

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's Base Rules to create rules for For-Hire Vehicle Bases and Paratransit Bases which obtain Street Hail Livery Base Licenses and amend certain definitions in TLC's Rules.

When and where are the Hearings? The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 9:00 a.m. on March 22, 2012. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19th Floor.

The Commission will also hold a public hearing on the proposed rules as required by the City Administrative Procedures Act. The public and interested parties can also submit testimony at this hearing. The public hearing will take place at 9:00 a.m. on April 19, 2012. The hearing will be held at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York.

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 10014.
- **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 Hearings.** Anyone who wants to comment on the proposed rule at the public hearings must sign up to speak. You can sign up before either hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on March 22, 2012. You can also sign up at the hearing room before the public hearing begins on April 19, 2012. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by April 9, 2012.

Do you need assistance to participate in the Hearings? 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 Thursday, March 15, 2012 for the March 22 session and by Thursday, April 12, 2012 for the April 19 public hearing.

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 Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These proposed rules will implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the proposed rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The proposed rule changes are organized as follows:

1. Amendment to *Definitions* (Chapter 51) to incorporate Street Hail Liveries
2. Amendment to *For-Hire Service* (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
3. New chapter on *Street Hail Livery Service* outlining licensing, service and vehicle requirements
4. Amendments to *Medallion Taxicab Drivers* (Chapter 54) to incorporate requirements for drivers of Street Hail Liveries
5. New chapter on *Technology Vendors* creating a new licensee type for vendors of taxicab technology for Street Hail Liveries.

This statement first provides some background on existing street hail service availability and passenger demand for this service, and explains the rationale for the Street Hail Livery program. It then discusses the purpose of some of the more specific rules being proposed to implement the program.

Background: Brooklyn, the Bronx, Queens, Staten Island, & Northern Manhattan Lack Street Hail Service

Currently, yellow taxis with medallions issued by the TLC are the only vehicles authorized to pick up passengers by street hail anywhere in the city. However, according to recent GPS data collected by TLC, 95% of all yellow taxi street hail pickups are in Manhattan's Central Business District (CBD) and at La Guardia or JFK airports. The demand for street hail service in Northern Manhattan, Brooklyn, Bronx, Queens and Staten Island neighborhoods, where 80% of the City's population lives, but where yellow taxis choose not to go, is met (illegally) by livery vehicles, which are licensed to pick up passengers only by prearrangement. TLC staff who recently observed passengers hailing rides at various locations outside Manhattan counted 65 street hails per hour at Mermaid and Stillwell Avenues in Brooklyn, 39 per hour at Jamaica Avenue and Parsons Boulevard in Queens, and 19 per hour at Grand Concourse and 149th Street in the Bronx. All street-hails observed by TLC were picked up by livery vehicles.

The current licensing and street hail regulations mean that:

- Livery drivers who pick passengers up from the street by hail to meet the existing demand, but do so without notification from the base, are put in the position of routinely violating the law.
- Business districts outside of the Manhattan CBD are at a competitive disadvantage because their clients and customers do not have access to safe, legal and convenient street hail service for travel between meetings or home from shopping trips.
- Residents who use the street-hail service from liveries are not protected by nor benefit from key features of yellow taxicab service:
 - **Set Fares:** Fares, determined in a livery street-hail pickup by haggling between the driver and the passenger (who is often uncomfortable with this arrangement), are not metered or otherwise regulated and leave passengers vulnerable to over-charging.
 - **Safety and Security:** Licensed livery vehicles can be difficult for street hail passengers to distinguish from unlicensed vehicles. Many passengers seeking to hail a livery on the street are exposed, without their knowledge, to uninsured and possibly unsafe vehicles and to drivers with unknown safety records.
 - **Convenience and Customer Service:** Most livery vehicles have no GPS locator, which can make it hard to help street-hail passengers recover lost property. Most livery vehicles do not offer passengers the convenience of paying by debit or credit card, an extremely popular feature among yellow taxi passengers.
 - **Wheelchair Access:** Only a minute fraction of existing livery vehicles are accessible to wheelchair users. Although there are currently TLC rules in place that require the for-hire industry to provide service to wheelchair users, the service currently available is insufficient to meet wheelchair users' mobility needs.

Purpose of Proposed Rules

The legislation enacted in Albany, which these proposed rules implement, addresses the problems described above by authorizing the City to issue transferable Street Hail Livery licenses. Vehicles with these licenses will be permitted to pick up street hail passengers anywhere in Brooklyn, the Bronx, Staten Island, Northern Manhattan (north of W. 110th St. and north of E. 96th St.), and Queens (excluding airports). They can also pick up passengers by prearrangement anywhere except Manhattan south of W. 110th St. and E. 96th St. This will ensure that these new Street Hail Livery Vehicles serve the neighborhoods that are currently underserved by yellow taxis and protect yellow taxis from competition in the areas of the city they typically serve.

Vehicle Requirements. Street Hail Liveries will have a variety of features, as described in these rules, to make them safer and more convenient for passengers. These features include:

1. Meters calculating a uniform fare for street-hail trips (to provide predictability for passengers, build trust between drivers and passengers, and prevent price gouging)
2. Credit and debit card readers (to make it easier for passengers to pay their fares and reduce the amount of cash drivers carry)
3. GPS locators (to assist with locating lost property and to assist TLC enforcement with preventing Street Hail Liveries from making illegal pickups)

4. Distinguishing markings (a uniform color scheme, text markings, and roof light) so passengers know they are entering a legal car with a licensed driver

Accessibility. The Street Hail Livery program also expands transportation options for individuals who use wheelchairs. As per the state legislation, 20 percent of Street Hail Liveries will be required to be accessible to individuals who use wheelchairs. Individuals who purchase Street Hail Livery licenses that are part of this accessibility initiative will be eligible for a City subsidy to cover costs of upgrading their vehicles or purchasing new accessible vehicles. This will significantly expand access to both prearranged and hail service for wheelchair users, expanding these individuals' ability to travel around the city.

Driver Requirements. To ensure that Street Hail Livery drivers can safely and effectively operate a Street Hail Livery and provide excellent customer service, these proposed rules require that new Street Hail Livery drivers be licensed by the Commission and be either (1) existing licensed for-hire vehicle drivers, (2) existing licensed yellow taxi ("hack") drivers, or (3) existing licensed paratransit drivers (for accessible vehicles). Individuals who do not fall into any of the three categories above will be required to obtain a yellow taxi hack license to operate a Street Hail Livery.

Service Requirements. To ensure that the public receives good customer service in Street Hail Liveries, these rules outline the service Street Hail Livery drivers must provide. This includes many requirements that are found in the yellow taxi industry, such as rules surrounding service refusals, compliance with reasonable passenger requests, and rates charged.

Service Options. Street Hail Liveries will be permitted to provide both prearranged and street hail service. This gives drivers flexibility to adapt to fluctuations in customers' demand for each of these types of service (e.g., prearranged airport drop-offs in the early morning and street hail rides late-night). This enables drivers to maximize revenue earned and gives bases flexibility to respond to spikes and troughs in demand.

Enforcement. To protect yellow taxis in areas where they are the only vehicles authorized to pick up street hails, these rules clearly define the areas where Street Hail Liveries are not allowed to make pickups and the penalties for violating these rules. Vehicle requirements will include GPS technology that will enable TLC to detect and penalize Street Hail Liveries that make illegal pickups, putting violators' licenses in jeopardy.

Base Requirements. State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. These proposed rules outline the process for bases to become licensed to affiliate a Street Hail Livery, along with these bases' responsibilities. These responsibilities include ensuring their Street Hail Livery vehicles and drivers comply with TLC rules and transmitting the 50 cent MTA surcharge on each hail ride to the MTA.

Technology Vendor Requirements. State legislation authorizes the TLC to license vendors of credit card and customer enhancements technology to Street Hail Liveries. The TLC intends to regulate these vendors because it believes that licensure is preferable to the procurement and contract approach used in the taxicab industry. Under a regulatory approach, any vendor who can meet TLC requirements can apply for a license. This will maintain vendor competition and allow the TLC to create and enforce

consistent service standards for all licensees. In addition, the TLC believes that a regulatory approach will enable it to revisit and revise standards as technology and other factors advance. Accordingly, the TLC believes that the competition permitted by a regulatory approach is key to both keeping prices affordable and improving service quality. Allowing multiple taxicab technology vendors to develop and provide taxicab technology is important for fostering innovation and giving the for-hire industries choices. Moreover, the TLC believes that the benefits of competition in the for-hire industries may ultimately feed into the taxi industry by permitting advances in technology that may benefit passengers in all the industries the TLC regulates. In order to maintain the ability for multiple vendors to provide taxicab technology--while maintaining TLC oversight and quality control-- these proposed rules outline the process and standards for becoming a TLC-licensed technology vendor.

In addition to providing a service to the public, the Street Hail Livery program provides opportunities for the industries TLC regulates:

- Livery drivers and bases that choose to enter the Street Hail Livery business (which is completely optional for both vehicle owners and bases) will expand the ways in which they may legally serve the communities they have been serving for years by providing not only high-quality prearranged service, but also safe, convenient and legal street hail service.
- The street hail business that already exists in many neighborhoods outside the Manhattan CBD will be brought out of the shadows, bringing legitimacy and pride to those providing this service.
- Income-generating opportunities for drivers will increase as more customers will be enticed to take advantage of the predictability and quality of this new street hail service.

Rules Proposed in This Rulemaking

The Commission proposes these rules to implement the legislation authorizing Street Hail Liveries. Specifically, these rules will govern the licensure and operation of For-Hire Vehicle Bases which obtain Street Hail Livery Base Licenses that will permit them to affiliate with For-Hire Vehicles which hold Street Hail Livery Permits. The proposed rules will also provide definitions to be used in other rule-makings as the Commission implements the Street Hail Liveries Program.

These proposed rules are in two parts:

Proposed Amendments to *Definitions* (Chapter 51)

The proposed amendments to Chapter 51, *Definitions*, will add basic and frequently used defined terms for rules governing Street Hail Liveries. The new defined terms fall into the following general categories:

- Vehicle terms - definitions relating to vehicles that can be used as Street Hail Liveries.
- Base terms - definitions relating to Bases that affiliate with Street Hail Liveries.
- Driver terms - definitions relating to Drivers of Street Hail Liveries.
- License terms - definitions relating to the qualifications for and privileges of a Street Hail Livery License.
- In Vehicle Technology terms - definitions relating to the requirements of in Vehicle technology.
- Hail Trip terms - definitions relating to limitations on Hail trips.

Proposed Amendments to *For-Hire Service*(Chapter 59B)

The proposed amendments to Chapter 59B, *For-Hire Service*, will set forth the requirements for base stations authorized to affiliate Street Hail Liveries. State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. The proposed rules specifically provide the following:

- The order in which bases become eligible to purchase a Street Hail Livery Base License, the qualifications for licensure, the term of licensure and license renewal fees.
- That Street Hail Livery Base Licenses are not transferrable.
- The extent to which licensed Street Hail Livery Bases are accountable for the conduct of their affiliated licensed Street Hail Livery vehicles and the owners and drivers of these vehicles.
- Requirements for making Street Hail Livery trip information available to the Commission.
- The requirement to maintain a rate schedule for prearranged trips provided by Street Hail Liveries.
- Special requirements for Paratransit Base which have been issued Street Hail Livery Bases Licenses.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended to add new definitions of:

- “Accessible Street Hail Livery”,
- “Automatic Vehicle Location”,
- “Core Services”,
- “Global Positioning System”,
- “Hail Exclusionary Zone”,
- “Hail Trip”,
- “Hail Zone”,
- “Hardware”,
- “Initial Street Hail Livery Base Issuance Period”,
- “Initial Street Hail Livery License Issuance Period”,
- “Livery Driver Authorization Period”,
- “Passenger Information Monitor”,
- “Pre-Arranged Exclusionary Zone”,
- “Pre-Arranged Trip”,
- “Secondary Street Hail Livery Base Issuance Period”,
- “Secondary Street Hail Livery License Issuance Period”,
- “Software”,
- “Street Hail Livery”,
- “Street Hail Livery Base”,
- “Street Hail Livery Base License”,
- “Street Hail Livery Driver”,
- “Street Hail Livery License”,
- “Street Hail Livery Licensee”,
- “Street Hail Livery License Priority Issuance Period”,
- “Street Hail Livery Technology System”,
- “Street Hail Livery Technology System Provider”,
- “Third Street Hail Livery License Issuance Period”, and
- “Trip Data”

to read as follows:

Accessible Street Hail Livery. An Accessible Street Hail Livery is a Street Hail Livery that is required to be used with a Commission approved vehicle that is designed to transport persons in wheelchairs or whose design is altered to permit access and enable the transportation of persons

in wheelchairs or contains a physical device permitting such access, in accordance with the Americans with Disabilities Act.

Automatic Vehicle Location (AVL). Automatic Vehicle Location System or AVL refers to an electronic device incorporated into a Street Hail Livery Technology System (LPEP) that accurately determines the geographic location, direction and positioning of a Street Hail Livery and records and transmits such information. An AVL may include, but is not limited to, a global positioning system (GPS). An AVL shall not be capable of being used as an Electronic Communications Device.

Core Services. The five core services provided by the Street Hail Livery Technology System (LPEP) as set forth in the definition thereof and as more fully described in §83-31 of these Rules.

Hail Exclusionary Zone. The Hail Exclusionary Zone is the area in which Street Hail Liveries are NOT permitted to accept a passenger by hail in the street. The Hail Exclusionary Zone is:

- (1) Manhattan south of East 96th St. and West 110th St.
- (2) The New York City Airports.

Hail Trip. A Hail Trip, for a Street Hail Livery, is a trip commenced by the Street Hail Livery Driver accepting a passenger by hail in the Street.

Hail Zone. The Hail Zone is the area in which Street Hail Liveries are permitted to accept passengers by hail in the street. The Hail Zone is all areas of New York City except:

- (1) Manhattan south of East 96th St. and West 110th St.
- (2) The New York City Airports.

Hardware. Equipment or machinery, together with all associated components, media, firmware and other embedded software and instructions provided, operated or maintained in connection with the functioning of a Street Hail Livery Technology System (LPEP).

Initial Street Hail Livery Base Issuance Period. The Initial Street Hail Livery Base Issuance Period will be the one month period beginning on a date posted on the Commission's Web site during which Street Hail Livery Base Licenses will be issued.

Initial Street Hail Livery License Issuance Period. The Initial Street Hail Livery License Issuance Period is the one-year period beginning on the date of issuance of the first Street Hail Livery License.

Livery Driver Authorization Period. The Livery Driver Authorization Period is the period when a For-Hire Driver who holds a For-Hire Driver's License as of July 2, 2012 is authorized to drive a Street Hail Livery, as provided in Section 54-04.2 of these Rules.

Passenger Information Monitor or PIM. The interactive, audio-visual device that is a component of the Street Hail Livery Technology System (LPEP) and that has the features described in §83-31 (d)(3) of these Rules.

Pre-Arranged Exclusionary Zone. The Pre-Arranged Exclusionary Zone is the area in which Street Hail Liveries are NOT permitted to begin a Pre-Arranged Trip. The Pre-Arranged Exclusionary Zone is:

(1) Manhattan south of East 96th St. and West 110th St.

Pre-Arranged Trip. A Pre-Arranged Trip, for a Street Hail Livery, is a trip commenced by a Passenger pre-arranging a trip through a Base, by telephone or other method. Note that a Street Hail Livery cannot accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

Second Street Hail Livery Base Issuance Period. The Second Street Hail Livery Base Issuance Period will be the five month period beginning the day after the Initial Street Hail Livery Base Issuance Period ends and will be the second period during which Street Hail Livery Base Licenses will be issued. .

Second Street Hail Livery License Issuance Period. The Second Street Hail Livery License Issuance Period is the one-year period beginning the day after the Initial Street Hail Livery License Issuance Period ends, and ending 12 months later.

Software. The object code versions of any applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation in whatever form or media, including the tangible media upon which such applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation are recorded or printed, together with all corrections.

Street Hail Livery. A Street Hail Livery is a Commission-licensed For-Hire Vehicle, or, for purposes of being a Street Hail Livery, a Commission-licensed Paratransit Vehicle, that is authorized to accept persons by hail in the street in the Hail Service Zone. A Street Hail Livery must be affiliated with a Street Hail Livery Base.

Street Hail Livery Base. A Street Hail Livery Base is a Commission-licensed Base that affiliates and dispatches Street Hail Liveries and For-Hire Vehicles or affiliates and dispatches Street Hail Liveries and Paratransit Vehicles, or affiliates and dispatches only Street Hail Liveries, and the physical location from which Street Hail Liveries or other Vehicles are dispatched.

Street Hail Livery Base License. A Street Hail Livery Base License is the Commission issued License which authorizes a Base to act as a Street Hail Livery Base. A Street Hail Livery Base License is not transferrable.

Street Hail Livery Driver. A Street Hail Livery Driver is a Driver who is authorized to drive a Street Hail Livery as set forth in Chapter 54 of these Rules.

Street Hail Livery License. A Street Hail Livery License is the License authorizing a Commission-licensed For-Hire Vehicle or Paratransit Vehicle to act as a Street Hail Livery. A Street Hail Livery License is transferrable in the manner provided by Chapter 82 of these Rules.

Street Hail Livery Licensee. A Street Hail Livery Licensee is an individual or Business Entity which owns a Street Hail Livery License.

Street Hail Livery License Priority Issuance Period. The Street Hail Livery License Priority Issuance Period is the three year period beginning on the first day of the Street Hail Livery Initial Issuance Period and ending three years later.

Street Hail Livery Technology System or LPEP. The Street Hail Livery Technology System (LPEP) is an integrated system of Hardware and Software that complies with the technical requirements set forth in §83-31 of these Rules, and provides the following five Core Services in Street Hail Liveries:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip Data collection and transmission;
- (4) Passenger Information Monitor, screen, or other credit/debit card device; and
- (5) Automatic Vehicle Location System and location services.

Street Hail Livery Technology System Provider or LPEP Provider. An individual or Business Entity licensed by the Commission pursuant to Chapter 83 to sell, lease, make available for use, install, service and repair Street Hail Livery Technology Systems.

Third Street Hail Livery License Issuance Period. The Third Street Hail Livery License Issuance Period is the period beginning the day after the Second Street Hail Livery License Issuance Period ends.

Trip Data. Trip Data is the data that is required to be collected and transmitted by a Street Hail Livery Technology System including those items described in §83-31 (c)(2) of these Rules.

Section 2. The definitions of “Merchant” and “Taximeter” set forth in Section 51-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

Merchant means an individual or Business Entity who holds a Commission License and who has agreed to do the following:

(1) Facilitate contracts between Taxicab Technology Service Providers or Street Hail Livery Technology System Providers and [Commission-approved banks or credit/debit card services providers], for each Provider, one of the ten largest, by volume, merchant banks in the United States or one credit/debit card services processor who meets PCI standards (as defined in Chapter 83), and

(2) Enter into a [C]contract [to provide] for the provision of credit/debit card services for [in-cab] in-vehicle payment of Taxicab or Street Hail Livery fares.

. . .

Taximeter is an instrument or device approved by the Commission that automatically calculates and plainly indicates the charge to a passenger for hire in a Taxicab or Street Hail Livery.

Section 3. Section 59B-04(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Bond Required.*

(1) Before a For-Hire Base License (except for a Street Hail Livery 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) Special Requirement for Street Hail Livery Bases. Before a Street Hail Livery Base License will be issued or renewed, the Applicant must provide the Commission with a bond in the amount of \$15,000 with one or more sureties to be approved by the Commission.

([2]3) 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]4) 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)5] 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
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Section 4. Title 35 of the Rules of the City of New York is amended to add a new section 59B-04.1 to read as follows:

§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

 - (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 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.

Section 5. The title of Section 59B-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-05 Licensing—Special Requirements for Livery Base Stations and Street Hail Livery Bases.

Section 6. Section 59B-05(d)(5) of Title 35 of the Rules of the City of New York is amended to add a new subparagraph (iv), to read as follows:

(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.

Section 7. Section 59B-05(d)(9) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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.

Section 8. Section 59B-06 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (f), to read as follows:

(f) Street Hail Livery Base Licenses.

(1) Suspension , Revocation, or Failure to Renew. If an underlying Base License or Paratransit Base License 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, is revoked or surrendered or is not renewed.

(3) Upon issuance of a Street Hail Livery Base License:

(i) the 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. *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.

Section 9. Section 59B-07(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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.

(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.

Section 10. The title of Section 59B-09 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-09 Licensing—Transfer of a For Hire Base License other than a Street Hail Livery Base License.

Section 11. Section 59B-09 of Title 35 of the Rules of New York is amended by adding a new subdivision (c), to read as follows:

(c) Street Hail Livery Base Licenses Not Transferrable.

(1) Street Hail Livery Base Licenses cannot be transferred.

(2) Any person who wants to obtain a Street Hail Livery Base License or an interest in a Street Hail Livery Base License must comply with the requirements for issuance.

(3) If any person sells, assigns or otherwise transfers any Street Hail Livery Base, the Street Hail Livery Base License will be cancelled.

Section 12. Section 59B-11(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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.

Section 13. Section 59B-11(b) of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (3), to read as follows:

(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.

Section 14. Section 59B-11(c) of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (3), to read as follows:

(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 is Validly authorized to be a Street Hail Livery Driver.

Section 15. Section 59B-12 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) Street Hail Livery Bases.

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

Section 16. Section 59B-13 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (l), to read as follows:

(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.

<u>§59B-13(l)</u>	<u>Fine: \$1,000 per vehicle and suspension until compliance</u>	<u>Appearance REQUIRED _____</u>
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Section 17. Section 59B-15(b) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (2), to read as follows:

(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.

Section 18. Section 59B-15(f) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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.

Section 19. Paragraphs (1), (2), (3) and (4) of section 59B-15(j) of Title 35 of the Rules of the City of New York are amended to read as follows:

(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 [Licensed For-Hire] 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.

Section 20. Section 59B-17 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (e), to read as follows:

(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.

§59B-17(e)(1)	Fine: <u>First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u> <u>Second violation w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible</u>	<u>Appearance REQUIRED</u>
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	<u>suspension of License for up to 30 days if found guilty following a hearing.</u> <u>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.</u>	
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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 and that such tag is used in all trips.

(i) Street Hail Livery Base Owners must either:

A. Equip all of Base’s affiliated Street Hail Liveries with an MTA Bridges and Tunnels E-Z-Pass® tag, each of which must be attached as required by MTA B&T, or

B. Allow a Street Hail Livery Driver to use his or her personal E-Z-Pass® tag or

C. Allow a Street Hail Livery Driver to use the Street Hail Livery Licensee’s E-Z-Pass® tag.

(ii) Street Hail Livery Base Owners must have available at least one MTA Bridges and Tunnels tag for each affiliated Street Hail Livery (tags supplied by Drivers and Street Hail Livery Licensees can be used to meet this requirement).

<u>§59B-17(e)(2)</u>	<u>Fine: \$100 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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Section 21. Section 59B-18 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c), to read as follows:

(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 in cash, on no less than a weekly basis, the total amount of all credit card payments made during that period. The Base Owner must provide an itemized receipt, showing all deductions, with each payment.

<u>§59B-18(c)(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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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:

(ii) the sum of all MTA Tax payments due from the Street Hail Livery Driver; and

(ii) the sum 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.

<u>§59B-18(c)(3)</u>	<u>Fine: First violation: \$200 Second violation: \$300 Third violation: \$500 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.</u>	<u>Appearance REQUIRED</u>
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Section 22. Section 59B-19 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c), to read as follows:

(c) Special Requirements for Street Hail Liveries—Trip Record Information

(1) Trip Record.

(i) Trip Data must be collected and stored by the LPEP Provider electronically, through the use of the Street Hail Livery Technology System (LPEP).

(ii) If the LPEP 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 until all information is entered into LPEP.

(iv) Information from a written Trip Record must be entered into LPEP by the Base within seven days after the Trip Record is made.

<u>§59B-19(c)(1)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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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 Street Hail Livery Driver's 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 as specified in Chapter 83 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 at least three months after the information is entered into LPEP.

<u>§59B-19(c)(3)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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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.

<u>§59B-19(c)(4)(i)-(ii)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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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.

<u>§59B-19(c)(4)(iii)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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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.

<u>§59B-19(c)(4)(iv)</u>	<u>Fine: \$100 - \$350 and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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Section 23. Section 59B-21(a)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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 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.

Section 24. Section 59B-21(d) of Title 35 of the Rules of the City of New York is amended to add a new paragraph (4), to read as follows:

(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.

<u>§59B-21(d)(4)</u>	<u>Fine: \$500</u>	<u>Appearance NOT REQUIRED</u>
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Section 25. Section 59B-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-22 [RESERVED (] Records—Reporting Requirements for Street Hail Liveries)]

(a) LPEP Required. Every Street Hail Livery must be equipped with LPEP.

(b) Trip Data Collection and Transmission.

(1) All Trip Data must be transmitted to the Commission in the form and manner specified in Chapter 83.

(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.

<u>§59B-22(b)(1)-(3)</u>	<u>Fine: \$500</u>	<u>Appearance NOT REQUIRED</u>
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Section 26. Section 59B-23 of Title 35 of the Rules of the City of New York is amended by relettering subdivisions (c) as subdivision (d) and adding new subdivisions (c), (e) and (f), and amending subdivision (d), as relettered by this section, to read as follows:

(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. A Street Hail Livery Base Owner must not permit a Street Hail Livery to charge a fare more than the metered fare required.

<u>§59B-23(c)</u>	<u>Fine: \$200 for passenger overcharge on street hail trips</u>	<u>Appearance NOT REQUIRED</u>
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([c]d) Transportation by Pre-Arrangement Only.

(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 will be issued a summons if a Driver improperly accepts a Passenger.

<u>§59B-23(d)</u>	<u>Fine: \$500</u>	<u>Appearance NOT REQUIRED</u>
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(e) 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. A Street Hail Livery Base Owner is responsible and will be issued a summons if a Driver improperly accepts a Passenger.

<u>§59B-23(e)</u>	<u>Fine: \$500</u>	<u>Appearance NOT REQUIRED</u>
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(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.

<u>§59B-23(f)</u>	<u>Fine: \$500</u>	<u>Appearance NOT REQUIRED</u>
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Section 27. Section 59B-25(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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.*

Section 28. Section 59B-28(b) of Title 35 of the Rules of the City of New York is amended by adding subdivision (4) to read as follows:

(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.

<u>§59B-28(b)(4)</u>	<u>Fine: \$100 -\$350 and Summary Suspension until compliance</u>	<u>Appearance REQUIRED</u>
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Section 29. Section 59B-29(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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.

Section 30. Section 59B-29 of Title 35 of the Rules of the City of New York is amended to add subdivisions (i) through (k) to read as follows:

(i) 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.

<u>§59B-29(i)(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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(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.

<u>§59B-29(k)(2)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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Section 31. Section 59B-30(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(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:

([1]i) The Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.

([2]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.

([3]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.

Section 32. Section 59B-30 of Title 35 of the Rules of the City of New York is amended by adding new subdivision (c) to read as follows:

(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 Street Hail Livery Driver's License.

<u>§59B-30(c)(1)</u>	<u>Fine: \$25</u>	<u>Appearance NOT REQUIRED</u>
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Section 33. Subdivisions (a) and (b) of section 59B-31 of Title 35 of the Rules of the City of New York are amended to read as follows:

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 [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 meet the specifications in the definition of "roof light" in these rules; or

§59B-31(a)(i)	Fine: \$350 – first violation \$500 – second violation in 24 months 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 82XXXXX of these Rules.

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

§59B-31(b)	Fine: \$50	Appearance NOT REQUIRED
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Section 34. Subchapter 59B of Title 35 of the Rules of the City of New York is amended by adding new Sections 59B-51 through 59B-54, to read as follows:

§ 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 Street Hail Livery Technology System (LPEP)

(iv) Any cable mechanism or electrical wiring of a Taximeter or Street Hail Livery Technology System (LPEP)

(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 Street Hail Livery Technology System (LPEP).

§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—Street Hail Livery Technology System (LPEP)

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

§59B-52(a)	Fine: \$1,000 and suspension until compliance	Appearance REQUIRED
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(b) Good Working Order. The LPEP equipment must be in good working order at all times and each of the five Core Services must be functioning at all times.

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

(1) If the LPEP 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 LPEP provider.

(3) The Street Hail Livery Licensee or the Street Hail Livery Base must meet the appointment for repair scheduled by the LPEP provider following the incident report.

§59B-52(c)(1)-(3)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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(d) 48-Hour Repair Deadline. A Street Hail Livery Base must not allow a Street Hail Livery in which any of the five Core Services of the Street Hail Livery Technology System (LPEP) (or any material feature of a Core Service) is not functioning to be operated more than 48 hours following the timely filing of an incident report.

§59B-52(d)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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(e) Inspection upon Multiple LPEP Malfunctions. For any Street Hail Livery requiring six or more repairs of the vehicle’s Street Hail Livery Technology System (LPEP) 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.

<u>§59B-52(e)</u>	<u>Fine: \$250</u>	<u>Appearance NOT Required</u>
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Section 35. Subchapter 60B of Title 35 of the Rules of the City of New York is amended by adding Section 60B-50 to read as follows:

§ 60B-50 Street Hail Liveries

(a) A Paratransit Base can apply to be issued a Street Hail Livery Base License.

(b) A Paratransit Base which applies for a Street Hail Livery Base License must apply under, and meet the requirements of, Chapter 59B of these Rules as they apply to Street Hail Livery Base Licenses

(c) A Paratransit Base which has been issued a Street Hail Livery Base License must affiliate at least five (5) Accessible Street Hail Liveries, unless the Chairperson authorizes the Paratransit Base to affiliate a number less than five.

(d) A Paratransit Base which has been issued a Street Hail Livery Base License must, while acting as a Street Hail Livery Base, and when managing and operating its Street Hail Liveries, follow the requirements of Chapter 59B of these Rules as they apply to Street Hail Livery Base Licenses and Street Hail Livery Bases.

(e) A Paratransit Base which has been issued a Street Hail Livery Base License can be issued a summons for violation of the provisions of Chapter 59B.

(e) A Paratransit Base which has at least ten (10) affiliated Paratransit Vehicles must apply for a Street Hail Livery Base License (if such licenses are available for issuance) and must affiliate at least five (5) Accessible Street Hail Liveries.

<u>§60B-50(e)</u>	<u>Fine: \$10,000 and Revocation</u>	<u>Appearance REQUIRED</u>
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**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 General Definitions and Base Station Rules REFERENCE
NUMBER: TLC-18
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 rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro
Mayor's Office of Operations

February 28, 2012
Date

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 General Definitions and Base Station Rules

REFERENCE NUMBER: 2012 RG 016

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: February 28, 2012