

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 is considering changing its rules. The change would amend the TLC Rules to incorporate additional driver education requirements for medallion taxicab drivers.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on April 17, 2014. The hearing will be in the hearing room at 33 Beaver Street - 22nd Floor, New York, NY 10004.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **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. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by Monday, April 14, 2014.

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 Friday, April 11, 2014.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments 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 City Administrative Code authorize the Commission to make

this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year 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? The Commission 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(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rules

On February 23, 2012, the New York City Taxi and Limousine Commission (“TLC”) issued a Request for Proposals (“RFP”) to identify a vendor to provide training, testing, and business education services to current license holders and new applicants seeking to obtain a license to operate a vehicle licensed by the TLC to provide for-hire transportation. The RFP is part of a continuous effort to provide a better customer experience for passengers and to consolidate and improve the TLC’s driver education program.

Prior to the RFP, for a driver to obtain a TLC license, he or she was required to attend and pass a series of approved courses offered by different vendors. To ensure consistency in driver training and that all drivers receive the same information, the RFP created a comprehensive curriculum that will be administered by only one vendor.

These proposed rules amend the rules governing driver education requirements to reflect the terms of the contract and the goals of the RFP. Specifically the proposed rules:

- Add a definition of “Authorized Driver Education Services Provider”.
- Amend the rules to clarify that all courses drivers can or must take must be taken from the Authorized Driver Education Services Provider.
- Reduce the minimum number of hours required for training to reflect the actual number of training hours provided in practice to cover the required curriculum.
- Require all applicants for a Taxicab Driver’s renewal license to take a License Renewal Course.
- Require all new Taxicab Driver’s license applicants to take a Wheelchair Passenger Assistance Training Course.
- Eliminate the required remedial course for persistent violators, as all drivers, not just persistent violators, will be required to take refresher courses at frequent intervals.

These rules are authorized by Section 2303 of the Charter and Sections 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definitions of the terms “Authorized Taxicab Training,” “Authorized Taxicab Training Refresher Course,” “Defensive Driving Course,” and “Distracted Driving Course” as set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, and a new definition of the term “Authorized Driver Education Services Provider” is added, in alphabetical order, to read as follows:

Authorized Driver Education Services Provider refers to the entity which, under contract with the Commission, will provide all English proficiency testing and all Authorized Taxicab Training, Authorized License Renewal, Defensive Driving, Distracted Driving, Wheelchair

Passenger Assistance Training, and Voluntary Point Reduction courses and accompanying exams to Licensees.

Authorized Taxicab Training refers to a course of training [approved] authorized by the Commission that contains at least [80] 40 hours of instruction on Commission-required topics such as Commission rules and procedures, geography, map reading, Passenger relations, and courtesy.

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

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

Distracted Driving Course means a course of training [approved] authorized by the Commission about the dangers of driving while distracted by Using an Electronic Communication Device and about the rules governing the Using of an Electronic Communication Device. The course must last at least [one] two hours.

Section 2. Paragraphs (3), (4), and (7) of subdivision (c) of section 54-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

(3) *Authorized Taxicab Training* refers to a course of training [approved by the Commission] offered by the Authorized Driver Education Services Provider that contains at least [80] 40 hours of instruction on Commission-required topics such as Commission rules and procedures, geography, map reading, Passenger relations, and courtesy.

(4) *Authorized [Taxicab Training Refresher] License Renewal Course* refers to a five[four]-hour course of training [approved by the Commission] offered by the Authorized Driver Education Services Provider that is required for renewal of a [Probationary] Taxicab Driver's License, and that includes topics such as an update of Rule changes, a review of Driver Responsibilities and duties, passenger relations, and an awareness of serving passengers with disabilities.

* * *

(7) *Defensive Driving Course* refers to a course in defensive driving given by [a school, facility or agency approved by the Commission] offered by the Authorized Driver Education Services Provider and certified by the New York State Department of Motor Vehicles.

Section 3. Subdivision (k) of section 54-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (k) *Training.* The Commission requires that Applicants for a new License pass all prescribed tests, both oral and written, as administered by the Commission or at its direction. All Applicants filing an application on or after a date to be set by the Commission must take the courses listed in paragraphs (1) through (3) below from the Authorized Driver Education Services Provider.

* * *

- (3) [*Authorized Taxicab Training Refresher Course.* During the last 60 days of the initial one-year Probationary term, Probationary Licensees must attend and pass an Authorized Taxicab Training Refresher course in order to qualify for a renewal License.] *Authorized License Renewal Course. A Taxicab Driver's License Renewal Applicant must complete the Authorized License Renewal Course within the 45 days prior to expiration of his/her Taxicab Driver's License expiration.*

Section 4. Subdivisions (l), (m), and (n) of section 54-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (l) *Training Providers.* [Providers of Authorized Taxicab Training and Refresher Training services] The Authorized Driver Education Services Provider must be [approved] authorized by the Commission, must administer the curriculum required by the Commission, and must have Commission approval of all fees charged to Taxicab Drivers License Applicants.
- (m) *Continuing Training Requirements.* All renewal Applicants are required to attend and complete an authorized Defensive Driving Course [at least every three years. No Taxicab Driver's License will be renewed unless the Applicant submits a certificate of completion of the Defensive Driving Course from an authorized provider dated less than three years prior to the date of the renewal application] and submit a Certificate of Completion dated less than three years prior to the date of the renewal application.
- (n) *Wheelchair Passenger Assistance Training.*
- (1) *Training Must be [Approved] Authorized by Commission.* [In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance] All new applicants must attend a Wheelchair Passenger assistance training course offered by the Authorized Driver Education Services Provider. All renewal Applicants must attend a Wheelchair Passenger assistance training course offered by the Authorized Driver Education Services Provider in order to become a driver of an Accessible Taxicab or Accessible Street Hail

Livery. (Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery).

- (2) *Requirements of the Course*. Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:

* * *

- (v) Coordinate with the Accessible Taxi Dispatcher to include training on the devices used by the Accessible Taxi Dispatcher to ensure efficient service to the customer.

Section 5. Subdivision (f) of section 54-07 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) [*Refresher Training Course*] License Renewal Course Fees. Participants of an Authorized Taxicab [Training Refresher] License Renewal Course must pay the fee charged by the [authorized provider] Authorized Driver Education Services Provider.

Section 6. The penalty for violation of paragraph (1) of subdivision (e) of section 54-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Use of Electronic Communication Device*.

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

§54-14(e)(1)	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 an <u>authorized</u> Distracted Driving Course within the 60-day period then the driver will not be suspended. 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.	Appearance NOT REQUIRED
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Section 7. Paragraph (1) of subdivision (b) of section 54-27 of Title 35 of the Rules of the City of New York, relating to the Required Remedial Course for Persistent Violators is DELETED and paragraphs (2) through (8) of subdivision (b) of section 54-27 of Title 35 of the Rules of the City of New York are renumbered (1) through (7).

Section 8. Paragraph (5) of subdivision (b) of section 54-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

(5) *Point Reduction for Voluntary Course Completion.*

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

Section 9. Subdivision (f) of section 55-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *Defensive Driving Course* refers to a course in defensive driving given by a school, facility or agency [approved by the Commission] offered by the Authorized Driver Education Services Provider and certified by the New York State DMV.

Section 10. Paragraph (1) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York, relating to the Required Remedial Course for Persistent Violators is DELETED and paragraphs (2) through (8) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York are renumbered (1) through (7).

Section 11. Paragraph (5) of subdivision (b) of section 55-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

(5) *Point Reduction for Voluntary Course Completion.*

- (ii) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a remedial or refresher course [approved by the Commission] offered by the Authorized Driver Education Services Provider.

Section 12. Subdivision (c) of section 56-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) [Approved Motor Vehicle Accident Prevention Program. An accident prevention] Authorized Defensive Driving Course. A Defensive Driving course offered by the Authorized Driver Education Services Provider and approved by the New York State Department of Motor Vehicles.

Section 13. Subparagraph (i) of paragraph (7) of subdivision (b) of section 56-13 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 deduct two points from the total points of any Licensee who voluntarily

attends and satisfactorily completes a [motor vehicle accident prevention course] Defensive Driving Course offered by the Authorized Driver Education Services Provider and approved by the NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the [motor vehicle accident prevention course] Defensive Driving Course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Paratransit Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the [motor vehicle accident prevention course] Defensive Driving Course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's 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 14. Paragraph (2) of subdivision (i) of section 56-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (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 Course offered by the Authorized Driver Education Services Provider no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from [a Distracted Driving Course provider] the Authorized Driver Education Services 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 Course to the Chairperson by mail.

Section 15. Subparagraph (i) of paragraph (7) of subdivision (a) of section 57-13 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 deduct two points from the total points of any Driver who voluntarily attends and satisfactorily completes a [motor vehicle accident prevention course] Defensive Driving Course offered by the Authorized Driver Education Services Provider and approved by the NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the [motor vehicle accident prevention course] Defensive Driving Course to reduce the Licensee's Critical Driver's

Program points and avoid suspension or revocation of the Driver's Commuter Van Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the [motor vehicle accident prevention course] Defensive Driving Course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's 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 16. Paragraph (2) of subdivision (b) of section 57-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (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 Course offered by the Authorized Driver Education Services Provider, no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from [a Distracted Driving Course provider] the Authorized Driver Education Services 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 Course to the Chairperson by mail.

Section 17. Paragraphs (1) and (2) of subdivision (c) of section 58-20 of Title 35 of the Rules of the City of New York are amended to read as follows:

(c) *Wheelchair Passenger Assistance Training.*

- (1) *Training Must be [Approved] Authorized by the Commission.* The Owner of an Accessible Taxicab must make sure each Driver of such Accessible Taxicab has attended a [Commission-approved] training course offered by the Authorized Driver Education Services Provider regarding Wheelchair Passenger assistance.
- (2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:

* * *

- (v) Coordinate with the Accessible Taxi Dispatcher to include training on the devices used by the Accessible Taxi Dispatcher to ensure efficient service to the customer.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

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

RULE TITLE: Amendment of Driver Education Rules

REFERENCE NUMBER: 2014 RG 007

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
Acting Corporation Counsel

Date: March 7, 2014

**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: Amendment of Driver Education Rules
REFERENCE NUMBER: TLC-62
RULEMAKING AGENCY: TLC**

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

March 7, 2014
Date