

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission (“TLC”) is proposing to amend its rules to increase the penalties for stationary and non-hazardous moving violations and to consider certain out-of-state convictions for fitness revocation hearings.

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 March 12, 2025. The public hearing will be held online using Zoom. There will be no in person public hearing. The public hearing will be livestreamed on TLC’s website at www.nyc.gov/tlc. To participate in the public hearing, please e-mail the TLC at tlcrules@tlc.nyc.gov or call TLC at 212-676-1135 by March 11, 2025. After you have signed up to speak, TLC will provide you with a Zoom URL to enter in on your computer or dial-in via phone number if you prefer to call in.

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

- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules website at www.nyc.gov/nycrules.
- **Email.** You can email comments to tlcrules@tlc.nyc.gov.
- **Mail.** You can mail comments to the 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 212-313-3027.
- **By speaking at the hearing.** To sign up to speak and provide testimony, you must e-mail the TLC at tlcrules@tlc.nyc.gov or call 212-676-1135 by 5:00 p.m. on March 11, 2025. Speakers will not be able to sign up to testify the day of the hearing. You can speak for up to three minutes. Those who did not sign-up in advance to testify are welcome to view the live-stream of the meeting on TLC’s website. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by March 12, 2025.

Do you 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 212-676-1135. You must tell us by March 11, 2025. 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 www.nyc.gov/nycrules. 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 the Commission to make this rule? Sections 1043 and 2303 of the City Charter and Section 19-503 of the New York City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in TLC's regulatory agenda for fiscal year 2024 because it was not contemplated when the Commission published the agenda.

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

What rules 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

In support of Vision Zero initiatives to eliminate traffic crashes leading to death and serious injuries, TLC proposes amending Rules §80-13(a)(1) and §80-13(a)(2) penalties for stationary and non-hazardous moving violations. Rules §80-13(a)(1) and §80-13(a)(2) include a multitude of unsafe traffic violations (e.g., crosswalks, double-parking, no standing, bike lanes). Within a 15-month period from October 2022 through December 2023, TLC adjudicated over 28,000 §80-13(a)(1) and §80-13(a)(2) violations. Over 2,000 of these violations were issued to drivers who committed multiple §80-13(a)(1) and §80-13(a)(2) violations within that period. TLC proposes increasing the penalty for these violations, along with the imposition of one point after the first violation and two points after the second and third violation within a fifteen-month period, consistent with TLC's Persistent Violator program. In addition, TLC will require the completion of a remedial driver education course following any §80-13(a)(1) or §80-13(a)(2) violation. TLC proposes this escalation measure as a deterrent to repeat offenders and to promote the safety of passengers, pedestrians, bicyclists, and other motorists.

Additionally, TLC is proposing an amendment to its special procedures for fitness revocation hearings under Rule §68-14(a)(3). When determining whether an individual is fit to hold a license following convictions for certain qualifying criminal offenses under New York State statutes, TLC will also consider convictions for the functional equivalent of those same offenses in other jurisdictions. Convictions for these offenses, whether in New York State or outside of New York State, implicate an individual's ability to safely transport members of the public.

TLC's authority for these rules is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Paragraphs (8) through (10) of subdivision (j) of section 80-04 of Title 35 of the Rules of the City of New York are renumbered as paragraphs (9) through (11), and a new paragraph (8) is added, to read as follows:

- (8) *Vision Zero and Accessibility Remedial Education Course: A driver convicted of an 80-13(a)(1) or (2) violation must complete the Vision Zero and Accessibility Remedial Education Course no later than 60 days after the date of conviction.*

Section 2. Subdivision (a) of Section 80-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

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

- (1) Laws, rules or regulations governing stationary vehicles.
- (i) Except where expressly forbidden, a Vehicle is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a street, provided the Driver remains seated in his or her Vehicle, ready for operation at all times.

§80-13(a)(1)	<p><u>First Violation:</u> Fine: \$100 <u>and 1 point</u> if plead guilty before a hearing; \$200 <u>and 1 point</u> if found guilty following a hearing, and suspension. <u>The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period then the Driver will not be suspended.</u></p> <p><u>Second violation within 15 months:</u> <u>Fine and Points: \$100 and 2 points if plead guilty before a hearing; \$200 and 2 points if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period then the Driver will not be suspended.</u></p>	Appearance NOT REQUIRED
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	<p><u>Third (and subsequent) violation(s) within 15 months:</u> <u>Fine and Points: \$200 and 2 points if plead guilty before a hearing; \$300 and 2 points if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period then the Driver will not be suspended.</u></p>	
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- (2) Laws, rules or regulations governing moving vehicles, other than those defined by paragraph (3) of this subdivision.

§80-13(a)(2)	<p><u>First violation:</u> <u>Fine: \$200 and 1 point if plead guilty before a hearing; \$300 and 1 point if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period then the Driver will not be suspended.</u></p> <p><u>Second violation within 15 months:</u> <u>Fine and Points: \$200 and 2 points if plead guilty before a hearing; \$300 and 2 points if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period then the Driver will not be suspended.</u></p> <p><u>Third (and subsequent) violation(s) within 15 months:</u> <u>Fine and Points: \$300 and 2 points if plead guilty before a hearing; \$400 and 2 points if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the Driver completes a Vision Zero and Accessibility Remedial education course within the 60-day period then the Driver will not be suspended.</u></p>	Appearance NOT REQUIRED
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Section 3. Paragraph (3) of subdivision (a) of Section 68-14 of Title 35 of the Rules of the City of New York is amended by adding a new subparagraph (T), to read as follows:

- (T) The functional equivalent of the above-referenced convictions in other jurisdictions.

**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: Rules Relating to Penalties for Non-Moving and Non-Hazardous Violations

REFERENCE NUMBER: 2024 RG 138

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

Date: January 3, 2025

**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: Rules Relating to Penalties for Non-Moving and Non-Hazardous Violations

REFERENCE NUMBER: TLC-153

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 violation cannot be corrected or undone and poses significant risk to public health and safety.

/s/ Lisa Taapken
Mayor's Office of Operations

January 7, 2025
Date