

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Taxi and Limousine Commission (TLC) is proposing to amend its rules regarding various inconsistencies and minor updates to the TLC.

When and where is the hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on October 19, 2020. The public hearing will be held online using Webex. There will be no in person public hearing. To participate in the public hearing, please enter Webex URL on your computer or dial-in via phone. The Webex URL, Meeting Number, Password, and Phone Dial-In number for the public hearing will be posted on TLC's website at www.nyc.gov/tlc and by notice in the City Record by October 12, 2020.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to tlcrules@tlc.nyc.gov.
- **Mail.** You can mail comments to New York City Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the TLC at 212-676-1102.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135 or emailing at tlcrules@tlc.nyc.gov. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit written comments by October 19, 2020.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1055. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 14, 2020.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio only access.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Office of Legal Affairs.

What authorizes TLC to make this rule? Sections 1043 and 2303 of the City Charter and Section 19-511 of the New York City Administrative Code authorize TLC to make this proposed rule.

Where can I find the TLC's rules? The TLC's rules are in title 35 of the Rules of the City of New York.

What laws govern the rulemaking process? TLC must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose

TLC is amending its rules to:

- Update language relating to passengers with disabilities, wheelchair accessible service, and service animals
- Remove references to a license category, the Dispatch Service Provider license, that was previously repealed from TLC’s rules
- Allow FHV bases that have franchise agreements pursuant to New York State law to pay drivers and pass along summonses in accordance with those agreements
- Remove restrictions on medallions to which TLC can pay Taxi Improvement Fund (TIF)
- Specify that drivers must take required courses from TLC-authorized driver education providers
- Remove the day 10 deadline for requesting a summary suspension hearing to allow licensees to request a summary suspension hearing at any time during the suspension
- Reflect the recent TLC Education program name changes in the TLC Rules
- Reduces significantly the FHV street hail penalties by deriving them from section 19-507(b) of the New York City Administrative Code, as opposed to 19-506(k) of the New York Administrative Code.
- Require Agents to return de-installed Technology System Provider (TSP) equipment within five (5) business days.

The Commission’s authority for these rules is found in section 2303 of the New York City Charter and sections 19-503 and 19-511 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definitions of “Dispatch Service”, “Dispatch Service Provider” and “E-Dispatch” set forth in section 51-03 of Title 35 of the Rules of the City of New York are REPEALED, and the definitions of “Accessible Vehicle”, “Persons with a Disability (or People with Disabilities)”, “Service Animal” and “Wheelchair Passenger Assistance Training” are amended, to read as follows:

Accessible Vehicle is a TLC-licensed vehicle designed to permit access to and enable the transportation of persons [in] who use wheelchairs and is authorized by the Commission to transport passengers for hire, by prearrangement.

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

Service Animal means [a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items] an animal that performs a task or specific set of tasks to assist a person with a disability .

[Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training refers to a course of training that contains instruction on[the following]: (i) the legal requirements that apply to transportation of People with Disabilities; (ii) passenger assistance techniques, including a review of various disabilities, disability etiquette, mobility equipment training (including direct hands-on familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures; (iii) individual hands-on training with an actual person using a wheelchair; (iv) sensitivity awareness, including customer service and conflict resolution policies; and (v) the dispatch of vehicles by an accessible dispatcher.

Section 2. Subdivision (a) of section 53-03 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(b) *Accessible Vehicle*, for the purposes of this Chapter, is a vehicle designed to permit access to and enable the transportation of persons [in] who use wheelchairs and is authorized by the Commission to transport passengers for hire by prearrangement or by dispatch of the Accessible Taxi Dispatcher. Accessible Vehicles, for purposes of this Chapter, include all vehicles in use as Accessible Taxicabs, Taxicabs required or opting to be used with accessible vehicles under Section 58-50 of these Rules, and Accessible Street Hail Liveries.

Section 3. Subdivision (c) of section 53-03 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(c) *Approved Driver*. An Approved Driver is a Driver who has a Valid License from the Commission as a TLC Driver and who has successfully completed [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training or has a valid Paratransit License.

Section 4. Subdivision (b) of section 53-04 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(b) *Driver Responsibility*. An Accessible Vehicle can only be driven by an Approved Driver; that is, one who has successfully completed [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training.

§53-04(b)	Fine: \$400	Appearance NOT REQUIRED
-----------	-------------	-------------------------

Section 5. Subdivision (c) of section 53-04 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (c) *Owner Responsibility.* A Taxicab Owner and a Street Hail Livery Owner may not allow Drivers who are not Approved Drivers and have not successfully completed [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training, to operate the Owner’s Accessible Taxicab or Street Hail Livery.

§53-04(c)	Fine: \$400	Appearance NOT REQUIRED
-----------	-------------	-------------------------

Section 6. Subdivision (d) of section 53-04 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (d) *Agent Responsibility.* An Agent or a base may not allow Drivers who are not Approved Drivers and have not successfully completed [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training[,] to operate an Accessible Vehicle.

§53-04(d)	Fine: \$400	Appearance NOT REQUIRED
-----------	-------------	-------------------------

Section 7. Subdivision (a) of section 53-09 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (a) *Fare Amount.* The fare for transporting [Passengers with mobility impairments] passengers with disabilities following a dispatch will be the same as the current Taxicab and Street Hail Livery fares set by the Commission.

Section 8. Paragraph (1) of subdivision (b) of section 53-09 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (1) An Approved Driver of an Accessible Vehicle must not charge a fare to a [mobility-impaired Passenger] passenger with a disability higher than that indicated on the Taximeter.

Section 9. The title and subdivisions (a) through (d) of section 53-10 of Title 35 of the Rules of the City of New York are amended, to read as follows:

§53-10 Driver Duties Regarding Passengers [in] Who Use Wheelchairs and Passengers with Other [Mobility Impairments] Disabilities.

- (a) *Assisting the Passenger.* An Approved Driver

- (1) Must assist a [Wheelchair using Passenger and a Passenger with other mobility impairments] passenger who uses a wheelchair or a passenger with other disabilities when:

(i) [Upon entry,] Entering the vehicle from the sidewalk [to the vehicle]; and

(ii) [Upon exiting,] Exiting from the vehicle to the curbside.

(2) Must secure a [Wheelchair using Passenger] passenger with a disability and [the Wheelchair] their mobility device within the Vehicle.

§53-10(a)	Fine: \$200	Appearance NOT Required
-----------	-------------	-------------------------

(b) *Packages.* An Approved Driver must place [a mobility impaired Passenger's] the packages and parcels of a passenger with a disability in the Vehicle and secure them and must retrieve them for the Passenger at the end of the trip.

§53-10(b)	Fine: \$50	Appearance NOT Required
-----------	------------	-------------------------

(c) *Service Animal(s) and Companions.* An Approved Driver must accept and provide transportation in the Accessible Taxicab for [a mobility impaired Passenger's] the Service Animal(s) of a passenger with a disability and for as many companions as can be legally seated in the vehicle.

§53-10(c)	Fine: Mandatory Penalties as set forth in §80-02(e) of these Rules.	Appearance NOT Required
-----------	---	-------------------------

(d) *Waiting for the Passenger's with a [mobility impairment] disability.* An Approved Driver who has accepted a dispatch must wait for the Passenger with a [mobility impairment] disability to appear curbside at the pick up point for at least ten minutes after the time of arrival reported by the Driver for on-demand trips, and at least ten minutes after the scheduled pickup time indicated by the Dispatcher for advance reservation trips.

Section 10. Subdivision (d) of section 56-02 of Title 35 of the Rules of the City of New York is amended, to read as follows:

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

VIOLATION Description	Rule	
1. Proper licensing	§56-11(a)	First Violation: \$100 - \$350
2. only Licensees can operate Paratransit Vehicles	§56-11(d)(1)	
3. refusal to serve	§56-20(a)	Second Violation within 24 months: \$350 - \$500
4. refusal to transport equipment for [disabled] passengers with disabilities	§56-15(k)(1)	
5. attempt to overcharge additional fare to passengers	§56-15(g)(1)	Third Violation within 24 months: Revocation of relevant License for Driver, base owner, or owner found in violation
6. can conduct prearranged service only	§56-19(a)	

Section 11. Subdivision (h) of section 56-03 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (h) *Service Animal*. A service animal is [a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items] an animal that performs a task or a specific set of tasks to assist a person with a disability .

Section 12. Paragraph (3) of subdivision (b) of section 56-20 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (3) The passenger is intoxicated or disorderly. (A Driver will not, however, refuse to provide service solely because [a] of behavior caused by a person's disability [results in annoying, offensive, or inconvenient behavior].)

Section 13. Subdivisions (i) and (j) of section 57-03 of Title 35 of the Rules of the City of New York are amended, to read as follows:

- (i) *Person with a Disability* is an individual with a physical or mental [impairment or incapacity] disability, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or has a Service Animal, but who can transfer from such a mobility aid to a Taxicab, For-Hire Vehicle or Commuter Van with or without reasonable assistance.
- (j) *Service Animal*. [A guide dog, signal dog or any other animal trained specifically to work or to perform tasks for a Person with a Disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items] An animal that performs a task or a specific set of tasks to assist a person with a disability.

Section 14. Paragraph (4) of subdivision (b) and the title of subdivision (c) of section 57-20 of Title 35 of the Rules of the City of New York are amended, to read as follows:

(4) The passenger is intoxicated or disorderly. (A Driver must not, however, refuse to provide service solely because [a] of behavior caused by a person's disability [results in annoying, offensive, or inconvenient behavior].)

(c) *Attendants for [Disabled] Passengers with Disabilities.*

Section 15. Subdivisions (e) and (f) of section 58-15 of Title 35 of the Rules of the City of New York are amended, to read as follows:

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

(f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee, an Owner must not use any physical force against any person or Service Animal.

Section 16. Subdivision (c) of section 58-20 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(c) *Passenger Assistance and Wheelchair [Passenger] Accessible Vehicle Training.*

(1) The Accessible Taxicab Owner must ensure that each of the Owner's Accessible Taxicabs is driven only by a Driver who has completed the Passenger Assistance and Wheelchair [Passenger] Accessible Vehicle Training.

Section 17. Subdivision (i) of section 58-50 of Title 35 of the Rules of the City of New York, restricting which medallions can receive grants funded by the Taxicab Improvement Fund, is REPEALED and reserved.

Section 18. Subdivision (e) of section 59A-31 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(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 [or Dispatch Service Providers], *ONE* electronic device that is used to accept dispatches from a Base [or Dispatch Service Provider].

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

Section 19. Subparagraph (iii) of paragraph (3) of subdivision (f) of section 59B-18 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (iii) A Base cannot require payment by a Driver of a summons not written to the Driver except when the Driver and Base are operating under the terms of a franchise agreement filed with the Attorney General of the State of New York.

Section 20. Subparagraph (ii) of paragraph (4) of subdivision (f) of section 59B-18 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (ii) Drivers must be paid earnings for every trip made by the Driver within one week of the trip’s completion except when the Driver and Base are operating under the terms of a franchise agreement filed with the Attorney General of the State of New York.

§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
-------------------	--	-------------------------

Section 21. Paragraph (1) of subdivision (a) and subdivisions (b) and (c) of section 59B-21 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (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 [, any and all fees associated with E-Dispatching Vehicles,] 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.
- (b) *Hours of Operation.* A Base Owner must file with the Chairperson the Base’s hours of operations [, including the hours Passengers may book the Base’s affiliated Vehicles through a Dispatch Service Provider,] and must notify the Chairperson of any change in the hours of operation.

§59B-21(b)	Fine: \$50	Appearance NOT REQUIRED
------------	------------	-------------------------

- (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, [Dispatch Service Providers,] 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, [Dispatch Service Providers,] 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

§59B-21(c)	Fine: \$100	Appearance NOT REQUIRED
------------	-------------	-------------------------

Section 22. Subdivision (a) of section 59B-23 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (a) *Rates Must Not Exceed Scheduled Rates.* A Base Owner must not quote or charge a fare [, or allow a Dispatch Service Provider to 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 [Yes] No
------------	--	-------------------------------------

Section 23. Subdivision (d) of section 59B-31 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (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 [or Dispatch Service Provider] allowed under §59A-31(e) of these Rules.

§59B-31(d)	Fine: \$50	Appearance NOT REQUIRED
------------	------------	-------------------------

Section 24. Section 63-15 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c), to read as follows:

(c) The Agent must return the Technology System(s) that the Agent de-installs to the Technology Service Provider within five (5) business days of de-installation.

§63-15(a) – (c)	Fine: \$500	Appearance REQUIRED
-----------------	-------------	---------------------

Section 25. Section 66-20 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

(h) Maintain Contracts with Medallion and Street-Hail Livery Owners. A Technology Service Provider Licensee must maintain copies of all active contracts for the use of the Technology System.

§66-20(a-h)	Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
-------------	---	---------------------

Section 26. Subparagraph (ii) of paragraph (1) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (ii) the Technology System must instruct the Passenger how to engage [visual] accessibility features for individuals with vision disabilities without requiring the assistance of the Taxicab Driver.

Section 27. Paragraph (3) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (c) Accessibility. Technology System Provider Licensees must provide the following accommodations for Passengers with [visual] vision disabilities:
 - (i) The credit card reader must be installed in the Passenger compartment in each Taxicab,
 - (ii) Speakers must be installed in the Passenger compartment in each Taxicab. The speakers must provide:
 - (A) audio fare updates on-demand and at the end of the trip to facilitate payment,
 - (B) automatic audio notifications of all tolls and rates,
 - (C) audio instructions enabling a Passenger to successfully complete fare payment, including discretionary tipping, E-Payment, and any other form of payment available in the Taxicab, without requiring the assistance of a Taxicab Driver,
 - (iii) the ability for a Passenger with a vision disability to engage [visual] accessibility features without requiring the assistance of a Taxicab Driver and
 - (iv) a verbal and hardcopy receipt.

Section 28. Item (i) of subparagraph (E) of paragraph (1) of subdivision (e) of section 66-24 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (i) allowing the E-Hail Provider or the Accessible Taxi Dispatcher to provide the Driver with the passenger's name and phone number and drop-off location, as well as other relevant trip information (e.g., "passenger waiting at south entrance," "passenger [is] uses a wheelchair [bound]," etc.), and

Section 29. Subparagraph (ii) of paragraph (2) of subdivision (c) of section 67-05.2 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (ii) Exception: For an Accessible Taxicab deigned to carry a [Wheelchair] Passenger using a wheelchair in the front right position beside the Driver, the minimum passenger compartment length must be 38 inches.

Section 30. Chapter 77 of Title 35 of the Rules of the City of New York, relating to licensing and rules for Dispatch Service Providers, is REPEALED.

Section 31. Paragraphs (5) through (8) of subdivision (j) of section 80-04 of Title 35 of the Rules of the City of New York are renumbered as paragraphs (7) through (10), paragraphs (1) through (4) and (8) through (10), as renumbered by this section, are amended, and new subdivisions (5) and (6) are added, to read as follows:

(j) *Training.* The Commission requires that Applicants complete the required courses and pass all prescribed tests, both oral and written, as administered by the Commission or at its direction. All training and courses must be completed at a TLC Authorized Driver Education Services Provider except for the Defensive Driving Course.

(1) *Defensive Driving Course.*

- (i) Applicants for a new TLC Driver License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a New York State DMV Approved Defensive Driving Course.
- (ii) Applicants for a renewal TLC Driver License must hold a current certificate of completion that was issued no more than three years prior to the renewal application date for the required hours of instruction in a New York State DMV Approved Defensive Driving Course.

(2) *[Authorized] TLC Driver License Education [Training] Course.* [After an application for licensure has been accepted by the Commission,] Applicants for a new TLC Driver License must complete the [Authorized]

TLC Driver License Education [Training] course and pass an examination on course subjects as a condition of licensure.

- (i) Licensees who received [an FHV license] a TLC Driver License on the condition that they complete authorized TLC Driver License Education [Training] Course and pass prescribed tests within 90 days as a condition of continued Licensure must complete the [Authorized] TLC Driver License Education [training] Course before renewing their subsequently converted TLC Driver License.
- (3) [Authorized] TLC License Renewal Course. Applicants for a renewal TLC Driver License must complete the TLC [Authorized] License Renewal Course within 90 days prior to the renewal application date.
- (4) [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training. Applicants for a new TLC Driver [license] License must complete the [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training as a condition of licensure. Applicants for a renewal TLC Driver License who have never attended and completed [Wheelchair] Passenger Assistance and Wheelchair Accessible Vehicle Training must attend and complete such training in order to renew the TLC Driver License.
- (5) Distracted Driving Portable Electronic Device Course: A driver convicted of the Use of an Electronic Communication Device rule must complete the Distracted Driving Portable Electronic Device Course no later than 60 days after the date of conviction.
- (6) Safe Driving Point Reduction Course: Driver may voluntarily attend and complete the Safe Driving Point Reduction Course to reduce the Driver's Persistent Violator Program points prior to the adjudication of the Persistent Violator summons.

[6] (8) Military Exemption. Any Applicant for a License who previously held a Valid TLC Driver License, a Taxicab Driver License or a For-Hire Driver License will not be required to take the TLC [Authorized] Driver License Education [Training] Course, provided that the Applicant meets the following conditions:

- (i) The Applicant's previous Driver License expired solely because the Applicant was not available to renew his or her License because he or she was engaged in active military service.
- (ii) The Applicant's military service began before the expiration date of his or her prior License.

- (iii) The Applicant filed an application within 90 days of completing active military service, and in no event later than three years following expiration of the prior License.
- (iv) The Applicant provided proof of the dates of active military service.
- (v) The Applicant meets all other requirements for obtaining a new License.

[7] (9) Exemption for New York City Police Officers. Any Applicant for a License who is a New York City Police Officer will not be required to take the TLC [Authorized] Driver License Education [Training] Course, provided that the Applicant meets the following conditions:

- (vi) Applicant must present a letter from his or her commanding officer approving the application.
- (vii) Applicant must pass an examination authorized by the Commission.
- (viii) Applicant must meet all other requirements for obtaining a new License.

[8] (10) Life Experience Exemption. Any Applicant for a License will not be required to take the TLC [Authorized] Driver License Education [Training] Course, provided:

- (i) The Applicant previously held a Taxicab Driver License, For-Hire Driver License or TLC Driver License.
- (ii) No prior Taxicab Driver License, For-Hire Driver License or TLC Driver License was revoked or expired while license revocation charges were pending or was surrendered while license revocation charges were pending.
- (iii) For Applicants applying fewer than two years after the expiration date of the prior Taxicab Driver License, For-Hire Driver License or TLC Driver License, the Applicant held a Taxicab Driver License, For-Hire Driver License or TLC Driver License for a total of at least 10 years.
- (iv) For Applicants applying more than two years but less than five years after the expiration date of the prior Taxicab Driver License, For-Hire Driver License or TLC Driver License, the Applicant held a Taxicab Driver License, For-Hire Driver License or TLC Driver License for a total of at least 15 years.
- (v) The Applicant meets all other requirements for obtaining a new TLC Driver License.

(vi) The Applicant had no outstanding fines when the Applicant’s prior Taxicab Driver License, For-Hire Driver License or TLC Driver License expired unless such fines have been paid at the time of application.

Section 32. Subdivision (k) of section 80-04 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(k) [Training] Authorized Driver Education Services Providers. Providers of training and courses required by this Chapter must be approved by the Commission, must administer the curriculum required by the Commission, and must [have received Commission approval of all fees charged in relation to such training and courses] comply with all requirements set forth by the Commission.

Section 33. Paragraphs (1) and (2) of subdivision (g) of section 80-14 of Title 35 of the Rules of the City of New York are amended, to read as follows:

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

§80-14(g)(1)	<p>Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Distracted Driving <u>Portable Electronic Device</u> Course within the 60-day period then the Driver will not be suspended.</p> <p>Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.</p>	Appearance NOT REQUIRED
--------------	---	-------------------------

- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Portable Electronic Device Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Portable Electronic Device Course within the 60 day period will be suspended until compliance. The Driver must provide proof that the course was completed. In instances where the Chairperson has not received proof of completion of a Distracted Driving Portable Electronic Device Course from a TLC Distracted Driving Portable Electronic Device Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Portable Electronic Device Course to the Chairperson by mail.

Section 34. Subdivision (c) of section 80-19 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(c) *Limits on Driver Solicitation of Passengers in For-Hire Vehicles.*

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

§80-19(c)(1)	Fine: First Violation: [\$500] <u>\$200-\$350</u> Second Violation in 24 months: [\$1500] <u>\$350 - \$500, and up to 30 days’ suspension</u> Third Violation in 36 months: Revocation	Appearance [NOT] REQUIRED
--------------	--	---------------------------

- (2) *Hail Exclusionary Zone.* If a Driver solicits or picks up Passengers in Manhattan south of East 96th Street and West 110th Street or at the New York City Airports other than by prearrangement through a licensed Base of the class that can dispatch the Driver’s For-Hire Vehicle or [Dispatch Service Provider], or by dispatch of an Accessible Vehicle, the Driver will be subject to the below enhanced penalties.

§80-19(c)(2)	Fine: First Violation: [\$2,000] <u>\$500</u> Second Violation in 24 months: [\$4000] <u>\$750</u> Third Violation in 120 months: [\$10,000 and] Revocation	Appearance NOT REQUIRED
--------------	---	-------------------------

- (3) *No Requiring Ride-Sharing.* A Driver of a For-Hire Vehicle must not require that any prospective Passenger share a ride with another prospective Passenger.

§80-19(c)(3)	Fine: \$100	Appearance NOT REQUIRED
--------------	-------------	-------------------------

Section 35. Paragraph (2) of subdivision (a) of section 80-20 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (2) *Attendant for Passengers with a Disability.* A Driver must not require a person with a disability to be accompanied by an attendant. However, if a person with a disability is accompanied by an attendant, the Driver must not impose or attempt to impose any additional charge for transporting the attendant. A Driver must not refuse to transport any Person with a Disability or any [guide dog] service animal accompanying such person.

Section 36. Paragraph (9) of subdivision (b) of section 80-20 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (9) The Passenger is disorderly or intoxicated. (CAUTION: Drivers must not refuse to provide service solely because [a disability results in annoying, offensive, or in inconvenient behavior] of behavior caused by a person’s disability).

Section 37. Paragraph (2) of subdivision (g) of section 80-22 of Title 35 of the Rules of the City of New York is amended, to read as follows:

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

Section 38. Subdivision (h) of section 80-22 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (h) *Use of Electronic Devices in For-Hire Vehicles.* In addition to the dispatch equipment required by a Driver’s Base, a For-Hire Vehicle Driver is permitted to use the following electronic device(s) provided that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:
 - (1) If the dispatch equipment required by a Driver’s Base is capable of accepting dispatches from other Bases [or Dispatch Service Providers], *ONE* electronic device that is used to accept dispatches from a Base [or Dispatch Service Provider].
 - (2) If the dispatch equipment required by a Driver’s Base is not capable of accepting dispatches from other Bases [or Dispatch Service Providers], *TWO* electronic devices that are used to accept dispatches from a Base [or Dispatch Service Provider].

§80-22(h)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
-----------	--	-------------------------

Section 39. Subparagraph (i) of paragraph (7) of subdivision (a) of section 80-27 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (i) Before suspending or revoking a Driver’s License, the Commission will, for purposes of the Critical Driver’s Program, deduct three points from the total points that appear on the Licensee’s driving record maintained by the DMV, or equivalent licensing agency of the state which issued such license, of any Licensee who voluntarily attends and satisfactorily completes a New York State DMV Approved Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of

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

Section 40. Paragraph (5) of subdivision (b) of section 80-27 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (5) Safe Driving Point Reduction [for Voluntary] Course Completion.
- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes [a] the Safe Driving Point Reduction Course.
 - (ii) In order for the Safe Driving Point Reduction Course to reduce the Driver's Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the Persistent Violator summons. The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce total points more than once in any five year period.
 - (v) If no Safe Driving Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a New York State DMV Approved Defensive Driving Course. After the Driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from either the number of points accrued under the Critical Driver Program as set forth in subdivision (a) of this section or the Program for Persistent Violators as set forth in subdivision (b) of this section. The Driver will select the program from which the points will be deducted.

Section 41. Subdivision (a) of section 82-20 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(a) Passenger Assistance and Wheelchair [Passenger Assistance] Accessible Vehicle Training

- (1) The holder of a Street Hail Livery License that has been designated for an Accessible Vehicle must ensure that the Licensee's Street Hail Livery is driven only by a Driver who has completed the Passenger Assistance and Wheelchair [Passenger Assistance] Accessible Vehicle Training.

Section 42. Subdivision (e) of section 82-35 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (e) Electronic Dispatching and E-Hail Device. In addition to the required Technology System equipment and the dispatch equipment required by the Licensee's affiliated Base pursuant to §59B-15(d)(1) of these Rules, a Licensee may equip a Street Hail Livery with one electronic device that is used to accept dispatches from a Base [or Dispatch Service Provider] and/or E-Hails from a licensed E-Hail application, provided that that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Street Hail Livery is in motion.

Section 43. Subdivision (a) of section 82-50 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (a) An Accessible Street Hail Livery must be designed for the purpose of transporting persons in wheelchairs or must contain a physical device or alteration designed to permit access to and enable the transportation of persons [in] using wheelchairs in accordance with the Americans With Disabilities Act.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Miscellaneous Rule Amendments

REFERENCE NUMBER: 2020 RG 002

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel
Division of Legal Counsel

Date: September 10, 2020

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Miscellaneous Rule Amendments

REFERENCE NUMBER: TLC-113

RULEMAKING AGENCY: Taxi & Limousine Commission

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro
Mayor's Office of Operations

September 1, 2020
Date