

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 TLC Rules to introduce a universal vehicle retirement schedule for all Taxicabs, remove the double-shifting requirement for fleet and mini-fleet medallions, amend current limitations on license applications, allow applicants to request a 60-day license renewal extension, repeal the black car vehicle retirement date for Black Car model 2013 and newer, and repeal the prohibition on power seats in Taxicabs.

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 March 5, 2015. The hearing will be in the hearing room at 33 Beaver Street – 19th 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 March 5, 2015.

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 February 27, 2015.

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

The proposed rules amend the Taxi and Limousine Commission's (TLC) current rules regarding limitations on license applications, amend the rules for driver license renewal to extend, at the Commission's discretion, the renewal period of an expired driver license from 31 days to 60 days, remove the double-shifting requirement for fleet and mini-fleet medallions, and amend vehicle retirement ages for taxicab and Black Car vehicles. These proposals are a result of discussions with stakeholders as well as a review by TLC staff of existing regulations that may be updated without compromising safety and consumer protections in TLC-regulated industries. The combined impact of these rule changes will positively impact the industry by making it easier to own and operate TLC-licensed vehicles in New York City.

Bans on Driver Applicants

Under current driver rules a number of specific incidents trigger automatic denial of a license application for a certain number of years. These limitations currently apply to all applicants for medallion, for-hire, paratransit, and commuter van driver licenses. They were established in 2011 to clearly articulate minimum lengths of time between an incident which TLC determined causes an applicant to be unfit for licensure and the time at which the applicant may be eligible to apply for a license. The purpose of these minimum standards was to avoid repeated submission of applications and application fees by applicants who were clearly not fit for licensure. TLC has recently undertaken a review of the limitations and the related time periods associated with each type of incident and is proposing changes to some of the limitation criteria. In line with the traffic safety goals of Vision Zero, TLC will continue to take into consideration all facets of an applicant's history and background when determining if an applicant is fit to hold a license.

Currently, TLC does not accept a driver's license application for two years from any person found driving for-hire without a TLC license or from any previously-licensed driver who has committed six or more violations of TLC rules. TLC proposes removing these limitations to permit a case-by-case review of an applicant's fitness for licensure. TLC does not want to delay the licensure of applicants who, although they were previously caught driving illegally for-hire, now wish to provide safe and licensed service. Similarly, TLC does not want to delay the licensure of applicants who violated TLC rules six times without considering the specific rules violated as well as the time within which these violations occurred.

In addition, TLC currently does not allow a driver to reapply for a license for one year after a prior application was denied because the applicant was found not fit to hold a license. This period is measured from the date on which TLC denied the prior application. TLC proposes that this one-year period be counted from the date on which the applicant previously applied for a new license.

Finally, TLC currently does not accept license applications for three years from drivers whose TLC licenses were revoked, including those revoked under the Critical Driver or Persistent Violator programs. This allows a driver, in the case of a prior Critical Driver or Persistent Violator revocation, to demonstrate a safe record of driving over a three-year period prior to

being permitted to provide for-hire service again. The three-year period currently begins when the TLC license is revoked by the Commission. Since a TLC drivers license cannot be revoked under the Critical Driver or Persistent Violator programs until after the driver is convicted of the underlying summonses, there can be a delay in time between when the underlying violations occurred and when the driver's TLC license is revoked. TLC recognizes that a driver with no further traffic violations following the last violation triggering the revocation may be able to demonstrate three years of safe driving before the period, as currently measured, expires. Therefore, TLC proposes that drivers who can demonstrate three years of safe driving following the last violation triggering the revocation and prior to the end of the ban, may apply for a new license before the ban is lifted.

Renewal Extensions

TLC proposes increasing the amount of time a driver can postpone an expiration date on a current license. Currently, TLC allows a one-time extension of 31 days to taxicab and For-Hire Vehicle drivers who request additional time to complete the renewal process. TLC proposes extending the time granted for an extension to 60 days to allow more time for licensees who may be out of the country and miss the opportunity to extend an expiration date. Increasing the extension time will help prevent many drivers from having to reapply as new licensees.

Double-Shifting Requirement

TLC proposes repealing the double-shifting requirement that now applies to vehicles operating on certain taxicab medallions. Currently, vehicles operated in Fleets and Minifleets are required under TLC rules to be driven at least two nine-hour shifts each day, including holidays and weekends. The ability of fleets and minifleets to lease their medallions for two shifts per day depends on demand from drivers, and sometimes it is not possible for a Fleet or Minifleet to lease all of its medallions for two shifts every day. Other non-use rules prevent medallion owners from keeping their medallions out of service for an extended period of time, and TLC believes these are sufficient to ensure that taxis are sufficiently available. Furthermore, Fleet and Minifleet operators have an economic incentive to lease their medallions for as many shifts as possible, and removing the double-shifting requirement enables them to use their business judgment to determine the optimal number of shifts for this purpose.

Yellow Taxi Vehicle Retirement Schedules

In 1996, the Commission introduced retirement schedules for all taxicabs to improve the quality of vehicles on the road. At that time, taxis were failing 71 percent of their tri-annual inspections.¹ The oldest taxicab vehicles on the road in 1996 were more than ten years old. Retirement requirements were established according to the operation schedule of each medallion type; vehicles operated on fleet medallions without long-term drivers were limited to three years in service, and medallions with long-term drivers (i.e., drivers who own or lease a medallion, are named on the rate card, and drive the taxicab at least 160 hours per month) were limited to five years.

¹ NYC Taxi and Limousine Commission. Hearing, January 18, 1996.

These three- and five-year retirement schedules could be lengthened through retirement extensions offered for vehicles using Compressed Natural Gas (CNG) and for minivans, incentivizing the adoption of certain vehicles through retirement extensions. This continued when the New York City Council passed Local Law 52 of 2006, amending the New York City Administrative Code to extend retirement periods for wheelchair-accessible taxis and for hybrid-electric and other clean-air taxis.

Today, the retirement schedules for some taxis allow twice as much time on the road as others, even though in many cases the vehicles travel a comparable distance each year. Vehicles with different retirement schedules fail their inspections at about the same rate. For both Minifleet and Independent Medallions, the inspection failure rate remains steady at about 30 percent after the second year of service, a complete reversal from the *passing* rate of 29 percent in 1995.

These high rates of success at TLC safety and emissions inspections suggest that most vehicles remain in good condition for many years of service. Because vehicles perform better today, regardless of the length of time they are permitted to operate, than when retirement schedules were introduced, TLC proposes a uniform retirement schedule of seven years for all vehicles which are Hacked-up after April 20, 2015. This change will allow owners to keep vehicles on the road for their full useful lives and correspondingly reduce vehicle expenses, one of the larger expenses of taxicab operation. Accompanying this change, TLC proposes removing all retirement extensions for vehicles Hacked-up after the same date, except the hardship extension provided in §67-19(a) of the TLC rules, so that all vehicles will retire after seven years.² All vehicles Hacked-up before April 20, 2015, will remain subject to the retirement schedule assigned to them at Hack-up.

Black Car Vehicle Retirement Schedules

The Commission established retirement requirements for Black Cars in 2008, with the purpose of improving vehicle quality and service in the Black Car industry. However, experience has shown that Black Car customers, who can choose among competing bases and, in many cases, even specify the type of vehicle they prefer, have substantial power to determine vehicle quality. In contrast to yellow taxi service, where passengers do not preselect a taxi company or a vehicle model, Black Car services range from “no frills” companies to those which offer high-end service. Black Car customers in some cases even pay a premium for a newer or higher-quality vehicle. There is no single operational model in the Black Car industry, and applying a single vehicle retirement schedule for all companies is unnecessary due to existing market incentives to replace vehicles at a rate which satisfies customer demand. Therefore, TLC proposes repealing the retirement requirement for Black Cars beginning with model year 2013. For Black Cars model year 2012 and older, TLC proposes a uniform seven-year vehicle retirement.

² Local Law 52 of 2006, which requires extensions for accessible and clean-air vehicles, includes a provision which repeals the law for all vehicles going into service after April 17, 2014, enabling TLC to make the proposed change to vehicle retirement schedules.

Power Seats

Finally, TLC proposes repealing the prohibition on power seats in taxicabs to reflect the current fleet of available taxicab models. In 1996, TLC prohibited vehicles with powers seats from being placed into service as taxicabs. TLC wishes to repeal this prohibition so that owners may purchase vehicles with this feature that would increase drivers' comfort.

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. Subdivision (c) of section 54-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Extensions.* The Commission can extend the expiration date of a renewal License by up to an additional [31] 60 days. If an expiration date is extended, the required drug test must be dated within 30 days before (and no later than) the extended expiration date.

Section 2. Paragraph (1) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the Mandatory Penalties listed in §54-02.
 - 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.

2. [*Surrender While License Revocation Charges were Pending.* If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] *Special Consideration for Critical Driver Program and Persistent Violator Program Revocations.* After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period starting on the date of the request for the waiver.

- [3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 3. Paragraph (2) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a taxicab drivers license, is repealed.

Section 4. Paragraph (3) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) The traffic infraction of unlicensed operation of a motor vehicle[.,].
- (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was [denied] submitted to the Commission.
- (iv) *Illegal use of Drugs*, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 5. Paragraph (5) of subdivision (c) of section 54-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the[:
- (i) The] agreement is in writing [, and
 - (ii) The ban on applying for a new Driver's License is not less than one year].

Section 6. Subdivision (c) of section 55-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Extensions.* The Commission can extend the expiration date of a renewal License by up to an additional [31] 60 days. If an expiration date is extended, the required drug test must be dated within 30 days before (and no later than) the extended expiration date.

Section 7. Paragraph (1) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
- (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the Mandatory Penalties listed in §54-02.
 - 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 - 2. [Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a

minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period starting on the date of the request for the waiver.

- [3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 8. Paragraph (2) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a for-hire vehicle drivers license, is repealed.

Section 9. Paragraph (3) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) The traffic infraction of unlicensed operation of a motor vehicle[.,].
- (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was [denied] submitted to the Commission.
- (iv) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 10. Paragraph (5) of subdivision (c) of section 55-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the[:

- (i) The] agreement is in writing [, and
- (ii) The ban on applying for a new Driver's License is not less than one year].

Section 11. Paragraph (1) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the Mandatory Penalties listed in §54-02.
 - 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 - 2. [Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period starting on the date of the request for the waiver.
 - [3. *License Expiration While License Revocation Charges were Pending.* If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 12. Paragraph (2) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a paratransit drivers license, is repealed.

Section 13. Paragraph (3) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

[(3)](2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
- (ii) The traffic infraction of unlicensed operation of a motor vehicle[.,].
- (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was [denied] submitted to the Commission.
- (iv) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 14. Paragraph (5) of subdivision (c) of section 56-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the:
 - (i) The] agreement is in writing, and
 - (ii) The ban on applying for a new Driver's License is not less than one year.]

Section 15. Paragraph (1) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.

- (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
- (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
- (iv) [Revocation of a prior License] Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the Mandatory Penalties listed in §54-02.
 - 1. [Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation] The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.
 - 2. [Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered] Special Consideration for Critical Driver Program and Persistent Violator Program Revocations. After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period starting on the date of the request for the waiver.
 - 3. License Expiration While License Revocation Charges were Pending. If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.]

Section 16. Paragraph (2) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York, setting forth the conditions for a two-year ban on application for a commuter van drivers license, is repealed.

Section 17. Paragraph (3) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is renumbered paragraph (2) and amended to read as follows:

~~[(3)]~~(2) One-Year Ban. The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.

- (ii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the [denial of a previous] submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was [denied] submitted to the Commission.
- (iii) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.

Section 18. Paragraph (5) of subdivision (c) of section 57-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the:
 - (i) The] agreement is in writing [, and
 - (ii) The ban on applying for a new Driver's License is not less than one year].

Section 19. Paragraph (1) of subdivision (a) of section 58-20 of Title 35 of the Rules of the City of New York, relating to the double-shifting of fleet and mini-fleet taxicabs, is repealed, and paragraphs (2) through (7) are renumbered paragraphs (1) through (5).

Section 20. Subdivision (d) of section 59A-28 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Required Black Car Retirement.* All Black Cars model year 2012 and older, as designated by the vehicle manufacturer, must be retired from Black Car service (but may be replaced) according to the following schedule:
 - (1) [All Black Cars, model year 2003 or earlier, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2011.
 - (2) All Black Cars, model year 2004 or 2005 must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2012.

- (3) All Black Cars, model year 2006, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2013.
- (4) On and after January 1, 2014 all] Black Cars model year 2012 and older, as designated by the vehicle manufacturer, must be retired from Black Car service no later than the expiration date of their For-Hire License after they turn [six] seven model years old (for example, a 2012 model must turns seven model years old in 2019).
- [(5) Black Cars that are five model years old or older must be retired from Black Car service no later than the expiration dates of their For-Hire Vehicle License on and after January 1, 2015 and every year thereafter.
- (6) Notwithstanding the provisions of subdivisions (1) through (5) of this § 59A-28, beginning on January 1, 2011, the retirement date of any Vehicle licensed to operate in Black Car service and affiliated with a Black Car Base that is a Clean Air Vehicle Level I is extended for an additional two years or that is a Clean Air Vehicle Level II is extended for one additional year.
- (7)](2) A Black Car model year 2012 and older that has reached its retirement date must be retired from Black Car service even if it passes the New York State Department of Motor Vehicle inspection.

Section 21. Paragraph (2) of subdivision (o) of section 67-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in [67.05;] 67.05.1B, 67.05.1C or 67-05.2 of these Rules.

Section 22. The heading of section 67-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-05 Standard Taxicab Specifications for Alternative Fuel Medallions *Effective Until Official Taxicab Vehicle Activation Date.*

Section 23. Subdivision (b) of section 67-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Seats.*

- (1) [A Taxicab may not be equipped with power-adjusted seats.
- (2)] A Taxicab may be equipped with either bucket or bench seats.

- [(3)](2) The seats must not interfere with the partition and must meet all other Commission requirements.
- [(4)](3) All replacement seats must be designed by the manufacturer for installation in the model and year of the vehicle in which the seats are installed.

Section 24. Section 67-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) 36-Month Retirement, Vehicles Hacked-up Prior to 4/20/2015
 - (1) If the vehicle is double-shifted, it must be retired no later than the first scheduled inspection of the vehicle occurring 36 months after the vehicle was Hacked-up.
 - (2) The 36-Month Retirement will not apply if the vehicle is driven by at least one Long-Term Driver or it is in service solely as an authorized Stand-By Vehicle.
- (b) 60-Month Retirement, Vehicles Hacked-up Prior to 4/20/2015. All other vehicles must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 60 months after the vehicle was Hacked-up.
- (c) 84-Month Retirement, Effective 4/20/2015. All vehicles Hacked-up on or after 4/20/14 must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up.

Section 25. The heading of subdivision (d) of section 67-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) Clean Air and Accessible Taxicab Extensions, Vehicles Hacked-up Prior to 4/20/15.

Section 26. Subdivisions (f) and (g) of section 67-19 of Title 35 of the Rules of the City of New York which established extended retirement dates for certain types of taxicab vehicles are repealed.

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

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

RULE TITLE: Amendment of Vehicle Retirement and License Application Rules

REFERENCE NUMBER: 2015 RG 006

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: January 30, 2015

**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 Vehicle Retirement and License Application Rules

REFERENCE NUMBER: TLC-77

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

January 30, 2015
Date