

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission (“TLC”, “Commission”) is proposing rules that would amend provisions throughout Title 35 of the Rules of the City of New York to classify the high-volume for-hire service (“HVFHS”) license as a type of base license to be regulated separately from black car base licenses. This will eliminate the need for HVFHSs to hold any separate and additional base licenses, such as a black car base license, if they already hold a high-volume for-hire service license.

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 May 4, 2021. The public hearing will be held online using Zoom. There will be no in person public hearing. To view the public hearing, please access the live-stream video feed at www.nyc.gov/tlc. This public hearing will be live-streamed in Arabic, Bengali, Chinese Mandarin, Spanish, and Russian via a Zoom link to be posted on the TLC’s website.

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

- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules website at www.nyc.gov/nycrules.
- **Email.** You can email comments to tlcrules@tlc.nyc.gov.
- **Mail.** You can mail comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, NY 10004.
- **Fax.** You can fax comments to the TLC at 212-676-1102.
- **By speaking at the hearing.** To sign up to speak and provide testimony, you must e-mail the TLC at tlcrules@tlc.nyc.gov or call 212-676-1135 by 5:00 p.m. on April 30, 2021. Speakers will not be able to sign up to testify the day of the hearing. Those who did not sign-up in advance to testify are welcome to view the live-stream of the meeting on TLC’s website.

Is there a deadline to submit comments? Yes, you must submit comments by April 30, 2021.

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 April 30, 2021.

This location has the following accessibility option(s) available: Simultaneous

transcription for people who are deaf or hard of hearing and audio only access.

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

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and Section 19-503 of the 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 the need for 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 laws 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

The Commission is proposing rules to streamline and improve TLC’s licensing process, specifically as that process relates to high-volume for-hire services, which are businesses licensed by TLC that dispatch an average of 10,000 or more trips per day. Currently, holders of a high-volume license must also hold at least one for-hire base license. This creates an unnecessary administrative burden for both our licensees and TLC and blurs the line between different licensee categories. Further, this layered regulatory structure causes unnecessary duplication in our rules, making industry compliance and effective TLC regulation, oversight, and enforcement more difficult. These proposed rules would streamline the license structure by making the HVFHS license itself a type of base license, avoiding the regulatory and licensing redundancy of HVFHSs holding both a high-volume license and one or more separate base licenses such as a black car or livery base license.

These proposed rules also move certain existing requirements that apply only to high-volume for-hire services from the subchapter that relates to all for-hire bases to the subchapter that relates only to high-volume for-hire services. Because the HVFHS license will be a type of base license, HVFHS licensees will generally need to comply with base license requirements. However, the proposed rules specify where certain requirements pertaining to base licenses, such as the base license term and fee, will not apply to HVFHS licenses. Additionally, the proposed rules clarify that TLC will continue to use aggregate utilization rates in its driver pay formula until individual HVFHS utilization rates are posted on TLC’s website and the HVFHSs are notified of such rates. Finally, these proposed rules make minor technical edits where appropriate to simplify and clarify existing rule language.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. The definitions of the terms “Black Car,” “Black Car Base,” “For-Hire Base,” and “High-Volume For-Hire Service,” as set forth in Section 51-03 of Title 35 of the Rules of the City of New York, are amended to read as follows:

Black Car is a Vehicle that affiliates with a Black Car Base or with a High-Volume For-Hire Service.

Black Car Base is a “central dispatch facility” *(as the term is defined in New York Executive Law, §160-cc)* and For-Hire Base, excluding a High-Volume For-Hire Service, that operates as follows:

- (1) All Black Car Vehicles are dispatched on a pre-arranged basis;
- (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and
- (3) More than ninety percent (90%) of the Base’s business is on a payment basis other than direct cash payment by a Passenger.

For-Hire Base (or “Base”) is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a

For Hire Base can be any of the following:

- A Black Car Base,
- A Livery Base (or Base Station),
- A Luxury Limousine Base,
- A High-Volume For-Hire Service.

High-Volume For-Hire Service is a central dispatch facility, as such term is defined in New York Executive Law §160-cc, that (1) is a Commission-licensed business, (2) [that] facilitates or otherwise connects passengers to for-hire vehicles by prearrangement, including through one or more licensed For-Hire [Vehicle] Bases, using a passenger-facing booking tool, and [that] (3) dispatches or facilitates the dispatching of ten-thousand (10,000) or more trips in the City per day. Any and all bases using a common brand, trade, business or operating name will be considered together for purposes of identifying a High-Volume For-Hire Service.

Section 2. Subdivisions (b), (c), and (e) of Section 59A-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) *Black Car* is a Vehicle that affiliates with a Black Car Base or with a High-Volume For-Hire Service.
- (c) *Black Car Base* is a For-Hire Base, excluding a High-Volume For-Hire Service, that operates as follows:
 - (1) All Black Car Vehicles are dispatched on a pre-arranged basis
 - (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and
 - (3) More than ninety percent (90%) of the Base’s business is on a payment basis other than direct cash payment by a Passenger
- (e) *For-Hire Base* (or “Base”) is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:
 - (1) A Black Car Base,
 - (2) A Livery Base (or Base Station),
 - (3) A Luxury Limousine Base,
 - (4) A High-Volume For-Hire Service.

Section 3. Subparagraph (ii) of paragraph (3) of subdivision (e) of Section 59A-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer and the dispatching Base is (1) a Livery Base if the affiliated Base is a Livery Base, or (2) [either] a Black Car Base, [or] Luxury Limousine Base, or High-Volume For-Hire Service if the affiliated Base is a Black Car Base, [or a] Luxury Limousine Base, or High-Volume For-Hire Service.

Section 4. Subdivision (d) of Section 59A-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Distress Signaling Light – Livery Vehicle.*

- (1) *Requirement.* [The] Livery Vehicles must be equipped with a help or distress signaling light system as required by the specifications in §59C-03 of these Rules.
- [(2) *Exemption.* A Vehicle will be exempt from the requirements of this subdivision if the Vehicle is affiliated with a Black Car Base or a Luxury Limousine Base.]

§59A-31(d)	Fine: \$175 and suspension until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC’s Safety and Emissions Division.	Appearance NOT REQUIRED
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Section 5. Subdivision (a) of Section 59B-01 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) To establish the procedures, rules and regulations for obtaining and maintaining a For-Hire Base License[, specifically for a:
 - (1) Livery Base Station
 - (2) Black Car Base
 - (3) Luxury Limousine Base].

Section 6. Subdivisions (c), (d), and (g) of Section 59B-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Black Car* is a Vehicle that affiliates with a Black Car Base or with a High-Volume For-Hire Service.

(d) *Black Car Base* is a “central dispatch facility” (as the term is defined in New York Executive Law, §160-cc) and For-Hire Base, excluding a High-Volume For-Hire Service, that operates as follows:

- (1) All Black Car Vehicles are dispatched on a pre-arranged basis;
- (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and
- (3) More than ninety percent (90%) of the Base’s business is on a payment basis other than direct cash payment by a Passenger.

(g) *For-Hire Base* (or “Base”) is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:

- (1) A Black Car Base,
- (2) A Livery Base (or Base Station),
- (3) A Luxury Limousine Base,
- (4) A High-Volume For-Hire Service.

Section 7. Subdivisions (v) and (w) of Section 59B-03 of Title 35 of the Rules of the City of New York are REPEALED, and subdivision (x) of that section is re-lettered subdivision (v).

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

(g) *Exception.* This section shall not apply to High-Volume For-Hire Services. The License term for High-Volume For-Hire Services is specified in Section 59D-06 of these Rules.

Section 9. Section 59B-07 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) *Exception.* This section shall not apply to High-Volume For-Hire Services. The License fee for High-Volume For-Hire Services is specified in Section 59D-07 of these Rules.

Section 10. Subdivision (e) of Section 59B-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Advertising of Unlicensed For-Hire Service.* A base owner must not hold him or herself out to the public as a for-hire service without a current License issued by

the Commission for that activity. “For-Hire” service includes Livery, Black Car, High-Volume For-Hire or Luxury Limousine service.

§59B-11(e)	Fine: \$350 for the first violation; \$500 for the second violation; revocation for the third violation within 36 months	Appearance REQUIRED
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Section 11. Subdivision (b) of Section 59B-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) Black Car Bases, [and] Luxury Limousine Bases, and High-Volume For-Hire Services.

(1) Membership in the Black Car Operators’ Injury Compensation Fund.

- (i) Every Black Car Base, [and] Luxury Limousine Base, and High-Volume For-Hire Service must become and remain a member of the Black Car Fund and must register with the Department of State as a Member of the Black Car Fund.
- (ii) This provision does not apply to a Black Car or Luxury Limousine Base that owns fifty (50%) percent or more of the Vehicles it dispatches.

§59B-12(b)(1)	Fine: \$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation	Appearance REQUIRED
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(2) Submit Certificate of Registration with the Fund. Every Black Car Base, [and] Luxury Limousine Base, and High-Volume For-Hire Service must:

- (i) Provide the Commission with a copy of its certificate of registration with the Black Car Fund.
- (ii) Pay to the Department of State all fees due as required by State law.

§59B-12(b)(2)	Fine: \$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation	Appearance REQUIRED
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(3) Bill and Collect Surcharge. Every Black Car Base, [and] Luxury Limousine Base, and High-Volume For-Hire Service member of the Black Car Fund must, for every trip dispatched from that Base, bill and collect the surcharge established by the Black Car Fund and required by State law in the manner prescribed by the Black Car Fund and State law.

§59B-12(b)(3)	Fine: \$25 for each day of non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation, together with revocation of Black Car Fund membership	Appearance REQUIRED
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- (4) *Remit Surcharges.* Every Black Car Base, [and] Luxury Limousine Base, and High-Volume For-Hire Service must forward to the Black Car Fund all surcharges due and owing under paragraph (3), above, no later than the 15th day of the month following the month in which the surcharge is collected.

§59B-12(b)(4)	Fine: \$500-\$5,000 for each 20 days the payment is overdue, and suspension until compliance or revocation, together with restitution to the Black Car Fund of any unpaid amount, together with interest at the rate of 12 percent per annum, together with revocation of Black Car Fund membership.	Appearance REQUIRED
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- (5) *Comply with all Rules of the Black Car Fund.* Every Black Car Base, [and] Luxury Limousine Base, and High-Volume For-Hire Service must comply with all applicable provisions of law governing the Black Car Fund, and all rules and regulations.

§59B-12(b)(5)	Fine: \$500-\$10,000 and suspension until compliance or revocation	Appearance REQUIRED
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- (6) *Enforcement at Black Car Fund's Request.* The Black Car Fund can ask the Commission to enforce these rules by filing a complaint against a Black Car Base, [or] Luxury Limousine Base, or High-Volume For-Hire Service. The complaint will include documentation of the violation.

Section 12. Paragraph (5) of subdivision (f) of Section 59B-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) *Written Receipts.* For every financial transaction under the Base Agreement or these Rules, the Base must give a written receipt to the Driver or Vehicle owner.
- (i) The receipt must include, as applicable, the name of the Driver and the Vehicle license number subject to the Base Agreement.
 - (ii) The receipt must clearly state the following information with respect to the payment or deduction:
 - (A) The date;
 - (B) The name of the recipient;
 - (C) The amount;

- (D) The purpose of the payment or deduction;
 - (E) The number of the section of this chapter or provision of the Base Agreement that authorizes the payment or deduction; and
 - (F) If the Base is [subject to the minimum driver payment requirements of Section 59B-24(a)] a High-Volume For-Hire Service, the applicable minimum per minute and per mile rates for the time period covered by the receipt.
- (iii) For Driver and Vehicle owner earnings, in addition to the items specified in subparagraph (ii) of this paragraph, the receipt must also include the amount paid by passengers for trips during the time period covered by the receipt and any calculation used to determine the earnings, including the per-trip minutes and miles for which the Driver is being paid and the number of shared rides subject to the Shared Ride Bonus provided in Section [59B-24(a)(3)] 59D-22(a)(3), if applicable. Such calculation must conform to the applicable policy, formula or schedule provided in the Base Agreement.

§59B-18(f)(5)	Fine: \$200 per missing receipt	Appearance REQUIRED
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Section 13. Paragraph (7) of subdivision (f) of Section 59B-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (7) *Form 1099-K.* If a [Base subject to Section 59B-24(a)] High-Volume For-Hire Service is required to provide a Driver with a Form 1099-K, the [Base] High-Volume For-Hire Service must also provide the Driver:
- (i) The total mileage for trips covered by the Form 1099-K, and
 - (ii) An itemization of the items deducted from the gross amount reported on the Form 1099-K

Section 14. Subdivision (a) of Section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Required Information.* A Base Owner, other than a High-Volume For-Hire Service, must make sure that the following records are collected and transmitted to the Commission in a format, layout, procedure, and frequency prescribed by the Commission:
- (1) With respect to all dispatched calls:

- (i) The date, the time, and the location of the Passenger pickup and drop-off
- (ii) The Driver's TLC Driver License number
- (iii) The dispatched Vehicle's License number
- (iv) The TLC License number of the For-Hire Base that dispatched the Vehicle
- (v) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle
- (vi) Whether the Passenger is sharing the Vehicle for part or all of the trip with a Passenger from another dispatched call.

§59B-19(a)	Fine: \$100 if plead guilty before a hearing and suspension until compliance; \$150 if found guilty following a hearing and suspension until compliance.	Appearance NOT REQUIRED
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- (2) With respect to all affiliated Vehicles:
 - (i) The Owner's name, mailing address, and home telephone number
 - (ii) The Vehicle's registration number
 - (iii) The Vehicle's License number
 - (iv) The Vehicle's license plate number
 - (v) The name of the Vehicle's insurance carrier and the policy number
 - (vi) The dates of inspection of the Vehicle and the outcome of each inspection

Section 15. Subdivision (d) of Section 59B-19 of Title 35 of the Rules of the City of New York is REPEALED.

Section 16. Paragraph (3) of subdivision (d) of Section 59B-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Filing Notice with the Commission. A Base Owner, other than a High-Volume For-Hire Service, must send the Commission the list of affiliated Drivers and Vehicles (described in (1) and (2) above) on a quarterly basis. High-Volume For-Hire Services must report eligible drivers and affiliated Vehicles to the Commission on a monthly basis pursuant to §59D-16(d) of these Rules.

Section 17. Subdivision (g) of Section 59B-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

(g) *For Black Car Bases, [and] Luxury Limousine Bases, and High-Volume For-Hire Services: Fare Estimates.* Each time a prospective Passenger contacts a Base for transportation, regardless of the means by which the Passenger contacts the Base, the Base must provide, upon request, an estimate of the total fare in dollars and cents, inclusive of all fees and any price multiplier, for the specific trip requested, prior to dispatching the trip, subject to the following requirements:

- (1) Each Passenger requesting service must be notified of the passenger's right to receive a fare estimate.
- (2) A Base must ask any Passenger requesting a fare estimate to specify a destination.
- (3) The fare estimate may be expressed in a range in dollar and cents, provided that the higher price in such range shall not be more than 150 percent of the lower price in such range.
- (4) A Base may not charge a Passenger a fare that is more than 120 percent of the fare estimate unless the Passenger takes any action to alter the estimated route, including, but not limited to, changing the location of the pick-up, destination, number of stops, or the vehicle type requested, or requests a route change requiring the payment of a toll.
- (5) If the fare estimate is expressed in a range, a Base may not charge the Passenger more than 120 percent of the highest price included in that range.
- (6) The provisions of this subdivision shall not apply to Black Car Bases while providing line work, as that term is defined in section 19-545 of the Administrative Code.
- (7) *Affirmative Defense.* A Base can offer an affirmative defense to a summons issued under paragraphs (3) or (4) of this subdivision if the Base can demonstrate that the Base reimbursed the Passenger the portion of the fare charged that exceeded 120 percent of the given fare estimate within 10 business days of receiving a request for reimbursement from the Passenger.

§59B-23(g)	Fine: \$500	Appearance NOT REQUIRED
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Section 18. Section 59B-24 of Title 35 of the Rules of the City of New York is REPEALED.

Section 19. Subdivision (h) of Section 59B-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (h) For Black Car Bases, [and] Luxury Limousine Bases, and High-Volume For-Hire Services: Price Multipliers. If a price multiplier or variable pricing policy is in effect at the time at which a customer requests a Vehicle from a Black Car [service or] Base, Luxury Limousine [service] Base, or High-Volume For-Hire Service, [a] such Base must require the customer to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to dispatching a Vehicle to the customer.

Section 20. Paragraph (2) of subdivision (b) of Section 59B-32 of Title 35 of the Rules of the City of New York is REPEALED.

Section 21. Subdivision (d) of Section 59D-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) High-Volume For-Hire Service is a central dispatch facility, as such term is defined in New York Executive Law §160-cc, that (1) is a Commission-licensed business, [that] (2) facilitates or otherwise connects passengers to for-hire vehicles by prearrangement, including through one or more licensed For-Hire Vehicle Bases, using a passenger-facing booking tool, and [that] (3) dispatches or facilitates the dispatching of ten-thousand (10,000) or more trips in the City per day. Any and all bases using a common brand, trade, business or operating name will be considered together for purposes of identifying a High-Volume For-Hire Service.

Section 22. Subdivision (j) of Section 59D-03 of Title 35 of the Rules of the City of New York is re-lettered subdivision (l), and that Section is amended by adding new subdivisions (j) and (k) to read as follows:

- (j) Shared Ride Bonus refers to the dollar amount, set by the Commission, a High-Volume For-Hire Service must pay a Driver for each separate pick up on a trip where a Passenger shares the Vehicle for part or all of the trip with a Passenger from a separately dispatched call. The Commission shall determine the Shared Ride Bonus dollar amount based on an analysis of Drivers' income and expenses for shared rides, average Vehicle occupancy, and any other factor the Commission determines is relevant for the analysis. The Commission will assess, and post on its website, the Shared Ride Bonus every six (6) months.
- (k) Utilization Rate refers to the percentage of time that Drivers who have made themselves available to accept dispatches from a High-Volume For-Hire Service spend transporting passengers on trips dispatched by the High-Volume For-Hire Service. A High-Volume For-Hire Service's Utilization Rate is calculated by dividing the total amount of time those Drivers spend transporting passengers on trips dispatched by the High-Volume For-Hire Service by the total amount of time

Drivers are available to accept dispatches from the High-Volume For-Hire Service.

Section 23. Section 59D-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59D-05 Licensing – Special Requirements

- (a) *List of Bases.* An Applicant for a High-Volume For-Hire Service License [must submit a list of Bases through which it will dispatch trips. For Renewal Applicants and Applicants that apply during the Initial High-Volume For-Hire Service Issuance Period, the Applicant] that is not a renewal Applicant must submit a list of the Bases through which it dispatched trips during the two years preceding the date the application is submitted.
- (b) *Business Plan.* An Applicant for a High-Volume For-Hire Service License must submit a business plan for approval by the Commission with each application for a new or renewal License or for a change of ownership of the [Base Station] High-Volume For-Hire Service License. The business plan must include:
 - (1) *Trip Volumes.*
 - (i) For Renewal Applicants and Applicants during the Initial High-Volume For-Hire Service Issuance Period: the number of trips the Applicant dispatched, including through a Base, during the previous calendar year
 - (ii) For all Applicants: an estimate of the number of trips per day the Applicant expects to dispatch [through a Base] upon receipt or renewal of a License and for the two calendar years immediately following the issuance or renewal of the License.
 - (2) *Vehicle Count.* The number of For-Hire Vehicles, including number of wheelchair-accessible For-Hire Vehicles, the Applicant expects to operate in accordance with the business plan submitted pursuant to this subdivision.
 - (3) *Service Area.* The geographic area(s) in the City the Applicant intends to serve.
 - (4) *Accessibility Requirements.*
 - (i) For new License Applicants and Applicants during the Initial High-Volume For-Hire Service Issuance Period: a statement for approval by the Commission outlining how the [Bases through which it dispatches trips] Applicant will comply with the

accessibility requirements contained in Section 59B-17(c) of these Rules.

- (ii) For Renewal Applicants: a demonstration that the [Bases through which it dispatches trips are] Applicant is in compliance with the accessibility requirements contained in Section 59B-17(c) of TLC's Rules.
- (c) *Impact Analysis.* An Applicant for a High-Volume For-Hire Service License must submit an analysis, in a format prescribed by the Commission, assessing the impact of the Applicant's proposed operation on the environment. Such statement must include an assessment of the High-Volume For-Hire Service's impact on traffic congestion, local transportation including public transit, private motor vehicles and other modes of transit, and noise.
 - (1) To the extent the Applicant's proposed operation has negative impacts on the environment that cannot be corrected within 90 days of the day the application is filed, the Applicant must propose a corrective action plan for approval by the Commission, outlining the manner and the time in which the Applicant will mitigate such negative impacts.
- (d) *Driver Payments and Earnings.* An Applicant for a High-Volume For-Hire Service must submit a description of all deductions, including any commissions, lease fees and other charges, which such Applicant, or the Bases through which the Applicant dispatches trips, proposes to charge either the For-Hire Vehicle Owner or the Driver, or both, as applicable, together with an estimate of the average gross hourly earnings of a Driver, based upon actual or anticipated trips and fares. The Applicant must certify that it will not impose any charge or deduction on a For-Hire Vehicle Owner or Driver that has not been submitted to the Commission.
 - (1) The Applicant must also certify that, absent a reasonable belief that a Driver's account is associated with fraudulent activity, if a payment transaction for a completed trip dispatched by the High-Volume For-Hire Service Licensee fails, the Driver will receive the entire amount owed for such completed trip.

§59D-05(d)(1)	Fine: \$250	Appearance NOT Required
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- (e) [Bases for which the Applicant is dispatching trips] High-Volume For-Hire Services must continue to meet all requirements of Chapter 59B of these Rules unless otherwise specified.

Section 24. Paragraph (3) of subdivision (f) of Section 59D-06 of Title 35 of the Rules of the City of New York is REPEALED.

Section 25. Subdivision (b) of Section 59D-09 of Title 35 of the Rules of the City of New

York is REPEALED, and subdivision (c) of that section is re-lettered subdivision (b).

Section 26. Paragraph (3) of subdivision (i) of Section 59D-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Licensee must aid the Commission in obtaining information it seeks regarding Drivers or Vehicles affiliated with [any of the Bases through which the High-Volume For-Hire Service dispatches or facilitates the dispatch of trips] the Licensee.

Section 27. Subdivision (b) of Section 59D-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Provide Accessible Transportation.* A High-Volume For-Hire Service’s passenger-facing booking tool must allow prospective Passengers to request a wheelchair accessible vehicle [from the Bases through which it dispatches trips].

§59D-13(b)	Fine: \$150 and suspension until compliance	Appearance REQUIRED
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Section 28. Paragraph (1) of subdivision (a) of Section 59D-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) With respect to all trips the High-Volume For-Hire Service dispatches [through a Base]:
 - (i) The date, the time, and the location of the Passenger pickup and drop-off
 - (ii) The Driver’s TLC Driver License number
 - (iii) The dispatched Vehicle’s License number
 - [(iv)] The TLC License number of the For-Hire Base that dispatched the Vehicle
 - (v)](iv) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle
 - [(vi)](v) The total number of passengers picked up and dropped off
 - [(vii)](vi) The total trip mileage
 - [(viii)](vii) The date and time the Passenger requested the trip
 - [(ix)](viii) The itemized fare for the trip including the amount of the fare, any toll, surcharge, commission rate, other deduction

and any gratuity and a breakdown of the amount such passenger paid for the trip

~~[(x)]~~(ix) The payment the Driver received for the trip or the Driver's hourly paid rate

~~[(xi)]~~(x) If the trip enters the Congestion Zone but the pick-up did not occur in the Congestion Zone, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle exited the Congestion Zone, and

~~[(xii)]~~(xi) An indicator as to whether the trip was administered as part of the MTA's Access-A-Ride program.

Section 29. Section 59D-14 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) *Special Trip Record Requirements for Minimum Driver Payments.*

- (1) *A High-Volume For-Hire Service must collect and transmit to the Commission, in a format, layout, procedure, and frequency prescribed by the Commission, the following information for each time a Driver is available to accept dispatches from the High-Volume For-Hire Service:*
- (i) *The Driver's TLC Driver License number*
 - (ii) *The date and time at which the Driver became available to accept dispatches from the High-Volume For-Hire Service*
 - (iii) *The Vehicle License number of the Vehicle the Driver is driving while the Driver is available to accept dispatches from the High-Volume For-Hire Service*
 - (iv) *The geographic position of the Vehicle the Driver is driving during the entire time the Driver is available to accept dispatches from the High-Volume For-Hire Service at an interval no less frequent than every sixty (60) seconds*
 - (v) *Total miles driven while the Driver was available to accept dispatches from the High-Volume For-Hire Service*
 - (vi) *Total miles driven with a Passenger while the Driver was available to accept dispatches from the High-Volume For-Hire Service*

- (vii) The date and time at which the Driver became unavailable to accept dispatches from the High-Volume For-Hire Service
 - (viii) An indicator as to whether the Driver or the Base made the Driver unavailable to accept dispatches from the High-Volume For-Hire Service
 - (ix) The total Driver earnings paid to the Driver for the period in which the Driver was available to accept dispatches from the High-Volume For-Hire Service
- (2) A High-Volume For-Hire Service must collect and transmit to the Commission, in a format, layout, procedure, and frequency prescribed by the Commission, for each Driver to which the High-Volume For-Hire Service dispatched a trip, a weekly statement of the Driver's total earnings, itemized to include any deductions made from the Driver's earnings and any payments made in addition to per-trip or hourly payments.
- (3) A High-Volume For-Hire Service must collect and transmit to the Commission, in a format, layout, procedure, and frequency prescribed by the Commission, the following additional information with respect to all dispatched calls:
- (i) The itemized fare for the trip charged to the passenger (fare, tolls, taxes, gratuity, commission rate, deductions and surcharges)
 - (ii) The total number of passengers picked up and dropped off during each dispatched call referenced in 59DB-14(a)(1)
 - (iii) The total trip mileage for each dispatched call referenced in 59D-14(a)(1)
 - (iv) The total trip mileage outside of the limits of the City for each dispatched call referenced in 59D-14(a)(1)
 - (v) The total trip time outside of the limits of the City for each dispatched call referenced in 59D-14(a)(1)
 - (vi) The date and time such trip request was made by a passenger
 - (vii) The total trip time, as calculated as the time between when the passenger entered the vehicle and when the passenger exited the vehicle

- (viii) The total time between trips, as calculated as the time between when the prior trip ends and when the Driver receives dispatch for the subsequent trip
- (ix) For trips dispatched to Drivers paid on a per-trip basis by the High-Volume For-Hire Service, the total Driver earnings paid to the Driver for each trip
- (x) For trips dispatched to Drivers paid on an hourly basis, the total Driver earnings paid to the Driver for each hour the Driver was available to receive dispatches from the High-Volume For-Hire Service

Section 30. Subparagraph (iv) of paragraph (3) of subdivision (a) of Section 59D-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iv) With any application to change the Ownership of the High-Volume For-Hire Service [Base].

Section 31. Subdivision (d) of Section 59D-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Eligible Drivers and Affiliated Vehicles.* A High-Volume For-Hire Service must report to the Commission on a monthly basis the following information:
 - (1) A list of all Drivers eligible to receive dispatches from the High-Volume For-Hire Service in the previous month, including the Drivers' TLC License number
 - (2) A list of all Drivers that became ineligible to receive dispatches from the High-Volume For-Hire Service in the previous month, including the Drivers' TLC License number, the date on which the Drivers became ineligible to receive dispatches, and an indicator as to whether the ineligibility to receive dispatches was Driver or High-Volume For-Hire Service initiated.
 - (3) With respect to all affiliated Vehicles:
 - (i) The Owner's name, mailing address, and home telephone number
 - (ii) The Vehicle's registration number
 - (iii) The Vehicle's License number
 - (iv) The Vehicle's license plate number
 - (v) The name of the Vehicle's insurance carrier and the policy number

(vi) The dates of inspection of the Vehicle and the outcome of each inspection

Section 32. Subdivision (e) of Section 59D-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Compliance with all Record Keeping Rules.* A High-Volume For-Hire Service [and a Base Owner that dispatches or facilitates the dispatch of trips for a High-Volume For-Hire Service] must comply with all record-keeping procedures established and required by the Commission.

Section 33. Section 59D-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59D-17 Operations – Rates and Tolls

- (a) *Rates Must Not Exceed Scheduled Rates.* A High-Volume For-Hire Service must not quote or charge a fare[, or allow a Base through which it dispatches trips to quote or charge a fare,] that is more than the fare listed in the Rate Schedule filed with the Commission.

§59D-17(a)	Fine: \$200 for Passenger overcharge, whether from any quote or from schedule of fares required to be filed with the Commission.	Appearance NOT REQUIRED
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- (b) *Tips and Gratuities.* A High-Volume For-Hire Service’s Passenger-Facing Booking Tool must provide a means to allow passengers to tip Drivers. A [Base] High-Volume For-Hire Service must remit to the Driver the entirety of anything designated as a tip or gratuity collected by the High-Volume For-Hire Service from a customer on behalf of the Driver.

§59D-17(b)	Fine: \$500	Appearance NOT REQUIRED
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Section 34. Subdivision (a) of Section 59D-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *E-ZPass.* A High-Volume For-Hire Service must not dispatch a Vehicle [through a Base] unless the Vehicle is participating in the E-ZPass program.

§59D-18(a)	Fine: \$100	Appearance NOT REQUIRED
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Section 35. Subdivision (a) of Section 59D-19 of Title 35 of the Rules of the City of New York is REPEALED, and subdivisions (b) through (d) are re-lettered (a) through (c).

Section 36. Section 59D-20 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) No Other For-Hire Base Licenses. A High-Volume For-Hire Service shall not hold any For-Hire Base License other than a High-Volume For-Hire Service License. Once a Black Car Base, Livery Base, or Luxury Limousine Base is required to and obtains a High-Volume For-Hire Service license, the Commission shall revoke all For-Hire Base Licenses other than a High Volume For-Hire Service License from any High-Volume For-Hire Service.

Section 37. Chapter 59D of Title 35 of the Rules of the City of New York is amended by adding a new Section 59D-22 to read as follows:

§59D-22 Minimum Driver Payment Requirements

- (a) A High-Volume For-Hire Service must pay Drivers, at a minimum, the following amounts for each trip dispatched by the Base:
- (1) Per Mile Rate. Beginning January 1, 2019, for each mile a Driver transports a Passenger in the City on a trip dispatched by the High-Volume For-Hire Service, the High-Volume For-Hire Service must pay the Driver no less than \$0.631 per mile for a trip dispatched to a Vehicle that is not an Accessible Vehicle and \$0.818 for a trip dispatched to an Accessible Vehicle, divided by the High-Volume For-Hire Service's Utilization Rate, and for trips that begin in the City but end outside of the City, the Base must pay the Driver no less than \$1.262 per mile for a trip dispatched to a vehicle that is not an Accessible Vehicle and no less than \$1.636 per mile for a trip dispatched to an Accessible Vehicle for each mile a Driver transports a Passenger outside of the City;
 - (i) RESERVED – expense formulation for luxury vehicles
 - (2) Per Minute Rate. Beginning January 1, 2019, for each minute a Driver transports a Passenger in the City on a trip dispatched by the High-Volume For-Hire Service, the High-Volume For-Hire Service must pay the Driver no less than \$0.287 per minute, divided by the High-Volume For-Hire Service's Utilization Rate, and for each minute a Driver transports a Passenger outside of the City on a trip dispatched by the High-Volume For-Hire Service that began in the City and ended outside of the City, the High-Volume For-Hire Service must pay the Driver no less than \$0.574 per minute, and
 - (3) Shared Ride Bonus. For each separate pick up on a trip where a Passenger shares the Vehicle for part or all of the trip with a Passenger from a separately dispatched call, the High-Volume For-Hire Service must pay the Driver the Shared Ride Bonus, in addition to the per mile and per minute rates.
 - (4) Consumer Price Index Adjustments. Beginning January 1, 2020, and continuing each calendar year thereafter, the dollar amounts in the per

mile rates and per minute rates contained in this subdivision will be adjusted using the 12-month Percentage Change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the NY-NJ-PA metro area. The Consumer Price Index adjusted per mile and per minute rates will be posted on the Commission’s website.

- (5) Hourly Payments. If a High-Volume For-Hire Service subject to this section pays drivers on an hourly basis, the payment the Driver receives for each hour the Driver accepts dispatches from the High-Volume For-Hire Service must be at least the sum of the Per Mile Rate for all miles the Driver transported Passengers during the hour, the Per Minute Rate for all minutes the Driver spent transporting Passengers during the hour, and the Shared Ride Bonus for each applicable pick up performed during the hour.

§59D-22(a)	Fine: \$500 per instance of under payment. In addition to the penalty payable to the Commission, the Hearing Officer must order the High-Volume For-Hire Service to pay restitution to the Driver, equal to the amount not paid to the Driver in violation of this rule.	Appearance REQUIRED
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- (b) Utilization Rate: The Commission will assess, and post on its website, the Utilization Rate for each High-Volume For-Hire Service subject to this section every six months.
- (1) Initial Utilization Rate. Prior to the Commission assessing and posting on its website the Utilization Rate for each High-Volume For-Hire Service and notifying each High-Volume For-Hire Service of such High-Volume For-Hire Service’s Utilization Rate, the Utilization Rate for all High-Volume For-Hire Services will be the aggregate Utilization Rate of all High-Volume For-Hire Services, as calculated by the Commission. A High-Volume For-Hire Service may petition the Commission to calculate a Utilization Rate specific to that High-Volume For-Hire Service prior to the expiration of the Initial Utilization Rate period, but in no event will a High-Volume For-Hire Service have a Utilization Rate lower than the aggregate Utilization Rate of all High-Volume For-Hire Services for the Initial Utilization Rate period.
- (c) Daily Average Trip Volumes: The daily average trip volume for each High-Volume For-Hire Service will be assessed every six months.
- (d) Evaluation by the Commission. No less than annually, the Commission will review Driver, Vehicle Owner, and High-Volume For-Hire Service expenses, Driver earnings, the impact on Utilization Rates of Drivers making themselves available to accept dispatches from multiple Bases or High-Volume For-Hire Services, service levels, and any other information it deems relevant to determine if adjustments need to be made to the rates set forth in subdivision (a) of this section.

**NEW YORK CITY LAW DEPARTMENT
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212-356-4028**

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

RULE TITLE: 2021 RG 006

REFERENCE NUMBER: Licensing of High Volume For-Hire Vehicle Services

RULEMAKING AGENCY: Taxi & Limousine Commission

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 12, 2021

**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: Licensing of High Volume For-Hire Vehicle Services

REFERENCE NUMBER: TLC-116

RULEMAKING AGENCY: Taxi & Limousine Commission

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

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

March 15, 2021
Date