on the Vehicle.

- (3) *Exception for Luxury Limousines.* Any For-Hire Vehicle that is a Luxury Limousine will only be required to have a single Commission Decal affixed to the lower right side of the front windshield.

|            |                                                                                                                                                     |                         |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-29(a) | Failure to have proper Decals: \$500 for the first offense in 12 months<br>\$1,000 for the second and subsequent offenses within a 12-month period. | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (b) *Valid Registration Sticker.* A valid registration sticker from an authorized state motor Vehicle department must be affixed to the left front windshield so as to be plainly visible.

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|------------|-------------|-------------------------|
| §59B-29(b) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (c) *Inspection Sticker.* A Valid New York State DMV inspection sticker that has at least eight months left before the sticker expires must be clearly visible on the left side of the front windshield.

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|------------|------------------------|-------------------------|
| §59B-29(c) | Base Owner Fine: \$350 | Appearance NOT REQUIRED |
|------------|------------------------|-------------------------|

- (d) *Taxicab Yellow Prohibited.* No part of a For-Hire Vehicle can be painted any shade of Taxicab yellow.

|            |                                                                                                                                         |                     |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-29(d) | Fine: \$350 for the first violation;<br>\$500 for the second violation in 24 months;<br>Revocation for the third violation in 36 months | Appearance REQUIRED |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (e) *Prohibited Advertising.*

- (1) A Vehicle must not display advertising on the outside or the inside unless the Commission has authorized the advertising and has given the Vehicle Owner a permit specifying that the advertising complies with the Administrative Code.
- (2) The Commission will not approve any roof top advertising for For-Hire Vehicles, except for Street Hail Liveries.
- (3) *Street Hail Liveries: Optional Rooftop Advertising Fixture.*
  - (i) A Street Hail Livery Licensee may equip a Taxicab with an authorized Rooftop Advertising Fixture in accordance with Rule 82-63.
- (4) A Vehicle must not display or attempt to display any interior advertising unless the advertising has been authorized by the Commission and a License has been issued to the Interior Advertising Provider in accordance with the provisions of Sub-

Chapter 59E of this chapter.

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|------------|--------------------------------------------------------------------------------------------|-------------------------|
| §59B-29(e) | Fine: \$100 if plead guilty before a hearing;<br>\$200 if found guilty following a hearing | Appearance NOT REQUIRED |
|------------|--------------------------------------------------------------------------------------------|-------------------------|

(f) *Motor Vehicle Tax Stamp.*

- (1) For Vehicles registered with the Department of Motor Vehicles before April 30, 1999, a Valid NYC commercial use motor vehicle tax stamp must be affixed to the front right side of the windshield of the Vehicle and clearly visible.
- (2) For Vehicles registered after April 30, 1999, the Owner must show proof that the required commercial use motor vehicle tax for the current tax period has been paid.

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|------------|-------------|-------------------------|
| §59B-29(f) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

(g) *Livery Base Station Affiliation Signs.* A For-Hire Livery Vehicle must identify its affiliated Base Station on the outside of the Vehicle as follows:

- (1) The name of the Base Station, its License number and telephone number in one of the following ways:
  - (i) In letters and numerals at least one-and-one-half inches in height, on the outside of a door or doors on both sides of the Vehicle, below the windows and at least six inches above the bottom of the door(s);
  - (ii) In letters and numerals at least one inch in height in one location on the rear of the Vehicle below the rear window, and at least six inches above the bottom of the rear of the Vehicle, or
  - (iii) Both on the doors and rear of the Vehicle.
- (2) The letters and numerals must be of a color that contrasts with the color of the body of the Vehicle so that it is easy to see and read.
- (3) Lettering and numbering must be spaced to provide easy legibility and, if placed on doors on both sides of the Vehicle must be identical on both sides of the livery.
- (4) All Decals must be semi-permanent adhesive stickers.
- (5) *Exemption.* Luxury Limousines and Black Cars are exempt from the requirements of this subdivision.

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|------------|------------|-------------------------|
| §59B-29(g) | Fine: \$25 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

(h) *Required Signage for Accessible Vehicles.* Any Accessible Vehicle licensed by the Commission must display signs that identify the Vehicle as an Accessible Vehicle. The

signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

- (1) 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 Vehicle
- (2) Must be visible to Passengers entering the Accessible Vehicle

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|------------|------------|-------------------------|
| §59B-29(h) | Fine: \$75 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

- (i) *Required Signage for Clean-Air Vehicles.* Any Clean Air For-Hire Vehicle licensed by the Commission must display signs that identify the Vehicle as a Clean Air Vehicle. The signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

- (1) 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 Vehicle
- (2) Must be visible to Passengers entering the Clean Air Vehicle

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|------------|------------|-------------------------|
| §59B-29(i) | Fine: \$75 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

- (j) *Markings—Special Requirements for Street Hail Liveries*

- (1) Street Hail Liveries must comply with the markings requirements of §82-33 of these Rules.
- (2) A Street Hail Livery Base must not permit a Street Hail Livery affiliated with it to operate unless it has the proper markings.

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|---------------|-------------|-------------------------|
| §59B-29(j)(2) | Fine: \$100 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|

- (k) *Color—Special Requirements for Street Hail Liveries*

- (1) The exterior of the Street Hail Livery vehicle must be painted Street Hail Livery color to be designated, except for the trim. The specifications for Street Hail Livery color to be designated will be posted on the Commission's Web site.
- (2) A Street Hail Livery Base must not permit a Street Hail Livery affiliated with it to operate unless it is painted as required by this section.

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|---------------|-------------|-------------------------|
| §59B-29(k)(2) | Fine: \$100 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|

- (l) *Required Sticker.* Each For hire-vehicle must display an internal safety sticker, with the following inscription: “Turning? People are Crossing.” The dimensions of the sticker are 3.5 inches wide by 2.5 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. If displayed, the sticker must be placed in the Vehicle as follows:

(1) On the inside of the front windshield, in the center and adjacent to the top of the windshield directly behind the rearview mirror.

(2) In such a manner not to obstruct the driver’s view.

|                       |            |                         |
|-----------------------|------------|-------------------------|
| §59B-29(l)(1) and (2) | Fine: \$75 | Appearance NOT REQUIRED |
|-----------------------|------------|-------------------------|

- (m) *Optional Sticker.* For hire-vehicles may display an optional external sticker, with the following inscription: “The choices you make behind the wheel matter.” The dimensions of the sticker are 15 inches wide by 4 inches wide. The sticker may be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. If displayed, the sticker must be placed on the Vehicle as follows:

(1) On the rear bumper of the vehicle.

- (n) *Required Sticker.* Each For Hire-Vehicle must display an internal safety sticker, with the following inscription: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 8.0 inches wide by 2.0 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) Incorporated into the Livery Bill of Rights.

The provisions of this subdivision do not apply to black cars and luxury limousines.

|               |                                                                                          |                         |
|---------------|------------------------------------------------------------------------------------------|-------------------------|
| §59B-29(n)(1) | Fine: \$50 if plead guilty before a hearing,<br>\$75 if found guilty following a hearing | Appearance NOT REQUIRED |
|---------------|------------------------------------------------------------------------------------------|-------------------------|

- (o) *Optional Sticker.* Each For Hire-Vehicle may display an external safety sticker, with the following inscription: “Taxi and Limousine Drivers Are Protected By New York State Law ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 3.5 inches wide by 3.5 inches high. The sticker may be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) On a rear passenger window.

- (p) *Required Decal.* Each For-Hire Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will be placed as follows:

- (1) As directed by the Chairperson.

|               |                                                                                       |                         |
|---------------|---------------------------------------------------------------------------------------|-------------------------|
| §59B-29(p)(1) | Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing | Appearance NOT REQUIRED |
|---------------|---------------------------------------------------------------------------------------|-------------------------|

- (q) *Required Decal.* Each For-Hire Vehicle must display decals provided by the Commission warning passengers to look for cyclists before opening the door. Such decals must be placed on the inside of both rear passenger doors.

|            |                                                                                                                                                              |                         |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59B-29(q) | Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. No penalty for missing decal if condition is corrected within 10 days | Appearance NOT REQUIRED |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

### **§59B-30 Vehicles – Items Required to be in Vehicle**

- (a) *Licenses and Certificates.* No For-Hire Vehicle can be dispatched by a For-Hire Base unless the Vehicle contains:

- (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
- (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 TLC Driver 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 the TLC Driver 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.

|                   |                                                                                                            |                     |
|-------------------|------------------------------------------------------------------------------------------------------------|---------------------|
| §59B-30(a)(1)-(3) | Fine: \$50 for each violation of this rule; however, no fine for a violation of this rule can exceed \$100 | Appearance REQUIRED |
|-------------------|------------------------------------------------------------------------------------------------------------|---------------------|

- (4) *Modified Vehicles.* If the Vehicle has been modified after manufacture and IS exempt from NYS Department of Transportation inspection and authorization requirements, a copy of the valid exemption letter from the NYS Department of Transportation must be kept in the Vehicle at all times.

|               |              |                         |
|---------------|--------------|-------------------------|
| §59B-30(a)(4) | Fine: \$100. | Appearance NOT REQUIRED |
|---------------|--------------|-------------------------|

(b) *Livery Passengers' Bill of Rights.*

- (1) *Regular Liveries Only:* No For-Hire Livery Vehicle can be dispatched by a For-Hire Base unless the Vehicle contains:

- (i) The Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.
- (ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.
- (iii) The Livery Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

- (2) *Street Hail Liveries Only:* No Street Hail Livery Vehicle can be dispatched by a Street Hail Livery Base unless the Vehicle contains:

- (i) The Street Hail Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.
- (ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

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| §59B-30(b) | Fine: \$100 | Appearance NOT REQUIRED |
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- (c) *Special Requirements for Street Hail Liveries.* In addition to the other requirements of this section, a Street Hail Livery Base Owner must ensure that all Street Hail Liveries dispatched by the Base comply with the following:

- (1) No Street Hail Livery can be dispatched unless the Vehicle contains the Rate Card in a frame next to the TLC Driver License.

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| §59B-30(c)(1) | Fine: \$25 | Appearance NOT REQUIRED |
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### §59B-31 Vehicle – Equipment

A Base Owner must not dispatch a Vehicle from its Base unless the Vehicle is in compliance with all of the following requirements.

- (a) *Roof Light.* A Base Owner must not dispatch a For-Hire Vehicle that is equipped with a roof light, unless the Vehicle falls under one of the following categories:

- (i) *Staten Island Vehicles:* The Vehicle operates primarily in Staten Island and is affiliated with a Base located in Staten Island. A roof light on a Staten Island Vehicle must meet the specifications in the definition of “roof light” in these rules; or

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| §59B-31(a)(i) | Fine: \$350 – first violation<br>\$500 – second violation in 24 months<br>Revocation for third violation in 36 months | Appearance REQUIRED |
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- (ii) *Street Hail Livery Vehicles:* The Vehicle is a Street Hail Livery. A Street Hail Livery vehicle must be equipped with a roof light meeting the requirements of Chapter 82-52 of these Rules.

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| §59B-31(a)(ii) | Fine: \$100 | Appearance NOT REQUIRED |
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- (b) *Taximeter.* A Base Owner must not dispatch a For-Hire Vehicle that is equipped with a Taximeter. *Exception:* A Street Hail Livery must be equipped with a taximeter. See Section 59B-51 of this Chapter.

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| §59B-31(b) | Fine: \$50 | Appearance NOT REQUIRED |
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- (c) *Distress Signal Light – Livery Vehicle.*

- (1) *Requirement.* A Base Owner must not dispatch a Livery Vehicle unless it is equipped with a help or distress signaling light system meeting the specifications in Sub-chapter §59C-03 of these Rules.

- (2) *Exemption.* Vehicles affiliated only with a Black Car Base or a Luxury Limousine Base are not subject to this requirement.

|            |                                                                                                                                                                                           |                         |
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| §59B-31(c) | Fine: \$175 and suspension of the vehicle license until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC’s Safety and Emissions Division. | Appearance NOT REQUIRED |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (d) *Electronic Dispatching Device.* A Base Owner must not dispatch a For-Hire Vehicle that is equipped with more than the number of electronic devices used to accept dispatches from a Base allowed under §59A-31(e) of these Rules.

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| §59B-31(f) | Fine: \$50 | Appearance NOT REQUIRED |
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**§59B-32 REPEALED Vehicle Equipment – Partitions for Livery Vehicles**

**§59B-33 REPEALED Vehicle Equipment – In-Vehicle Camera System (IVCS)**

**§59B-34 RESERVED (Taxicab Specific Vehicle Equipment)**

**§59B-35 Penalty Points for Bases**

- (a) *Accumulation of Points.* A Base will accumulate Penalty Points as penalties for violation of certain Rules and upon certain violations by the Base’s affiliated Vehicles, as specified below.
- (b) *Notification of Affiliated Vehicle Points.* A Base will be notified by the Commission (by USPS to the Base Mailing Address) whenever an affiliated For-Hire Vehicle accumulates a Penalty Point.
- (c) *Assessment of Point for Revocation of Affiliated Vehicle License.* A Base will be assessed one Penalty Point whenever an affiliated For-Hire Vehicle accumulates Penalty Points sufficient in number and time, that the Commission revokes the Vehicle’s License.
- (d) *Six Penalty Points Requires Base License Revocation.* The License of any Base that accumulates six or more Penalty Points for occurrences during any License term will be revoked.
- (e) *Points Accrued but not Assessed Before Renewal.*
- (1) If points are imposed *after* a Base License has been renewed based on a violation that occurred *before* the renewal, the points will be added to the total points accumulated by the Base *before* its renewal.
  - (2) If the additional Points raise the total number to six or more Points, the Base License will be revoked.
- (f) *Revoking a License.*
- (1) The Chairperson can begin revocation proceedings whenever a Base Licensee has been assessed six or more points during the current term of that License.
  - (2) The Licensee’s Base License can also be revoked as part of the decision imposing the final point necessary for revocation.

- (g) *Separate Proceedings for Base License and Vehicle License Revocation.* At any time revocation of a Base License is mandated and the last penalty point arises from the same incident that created the For-Hire Vehicle License revocation mandate, separate proceedings must be held for the Base License revocation and the Vehicle License revocation.
- (h) *Point Reduction Program.* The Chairperson will develop a point reduction program applicable to Vehicles and Bases.
- (i) *Penalty Point Program Start Date.* No Penalty Points will be imposed for violations occurring before August 1, 2009.

#### **§59B-51 Special Requirements for Street Hail Liveries--Taximeters**

- (a) *Taximeter.*
  - (1) A Street Hail Livery Base Owner must not dispatch a Street Hail Livery unless it is equipped with a Taximeter as required in Section 82-38 and the specifications set forth in Section 82-54 of these Rules.
  - (2) A Street Hail Livery Base Owner must not tamper with, alter, repair or attempt to repair any of the following:
    - (i) A Taximeter
    - (ii) Any Seal affixed to the taximeter by a licensed Taximeter repair shop or other authorized facility
    - (iii) The Technology System
    - (iv) Any cable mechanism or electrical wiring of a Taximeter or Technology System
  - (3) A Street Hail Livery Base Owner must not make any change in a vehicle's mechanism or its tires that would affect the operation of the Taximeter or of the Technology System.

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| §59B-51(a) | Fine: \$250-\$1,500 and/or suspension up to 30 days | Appearance REQUIRED |
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#### **§59B-52 Special Requirements for Street Hail Liveries—Technology System**

- (b) *Equip Street Hail Liveries with Technology System.* A Street Hail Livery Base must ensure that each of its Street Hail Liveries is equipped with the Technology System. The Technology System must comply with the specifications established in §83 of these Rules.

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| §59B-52(a) | Fine: \$1,000 and suspension until compliance | Appearance REQUIRED |
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- (c) *Good Working Order.* The Technology System equipment must be in good working order.

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| §59B-52(c) | Fine: \$250 and suspension until compliance | Appearance REQUIRED |
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- (d) *Malfunction or Failure to Operate.*

- (1) If the Technology System malfunctions or fails to operate, the Street Hail Livery Base must file an incident report with the authorized provider within two hours following the discovery of the malfunction or as soon as the Street Hail Livery Base reasonably should have known of such malfunction.
- (2) If the Driver or Street Hail Livery Licensee previously filed an incident report, the Street Hail Livery Base will not be required to file a separate incident report. The Street Hail Livery Base must verify that the report has been filed by obtaining the incident report number from the Driver, Street Hail Livery Licensee or Technology System Provider.
- (3) The Street Hail Livery Licensee or the Street Hail Livery Base must meet the appointment for repair scheduled by the Technology System Provider following the incident report.

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| §59B-52(c)(1)-(3) | Fine: \$250 and suspension until compliance | Appearance REQUIRED |
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- (e) *Inspection upon Multiple Technology System Malfunctions.* For any Street Hail Livery requiring six or more repairs of the vehicle's Technology System in any 30-day period, the Street Hail Livery Base with which such vehicle is affiliated must promptly take that vehicle for inspection or schedule an inspection with the Commission's Safety and Emissions Facility. This requirement will not apply to the Street Hail Livery Base if compliance is made by the Street Hail Livery Licensee or Driver of the vehicle.

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| §59B-52(e) | Fine: \$250 | Appearance NOT Required |
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#### **§59C-01 REPEALED In-Vehicle Camera System (“IVCS”)**

#### **§59C-02 REPEALED Partitions – Livery Vehicles Only**

#### **§59C-03 Distress Signal Lights – Livery Vehicles Only**

- (a) *Requirement.* An owner must equip all For-Hire Vehicles with a help or distress signaling light system consisting of two turn signal type “lollipop” lights.
- (b) *Technical Specifications.*
  - (1) One light must be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light must be mounted on top of the rear bumper, to the left of the license plate.
  - (2) Each light must be three to four inches in diameter, have a total rated output of 32 candle power, and be amber-colored or have an amber-colored lens so that the light output of the device is the color amber at 32 candle power.
  - (3) The activator must be installed within easy reach of the driver, must be silent when operating, and must be fully solid-state.
  - (4) The lights must be able to flash between 60 and 120 times per minute.

#### **§59C-04 Specifications for Accessible For Hire Vehicles**

- (a) An Accessible Vehicle may be approved if it meets the following conditions:
  - (1) It is a vehicle other than (i) a bus, (ii) a minibus, or (iii) a van, the chassis for which, as originally manufactured, is designed to seat eight or more persons.
  - (2) It is capable of transporting at least one passenger using a common wheelchair (as wheelchair is defined in Code of Federal Regulations, title 49, section 37.3).
- (b) The chassis of the Accessible Vehicle, as originally manufactured, must have:
  - (1) A maximum horsepower of 290.
  - (2) The original equipment manufacturer’s suspension and steering components.
  - (3) No bumper modifications.

- (4) Exception regarding bumpers: A bumper modified to allow installation of a rear-entry ramp may be approved if it satisfies either of the following:
  - (i) The rear bumper is reinforced.
  - (ii) The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
  - (iii) Any rear door lock modifications must meet the Federal Motor Vehicle Safety Standards and the lock must be attached to the chassis, not the ramp, unless a secondary lock is attached to the chassis.
  - (iv) The modifier must retain an engineer with a bachelor's degree in mechanical engineering with at least 3 years of experience in automotive manufacturing to certify that each vehicle was modified using the design tested to meet or exceed Federal Motor Vehicle Safety Standards.
  - (v) Separate certification for each vehicle must be presented when the vehicle is submitted to TLC as a Wheelchair Accessible Vehicle.
- (c) The Accessible Vehicle, as manufactured by the original equipment manufacturer ("OEM") or as modified by a National Highway Traffic Safety Administration (NHTSA)-registered second-stage manufacturer (or vehicle modifier), must meet all applicable Americans with Disability Act specifications as required for Wheelchair Accessible Vehicles, as well as the following specifications:
  - (1) The minimum ground clearance (measured from frame, loaded to gross vehicle weight rating) must be 5 inches.
  - (2)
    - (i) The passenger compartment length (measured from rear of driver's seat base to rear seat base) must be not less than 56 inches.
    - (ii) Exception: For an Accessible Vehicle designed to carry a Passenger using a wheelchair in the front right position beside the Driver, the passenger compartment length must be not less than 38 inches.
  - (3) The rear compartment of any vehicle approved for use as an Accessible Vehicle Model must meet the following dimensions as defined by the Society of Automotive Engineers:
    - (i) Effective legroom (L51) must be at least 34.6 inches.
  - (4) The front compartment of any vehicle approved for use as an Accessible Vehicle Model must meet the following dimensions:

- (i) Effective legroom (L34) must be at least 40 inches.
- (5) Total legroom (the sum of L34 and L51) must be at least 74.6 inches.
- (6) Where a Wheelchair Accessible Vehicle is modified using a side entry conversion, the original floor of the Accessible Vehicle, if lowered, must be lowered from the base of the firewall to the area immediately in front of the rear axle.
- (7) If a lowered floor assembly is used in the process of converting a vehicle to a Wheelchair Accessible Vehicle, the lowered floor must be stainless steel (16 gauge minimum) or the equivalent.
- (8) Sound-deadening material must be applied over the lowered metal floor and thoroughly secured.
- (9) The wheelchair ramp must not obstruct the drivers' rearview sight while in the stowed position.
- (10) The system provided to securely hold one or more wheelchairs in place must be the system known as Q straint QRT Standard or, if an alternative system, it must meet or exceed the Q straint QRT Standard.
- (11) No anchor points may project more than 1/8 of an inch above the finished floor.
- (12) If the Accessible Vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and must meet the requirements of the Federal Motor Vehicle Safety Standard No. 207, Code of Federal Regulations, title 49, and section 571.207.
- (13) Any modifications to the rear air conditioning must be approved by the OEM.
- (14) Any and all electrical wiring, other than as provided by the OEM, must be PVC-or-better insulated and color-coded for positive identification.
- (15) The back-up alarm must be an electrically operated device that produces an intermittent audible signal when the Accessible Vehicle's transmission is shifted into reverse.
- (16) The converted vehicle must be purchased from the same converter which has manufactured the necessary parts/components and provided the labor to convert the vehicle.



- (17) Conversion of a vehicle with a salvage title certificate, as identified by a relevant State Department of Motor Vehicles, is prohibited.
- (18) All approved Wheelchair Accessible Vehicles, whether modified or not, must meet all applicable federal and state emissions requirements and standards.

### **§59D-01 Scope of this Sub-chapter**

- (a) To establish the procedures, rules and regulations for obtaining and maintaining a High-Volume For-Hire Service License,
- (b) To provide penalties for violation of the rules and requirements for maintaining a High-Volume For-Hire Service License.

### **§59D-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 (except as provided in this Sub-chapter), or
    - (ii) Any person who does not hold a License or Authorization from the Commission;
  - (2) Unlicensed Activity specifically includes the activities listed in §19-506, §19-528, and §19-548 of the Administrative Code.
- (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 Respondent is found guilty of the violation, unless:
    - (i) the Respondent files an appeal of the decision issued by the OATH Hearings Division within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.
  - (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

### **§59D-03 Definitions Specific to this Sub-chapter**

- (a) *Applicant* in this Sub-chapter means an Applicant for an original or renewal High-Volume For-Hire Service License.
- (b) *Driver* in this Sub-chapter means a For-Hire Driver.
- (c) *For-Hire Driver* in this Sub-chapter means a Driver of a For-Hire Vehicle.
- (d) *High-Volume For-Hire Service* is a central dispatch facility, as such term is defined in New York Executive Law §160-cc, that (1) is a Commission-licensed business, (2) facilitates or otherwise connects passengers to for-hire vehicles by prearrangement, including through one or more licensed For-Hire Vehicle Bases, using a passenger-facing booking tool, and (3) dispatches or facilitates the dispatching of ten-thousand (10,000) or more trips in the City per day. Any and all bases using a common brand, trade, business or operating name will be considered together for purposes of identifying a High-Volume For-Hire Service.
- (e) *Initial High-Volume For-Hire Service Issuance Period* is the three month period beginning on a date posted on the Commission's website during which a Base, or collection of Bases operating under the same brand, trade, business, or operating name, that connects Passengers to For-Hire Vehicles by prearrangement and dispatches or facilitates the dispatching of ten thousand or more trips per day in the City using a passenger-facing booking tool must apply for a High-Volume For-Hire Service License under this subchapter or be listed as a Base through which a High-Volume For-Hire Service dispatches trips on an application for a High-Volume For-Hire Service License.
- (f) *License* in this Sub-Chapter means a High-Volume For-Hire Service License.
- (g) *Owner* in this Sub-chapter refers to a High-Volume For-Hire Service Owner. An Owner can be a Business Entity or a person.
- (h) *Passenger-Facing Booking Tool* is an application on a smartphone or other electronic device that allows communication between a Passenger and a For-Hire Base or High-Volume For-Hire Service. Such communication includes but is not limited to allowing a Passenger to request, book, or pay for a trip.
- (i) *Respondent* means an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being unfit to hold a License.
- (j) *Utilization Rate* refers to the percentage of time or distance, in aggregate, that all Drivers who have made themselves available to accept dispatches from High-Volume For-Hire Services spend transporting passengers on trips dispatched by High-Volume For-Hire Services. The Utilization Rate is calculated by dividing the total amount of time or distance those Drivers spend transporting passengers on trips dispatched by High-Volume For-Hire Services, by the total amount of

time or distance Drivers are available to accept dispatches from High-Volume For-Hire Services, have been dispatched by a High-Volume For-Hire Service to pick up a passenger but do not have a passenger in the vehicle, and are transporting passengers on trips dispatched by a High-Volume For-Hire Service.

- (k) *Vehicle* in this Sub-chapter refers to a For-Hire Vehicle.

#### **§59D-04 Licensing – General Requirements**

- (a) ***Reserved.*** Identification.
- (b) ***Reserved.*** Age.
- (c) *Fingerprinting to Verify Good Moral Character.*
- (1) *Initial Applicants.* An individual or all Limited Business Entity Persons of a Business Entity applying for a High-Volume For-Hire Service License must be fingerprinted for the purpose of obtaining criminal history records.
  - (2) *Review of Criminal History.* The criminal history must be reviewed in a manner consistent with Article 23-A of the New York State Correction Law.
  - (3) *Additions or Changes to Applicant.* Before or within five days after any change or addition to the Limited Business Entity Persons of a Licensee which is a Business Entity Licensee:
    - (i) The Licensee must file an application with the Commission for approval of the change or addition on forms that are prescribed by the Commission.
    - (ii) The new Limited Business Entity Person(s) must be fingerprinted as required by this subdivision.
  - (4) The Applicant or Licensee must pay any processing fee required.
- (d) ***Reserved.*** Designate Drivers as Agents to Receive Service.
- (e) *Payment of Fines and Fees.*
- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
    - (i) the Commission,

- (ii) NYC Department of Finance's Parking Violations Bureau,
  - (iii) NYC Department of Finance's Red Light Camera Unit,
  - (iv) NYS DMV's Traffic Violations Bureau and
  - (v) any of their successor agencies.
- (2) This requirement includes payment of fines and fees owed as of the date of the application by
  - (i) any Business Entity Persons of the Applicant
  - (ii) any Business Entity of which the Applicant is a Business Entity Person, and
  - (iii) any Business Entity other than the Applicant of which a Business Entity Person of the Applicant is also a Business Entity Person.
- (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to its failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (f) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:
  - (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.* If the Applicant is a corporation, it must file with its application:
    - (i) A certified copy of its certificate of incorporation
    - (ii) A list of officers and shareholders
    - (iii) A certified copy of the minutes of the meeting at which the current officers were elected.
  - (3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:
    - (i) A copy of its articles of organization

- (ii) A copy of its operating agreement
  - (iii) A list of the members, with the percentages of the Applicant owned by each.
- (g) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.
- (h) *Fit to Hold License.* An Applicant (including the individual, Business Entity or any Limited Business Entity Persons) must demonstrate that it is Fit to Hold a License.

#### **§59D-05 Licensing – Special Requirements**

- (a) *List of Bases.* An Applicant for a High-Volume For-Hire Service License that is not a renewal Applicant must submit a list of the Bases through which it dispatched trips during the two years preceding the date the application is submitted.
- (b) *Business Plan.* An Applicant for a High-Volume For-Hire Service License must submit a business plan for approval by the Commission with each application for a new or renewal License or for a change of ownership of the High-Volume For-Hire Service License. The business plan must include:
  - (1) *Trip Volumes.*
    - (i) For Renewal Applicants and Applicants during the Initial High-Volume For-Hire Service Issuance Period: the number of trips the Applicant dispatched, including through a Base, during the previous calendar year
    - (ii) For all Applicants: an estimate of the number of trips per day the Applicant expects to dispatch upon receipt or renewal of a License and for the two calendar years immediately following the issuance or renewal of the License.
  - (2) *Vehicle Count.* The number of For-Hire Vehicles, including number of wheelchair-accessible For-Hire Vehicles, the Applicant expects to operate in accordance with the business plan submitted pursuant to this subdivision.
  - (3) *Service Area.* The geographic area(s) in the City the Applicant intends to serve.
  - (4) *Accessibility Requirements.*

- (i) For new License Applicants and Applicants during the Initial High-Volume For-Hire Service Issuance Period: a statement for approval by the Commission outlining how the Applicant will comply with the accessibility requirements contained in Section 59B-17(c) of these Rules.
  - (ii) For Renewal Applicants: a demonstration that the Applicant is in compliance with the accessibility requirements contained in Section 59B-17(c) of TLC's Rules.
- (c) *Impact Analysis.* An Applicant for a High-Volume For-Hire Service License must submit an analysis, in a format prescribed by the Commission, assessing the impact of the Applicant's proposed operation on the environment. Such statement must include an assessment of the High-Volume For-Hire Service's impact on traffic congestion, local transportation including public transit, private motor vehicles and other modes of transit, and noise.
  - (1) To the extent the Applicant's proposed operation has negative impacts on the environment that cannot be corrected within 90 days of the day the application is filed, the Applicant must propose a corrective action plan for approval by the Commission, outlining the manner and the time in which the Applicant will mitigate such negative impacts.
- (d) *Driver Payments and Earnings.* An Applicant for a High-Volume For-Hire Service must submit a description of all deductions, including any commissions, lease fees and other charges, which such Applicant, or the Bases through which the Applicant dispatches trips, proposes to charge either the For-Hire Vehicle Owner or the Driver, or both, as applicable, together with an estimate of the average gross hourly earnings of a Driver, based upon actual or anticipated trips and fares. The Applicant must certify that it will not impose any charge or deduction on a For-Hire Vehicle Owner or Driver that has not been submitted to the Commission.
  - (1) The Applicant must also certify that, absent a reasonable belief that a Driver's account is associated with fraudulent activity, if a payment transaction for a completed trip dispatched by the High-Volume For-Hire Service Licensee fails, the Driver will receive the entire amount owed for such completed trip.

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| §59D-05(d)(1) | Fine: \$250 | Appearance NOT Required |
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- (2) A High-Volume For-Hire Service must not charge, request or accept any fee for revenue generated from an Interior Advertising System to or from a Driver.

|               |                                                                                                                                                                                                                                                                                                                    |                         |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-05(d)(2) | Fine: First violation: \$500; Second and subsequent violations: \$1,000 and/or suspension for up to 30 days. In addition to the penalty payable to the Commission, the Hearing Officer must order the lessor to pay restitution to the Driver, equal to the amount charged to the Driver in violation of this rule | Appearance NOT REQUIRED |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (e) High-Volume For-Hire Services must continue to meet all requirements of Chapter 59B of these Rules unless otherwise specified.
- (f) High-Volume For-Hire Services must comply with the requirements set forth in subdivision (c) of §59D-13 of these Rules.

#### **§59D-06 Licensing – Term of License**

- (a) *New High-Volume For-Hire Service License Term.* The term of a new High-Volume For-Hire Service License will expire two years after the last day of the month in which the new License is issued.
- (b) *Initial High-Volume For-Hire Service Issuance Period.* Any Base, or collection of Bases operating under the same brand, trade, business, or operating name, that connects Passengers to For-Hire Vehicles by prearrangement and dispatched or facilitated the dispatching of an average of ten thousand or more trips per day in the City using a passenger-facing booking tool during the six months prior to the Initial High-Volume For-Hire Service Issuance Period must apply for a High-Volume For-Hire Service License during the High-Volume For-Hire Service Issuance Period.
- (c) *High-Volume For-Hire Service License Renewal Term.* A License issued to a renewing Applicant will expire two years after the date on which the previous License expired.
- (d) *When to File for Renewal.*
  - (1) A renewing Applicant must file a completed application *at least* 60 days before the expiration date of the License.
  - (2) Application Submission Date.
    - (i) Applications filed online: The date of submission is the date an application is filed online.
    - (ii) Applications filed by mail: The date of submission is the postmark date.



- (iii) Applications filed in person: The date of submission is the date an application is filed in person.
  - (3) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.
- (e) *Extensions.*
- (1) If a timely application for renewal of a License has been made as required in subdivision (d) of this section, the Chairperson will extend the License until review of the renewal application is completed.
  - (2) The License of the renewal Applicant remains effective during this extended period even if the application is ultimately denied.
  - (3) If the Commission approves the renewal application of a Licensee whose License has been extended pursuant to this subdivision, the expiration date of the renewal License will be based on the original expiration date of the License and not the extended date.
- (f) *Suspended Licenses.*
- (1) If a License is suspended, the Licensee must apply for renewal as required in subdivision (d) of this section if the Licensee wants to maintain the License. Failure to complete the renewal requirements means that the License cannot be maintained.
  - (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

#### **§59D-07 Licensing – Fees**

- (a) *High-Volume For-Hire Service License Fee.* The fee for the operation of a High-Volume For-Hire Service is \$190,000 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 a fee if it denies the application.
- (d) *Name Change Fee.* The fee to change the name of a High-Volume For-Hire Service is \$500.

- (e) *Relocation Fee.* The fee to change the location of a High-Volume For-Hire Service is \$500.

#### **§59D-08 Licensing – Causes for Denial or Revocation**

- (a) *Material Misrepresentation.*
- (1) The Commission can deny an application for a High-Volume For-Hire Service License or its renewal and revoke or suspend any License issued if it finds that an Applicant has made a material misstatement or misrepresentation on an application for a License or its renewal.
- (b) *Failure to Complete Application Requirements.*
- (1) The Chairperson may deny an application for a new High-Volume For-Hire Service License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.
- (2) The Chairperson may deny an application for a renewal High-Volume For-Hire Service License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.
- (c) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License to operate a High-Volume For-Hire Service, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

#### **§59D-09 Compliance with Law – No Unlicensed Activity**

- (a) *High-Volume For-Hire Service License Required.* No person or entity is permitted to operate a business as a High-Volume For-Hire Service without a Valid High-Volume For-Hire Service License from the Commission.

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|------------|------------------------|---------------------|
| §59D-09(a) | Fine: \$10,000 per day | Appearance REQUIRED |
|------------|------------------------|---------------------|

- (b) *Advertising of Unlicensed For-Hire Service.* A High-Volume For-Hire Service must not hold itself out to the public as a for-hire service without a current License issued by the Commission for that activity.

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|------------|------------------------|---------------------|
| §59D-09(b) | Fine: \$10,000 per day | Appearance REQUIRED |
|------------|------------------------|---------------------|

## §59D-10 Compliance with Law – Personal Conduct

### (a) *Bribery.*

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

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|---------------|-------------------------------|---------------------|
| §59D-10(a)(1) | Fine: Revocation and \$10,000 | Appearance REQUIRED |
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- (2) *Demand for Gratuity.* 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.

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|---------------|-------------------------------------------------------------|---------------------|
| §59D-10(a)(2) | Fine: \$1,000 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
|---------------|-------------------------------------------------------------|---------------------|

- (3) *Prohibited Offer of Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control, or baggage handling.

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|---------------|-------------------------------------------------------------|---------------------|
| §59D-10(a)(3) | Fine: \$1,000 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
|---------------|-------------------------------------------------------------|---------------------|

- (b) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

|            |                                                                 |                     |
|------------|-----------------------------------------------------------------|---------------------|
| §59D-10(b) | Fine: \$350-1,000 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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- (c) *Deliberate 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.

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|------------|-------------------------------------------------------------------|---------------------|
| §59D-10(c) | Fine: \$150 - \$350 and/or suspension up to 30 days or revocation | Appearance REQUIRED |
|------------|-------------------------------------------------------------------|---------------------|

- (d) *Deliberate 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.

|            |                                                                   |                     |
|------------|-------------------------------------------------------------------|---------------------|
| §59D-10(d) | Fine: \$150 - \$350 and/or suspension up to 30 days or revocation | 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.

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|------------|------------------------------------------------|---------------------|
| §59D-10(e) | Fine: \$350-1,000 and suspension up to 30 days | 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.

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|------------|-----------------------------------------------------------------|---------------------|
| §59D-10(f) | Fine: \$500-1,500 and/or suspension up to 60 days or revocation | Appearance REQUIRED |
|------------|-----------------------------------------------------------------|---------------------|

- (g) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission within 15 calendar days after any felony conviction of the Licensee or of any of Licensee's officers or members.
- (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.

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|------------|------------|-------------------------|
| §59D-10(g) | Fine: \$50 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

- (h) *Failure to Cooperate with Law Enforcement.* A Licensee 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 Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

|            |                  |                     |
|------------|------------------|---------------------|
| §59D-10(h) | Fine: \$15-\$150 | Appearance REQUIRED |
|------------|------------------|---------------------|

- (i) *Failure to Cooperate with the Commission.*

- (1) A Licensee must truthfully answer all questions and comply with all communications, directives, and summonses from the Commission or its representatives.
- (2) Within five business days following a request from the Commission, a Licensee must produce any Licenses or other documents the Licensee is required to have.
- (3) Licensee must aid the Commission in obtaining information it seeks regarding Drivers or Vehicles affiliated with the Licensee.

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|-------------------|---------------------------------------------|---------------------|
| §59D-10(i)(1)-(3) | Fine: \$200 and suspension until compliance | Appearance REQUIRED |
|-------------------|---------------------------------------------|---------------------|

- (4) Within 48 hours, a Licensee must respond to any contact from the Commission, seven days a week.

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|---------------|-------------|-------------------------|
| §59D-10(i)(4) | Fine: \$500 | Appearance NOT REQUIRED |
|---------------|-------------|-------------------------|

- (j) *Courtesy.* A Licensee must be courteous to Passengers.

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|------------|-------------|-------------------------|
| §59D-10(j) | Fine: \$150 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (k) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

|            |                                |                         |
|------------|--------------------------------|-------------------------|
| §59D-10(k) | Fine: \$10,000 and revocation. | Appearance NOT REQUIRED |
|------------|--------------------------------|-------------------------|

- (l) *Retaliation.*

- (1) A High-Volume For-Hire Service must not retaliate against any Driver for making a good faith complaint against any High-Volume For-Hire Service.

- (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.

|            |                                                                                                                                                                                                                        |                         |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-10(l) | Fine: \$1,000 plus restitution to the driver for losses for the first violation and a fine of \$10,000 plus restitution to the driver for any subsequent violation committed within five years of the first violation. | Appearance NOT REQUIRED |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

## §59D-11 Compliance with Law – Miscellaneous

- (a) *Alcohol and Drug Laws.* A High-Volume For-Hire Service Owner must not knowingly allow a Base through which it dispatches trips to dispatch 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.

|            |                               |                     |
|------------|-------------------------------|---------------------|
| §59D-11(a) | Fine: \$10,000 and revocation | Appearance REQUIRED |
|------------|-------------------------------|---------------------|

- (b) *Disability Laws.*

- (1) A High-Volume For-Hire Service must not instruct, authorize, or permit an affiliated Driver to discriminate unlawfully against People with Disabilities.

- (2) Discrimination includes:

- (i) Refusing to serve People with Disabilities,
- (ii) Refusing to load and unload the mobility aids of People with Disabilities,
- (iii) Charge any more than the set rate for the transportation of People with Disabilities, or their Service Animals, wheelchairs, or other mobility aids.

|            |                                                                 |                     |
|------------|-----------------------------------------------------------------|---------------------|
| §59D-11(b) | Fine: \$350-1,000 and/or suspension up to 30 days or revocation | Appearance REQUIRED |
|------------|-----------------------------------------------------------------|---------------------|

## §59D-12 Operations – Business Premises

- (a) *Maintenance of Physical Location.* A High-Volume For-Hire Service Owner must maintain a principal place of business in a commercially zoned area.

|            |                                            |                     |
|------------|--------------------------------------------|---------------------|
| §59D-12(a) | Fine: Suspension until requirement is met. | Appearance REQUIRED |
|------------|--------------------------------------------|---------------------|

- (b) *Application to Move Location.* A High-Volume For-Hire Service that moves to a new location must apply to the Commission for approval of the new location prior to moving to the new location.

|            |                              |                     |
|------------|------------------------------|---------------------|
| §59D-12(b) | Fine: Suspension of License. | Appearance REQUIRED |
|------------|------------------------------|---------------------|

## §59D-13 Operations – Service Requirements (Customers)

- (a) *Customer Complaints.* A High-Volume For-Hire Service will be responsible for handling customer complaints and must provide any information requested by the Chairperson regarding such complaints.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-13(a) | Fine: \$150 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (b) *Provide Accessible Transportation.* A High-Volume For-Hire Service's passenger-facing booking tool must allow prospective Passengers to request a wheelchair accessible vehicle.

|            |                                             |                     |
|------------|---------------------------------------------|---------------------|
| §59D-13(b) | Fine: \$150 and suspension until compliance | Appearance REQUIRED |
|------------|---------------------------------------------|---------------------|

- (c) *Vehicle requirements.* Each High-Volume For-Hire Service must dispatch to vehicles in accordance with the following:

- (1) In each of the following years, each High-Volume For-Hire Service must dispatch at least the following percentage of trips to either a Zero-Emission Vehicle or an Accessible Vehicle:

- (i) 2024: five percent (5%).

- (ii) 2025: fifteen percent (15%).
- (iii) 2026: twenty-five percent (25%).
- (iv) 2027: forty percent (40%).
- (v) 2028: sixty percent (60%).
- (vi) 2029: eighty percent (80%).
- (vii) 2030: one-hundred percent (100%).
- 
- (2) The above percentages will be calculated by adding the number of trips dispatched to, and completed by, a Zero-Emission Vehicle or Accessible Vehicle during the calendar year by the High-Volume For-Hire Service, and dividing the sum by the total number of trips dispatched by the High-Volume For-Hire Service in that calendar year.

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59D-13(c)(1) | <p>Fine: \$50 for each 1,000 trips below the percentage requirement in that calendar year.</p> <p>If a High-Volume For-Hire Service does not fulfill the requirement in a calendar year, the High-Volume For-Hire Service must file a corrective action plan for approval by the Commission. The corrective action plan must outline the steps the High-Volume For-Hire Service will take to meet its percentage requirements for the following calendar years.</p> | Appearance REQUIRED |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (3) Nothing in this subdivision shall be construed to alter the requirements of subdivision c of section 59B-17 of title 35 of the rules of the city of New York or subdivision f of such section.

#### **§59D-14 Operations – Trip Record Information**

- (a) *Required Information.* A High-Volume For-Hire Service must collect and transmit on a bi-weekly basis to the Commission, in a format, layout and procedure prescribed by the Commission, the following records:
  - (1) With respect to all trips the High-Volume For-Hire Service dispatches through a Base:
    - (i) The date, the time, and the location of the Passenger pickup and drop-off

- (ii) The Driver's TLC Driver License number
  - (iii) The dispatched Vehicle's License number
  - (iv) The TLC License number of the For-Hire Base that dispatched the Vehicle
  - (v) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle
  - (vi) The total number of passengers picked up and dropped off
  - (vii) The total trip mileage
  - (viii) The date and time the Passenger requested the trip
  - (ix) The itemized fare for the trip including the amount of the fare, any toll, surcharge, commission rate, other deduction and any gratuity and a breakdown of the amount such passenger paid for the trip
  - (x) The payment the Driver received for the trip or the Driver's hourly paid rate
  - (xi) If the trip enters the Congestion Zone but the pick-up did not occur in the Congestion Zone, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle exited the Congestion Zone,
  - (xii) An indicator as to whether the trip was administered as part of the MTA's Access-A-Ride program, and
  - (xiii) the time at which the dispatched Vehicle reached the pickup location.
- (2) For each time a Vehicle makes itself available to be dispatched by the High-Volume For-Hire Service:
- (i) The Vehicle License number
  - (ii) The TLC Driver License number of the Driver operating the Vehicle



- (iii) The date and time at which the Vehicle became available to accept dispatches from the High-Volume For-Hire Service
  - (iv) The geographic position of the Vehicle during the entire time the Vehicle is available to accept dispatches from the High-Volume For-Hire Service at intervals no less frequent than every sixty (60) seconds, with a designation of the Vehicle state at each geographic position and the distance traveled since the previous geographic position
  - (v) The date and time at which the Vehicle became unavailable to accept dispatches from the High-Volume For-Hire Service, or was prevented from becoming available, with a designation of the reason for the Vehicle unavailability including failure to meet licensure requirements, violation of TLC rules, violation of company rules or policies, and supply management
  - (vi) If the Vehicle enters the Congestion Zone while available to accept dispatches from the High-Volume For-Hire Service, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the Vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the Vehicle exited the Congestion Zone,
- (3) The amount of time spent transporting passengers each day by each Vehicle that has made itself available to be dispatched by the High-Volume For-Hire Service, and the amount of time spent by such Vehicles between trips but not on the way to the passenger.
  - (4) The amount of time each Available Vehicle spends each day in the Congestion Zone, and
  - (5) The amount of time each Available Vehicle spends each day Cruising in the Congestion Zone.

|                   |                                                                                                                                                                                                                                                                                                                                  |                         |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-14(a)(1)-(5) | Fine: \$500 for each day past the date the records are due if plead guilty before a hearing and suspension until compliance; \$1,000 for each day past the date the records are due if found guilty following a hearing and suspension until compliance. Fine amount not to exceed \$10,000 per bi-weekly submission of records. | Appearance NOT REQUIRED |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (6) *Timely Submission of Trip Records.*

- (i) A High Volume For-Hire Service must submit trip records on a bi-weekly basis. The following penalties accrue with respect to each submission of trip records that were not submitted on time:

|               |                                                                                                                                                                                                                                                                                                                                  |                         |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-14(a)(6) | Fine: \$500 for each day past the date the records are due if plead guilty before a hearing and suspension until compliance; \$1,000 for each day past the date the records are due if found guilty following a hearing and suspension until compliance. Fine amount not to exceed \$10,000 per bi-weekly submission of records. | Appearance NOT REQUIRED |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (7) *Incomplete Trip Records.* With respect to all trip records submitted to TLC:

- (i) Each set of submitted records must be complete and include all information listed in this subdivision and in subdivision (b) of this section. The following penalties accrue with respect to each trip for which all required information was not submitted.

|                  |                                                                                                                                                                                                                                                                   |                         |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-14(a)(7)(i) | Fine: \$100 per incomplete trip record for the first ten incomplete records and suspension until compliance; \$500 per each incomplete record thereafter and suspension until compliance. Fine amount not to exceed \$10,000 per bi-weekly submission of records. | Appearance NOT REQUIRED |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (8) *Inaccurate Trip Records.* With respect to all trip records submitted to TLC:

- (i) The records that each Base submits for any time period in which they dispatch trips must not contain inaccuracies. For example, the date, time and location of the passenger pick-up that is required by paragraph (1) of this subdivision must be accurate.

|                  |                                                                                                                                                                                                                                                 |                         |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-14(a)(8)(i) | Fine: \$100 per trip record inaccuracy for the first ten inaccuracies and suspension until compliance; \$500 per inaccuracy thereafter and suspension until compliance. Fine amount not to exceed \$10,000 per bi-weekly submission of records. | Appearance NOT REQUIRED |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (b) *Collection and Maintenance of Required Information.*

- (1) All records related to the location of a Vehicle, including the location at which a Vehicle enters and exits the Congestion Zone, must be collected via an in-vehicle Global Positioning System enabled device.

- (2) A High-Volume For-Hire Service must ensure that all required information listed above is kept and made available for inspection by Commission representatives during regular business hours.
- (3) Required trip records must be maintained by the High-Volume For-Hire Service for 18 months.

|            |                                                                                          |                         |
|------------|------------------------------------------------------------------------------------------|-------------------------|
| §59D-14(b) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
|------------|------------------------------------------------------------------------------------------|-------------------------|

(c) *Special Trip Record Requirements for Minimum Driver Payments.*

- (1) A High-Volume For-Hire Service must collect and transmit to the Commission on a bi-weekly basis, in a format, layout and procedure prescribed by the Commission, the following information for each time a Driver is available to accept dispatches from the High-Volume For-Hire Service:
  - (i) The Driver's TLC Driver License number of the Driver who is available to accept dispatches from the High-Volume For-Hire Service
  - (ii) The Vehicle Identification Number of the Vehicle operated by the Driver specified in subparagraph (i) of this paragraph
  - (iii) The date and time at which the Driver became available to accept dispatches from the High-Volume For-Hire Service
  - (iv) The Vehicle License number of the Vehicle operated by the Driver specified in subparagraph (i) of this paragraph
  - (v) The geographic position of the Vehicle operated by the Driver specified in subparagraph (i) of this paragraph during the entire time the Driver is available to accept dispatches from the High-Volume For-Hire Service at an interval of no less frequent than every sixty (60) seconds
  - (vi) The date, time and geographic position of the Vehicle operated by the Driver specified in subparagraph (i) of this paragraph when the Driver accepts a dispatch
  - (vii) Total miles driven by the Driver specified in subparagraph (i) of this paragraph while the Driver was available to accept dispatches from the High-Volume For-Hire Service

- (viii) Total miles driven with a Passenger while the Driver specified in subparagraph (i) of this paragraph was available to accept dispatches from the High-Volume For-Hire Service
  - (ix) The date and time at which the Driver specified in subparagraph (i) of this paragraph became unavailable to accept dispatches from the High-Volume For-Hire Service
  - (x) An indicator as to whether the Driver specified in subparagraph (i) of this paragraph or the Base made the Driver unavailable to accept dispatches from the High-Volume For-Hire Service
  - (xi) The total Driver earnings paid to the Driver specified in subparagraph (i) of this paragraph for the period in which the Driver was available to accept dispatches from the High-Volume For-Hire Service
  - (xii) The date and time at which the Driver specified in subparagraph (i) of this paragraph arrived at the pick-up location of a dispatched trip
  - (xiii) The date and time at which a Passenger entered the Vehicle operated by the Driver specified in subparagraph (i) of this paragraph to commence the dispatched trip
  - (xiv) The date and time at which a Passenger exited the Vehicle operated by the Driver specified in subparagraph (i) of this paragraph to conclude the dispatched trip
- (2) A High-Volume For-Hire Service must collect and transmit to the Commission on a bi-weekly basis, in a format, layout and procedure prescribed by the Commission, for each Driver to which the High-Volume For-Hire Service dispatched a trip, a weekly statement of the Driver's total earnings, itemized to include any deductions made from the Driver's earnings and any payments made in addition to per-trip or hourly payments.
- (3) A High-Volume For-Hire Service must collect and transmit to the Commission on a bi-weekly basis, in a format, layout and procedure prescribed by the Commission, the following additional information with respect to all dispatched calls:
- (i) The itemized fare for the trip charged to the Passenger (fare, tolls, taxes, gratuity, commission rate, deductions and surcharges);

- (ii) The total number of Passengers picked up and dropped off during each dispatched call referenced in paragraph (1) of subdivision (a) of this section;
- (iii) The total trip mileage for each dispatched call referenced in paragraph (1) of subdivision (a) of this section;
- (iv) The total trip mileage outside of the limits of the City for each dispatched call referenced in paragraph (1) of subdivision (a) of this section;
- (v) The total trip time outside of the limits of the City for each dispatched call referenced in paragraph (1) of subdivision (a) of this section;
- (vi) The date and time such trip request was made by a Passenger;
- (vii) Instances where a Passenger makes multiple requests for a single, completed trip, the date and time of the latest such request;
- (viii) Instances where a trip is requested but not completed because
  - A. The Passenger canceled the request, the Date, time and Vehicle location when the passenger canceled the request
  - B. The Passenger failed to show up for the requested trip, the Date and time at which the Driver canceled the request due to lack of passenger at pick-up location
  - C. The Driver canceled the request, the Date, time and Vehicle location when the Driver canceled the request
  - D. No Driver accepted the trip after the trip was requested.
- (ix) The total trip time, as calculated as the time between when the Passenger entered the vehicle and when the Passenger exited the vehicle
- (x) The total time between trips for the same Driver, as calculated as the time between when the prior trip ends and when the Driver receives dispatch for the subsequent trip
- (xi) For trips dispatched to Drivers paid on a per-trip basis by the High-Volume For-Hire Service, the total Driver earnings paid to the Driver for each trip

- (xii) For trips dispatched to Drivers paid on an hourly basis, the total Driver earnings paid to the Driver for each hour the Driver was available to receive dispatches from the High-Volume For-Hire Service.

#### **§59D-15 Operations – Current Contact Information**

(a) *High-Volume For-Hire Service Name.*

- (1) *File with Commission.* A High-Volume For-Hire Service must file with the Commission a High-Volume For-Hire Service name and any public facing name it uses in its branding, operations, promotions or advertising as its trade, business or operating names.
- (2) *Only One Name*
  - (i) A High-Volume For-Hire Service must use only one name in its operations, including in its branding, operations, promotion and advertising activities.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-15(a) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

(b) *Mailing and Email Address.*

- (1) A High-Volume For-Hire Service Owner must file the address of its business with the Commission.
- (2) A High-Volume For-Hire Service Owner must have a working Email Address on file with the Commission at all times.
- (3) A High-Volume For-Hire Service Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

|                   |             |                         |
|-------------------|-------------|-------------------------|
| §59D-15(b)(1)-(3) | Fine: \$100 | Appearance NOT REQUIRED |
|-------------------|-------------|-------------------------|

- (4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the High-Volume For-Hire Service Owner.
- (5) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the High-Volume For-Hire Service Owner.

(c) *Capacity for 24-Hour Access.*

- (1) A High-Volume For-Hire Service Owner must maintain a current telephone number on file with the Commission.
- (2) This number must allow the Commission to reach the High-Volume For-Hire Service on a 24-hour basis.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-15(c) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

## §59D-16 Operations – Additional Records to be Maintained and Reported

### (a) *Maintenance of Current Rate Schedule.*

- (1) A High-Volume For-Hire Service must file with its Application and maintain a Rate Schedule with the Commission, in a form approved by the Chairperson. This Rate Schedule must include any lawful price multipliers or variable pricing policies.
- (2) A High-Volume For-Service's Rate Schedule must be consistent with the Rate Schedules the Bases through which it dispatches trips have on file with the Commission.
- (3) A new Rate Schedule must be filed:
  - (i) Whenever rates are changed,
  - (ii) Annually, no later than the anniversary date of the License,
  - (iii) With every renewal application, and
  - (iv) With any application to change the Ownership of the High-Volume For-Hire Service.
- (4) Failure to file a Rate Schedule with a renewal application or an application to change Ownership or location will result in denial of the application by the Chairperson.

|            |            |                         |
|------------|------------|-------------------------|
| §59D-16(a) | Fine: \$50 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

- (b) *Hours of Operation.* A High-Volume For-Hire Service must file with the Chairperson its hours of operations and must notify the Chairperson of any change in the hours of operation.

|            |            |                         |
|------------|------------|-------------------------|
| §59D-16(b) | Fine: \$50 | Appearance NOT REQUIRED |
|------------|------------|-------------------------|

- (c) *Public Access Information.*

- (1) A High-Volume For-Hire Service must file with the Chairperson all contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, including but not limited to telephone numbers, smartphone applications, websites, and email addresses.
- (2) A High-Volume For-Hire Service must file with the Chairperson a working customer service telephone number and/or email address.
- (3) These telephone numbers, smartphone applications, websites, email addresses, and other contact information and methods can be used only with the name of the High-Volume For-Hire Service on file with the Commission or the trade, business or operating name of the High-Volume For-Hire Service.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-16(c) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (d) *Eligible Drivers and Affiliated Vehicles.* A High-Volume For-Hire Service must report to the Commission on a monthly basis the following information:
- (1) A list of all Drivers eligible to receive dispatches from the High-Volume For-Hire Service in the previous month, including the Drivers' TLC License number
  - (2) A list of all Drivers that became ineligible to receive dispatches from the High-Volume For-Hire Service in the previous month, including the Drivers' TLC License number, the date on which the Drivers became ineligible to receive dispatches, and an indicator as to whether the ineligibility to receive dispatches was Driver or High-Volume For-Hire Service initiated.
  - (3) With respect to all affiliated Vehicles:
    - (i) The Owner's name, mailing address, and home telephone number
    - (ii) The Vehicle Identification Number of the affiliated Vehicle
    - (iii) The affiliated Vehicle's registration number
    - (iv) The affiliated Vehicle's License number
    - (v) The affiliated Vehicle's license plate number
    - (vi) The name of the affiliated Vehicle's insurance carrier and the policy number



- (vii) The dates of inspection of the affiliated Vehicle and the outcome of each inspection.
- (e) *Compliance with all Record Keeping Rules.* A High-Volume For-Hire Service must comply with all record-keeping procedures established and required by the Commission.

|            |                                                                                         |                         |
|------------|-----------------------------------------------------------------------------------------|-------------------------|
| §59D-16(e) | Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. | Appearance NOT REQUIRED |
|------------|-----------------------------------------------------------------------------------------|-------------------------|

- (f) *Information Security and Use of Personal Information Policy.* The High-Volume For-Hire Service must file with the Commission a current, detailed information security and use of personal information policy. Such policy must include, at a minimum:
  - (1) a statement of internal access policies relating to passenger and driver personal information for employees, contractors, and third party access, if applicable;
  - (2) a statement that, except to the extent necessary to provide credit, debit, and prepaid card services and services for any application that provides for electronic payment, personal information will only be collected and used with such passenger's affirmative express consent and that such personal information will not be used, shared, or disclosed, except for lawful purposes;
  - (3) procedures for notifying the Commission and affected parties of any breach of the security of the system, pursuant to section 899-aa of the General Business Law;
  - (4) a statement that any credit, debit, or prepaid card information collected by the High-Volume For-Hire Service or a credit, debit, or prepaid card services provider is processed by the High-Volume For-Hire Service or such provider in compliance with applicable payment card industry standards, and;
  - (5) a statement of the High-Volume For-Hire Service's policies regarding the use of passenger geolocation information, which must include, at a minimum, a prohibition on the use, monitoring, or disclosure of trip information, including the date, time, pick-up location, drop-off location, and real-time vehicle location and any retained vehicle location records, without such passenger's affirmative express consent.
- (g) *Compliance with Information Security and Use of Personal Information Policy.* The High-Volume For-Hire Service must comply with the terms of its Information Security and Use of Personal Information Policy.

- (h) *Security Breach.* If the High-Volume For-Hire Service is required to make disclosures under New York State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa), the Base Owner must inform the Commission immediately following such disclosure(s).

|                    |                  |                     |
|--------------------|------------------|---------------------|
| §59D-16(g) and (h) | Penalty: \$1,000 | Appearance REQUIRED |
|--------------------|------------------|---------------------|

## §59D-17 Operations – Rates and Tolls

- (a) *Rates Must Not Exceed Scheduled Rates.* A High-Volume For-Hire Service must not quote or charge a fare that is more than the fare listed in the Rate Schedule filed with the Commission.

|            |                                                                                                                                  |                         |
|------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-17(a) | Fine: \$200 for Passenger overcharge, whether from any quote or from schedule of fares required to be filed with the Commission. | Appearance NOT REQUIRED |
|------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|

- (b) *Tips and Gratuities.* A High-Volume For-Hire Service's Passenger-Facing Booking Tool must provide a means to allow passengers to tip Drivers. A High-Volume For-Hire Service must remit to the Driver the entirety of anything designated as a tip or gratuity collected by the High-Volume For-Hire Service from a customer on behalf of the Driver.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-17(b) | Fine: \$500 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (c) *Tolls.* A High-Volume For-Hire Service must remit to the Driver the entirety of any toll paid by the Driver during a dispatched trip.

|            |                                                                                            |                         |
|------------|--------------------------------------------------------------------------------------------|-------------------------|
| §59D-17(c) | Fine: \$500 and restitution to the Driver for any tolls that were not properly reimbursed. | Appearance NOT REQUIRED |
|------------|--------------------------------------------------------------------------------------------|-------------------------|

## §59D-18 Operations – E-ZPass Required

- (a) *E-ZPass.* A High-Volume For-Hire Service must not dispatch a Vehicle unless the Vehicle is participating in the E-ZPass program.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-18(a) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

## §59D-19 Operation – Compliance with Licensing Statements

- (a) *Listed Bases.* A High-Volume For-Hire Service may only dispatch trips through the Bases it has listed with the Commission pursuant to Section 59D-05(a) of these Rules. A High-Volume For-Hire Service must file an updated list with Commission prior to dispatching through any Base not listed on its initial Application or most recent list on file with the Commission, and whenever it

ceases dispatching trips through a Base listed on its Application or most recent list on file with the Commission.

|            |                                          |                     |
|------------|------------------------------------------|---------------------|
| §59D-19(a) | Fine: \$500 and suspension up to 30 days | Appearance REQUIRED |
|------------|------------------------------------------|---------------------|

- (b) *Compliance with Business Plan.* A High-Volume Service must adhere to the Business Plan it filed with the Commission pursuant to Section 59D-05(b) of these Rules. Any deviation from the Business Plan must be approved by the Commission prior to implementation.

|            |                                          |                     |
|------------|------------------------------------------|---------------------|
| §59D-19(b) | Fine: \$500 and suspension up to 30 days | Appearance REQUIRED |
|------------|------------------------------------------|---------------------|

- (c) *Corrective Action Plan.* A High-Volume For-Hire Service must comply with any corrective action plan approved by the Commission pursuant to Section 59D-05(c)(1) and Section 59D-13(c) of these Rules.

|            |                                          |                     |
|------------|------------------------------------------|---------------------|
| §59D-19(c) | Fine: \$500 and suspension up to 30 days | Appearance REQUIRED |
|------------|------------------------------------------|---------------------|

- (d) *Driver Deductions and Fee.* A High-Volume For-Hire Service must not charge a Driver or Vehicle Owner a fee or deduction not specifically listed in its statement of fees on file with the Commission pursuant to section 59D-05(d) of these Rules.

|            |                                          |                     |
|------------|------------------------------------------|---------------------|
| §59D-19(d) | Fine: \$500 and suspension up to 30 days | Appearance REQUIRED |
|------------|------------------------------------------|---------------------|

## **§59D-20 Operations – Miscellaneous Operating Requirements**

- (a) *Prohibited Use of “Taxi.”* A High-Volume For-Hire Service must not hold itself out for business as a “taxi” or “taxicab” service or in any way use the word “taxi,” “taxicab,” “cab,” “hack,” or “coach” to describe the business.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-20(a) | Fine: \$250 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (b) *Advertising of Commission License.*

- (1) A High-Volume For-Hire Service must clearly state that it is licensed by the Commission in all Passenger-facing advertising, whether print, broadcast, electronic or Internet, and in all handbills, fliers, websites, smartphone applications, or other promotional materials and on all business cards and receipts.
- (2) All of the advertising and materials listed in paragraph (1) of this subdivision must include the High-Volume For-Hire Service License number.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-20(b) | Fine: \$100 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (c) *Passenger Complaint Notification:* Upon receipt of a complaint related to a Driver, a High-Volume For-Hire Service must provide the Passenger with the

“311” Commission complaint telephone number and inform the Passenger that only the TLC can suspend or revoke a Driver’s TLC License.

|            |             |                         |
|------------|-------------|-------------------------|
| §59D-20(c) | Fine: \$250 | Appearance NOT REQUIRED |
|------------|-------------|-------------------------|

- (d) *Receipts.* A High-Volume For-Hire Service must provide a Passenger a receipt for a trip containing the following information:
- (1) The Dispatching Base License number;
  - (2) Vehicle License number;
  - (3) Vehicle’s affiliated Base License number;
  - (4) Driver’s TLC License number;
  - (5) Total amount due;
  - (6) Itemized fees charged (if any) including any price multiplier or variable pricing policy in effect for the trip;
  - (7) The “311” Commission complaint telephone number; and
  - (8) The public access information the Base has on file with the Commission pursuant to section 59D-16 of these rules.
- (e) *No Other For-Hire Base Licenses.* A High-Volume For-Hire Service shall not hold any For-Hire Base License other than a High-Volume For-Hire Service License. Once a Black Car Base, Livery Base, or Luxury Limousine Base is required to and obtains a High-Volume For-Hire Service license, the Commission 19 shall revoke all For-Hire Base Licenses other than a High Volume For-Hire Service License from any High-Volume For-Hire Service.
- (f) *Business Requirements – Interior Advertising Systems*
- (1) *Nondiscrimination.* No High-Volume For-Hire Service may discriminate against or impose any negative consequences on a Driver based on whether or not the Driver chooses to operate a For-Hire Vehicle with an Interior Advertising System, or based on the brand or affiliation of the Interior Advertising System. Negative consequences and/or discrimination include but are not limited to: deactivating the Driver, reducing the compensation provided to the Driver, either directly or indirectly through manipulating the number or type of rides assigned to the Driver, or disciplinary action.

- (2) *Passenger-Facing Content.* If a High Volume For-Hire Service is integrated with an Interior Advertising System, 15% of the advertising airtime must be calculated based upon each new dispatched trip.
- (3) *Tipping.* If a High Volume For-Hire Service is integrated with an Interior Advertising System, gratuities facilitated through the Approved Tablet must be paid to the Driver through the payment mechanisms provided in Chapter 59B of these rules. A High Volume For-Hire Service cannot integrate with an Interior Advertising System capable of collecting payment information from a Passenger through any tablet.

|            |                                                                                                            |                         |
|------------|------------------------------------------------------------------------------------------------------------|-------------------------|
| §59D-20(f) | Penalty:<br>First Violation: \$1,000 fine<br>Second Violation: \$1,000 and/or Suspension for up to 30 days | Appearance NOT REQUIRED |
|------------|------------------------------------------------------------------------------------------------------------|-------------------------|

### **§59D-21 Operations – Restrictions on Cruising Time in the Manhattan Core**

- (a) *Cruising in the Congestion Zone.* A High-Volume For-Hire Service must limit the total amount of time Available Vehicles spend Cruising while in the Congestion Zone in the following manner:
  - (1) Beginning February 1, 2020, the percentage of time all Available Vehicles spend Cruising while in the Congestion Zone between the hours of six a.m. and eleven p.m. on Monday through Friday and between the hours of eight a.m. and eleven p.m. on Saturday and Sunday cannot exceed thirty-six percent (36%).
  - (2) Beginning August 1, 2020, the percentage of time all Available Vehicles spend Cruising while in the Congestion Zone between the hours of six a.m. and eleven p.m. on Monday through Friday and between the hours of eight a.m. and eleven p.m. on Saturday and Sunday cannot exceed thirty-one percent (31%).

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59D-21(a) | <p>Fine: \$350 for each 100 hours by which the High-Volume For-Hire Service exceeds the limit on the percentage of time Available Vehicles can spend Cruising while in the Congestion Zone in the previous calendar month.</p> <p><i>Example:</i> If Available Vehicles spent 2,500,000 hours in the Congestion Zone over the course of March 2020 but spent 925,000 of those hours Cruising, the High-Volume For-Hire Service will have exceeded the 36% limitation on Cruising by 25,000 hours and be subject to a \$87,500 fine.</p> <p>If a High-Volume For-Hire Service exceeds the Cruising limits outlined above by over 10%, the Commission may seek suspension of up to 30 days or revocation.</p> | Appearance REQUIRED |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (b) *Calculating Cruising Time:* Cruising time will be calculated as all the time a High-Volume For-Hire Service's Available Vehicles spend in the Congestion Zone without a passenger.
- (1) *Concurrent Availability:* When a Vehicle is available to accept dispatches from more than one High-Volume For-Hire Service, its Cruising time will be assigned proportionately based on the aggregate Congestion Zone trip volumes of each High-Volume For-Hire Service from which the Vehicle is available to accept dispatches. For example, if during a compliance period a Vehicle spends 10 hours Cruising in the Congestion Zone while available to accept dispatches from Company A and Company B, and during that compliance period Company A dispatches 800,000 trips in the Congestion Zone and Company B dispatches 200,000 trips in the Congestion Zone, 8 hours of the Vehicle's Cruising time will be assigned to Company A and 2 hours of the Vehicle's Cruising time will be assigned to Company B.
- (2) *En Route Time:* For purposes of paragraph (1) above, the portion of a Vehicle's Cruising time spent driving to a Passenger's pick-up location after a Vehicle accepts a dispatch request will be exclusively assigned to the High-Volume For-Hire Service that dispatched the trip. For example, if a Vehicle spends 10 hours Cruising in the Congestion Zone while available to accept dispatches from Company A and Company B, and during those 10 hours, 2 hours were spent driving to pick-up locations for trips dispatched by Company A and 3 hours were spent driving to pick-up locations for trips dispatched by Company B, 2 hours of the Vehicle's Cruising time will be assigned to Company A, 3 hours of the Vehicle's Cruising time will be assigned to Company B, and the remaining 5 hours will be assigned proportionately between Company A and Company B pursuant to the method described in paragraph (1) above.
- (3) *Wheelchair Accessible Vehicle Exemption:* The Commission will not include a High-Volume For-Hire Service's Available Vehicles that are Wheelchair Accessible when calculating the High-Volume For-Hire Service's Cruising time.
- (c) *Evaluation by the Commission.* No less than annually, the Commission will review compliance levels, service levels outside the Congestion Zone, and any other information it deems relevant to determine if adjustments need to be made to the limits on Cruising set forth in subdivision (a) of this section.

#### **§59D-22 Minimum Driver Payment Requirements**

- (a) A High-Volume For-Hire Service must pay Drivers, at a minimum, the following amounts for each trip dispatched by the Base:

- (1) *Per Mile Rate.* For each mile a Driver transports a Passenger in the City on a trip dispatched by the High-Volume For-Hire Service, the High-Volume For-Hire Service must pay the Driver no less than \$0.850 per mile for a trip dispatched to a Vehicle that is not an Accessible Vehicle and \$1.061 for a trip dispatched to an Accessible Vehicle, divided by the High-Volume For-Hire Service's Utilization Rate, and for trips that begin in the City but end outside of the City, the Base must pay the Driver no less than \$1.700 per mile for a trip dispatched to a vehicle that is not an Accessible Vehicle and no less than \$2.122 per mile for a trip dispatched to an Accessible Vehicle for each mile a Driver transports a Passenger outside of the City; and
- (2) *Per Minute Rate.* Beginning January 1, 2019, for each minute a Driver transports a Passenger in the City on a trip dispatched by the High-Volume For-Hire Service, the High-Volume For-Hire Service must pay the Driver no less than \$0.287 per minute, divided by the High-Volume For-Hire Service's Utilization Rate, and for each minute a Driver transports a Passenger outside of the City on a trip dispatched by the High-Volume For-Hire Service that began in the City and ended outside of the City, the High-Volume For-Hire Service must pay the Driver no less than \$0.574 per minute.
- (3) Reserved.
- (4) *Consumer Price Index Adjustments.* Beginning March 1, 2024, and continuing each calendar year thereafter, the dollar amounts in the per mile rates and per minute rates contained in this subdivision will be adjusted using the percent increases, if any, in the annual average Consumer Price Index for Urban Wage Earners and Clerical Workers for the NY-NJ-PA metro area between the previous calendar year and two calendar years prior. The Consumer Price Index adjusted per mile and per minute rates will be posted on the Commission's website.
- (5) *Hourly Payments.* If a High-Volume For-Hire Service pays drivers on an hourly basis, the payment the Driver receives for each hour the Driver accepts dispatches from the High-Volume For-Hire Service must be at least the sum of the Per Mile Rate for all miles the Driver transported Passengers during the hour and the Per Minute Rate for all minutes the Driver spent transporting Passengers during the hour.

|            |                                                                                                                                                                                                                                                                          |                     |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| §59D-22(a) | Fine: \$500 per instance of under payment. In addition to the penalty payable to the Commission, the Hearing Officer must order the High-Volume For-Hire Service to pay restitution to the Driver, equal to the amount not paid to the Driver in violation of this rule. | Appearance REQUIRED |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

- (b) *Applied Utilization Rate.* The Applied Utilization Rate for purposes of calculating the per-minute rate for all High-Volume For-Hire Services will be 53.3%. The applied Utilization Rate for purposes of calculating the per-mile rate for all High-Volume For-Hire Services will be 68.5%.
- (c) *Driver access to High-Volume For-Hire Service applications.*
- (1) *Notice requirement.* A High-Volume For-Hire Service must provide at least 72 hours' notice to any Driver who could otherwise make themselves available to accept dispatches from that High-Volume For-Hire Service on a calendar day if such High-Volume For-Hire Service will restrict that Driver's ability to accept dispatches on that calendar day.
  - (2) *Access requirement.* A High-Volume For-Hire Service must allow any Driver who has made themselves available to accept dispatches to continue to be available to accept dispatches for at least 16 hours following their initial availability. If a Driver has not been available to accept dispatches for at least eight consecutive hours, the 16-hour access period restarts.
  - (3) *Exceptions.* A High-Volume For-Hire Service may restrict a Driver's ability to accept dispatches, without 72 hours' notice, for lack of licensing credentials, violation of TLC rules, and violation of the High-Volume For-Hire Service's rules and policies including misconduct and excessive cancellation or non-acceptance of dispatches.

|            |                                                                             |                     |
|------------|-----------------------------------------------------------------------------|---------------------|
| §59D-22(c) | Fine: \$500 per failure to provide notice or failure to allow Driver access | Appearance REQUIRED |
|------------|-----------------------------------------------------------------------------|---------------------|

### **§59E-01 Scope of the Sub-Chapter**

- (a) To establish a formal procedure for the licensing and supervision of businesses that own, sell, lease, make available for use, provide or supply approved electronic tablets and software for interior advertising in for-hire vehicles.
- (b) To establish technical requirements for tablets and software and provide for the issuance of licenses to Interior Advertising Providers whose systems meet such requirements.
- (c) To establish services to be provided by Interior Advertising Providers.
- (d) To establish appropriate penalties for the violation of these rules.

### **§59E-02 Penalties**

- (a) *Unlicensed Activity*



(1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated service by

(A) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or

(B) Any person who does not hold a Valid License from the Commission for interior advertising.

(2) Unlicensed Activity specifically includes the activities listed in §59E-08 of these Rules and can result in License revocation, and other penalties.

*(b) Specific Penalties.*

Specific penalties for violating a Rule will be shown at the end of the Rule. The penalty provision will also state whether the violator must attend the Hearing.

*(c) Payment of Fines.*

(1) Fines are due within thirty (30) days of the day the Respondent is found guilty of the violation, unless) the Respondent files an appeal of the decision issued by the Office of Administrative Trials and Hearings within the time required by subchapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

(2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

*(d) Non-Renewal, Suspension or Revocation of License*

(1) Non-renewal of License. If an Interior Advertising Provider License is not timely renewed, the Interior Advertising Provider must immediately notify

(A) the Commission, specifying the date of License expiration; and

(B) each Driver who is using the Approved Tablets under the expired License.

Upon expiration of the Interior Advertising Provider License, the Interior Advertising Provider must not enter into any new contracts or agreements with Drivers for Gross Revenue sharing, sale, lease or use of the Approved Tablets under the expired License, and must not renew existing contracts

with Drivers who are using the Approved Tablets under the expired License.

(2) Suspension. While the Interior Advertising Provider's License is suspended, the Interior Advertising Provider must not enter into any new contracts or agreements with Drivers for Gross Revenue sharing, sale, lease or use of any Approved Tablets under the suspended License. If an Interior Advertising Provider License has been suspended by the Commission for a period of at least thirty (30) days, the Interior Advertising Provider must immediately notify, in writing, each Driver who is using an Approved Tablet under the suspended License, as well as the Driver's affiliated Base,

(A) of the dates during which the License is suspended,

(B) that the Driver has the option to terminate its contract or agreement with the Interior Advertising Provider by providing written notice to the Interior Advertising Provider, or if its contract will expire during the period of suspension that Driver has the option not to renew its contract,

(C) that the Driver must immediately stop operating the Approved Tablet and immediately remove the Approved Tablet from the For-Hire Vehicle;

(D) that the Driver is entitled to any payments for contracted or agreed upon services with the Interior Advertising Provider up until the suspension date, regardless of whether the Driver exercises the option to renew or terminates the contract or agreement.

(3) Revocation

(A) If an Interior Advertising Provider's License has been revoked by the Commission, the Interior Advertising Provider must immediately notify, in writing, each Driver who is using an Approved Tablet under the revoked License, as well as the Driver's affiliated Base,

(i) that its contract or agreement with the Interior Advertising Provider will be deemed terminated ten (10) days following the date of License revocation, and

(ii) that its contract or agreement may be terminated earlier by the Driver by giving written notice of termination.

(B) Upon revocation of the Interior Advertising Provider's License, the Interior Advertising Provider must not

(i) enter into any new contracts or agreements with Drivers for Gross Revenue sharing, sale, lease or use of an Approved Tablet under the revoked License, or

(ii) renew existing contracts or agreements with Drivers who are using any Approved Tablets under the revoked License.

(C) An Interior Advertising Provider whose License has been revoked must provide de-installation/removal at no charge to each Driver who used an Approved Tablet under the revoked License.

|            |                               |                         |
|------------|-------------------------------|-------------------------|
| §59E-02(d) | Penalty: \$1,000-\$1,500 fine | Appearance NOT REQUIRED |
|------------|-------------------------------|-------------------------|

### **§59E-03 Definitions Specific to this Sub-Chapter**

(a) *Applicant* means an Applicant for an original or renewal Interior Advertising Provider License.

(b) *Electronic Media* means any broadcasted content on Electronic Tablets.

(c) *Gross Revenue* means the revenue generated by the Interior Advertising Provider.

(d) *Identifying Information* means any information that can be used to identify or locate an individual, including but not limited to name, address, social security number, unmasked or non-truncated credit, debit, or prepaid card numbers, together with any other information that relates to an individual who has been so identified, and any other information that is otherwise subject to privacy or confidentiality laws and associated rules and regulations. The display or disclosure of only the last four digits of a credit, debit, or prepaid card number is not Personal Information. The name of a Driver and the Driver's Commission license number is not Identifying Information.

(e) *Interior Advertising Provider* means a business that has been licensed by the Commission and that owns, sells, leases, makes available for use, provides or supplies Approved Electronic Tablets and Software for Interior Advertising Systems in For-Hire Vehicles.

(f) *Interior Advertising/Interior Advertising System* is used interchangeably in this sub-chapter—and in this sub-chapter ONLY—and means any component of Hardware and/or Software used for interior advertising.

(g) *License*. When the term "License" is used by itself in this sub-chapter—and in this sub-chapter ONLY—it means an Interior Advertising Provider License.

(h) *Licensee*. When the term “Licensee” is used by itself, in this sub-chapter-- and in this sub-chapter ONLY-- it means an Interior Advertising Provider Licensee.

(i) *Software/Approved Software* is used interchangeably in this sub-chapter and means all application functions and content on Electronic Tablets/Hardware.

(j) *Approved Tablet /Electronic Tablet/Approved Electronic Tablet/Hardware* is used interchangeably in this sub-chapter—and in this sub-chapter ONLY—and means all Interior Advertising System hardware in For-Hire Vehicles.

(k) *Update* means all revisions, updates, patches, modifications, corrections, releases, versions, fixes and enhancements to Software or Hardware that is a component of the Interior Advertising System.

#### **§59E-04 Licensing – General Requirements**

(a) *Licensees*. An Applicant for an Interior Advertising Provider License or its renewal may be an individual or a Business Entity.

(b) *Approval of Tablet Model*. Each model of Approved Tablet offered under an Interior Advertising Provider’s License must be approved by the Chairperson prior to making it available for sale, lease, or use by Drivers.

(c) *Certification*. Any new or renewal application for an Interior Advertising Provider License must be filed using a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the Application is true, under penalty of perjury.

(d) *Proof of Identity*. The individual or Business Entity Person submitting the application for an Interior Advertising Provider License must provide to the Commission:

(1) a valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory, and

(2) a valid social security number.

(e) *Age*. The individual or Business Entity Person applying for an Interior Advertising Provider License or its renewal must be at least 18 years of age.

(f) *Fit to Hold a License*. The individual or Business Entity Person applying for an Interior Advertising Provider License or its renewal must demonstrate that they are Fit to Hold a License.

(g) *Partnership Filings*. When the Applicant is a partnership, it must file with the clerk of the county where the principal place of business is located. In addition, each partner must satisfy the requirements of identity and age, as specified in subdivisions (d) and (e), of this subdivision.

(h) *Corporate or LLC Filings.* When the Applicant is a corporation, it must provide:

- (1) current contact information for its principal officers and shareholders, or that of an authorized representative of the principal shareholders, and
- (2) a valid EIN number.

(i) *Payment of Fines and Fees.*

(1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines, taxes, or fees owed by the Applicant to

- (A) the Commission,
- (B) NYC Department of Finance,
- (C) NYC Department of Consumer and Worker Protection,
- (D) NYS Department of State, and
- (E) NYS DMV's Traffic Violations Bureau, or
- (F) any of their successor agencies.

(2) This requirement includes payment of fines and fees owed as of the date of the application by

- (A) any Business Entity Persons of the Applicant,
- (B) any Business Entity of which the Applicant is a Business Entity Person, and
- (C) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.

(j) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §59E-13 of these Rules.

#### **§59E-05 Licensing – Specific Requirements**

(a) *Approval for New License.* The Commission will not issue an Interior Advertising Provider License to any Applicant unless the Commission approves the tablet and software proposed for in-vehicle use by the Applicant. In determining whether to approve the Applicant, the Commission will consider, in its sole discretion, whether the

documentation required to be submitted by the Applicant pursuant to subdivision (b) of this section adequately demonstrates that the Applicant's Interior Advertising System complies with all of the requirements set forth in §59E-22 of these Rules.

(b) *Documentation for Interior Advertising System Approval.* The Applicant must submit with its License application the following documentation for tablets and software for which Commission approval is sought.

(1) A procedures manual/user guide that describes the features and operations of the Interior Advertising System.

(2) Demonstration Models

(A) One working demonstration model of the Electronic Tablet and Software, inclusive of all components required for complete functionality of the Interior Advertising System.

(B) A second demonstration model installed in a vehicle for demonstration purposes and to allow approval by the Commission of the installation method and location of the Interior Advertising System. In its decision to approve the location and installation of the Interior Advertising System, the TLC will consider the safety of the Passenger, Passenger ergonomics, the impact of modifications on the proper functioning of the vehicle or other required equipment, and any comments provided by Interior Advertising Providers and industry, passenger, or safety organizations.

(3) Interior Advertising System Training. Applicants must provide to the personnel of the Commission or its designee, at no cost to the Commission, training sessions on the functionality of the Interior Advertising System.

(4) Information Security and Use of Identifying Information Policy. The Applicant must submit with its License application an information security and use of Identifying Information policy that includes, at a minimum, the following information:

(A) a statement of internal access policies relating to Identifying Information for employees, contractors, and third parties, if applicable. Such internal access policy must be limited only to those employees, contractors, or third parties who have a business need to access Identifying Information; Applicant must annually review and update internal access policies, or more frequently as required by the Commission. Such internal access policies must be made publicly available;

(B) Compliance with Information Security and Use of Personal Information Policy. The Interior Advertising Provider licensee or

Applicant must comply with the terms of its Information Security and Use of Personal Information Policy;

(C) procedures for notifying the Commission and affected parties of any breach of the security of the system, pursuant to section 899-aa of the General Business Law;

(D) a statement of the Applicant's policies regarding the use of passenger geolocation and Identifying Information, which must include, at a minimum, a prohibition on the use, monitoring, or disclosure of trip information, including the date, time, pick-up location, drop-off location, and real-time vehicle location; and

(E) a statement of the Applicant's policies regarding the use of any non-prohibited passenger information (e.g. generalized trip data, such as the borough in which a ride begins and ends, or non-precise geolocation data within a radius of approximately 3600 feet, pursuant to the National Advertising Institute).

(c) *Modification of Interior Advertising System.* The Interior Advertising Provider must submit an application for approval of any material modification of the Interior Advertising System, including all documentation required by subdivision (b) of this section. This includes any modification to the Interior Advertising System after the Commission has issued a License for such Interior Advertiser that would materially alter the functionality, performance characteristics, security measures, or technical environment of the Interior Advertising System, and modifications of interfaces to other systems licensed by the Commission.

(d) *Interior Advertising System Approval Upon Renewal.* If upon renewal of the Interior Advertising Provider License,

(1) the Interior Advertising Provider seeks approval of a modification of the Interior Advertising System, the Interior Advertising Provider must meet all of the requirements applicable to a modification of the Interior Advertising System pursuant to subdivision (c) of this section; or

(2) the Interior Advertising Provider does not seek approval of a modification of the Interior Advertising System and there has been no modification of the Interior Advertising System since the prior Commission approval of the Interior Advertising Provider or prior Commission approval of a modification of the Interior Advertising System, the Interior Advertising Provider must submit to the Commission a certification to that effect.

(e) If the Approved Tablets and/or Approved Software is not functioning properly, the Interior Advertising Provider must cease its operations with respect to such Approved

Tablets until such time as the Approved Tablets and/or Approved Software are functioning properly.

(f) *Required Insurance.* After submission of an application for a new Interior Advertising Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision when the Commission requests it. Upon submission of an application to renew an Interior Advertising Provider License, the Interior Advertising Provider Licensee must provide to the Commission proof of the insurance required in this subdivision.

(1) Commercial General Liability Insurance.

(A) The Applicant must maintain Commercial General Liability (“CGL”) Insurance covering the Applicant as Named Insured and the City as an Additional Insured in the amount of at least Two Million Dollars (\$2,000,000) per occurrence. The insurance must protect the City and the Applicant from all claims, including but not limited to claims for property damage and/or bodily injury that may arise from any of the operations performed or to be performed by or on behalf of the Applicant in connection with any of the activities licensed under this Sub-Chapter. Coverage under this insurance must be at least as broad as that provided by the most recently issued Insurance Services Office (“ISO”) Form CG 0001 and must be "occurrence" based rather than “claims-made.”

(B) If the Applicant’s subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Sub-Chapter, either the Applicant’s CGL Insurance under subparagraph (A) of this paragraph must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own CGL Insurance subject to all other requirements herein.

(C) The CGL Insurance must include the City, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recently issued ISO Form CG20 10.

(2) General Requirements for Insurance Coverage and Policies.

(A) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / “VII” or a Standard and Poor’s rating of at least A, unless prior written approval is obtained from the Commission.

(B) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.



(C) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which the policies are subject, whether or not the City is an insured under the policy.

(D) There must be no self-insurance program with regard to any insurance required under this subdivision unless approved in writing by the Commission. Any self-insurance program must provide the City with all rights that would be provided by traditional insurance required under this subdivision, including but not limited to the defense obligations that insurers are required to undertake in liability policies.

(E) The City's limits of coverage for all types of insurance required under this subdivision must be the greater of:

(i) the minimum limits set forth in this subdivision; or

(ii) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(3) Proof of Insurance.

(A) For each policy required under this subdivision, the Applicant must file with the Commission a Certificate of Insurance issued by the insurer. All Certificates of Insurance must be:

(i) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits;

(ii) accompanied by the endorsement in the Applicant's Commercial General Liability Insurance policy by which the City has been made an Additional Insured pursuant to subparagraph (C) of paragraph (1) of this subdivision; and

(iii) accompanied by either a duly executed "Certification by Insurer" in the form provided by the Commission or copies of all policies referenced in the Certificate of Insurance. If complete policies have not yet been issued, binders are acceptable, until the complete policies have been issued, at which time such policies must be submitted.

(B) The Applicant must provide the Commission with a copy of any policy required under this subdivision upon demand by the Commission or the New York City Law Department.

(C) Acceptance by the Commission of a Certificate of Insurance or a Declarations Page or a policy does not excuse the Interior Advertising Provider from maintaining policies consistent with all provisions of this subdivision (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.

(D) If the Interior Advertising Provider receives notice, from an insurance company or other person, that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the Interior Advertising Provider must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

NYC Taxi and Limousine Commission  
Attn: General Counsel  
33 Beaver Street 22nd Floor  
New York, New York 10004

New York City Comptroller  
Attn: Office of Contract Administration  
Municipal Building, One Centre Street, Room 1005  
New York, New York 10007.

#### (4) Miscellaneous Insurance Provisions.

(A) Whenever notice of loss, damage, occurrence, accident, claim or suit is required under a Commercial General Liability policy maintained in accordance with this subdivision, the Interior Advertising Provider must provide the insurer with timely notice thereof on behalf of the City. Notice must be given even where the Interior Advertising Provider may not have coverage under such policy (for example, where one of the Interior Advertising Provider's employees was injured). Notice must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured" and contain the following information:

- the number of the insurance policy;
- the name of the named insured;
- the date and location of the damage, occurrence, or accident;
- the identity of the persons or things injured, damaged, or lost; and
- the title of the claim or suit, if applicable.

The Interior Advertising Provider must simultaneously send a copy of the notice to:

The City of New York c/o Insurance Claims Specialist  
Affirmative Litigation Division,  
New York City Law Department,  
100 Church Street, New York, New York 10007  
Attn: James Sanford, jsanford@law.nyc.gov  
Christopher Dickerson, cdickers@law.nyc.gov

If the Interior Advertising Provider fails to comply with the requirements of this subparagraph, the Interior Advertising Provider must indemnify the City for all losses, judgments, settlements and expenses, including reasonable attorneys' fees, arising from an insurer's disclaimer of coverage citing late notice by or on behalf of the City.

(B) Insurance coverage in the minimum amounts required in this subdivision shall not relieve the Interior Advertising Provider Licensee of any liability for indemnification under this Sub-Chapter.

(C) The Interior Advertising Provider waives all rights against the City, including its officers and employees, for any damages or losses that are covered under any insurance required under this subdivision (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the Interior Advertising Provider and/or its subcontractors required to be licensed under this Sub-Chapter.

(D) If the Interior Advertising Provider requires any subcontractor to procure insurance in connection with any of the activities licensed under this Sub-Chapter and requires the subcontractor to include the Interior Advertising Provider as an additional insured under such insurance, the Interior Advertising Provider must ensure that such entity also names the City, including its officials and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

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| §59E-05(f) | Penalty: \$1,500 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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(g) *Renewals of Required Insurance Policies.* The Interior Advertising Provider must submit to the Commission Certificates of Insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (f) of this section expires. Certificates of Insurance must comply with the requirements of subparagraph (f)(3)(A) above.

#### **§59E-06 Licensing – Fees and Term of License**

(a) *Application Fee.* Every application for a new or renewal Interior Advertising Provider License must be accompanied by a non-refundable application fee of \$500 annually for each License to be issued or renewed for the term as provided in subdivision (c) of this section.

(b) *Form of Payment.* All application fees must be paid by credit card, debit card, or electronic check.

(c) *Term of License.* The term of an Interior Advertising Provider License will be three years

(d) *When to File for Renewal.*

(1) A renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.

(2) A renewing Applicant can file a completed application up to 90 days after the expiration date as a “late application.” When a late application is submitted, the License will remain expired until the application for renewal is approved by the Commission. If an extended License renewal application is approved, the renewal License expiration date will be based on the original expiration date of the License and not the extended date.

(3) In order to renew an Interior Advertising Provider License, all suspensions must be cleared.

(e) *Suspended Licenses.* If a License is suspended and it is also due to be renewed, the Interior Advertising Provider must apply for renewal as required in subdivision (d) above if the Interior Advertising Provider wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

#### **§59E-07 Licensing – Cause for Denial**

(a) *Failure to Continuously Comply.* Whenever the Commission determines that the Interior Advertising Provider no longer meets the requirements for the License, the Commission may suspend or revoke the License and deny any application for renewal.

(b) *Summary Suspension.* Nothing in this section limits the authority of the Commission to summarily suspend any Interior Advertising Provider License when a threat to public health, safety, or welfare exists.

(c) *Failure to Complete Application Requirements*

(1) The Chairperson may deny an application for a new License if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.

(2) The Chairperson may deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 90 days after the expiration date of the current License.

(d) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

#### **§59E-08 General Requirements – Unlicensed Activity**

*Interior Advertising Provider License Required.* An individual or Business Entity must not do or attempt to do the following: sell, lease, make available for use, install, maintain, service or repair an Approved Tablet in any Commission-licensed vehicle, or enter into or renew a contract with a Driver for the Gross Revenue sharing, sale, lease, use, installation, maintenance, service or repair of any Approved Tablet without a Valid Interior Advertising Provider License.

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| §59E-08 | Penalty: \$10,000 fine | Appearance REQUIRED |
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#### **§59E-09 General Requirements – Compliance with Applicable Law**

(a) *Licenses and Permits.* An Interior Advertising Provider must obtain all licenses and permits required by applicable local, state, or federal law for such Interior Advertising Provider's business.

(b) *Payment of All Fines and Fees.* An Interior Advertising Provider must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.

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| §59E-09(a)&(b) | Penalty: \$500-\$1,000 fine and/or suspension until compliance | Appearance REQUIRED |
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#### **§59E-10 General Requirements – Indemnification**

(a) *General Indemnification.* An Interior Advertising Provider must defend, indemnify and hold the City, its officers and employees harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any losses, including for injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the

City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of any operations of the Interior Advertising Provider and/or its employees, agents or subcontractors in connection with any of the activities licensed under this sub-chapter to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this sub-chapter. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the Interior Advertising Provider, the City shall be partially indemnified by the Interior Advertising Provider to the fullest extent permitted by law.

(b) *Infringement Indemnification.* An Interior Advertising Provider must defend, indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the Interior Advertising Provider, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the Interior Advertising Provider, the City shall be partially indemnified by the Interior Advertising Provider to the fullest extent permitted by law.

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| §59E-10(a)-(b) | Penalty: \$500-\$1,000 fine and/or suspension until compliance | Appearance REQUIRED |
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### **§59E-11 General Requirements – Unlawful Activities Prohibited**

(a) An Interior Advertising Provider must not use or permit any other person to use its business premises or office of record for any unlawful purpose.

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| §59E-11(a) | Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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(b) An Interior Advertising Provider must not conceal any evidence of a crime or violation connected with its business premises or office of record.

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| §59E-11(b) | Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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(c) An Interior Advertising Provider must immediately report to the Commission and the police any attempt to use its business premises to commit a crime or violation.

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| §59E-11(c) | Penalty: \$100-\$350 fine and/or suspension up to 30 days | Appearance REQUIRED |
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(d) An Interior Advertising Provider must not file with the Commission any statement that it knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

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| §59E-11(d) | Penalty: \$10,000 fine and revocation | Appearance REQUIRED |
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### **§59E-12 General Requirements – Notice to TLC**

(a) *Material Change in Information.* An Interior Advertising Provider must notify the Commission in writing on a form approved by the Commission of any material change in the information contained in its current Interior Advertising Provider License application or renewal, including but not limited to Information Security & Use of Personal Information Policies.

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| §59E-12(a) | Penalty: \$500-\$1,000 fine and/or suspension up to 30 days | Appearance REQUIRED |
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(b) *Suspension or Revocation of License.* An Interior Advertising Provider must immediately notify the Commission in writing of any suspension or revocation of any license granted to the Interior Advertising Provider by, including but not limited to, any agency of the City or State of New York, or the government of the United States.

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| §59E-12(b) | Penalty: \$500-\$1,000 fine and suspension until compliance | Appearance REQUIRED |
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(c) *Security Breach:* An Interior Advertising Provider must inform the Commission in writing if it is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa).

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| §59E-12(c) | Penalty: 1,000 fine | Appearance REQUIRED |
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### **§59E-13 Business Requirements – Mailing and Email Address**

(a) Each Interior Advertising Provider must designate and provide to the Commission the street address of its primary Interior Advertising Provider location as its Mailing Address.

(b) An Interior Advertising Provider must have and provide to the Commission at all times a working Email Address and telephone number.

(c) An Interior Advertising Provider must report any change of Mailing Address, Email Address, and telephone number to the Commission in a form acceptable to the Commission.

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| §59E-13(a)-(c) | Penalty: \$100 fine | Appearance NOT REQUIRED |
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(d) Any communication from the Commission is sufficient if sent to the last Mailing Address or email address provided by the Interior Advertising Provider.

(e) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided to the Commission by the Interior Advertising Provider.

#### **§59E-14 Business Requirements – Change in Business Ownership or Application Information**

(a) *Change to Application Information.* An Interior Advertising Provider must notify the Commission of any changes to its application information, including the current contact information for its principal officers and shareholders, or that of an authorized representative of the principal officers and shareholders, as well as the location of its business premises, mailing address, corporate name, trade name, or any other material deviation from the description of or information regarding the Interior Advertising Provider as stated in the original or change application.

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| §59E-14(a) | Penalty: \$1,000-\$5,000 fine and suspension until consent of Commission is obtained or change in business ownership is withdrawn, or revocation | Appearance REQUIRED |
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#### **§59E-15 Business Requirements – Gross Revenue Sharing**

(a) *Required Information.* An Interior Advertising Provider must collect and transmit to the Commission on a monthly basis in a format, layout and procedure prescribed by the Commission,

(1) With respect to the Gross Revenue generated by interior advertising in For-Hire Vehicles:

(A) a list of TLC Driver license numbers for drivers who used an Approved Tablet provided by such Interior Advertising Provider month; and

(B) the Gross Revenue generated by each Approved Tablet provided by such Interior Advertising Provider and used by a driver in that month, including component elements such as the metrics by which Gross Revenue is calculated, measured, and recorded, and how compensation is accumulated on each Approved Tablet through those metrics, including but not limited to:



(i) The amount of time an Approved Tablet was accumulating revenue

(ii) The amount of time an Approved Tablet was broadcasting content

(C) the amount paid to the driver for that month.

- (2) **Timely Submission of Gross Revenue Records.** An Interior Advertising Provider must submit Gross Revenue Records to the Commission by no later than the 15<sup>th</sup> day of each month, covering the preceding calendar month. For example, all September Gross Revenue records will be due on or by October 15th. The following penalties accrue with respect to each untimely submission of Gross Revenue Records.

|               |                                                                                                                                                                                                                                                                                               |                         |
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| §59E-15(a)(2) | Penalty: \$500 for each day past the date the records are due if plead guilty before a hearing and suspension until compliance; \$550 for each day past the date the records are due if found guilty following a hearing and suspension until compliance. Fine amount not to exceed \$50,000. | Appearance NOT REQUIRED |
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- (3) **Incomplete or Inaccurate Gross Revenue Records.** Each set of Gross Revenue records submitted to TLC by an Interior Advertising Provider must be complete and accurate and include all information listed in and required by paragraph (1) of this subdivision. The following penalties accrue with respect to each Approved Tablet for which all required information was not submitted.

|               |                                                                                                                                                                                                                                                                                     |                         |
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| §59E-15(a)(3) | Penalty: \$100 per incomplete or inaccurate Gross Revenue record for the first ten incomplete or inaccurate records and suspension until compliance; \$500 per each incomplete or inaccurate record thereafter and suspension until compliance. Fine amount not to exceed \$10,000. | Appearance NOT REQUIRED |
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- (b) *Maintenance of Required Information.* An Interior Advertising Provider must ensure that all required information listed above is kept and made available for inspection by Commission representatives during regular business hours. Required operational records must be maintained by the Interior Advertising Provider for a period of 18 months.

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| §59E-15(b) | Penalty: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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(c) *Fee payment to Drivers.* An Interior Advertising Provider must pay at least twenty-five percent (25%) of the Gross Revenue generated by the Interior Advertising System to each Driver leasing, using, or operating an Approved Tablet in a For-Hire Vehicle.

(1) An Interior Advertising Provider must not deduct any fees from Gross Revenue when calculating Gross Revenue to determine the minimum amount to be paid to each Driver operating an Approved Tablet, including but not limited to: credit card processing fees or charges, installation or deinstallation fees, operating fees, rental fees, fees paid to other licensees, damages, repair and replacement fees, deposits, taxes, fines, tips, surcharges, interest.

(2) When calculating Gross Revenue, an Interior Advertising Provider must not deduct any time that an Interior Advertising System is muted during a Driver's shift.

(3) An Interior Advertising Provider must compensate each Driver operating an Approved Tablet in a For-Hire Vehicle on no less than a weekly basis. Payments to a Driver and access to these funds must be provided at no cost to the Driver, no later than two weeks after the broadcasting of the Electronic Media. The Interior Advertising Provider must pay the Driver, including any sublessee Drivers, and if the Interior Advertising Provider delegates or assigns this responsibility to another party, the Interior Advertising Provider is responsible for making full payment to the Driver if any designee or assignee fails to pay the Driver as required, and the Driver reports non-payment to the Interior Advertising Provider or the agent within three years.

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| §59E-15(c) | Penalty:<br>First Violation: \$200 fine<br>Second Violation: \$300 fine<br>Third Violation: \$500 fine | Appearance REQUIRED |
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#### **§59E-16 Business Requirements – – Sale, Lease or Use of Interior Advertising System**

All of the following conditions apply with regard to an Interior Advertising Provider's sale, lease, making available for use, and installation of an Interior Advertising System for use in a For Hire Vehicle:

(a) The Interior Advertising Provider must not sell, lease, make available for use, or install an Interior Advertising System for use in a For Hire Vehicle unless the Interior Advertising System has been approved by the Commission pursuant to this sub-chapter and the Interior Advertising System installed in the For Hire Vehicle is materially identical to the Interior Advertising System that was approved pursuant to §59E-05;

(b) Prior to the sale, lease, making available for use, or installation of an Interior Advertising System, an Interior Advertising Provider must present to the Driver a

contract, or terms and conditions, meeting the requirements set forth in §59E-17 of these Rules. Such contract terms and conditions must be agreed to and signed or accepted by the Driver;

(c) Prior to installation of an Interior Advertising System, or prior to making an Interior Advertising System operational, the Interior Advertising Provider must offer to the Driver, at no additional charge, at least one training session on the proper use and operation of the Interior Advertising System. The content of the training must be sufficient to enable the Driver to properly operate the Interior Advertising System.

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| §59E-16(a)-(c) | Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated | Appearance REQUIRED |
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(d) The Interior Advertising Provider must reimburse the Driver for any and all Fines caused by a failure of the Interior Advertising or any of its Components, including the Approved Tablet and Approved Software to perform in accordance with the Interior Advertising requirements as required by §59E-22 of these Rules where such failure is not attributable to the acts or omissions of the Driver, the abuse or misuse of the Interior Advertising System or other circumstances beyond the control of the Interior Advertising Provider. For purposes of this provision, the term “Fine” means any and all fees, fines, or financial penalties imposed on a Driver by the Commission or other any City agency, relating to interior advertising in For-Hire Vehicles.

(e) In the case of a Fine covered by subdivision (d) of this section, the Driver must make reasonable efforts to mitigate the amount of the Fine, including not operating the Interior Advertising System if the Driver knows or has reason to know the Approved Tablet or Approved Software is malfunctioning.

(f) If the Interior Advertising Provider subcontracts any services related to the Interior Advertising System, the Interior Advertising Provider will be fully responsible to the Driver for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by such subcontractors.

(g) *Receipts to Drivers for all Payments.*

(1) An Interior Advertising Provider must give a Driver a written or electronic receipt for every payment made under the contract and these Rules.

(2) The receipt must include

(A) the name of the Driver

(B) the TLC Driver license number

(C) the date

(D) the payment amount

(E) the payment purpose

|            |                     |                         |
|------------|---------------------|-------------------------|
| §59E-16(g) | Penalty: \$200 fine | Appearance NOT REQUIRED |
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#### **§59E-17 Business Requirements – Contract with Driver**

The contract or agreement between the Interior Advertising Provider and the Licensed Driver for the lease, or use of an Approved Electronic Tablet, required by §59E-16 of these rules, must contain provisions specifying that:

(a) The Interior Advertising Provider agrees to compensate the Driver on no less than a weekly basis.

(b) Each party agrees that any limitation of liability in the contract or agreement shall not apply to any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from direct claims between the parties based on damage to real or tangible personal property, death or bodily injury caused by the negligent or willful conduct of a party.

(c) Termination of the relationship is permitted as follows:

(1) The Interior Advertising Provider must provide to the Driver de-installation, return, or removal of the Approved Tablet at no charge.

(2) The Interior Advertising Provider or the Driver may terminate the relationship upon ten (10) days written notice to the other party.

(d) The Interior Advertising Provider and the Driver will agree that the contract is deemed to be executed in the City and State of New York, regardless of the domicile of the parties, and is governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States, where applicable.

(e) The Interior Advertising Provider and the Driver agree that any and all claims asserted by or against either party arising under or related to the contract will be heard and determined either in the courts of the United States located in the City of New York or in the courts of New York State located in the City of New York.

(g) *Availability.* The contract, or terms and conditions, must be made available to the Driver at all times. Electronic signatures are permissible for electronic contracts or terms and conditions and all signed electronic contracts or terms and conditions must be transmitted electronically to the Driver by the Interior Advertising Provider.

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| §59E-17(g) | Penalty: \$500 fine | Appearance NOT REQUIRED |
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(h) *Retaliation*. An Interior Advertising Provider must not retaliate against any Driver for making a good faith complaint against any Interior Advertising Provider for violation of the contract provisions or terms and conditions in §59E-17 of this sub-chapter. “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.

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| §59E-17(h) | Penalty: \$1,000 fine, plus restitution to the driver for losses for the first offense and a \$10,000 fine plus restitution to the driver for the second offense within five years. | Appearance NOT REQUIRED |
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#### **§59E-18 Business Requirements – Maintenance of Interior Advertising System**

(a) *Maintenance Service*. The Interior Advertising Provider must provide to a Driver such maintenance services as are necessary to maintain the Interior Advertising System in good working order and in accordance with the requirements in §59E-22 of these Rules. Such maintenance services must include but not be limited to:

- (1) Providing and installing replacement parts, and Hardware and Software Updates; and

|               |                                                                                                       |                     |
|---------------|-------------------------------------------------------------------------------------------------------|---------------------|
| §59E-18(a)(1) | Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each paragraph violated | Appearance REQUIRED |
|---------------|-------------------------------------------------------------------------------------------------------|---------------------|

#### **§59E-19 Business Requirements – Record-Keeping and Reporting Requirements**

(a) Gross Revenue data and its component elements relating to any Approved Tablet must be stored, maintained, available, and accessible to the Commission and any designee at all times.

(b) Except in accordance with law, no third party other than the Commission or its designee may access data for transactions in which such third party was not involved and for which it had no responsibility;

(c) In the event of a failure or interruption in transmission of Gross Revenue data to the Commission or its designee, the Interior Advertising System must be capable of saving and restoring transmission of the data without any degradation of data integrity or loss of data;

(d) All data required to be collected and transmitted pursuant to this section must be transmitted according to a schedule prescribed by the Commission.

(e) *Maintain Driver Information.* An Interior Advertising Provider must maintain information of all Drivers with whom the Interior Advertising Provider has contracts or agreements.

|              |                                                                           |                     |
|--------------|---------------------------------------------------------------------------|---------------------|
| §59E-19(a-e) | Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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(f) *Record Retention Period.* An Interior Advertising Provider must maintain the records required by this section for three (3) years.

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| §59E-19(f) | Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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(g) *Examination of Records.* An Interior Advertising Provider must allow any agent of the Commission or any law enforcement officer to examine at any time all of the records the Interior Advertising Provider is required to maintain under this sub-chapter.

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| §59E-19(g) | Penalty: \$500 fine and suspension until compliance | Appearance REQUIRED |
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(h) *Inspection of Premises.* An Interior Advertising Provider must allow any agent of the Commission or any law enforcement officer to inspect any portion of its business premises at any time, as permitted by law.

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| §59E-19(h) | Penalty: \$500-\$1000 fine and suspension | Appearance REQUIRED |
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## **§59E-20 Business Requirements – Use of Personal Information and Certain Location-Based Data**

The Interior Advertising Provider must only collect, use, and process Identifying Information in accordance with the information security and use of identifying information policy it has on file with the Commission pursuant to subdivision (b) of §59E-05.

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| §59E-20 | Penalty: \$500-\$1000 fine and suspension | Appearance REQUIRED |
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## **§59E-21 Comply with Laws – Conduct Rules**

(a) *Acceptance of Gift or Gratuity.* An Interior Advertising Provider, any person acting on the Interior Advertising Provider's behalf and the Interior Advertising Provider's employees must not accept any gift, gratuity, or thing of value from an owner or driver of

any vehicle licensed by the Commission or from anyone acting on behalf of an owner or driver for the purpose of violating any of these rules through acts of commission or omission.

(b) *Reporting Requests for Gift or Gratuity.* An Interior Advertising Provider, any person acting on the Interior Advertising Provider's behalf and the Interior Advertising Provider's employees 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 by any public servant.

(c) *Offer of Gifts and Gratuities.* An Interior Advertising Provider or any person acting on the Interior Advertising Provider's behalf and the Interior Advertising Provider's employees must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

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| §59E-21(a-c) | Penalty: \$10,000 fine and revocation | Appearance REQUIRED |
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(d) *Reporting Offers of Gift or Gratuity.* An Interior Advertising Provider must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) of this section.

(e) *Fraud, Misrepresentation & Larceny.* An Interior Advertising Provider, while performing its duties and responsibilities as an Interior Advertising Provider, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, misrepresentation or larceny include, but are not limited to:

- (1) falsification of Gross Revenue data;
- (2) adjustment or manipulation of the Interior Advertising System;
- (3) falsification of Trip Data.

|                |                                       |                     |
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| §59E-21(d)-(e) | Penalty: \$10,000 fine and revocation | Appearance REQUIRED |
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(f) *Willful Acts of Omission and Commission.*

(1) Omission. While performing the duties and responsibilities of an Interior Advertising Provider, an Interior Advertising Provider must not deliberately fail to perform, alone or with another, any act whose failure to perform is against the best interests of the public, although not specifically mentioned in these Rules.

(2) Commission. While performing the duties and responsibilities of an Interior Advertising Provider, an Interior Advertising Provider must not deliberately

perform, alone or with another, any act that is dishonest, fraudulent or against the best interests of the public, although not specifically mentioned in these Rules.

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| §59E-21(f) | Penalty: \$150-\$350 fine and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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(g) *Notice of Criminal Conviction.*

(1) An Interior Advertising Provider must notify the Commission in writing within two (2) days after any criminal conviction of the Interior Advertising Provider or any of the Interior Advertising Provider's Business Entity Persons.

(2) Such notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.

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| §59E-21(g) | Penalty: \$500-\$1,000 fine and/or suspension up to 30 days | Appearance REQUIRED |
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(h) *Threats, Harassment, Abuse.* An Interior Advertising Provider must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing their duties and responsibilities as a Licensee.

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| §59E-21(h) | Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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(i) *Use or Threat of Physical Force.* An Interior Advertising Provider must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing their duties and responsibilities as a Licensee.

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| §59E-21(i) | Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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(j) *Failure to Cooperate with Law Enforcement.* An Interior Advertising Provider must cooperate with all law enforcement officers and representatives of the Commission at all times.

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| §59E-21(j) | Penalty: \$250 fine | Appearance NOT REQUIRED |
|------------|---------------------|-------------------------|

(k) *Failure to Cooperate with the Commission.* An Interior Advertising Provider must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. An Interior Advertising



Provider must produce their Commission License and other documents whenever the Commission requires.

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| §59E-21(k) | Penalty: \$250 fine and suspension until compliance | Appearance REQUIRED |
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## **§59E-22 Technical Requirements – Approved Electronic Tablet**

No Electronic Tablet or Interior Advertising Software will be approved by the Commission pursuant to this sub-chapter unless it complies with the all the requirements set forth in this section.

### **(a) Driver, vehicle, and software authentication.**

- (1) Upon boot-up, the Electronic Tablet must automatically check for and install any Software Updates prior to allowing the Driver to engage the Electronic Tablet.
- (2) Unless assigned to a specific Driver, the Electronic Tablet must only allow the Driver to engage the Electronic Tablet and Approved Software upon log-in using either biometrics or username and password, validated against a system-initiated search of Valid TLC Licenses.
- (3) If any required functionality or hardware is disconnected or inoperable, the Interior Advertising Provider must notify the Driver that the Electronic Tablet needs to be serviced and must not allow any Driver to engage the Electronic Tablet until the Electronic Tablet is repaired to full functionality or replaced.
- (4) The Electronic Tablet must automatically log a Driver out of the Electronic Tablet if another Driver logs into the Electronic Tablet.
- (5) The Electronic Tablet must prevent a Driver from logging into more than one Electronic Tablet at the same time.

### **(b) *Driver functionality and interaction.***

- (1) Unless the Electronic Tablet is assigned to a specific Driver, the Interior Advertising System must enable the Driver to log off and log on.
- (2) The Interior Advertising System must allow a Driver to interact with the Electronic Tablet and/or Approved Software ONLY when the Vehicle is standing or stopped, except that the Electronic Tablet may permit a Driver to engage or disengage the Electronic Tablet with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion.

### **(c) *Passenger functionality and interaction.***

(1) Any Passenger-facing screen displaying third-party content must be authorized by the TLC and adhere to the following specifications:

(A) the Passenger must be able to turn off any Passenger-facing screen (i.e. render the screen blank and muted) at any time, without obstruction

(B) the volume of any Passenger-facing device must be mutable and must be controlled by the Passenger, without obstruction, and

(C) a Passenger-facing screen must display content that includes a reminder about the payment of a gratuity from a passenger to a driver.

(2) any Passenger-facing device that displays third-party content must display content provided by the TLC, subject to the following limitations:

(A) The content provided by the TLC will be in the same format as the third-party content displayed by the Passenger-facing device, and

(B) At least fifteen percent (15%) of the Passenger-facing device's advertising airtime will be comprised of TLC-provided content.

(i) If an Interior Advertising System is integrated with a High Volume For-Hire Service (i.e. Passenger information is shared), the 15% advertising airtime must be calculated and played/broadcasted based upon each new dispatched trip.

(ii) If an Interior Advertising System is not integrated with a High Volume For-Hire Service (i.e. Passenger information is not shared), the 15% advertising airtime must be calculated and played/broadcasted on an hourly basis.

(3) Specific Passenger-facing functions:

(A) No internet browser capability.

(B) Only advertisements, personalized content, and games, that adhere to the content requirements in this chapter, through a software application.

(C) No payment transaction capability.

(D) No capturing of identifying information, as defined by NYC Ad. Code §12-2301 and the Office of Technology and Innovation Privacy Protection Protocols.

(E) An Approved Tablet may facilitate gratuities to the Driver through the means provided in Chapter 59B of these rules.

(4) Accessibility. Interior Advertising Providers must provide the following accommodations for Passengers with vision disabilities:

(A) the ability for a Passenger with a vision disability to engage Approved Tablet features without requiring the assistance of a Driver

(B) audio instructions that include a reminder about the payment of a gratuity from a passenger to a driver

(5) Approved Tablets must not contain sharp features, such as corners, and must remain securely mounted or attached to a stationary component of a For-Hire Vehicle.

(d) *Interior Advertising System interoperability.*

The Interior Advertising System must be able to receive any Commission mandated change to the Approved Tablet and/or Approved Software via wireless communication initiated by the Interior Advertising Provider.

(e) *Advertisements and other passenger-facing content other than TLC-provided content.*

All Approved Tablets must conform to the following specifications:

(1) All Passenger-facing content must comply with TV-Y through TV-G ratings in accordance with the standards established by the TV Parental Guidelines rating system from 8AM – 8PM daily or a similar rating in industries where such rating exist, e.g. the Entertainment Software Rating Board’s rating system for video games.

(2) No Passenger-facing content may contain, imply, or declare endorsement by the City, the Commission, or any other agency of the City without the prior written consent of the Commission;

(3) No Passenger-facing content may contain any content that falls within the following categories:

(A) Advertisements or any other material or information promoting unlawful or illegal goods, services, or activities;

(B) Advertisements or any other images, material or information containing obscene images or material (see New York Penal Law 235.00, as such provision may be amended from time to time);

(C) Advertisements or any other material, images, or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character or content, would give rise to a violation of New York Penal Law 235.21 (see also New York Penal Law 235.20) as such provisions may be amended from time to time;

(D) Advertisements or any other images, material or information that are libelous, defamatory, infringe intellectual property rights, including but not limited to trademark, copyright or patent rights, of a third party, or violate New York Civil Rights Law Section 50, as such provisions may be amended from time to time;

(E) Advertisements or any other images, material or information that demean or disparage an individual or group of individuals. For purposes of determining whether any such advertisements or other images, material or information demean or disparage an individual or group of individuals, the Interior Advertising Provider will determine whether a reasonably prudent person of the For-Hire Vehicle ridership using prevailing community standards, would believe that such advertisements or other images, material or information ridicule or mock, are abusive or hostile to, or debase the dignity or stature of, an individual or group of individuals;

(F) Advertisements or any other material or information that propose a commercial transaction where the material or information contained in it is false, misleading, or deceptive; and

(G) Advertisements or any other material or information that propose a commercial transaction pertaining to or promote tobacco or tobacco-related products;

*(f) Security.*

All features of the Interior Advertising System required by this section, including the collection, transmission and maintenance of data by the Interior Advertising Provider, must comply and remain in compliance with the latest version of National Institute of Standards and Technology Special Publication 800-53 and the information security and use of identifying information policy the Interior Advertising Provider has on file with the TLC pursuant to subdivision (b) of §59E-05.

*(g) Data Retention.*

All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

*(h) Inspection by TLC.*

The Interior Advertising Provider must enable the Commission to inspect all components, including Hardware and mounting of the Interior Advertising System.

(i) Only one Approved Tablet may be operated in a For-Hire Vehicle at any one time, pursuant to subdivision (i) of §59E-22.

|            |                                                                                          |                         |
|------------|------------------------------------------------------------------------------------------|-------------------------|
| §59E-22(i) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
|------------|------------------------------------------------------------------------------------------|-------------------------|