

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: 1) consolidate the TLC’s Critical Driver Program into the Persistent Violator Program; 2) amend insurance provisions to reflect state legislative changes; 3) reduce the amount of time in which licensees can answer a directive; and 4) clarify that a licensee must have a state-issued Chauffeur’s License in good standing and valid NYS driving privileges in order to drive for-hire.

When and where is the Hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on April 19, 2023. The public hearing will be held online using Zoom. There will be no in person public hearing. The public hearing will be livestreamed on TLC’s website at www.nyc.gov/tlc. To participate in the public hearing, please e-mail the TLC at tlcrules@tlc.nyc.gov or call TLC at 212-676-1135 by 5:00pm on April 18, 2023. After you have signed up to speak, TLC will provide you with a Zoom URL to enter in on your computer or dial-in via phone number if you prefer to call in.

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

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to tlcrules@tlc.nyc.gov
- **Mail.** You can mail comments to Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver St, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102
- **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 or by emailing at tlcrules@tlc.nyc.gov by April 18, 2023. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit written comments by April 18, 2023.

What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by April 12, 2023.

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 <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments will be available by request by emailing tlcrules@tlc.nyc.gov and a transcript of the hearing will be available online at www.nyc.gov/tlc and 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 publish this proposed rule.

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 OF RULES

The TLC is proposing rules that reflect changes to state and local law. Local Law 12 of 2020 made changes to the sections of the New York City Administrative Code that governed the TLC's Critical Driver and Persistent Violator Programs. The Critical Driver Program was a TLC program that imposed additional penalties on drivers who accumulated a certain number of points issued by the New York State Department of Motor Vehicles or equivalent licensing agency. The Persistent Violator Program is a TLC program that imposes additional penalties on drivers who accumulate a certain number of points issued by TLC for violations of TLC rules. Local Law 12 eliminated the Critical Driver Program and amended the Persistent Violator Program to ensure that a TLC licensed driver will not be penalized under the program more than once for the same violation or violations. This rule proposal consolidates the two programs, which serve the same purpose, under the heading of the Persistent Violator Program.

Additionally, chapter 59 of the Laws of 2019, chapter 59 of the Laws of 2021 and chapter 408 of the Laws of 2019 amended the insurance requirements for vehicles transporting passengers for hire as set forth in §370 of the State Vehicle and Traffic Law ("VTL"). Chapter 59 of the Laws of 2019 amended VTL §370 by requiring a combined single limit of at least \$1.5 million for motor vehicles with a seating capacity of eight or more that transport passengers for hire. Chapter 59 of the Laws of 2021 also amended VTL §370 by requiring a combined single limit of at least \$500,000 for commuter vans with a seating capacity of eight or more that transport passengers for hire. Chapter 408 of the Laws of 2019 amended that same section to clarify that the minimum liability coverage requirement of \$10,000 per accident for injury to or destruction of property is included within the \$1.5 million combined single limit and is not an additional coverage requirement. Accordingly, these proposed rules reflect those changes by updating the relevant insurance requirements in TLC's rules.

The TLC is also proposing changes to rules that require licensees to respond to demands for information from the TLC (known as "directives"). The amendment, which applies across all sectors of for-hire transportation, will decrease the time in which licensees must respond to directives from the TLC from 10 to three business days. This change will enable the TLC Prosecution Unit's investigative process to operate more effectively.

These proposed rules would also clarify that a TLC-licensed driver must not operate a Paratransit Vehicle, Commuter Van, Taxicab, For-Hire Vehicle or a Street Hail Livery if the driver's state-issued Chauffeur's License has been suspended or revoked, or if the driver's New York State driving privileges are suspended or revoked. The proposed rules would reduce the penalties for the above violations related to driving a Paratransit Vehicle and would add a new penalty for the above violations for driving a Commuter Van.

The proposed rules would require Medallion Owners or their Agents to pay sublessee Drivers, including when Medallion Owners or Agents delegated that responsibility to other parties and those parties failed to pay the driver.

The proposed rules would align payment requirements for the Street Hail Livery Improvement Fund with the equivalent structure that governs the Taxi Improvement Fund.

Finally, the proposed rules would clarify that a For-Hire Vehicle License terminates immediately upon being revoked or surrendered, or if the vehicle's state license plates are voluntarily surrendered.

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

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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 by deleting the definition of “Critical Driver’s Program,” amending the definition of “Persistent Violator Program,” and adding definitions of “DMV Points” and “TLC Points,” in alphabetical order, to read as follows:

[**Critical Driver’s Program** is a Commission program that imposes additional penalties on a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her driver’s license within a certain amount of time.]

DMV Points means points assessed by the New York State Department of Motor Vehicles or an equivalent licensing agency of the Driver’s state of residence on a Driver’s Chauffeur’s License.

Persistent Violator Program establishes additional penalties for Drivers who repeatedly violate [these Commission Rules] certain laws and rules within a certain amount of time. Persistent Violator penalties are determined based on [points] DMV Points and TLC Points [accrued as part of the penalties established by these Rules].

TLC Points means points assessed by the Commission on a Driver’s TLC Driver License, Commuter Van Driver License, or Paratransit Driver’s License for the violation of certain TLC Rules.

Section 2. Clause (2) of subparagraph (iv) of 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:

2. *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 preceding the date of the request for the waiver.

Section 3. Subparagraph (ii) of paragraph (3) 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:

- (ii) *Eligible for [Critical Driver] Persistent Violator Penalty*. The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or revocation under the [Critical Driver] Persistent Violator Program at the time the Application is submitted.
 1. For purposes of this subparagraph, TLC will consider DMV points accrued no earlier than 15 months prior to the date of the application in order to determine whether the new applicant meets the [Critical Driver Program] standard for suspension or revocation under the Persistent Violator Program.

Section 4. Subdivision (b) of section 56-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Suspension or Revocation of Chauffeur's License*. A Driver must immediately report the suspension or revocation of his or her New York State Chauffeur's License or the revocation of the driver's New York State Driving privileges to the Commission, and must then surrender his or her Paratransit Driver's License to the Commission.

Section 5. Subdivision (c) of section 56-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Driver Must Have Valid Chauffer's License*. A Driver must not operate a Paratransit Vehicle unless he or she possess a [valid] Valid Chauffeur's License. The License of a Driver who operates a Paratransit Vehicle without a [valid]Valid Chauffer's License will be summarily suspended. A Driver must not operate a Paratransit Vehicle if the Driver's driving privileges in New York State have been suspended or revoked.

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| §56-11(c) | Fine: First Violation: \$[1,500] <u>350</u> and Suspension until compliance. Second Violation in 36 months: \$[2,000] <u>500</u> and Suspension until compliance. Third Violation: revocation. | Appearance NOT REQUIRED |
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Section 6. Subdivision (g) of section 56-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (g) *Driver Must Not Drive with a Suspended or Revoked Paratransit License*. A driver must not operate a Paratransit Vehicle in New York City while his Paratransit Driver's License is revoked, suspended or expired.

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| §56-11(g) | Fine: \$100 – 1 st Offense \$250 – 2 nd Offense within 12 months. \$350 – 3 rd Offense within 12 months. | Appearance REQUIRED |
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| | [OATH] <u>Revocation</u> – 4 or more offenses within 12 months | |
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Section 7. Subdivision (b) of section 56-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) [Critical Driver's] Persistent Violator Program. [("Points" in this Section refers to points assessed by the Department of Motor Vehicles).] In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's [Critical Driver's] Persistent Violator Program:

- (1) *License Suspension*. If, within a 15-month period, a Driver accumulates a total of at least six [or more points] but fewer than ten [points on his or her driver's license (whether issued by New York or another state)] TLC Points or DMV Points or both combined, the Commission will suspend the Driver's Paratransit Driver's License for up to 30 days.
- (2) *License Revocation*. If, within a 15-month period, a Driver accumulates a total of [10] ten or more [points on his or her driver's license (whether issued by New York or another state)] TLC Points or DMV Points or both combined, the Commission will revoke the Driver's Paratransit Driver's License.
- (3) *Review of Driver Fitness*. The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, Collision, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period*. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will calculate the 15-month period by counting backwards 15 months from the date of the most recent conviction for the violation carrying points that is cited in the summons issued under this section.
- (5) *Date of Point Accumulation*. For the purpose of this rule, points assigned by the Department of Motor Vehicles or the TLC for any violation will be counted as of the date of conviction.
- (6) *Multiple Points from a Single Incident*. For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section..
- (7) *Point Reduction for Voluntary Course Completion*.
 - (i) Before suspending or revoking a Driver's License, the Commission will[, for purposes of the Critical Driver's Program,] deduct three [points from the total points that appear on the Licensee's driving record maintained by the

DMV, or equivalent licensing agency of the state which issued such license, of] TLC Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course or three DMV Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course[;], counting from the date of conviction. In order for the Defensive Driving Course or Point Reduction Course to reduce the Licensee's [Critical Driver] Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the [Critical Driver] Persistent Violator summons. Completion of the Defensive Driving Course or Point Reduction Course after the adjudication of a [Critical Driver] Persistent Violator Program summons will reduce the Licensee's [Critical Driver's] Persistent Violator Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

- (ii) The Driver must furnish the Commission with proof when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) The Commission will not reduce the [total points] TLC Points of any Driver more than once in any five-year period and will not reduce the DMV Points of any Driver more than once in any 18-month period.
- (v) If no Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a Defensive Driving Course. After the Driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from the number of points accrued under the Persistent Violator Program whether such points are TLC Points or DMV Points.

Section 8. Subdivision (c) of section 56-13 of Title 35 of the Rules of the City of New York, relating to the Program for Persistent Violators, is REPEALED.

Section 9. Subdivision (c) of section 56-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Special Penalty Programs.* Any points accumulated under chapter 80 by a Paratransit Driver while operating an Accessible Street Hail Livery will count towards and be applied

to the Driver's Paratransit Driver's License [as specified in

- (1) Section 56-13(b) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or
- (2) Section 80-27(b) of these Rules if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules, and the Driver may incur the penalties specified as a result]. A Paratransit Driver's License can be suspended or revoked as provided in section 80-27 of these Rules as if it were a TLC Driver License.

Section 10. Clause (2) of subparagraph (iv) of 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:

- 2. *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 preceding the date of the request for the waiver.

Section 11. Subparagraph (ii) of paragraph (3) 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:

- (ii) *Eligible for [Critical Driver] Persistent Violator Penalty.* The Chairperson can deny an Application if the Applicant would if licensed be subject to License suspension or revocation under the [Critical Driver] Persistent Violator Program at the time the Application is submitted.
 - (1) For purposes of this subparagraph, TLC will consider DMV points accrued no earlier than 15 months prior to the date of the application in order to determine whether the new applicant meets the [Critical Driver] Persistent Violator Program standard.

Section 12. Subdivision (b) of section 57-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Driver Must Have Valid Chauffeur's License.* A Driver must not operate a Commuter Van without a Valid Chauffeur's License. The License of a Driver who operates a Commuter Van without a [valid] Valid Chauffeur's License will be summarily suspended. A Driver must not operate a Commuter Van if the Driver's driving privileges in New York State have been suspended or revoked.

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| §57-11(b) | Fine: [\$400 and Suspension until compliance.] <u>First Violation: \$350 and Suspension until compliance.</u> | Appearance NOT REQUIRED |
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| | <u>Second Violation in 24 months: \$500 and Suspension until compliance.</u> <u>Third Violation in 36 months: revocation.</u> | |
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Section 13. Subdivisions (d), (e) and (f) of section 57-11 of Title 35 of the Rules of the City of New York are re-lettered subdivisions (e), (f) and (g), and a new subdivision (d) is added, to read as follows:

- (d) *Suspension or Revocation of Chauffeur’s License.* A Driver must immediately report the suspension or revocation of his or her New York State Chauffeur’s License or the revocation of the driver’s New York State Driving privileges to the Commission, and must then surrender their Commuter Van Driver’s License to the Commission.

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| <u>§57-11(c)</u> | <u>Fine: \$100</u> | <u>Appearance NOT REQUIRED</u> |
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Section 14. Subdivision (a) of section 57-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) [*Critical Driver’s*] *Persistent Violator Program* [(“*Points*” in this Section refers to points assessed by the Department of Motor Vehicles)]. In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission’s [*Critical Driver’s*] *Persistent Violator Program*:

- (1) *License Suspension.* If, within a 15-month period, a Driver accumulates a total of at least six [or more points] but fewer than ten [points on his or her driver’s license (whether issued by New York or another state)] TLC Points or DMV Points or both combined, the Commission will suspend the Driver’s Commuter Van Driver’s License for up to 30 days.
- (2) *License Revocation.* If, within a 15-month period, a Driver accumulates a total of 10 or more [points on his or her driver’s license (whether issued by New York or another state)] TLC Points or DMV Points or both combined, the Commission will revoke the Driver’s Commuter Van Driver’s License.
- (3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, Collision, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points that is cited in the summons issued under this section.
- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles or TLC for any violation will be counted as of the date of conviction.

- (6) *Multiple Points from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (7) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will[, for purposes of the Critical Driver's Program,] deduct three [points from the total points that appear on the Licensee's driving record maintained by the DMV, or equivalent licensing agency of the state which issued such license, of] TLC Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course or three DMV Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course, counting from the date of conviction. In order for the Defensive Driving Course or Point Reduction Course to reduce the Licensee's [Critical Driver] Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the [Critical Driver] Persistent Violator summons. Completion of the Defensive Driving Course or Point Reduction Course after the adjudication of a [Critical Driver] Persistent Violator Program summons will reduce the Licensee's [Critical Driver's] Persistent Violator Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.
 - (ii) The Driver must furnish the Commission with proof when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce the [total points] TLC Points of any Driver more than once in any five-year period and will not reduce the DMV Points of any Driver more than once in any 18-month period.
 - (v) If no Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a Defensive Driving Course. After the Driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from the number of points accrued under the

Persistent Violator Program whether such points are TLC Points or DMV Points.

Section 15. Subdivision (b) of section 57-13 of Title 35 of the Rules of the City of New York, relating to the Program for Persistent Violators, is REPEALED, and subdivision (c) of Section 57-13 is re-lettered subdivision (b).

Section 16. Subdivision (d) of section 58-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Coverage Requirements.*

- (1) All Taxicab Owners must, for each of Owner’s Taxicabs, maintain liability coverage through an insurance policy or a bond in amounts not less than the following:
 - (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision “a” of §5102 of the New York State Insurance Law;
 - (ii) \$100,000 minimum liability and not less than \$300,000 maximum liability for bodily injury or death, as these terms are described and defined in §370(1) of the Vehicle and Traffic Law[.]; and
 - (iii) \$10,000 minimum liability for injury to or destruction of property.

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| §58-13(d)(1) | Fine: \$350 and suspension until compliance | Appearance NOT REQUIRED |
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Section 17. Paragraphs (1) and (2) of subdivision (f) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

(f) *Non-Cash Payments.*

- (1) For any lease of a Taxicab (vehicle and Medallion) under paragraph 58-21(c)(1) or 58-21(c)(2), an Owner (or Owner’s Agent) must pay a Driver, on a daily basis, the total amount of all non-cash payments, including E-Payments through the Technology System (if any), made during the Driver’s shift, less the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section [58-16] 66-25. Drivers leasing a Taxicab on a weekly basis under section 58-21(c)(1)(i)E, 58-21(c)(1)(i)F, 58-21(c)(2)(i)E or 58-21(c)(2)(i)F may, at the Driver’s discretion, be paid on a weekly basis. Payments to a Driver and access to these funds must be provided at no cost to the Driver. An Owner or the Owner’s Agent must:
 - (i) Pay the Driver, including any sublessee Drivers, and if the Owner or the Owner’s Agent delegates or assigns this responsibility to another party, the Owner or the Owner’s Agent shall be responsible for making full payment to the Driver if any designee or assignee fails to pay the Driver as

required, and Driver reports non-payment to the Owner or Owner's Agent within 90 days of non-payment.

- (2) For any lease not described in paragraph (1), an Owner (or Owner’s Agent) must pay the Driver, on no less than a weekly basis, the total amount of all non-cash payments, including E-Payments through Technology System (if any), made during that period, less the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section [58-16] 66-25. Payments to a Driver and access to these funds must be provided at no cost to the Driver. An Owner or the Owner’s Agent must:

- (i) Pay the Driver, including any sublessee Drivers, and if the Owner or Owner’s Agent delegates or assigns this responsibility to another party, the Owner or the Owner's Agent shall be responsible for making full payment to the Driver if any designee or assignee fails to pay the Driver as required, and Driver reports non-payment to the Owner or the Owner's Agent within 90 days of non-payment.

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| §58-21(f)(1)& (2) | Fine: \$100 In addition to the penalty payable to the Commission, the ALJ must order the Owner to pay restitution to the Driver, equal to the cost to the Driver. | Appearance NOT REQUIRED |
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Section 18. Paragraph 1 of subdivision (d) of section 59A-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Early Termination.*

- (1) A For-Hire Vehicle License terminates early if it is revoked or surrendered, or if the vehicle’s state license plates are voluntarily surrendered.

Section 19. Subdivision (c) of section 59A-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Coverage Requirements.*

- (1) General Coverage for Vehicles with Seating Capacity of Less than Eight. For the purposes of insurance or other financial security, each Owner of a For-Hire Vehicle with a seating capacity of less than eight passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

- (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law;

- (ii) \$100,000 minimum liability and \$300,000 maximum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law; and
- (iii) \$10,000 minimum liability for injury to or destruction of property.

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| §59A-12(c)(1) | Fine: \$350 and suspension until compliance | Appearance REQUIRED |
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- (2) *Coverage for Vehicles with Seating Capacity of [Nine] Eight to Fifteen.* Each Owner of a For-Hire Vehicle with a seating capacity of at least [nine] eight but not more than 15 Passengers must maintain coverage for each Vehicle owned in amounts not less than the following:
- (i) [\$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
 - (ii) \$1,500,000 minimum liability for bodily injury [and] or death to one or more persons, and because of injury to or destruction of property in any one accident, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law

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| §59A-12(c)(2) | Fine: \$350 and suspension until compliance | Appearance REQUIRED |
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- (3) *Special Coverage for Luxury Limousines with Seating Capacity of Less than [Nine] Eight.* Each Owner of a Luxury Limousine with a seating capacity of fewer than [nine] eight Passengers must maintain coverage for each Vehicle in an amount of not less than:
- (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
 - (ii) \$500,000 per accident where one person is injured, and
 - (iii) \$1,000,000 per accident for all persons injured in that accident.
- (4) *Coverage for For-Hire Vehicles with Seating Capacity of Sixteen or More.* Each Owner of a For-Hire Vehicle with a seating capacity of at least 16 Passengers must maintain coverage for each Vehicle owned in amounts not less than the following:
- (i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
 - (ii) \$5,000,000 minimum liability for bodily injury [and] or death to one or more persons, and because of injury to or destruction of property in any one

accident, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law.

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| §59A-12(c)(3)&(4) | Fine: \$350 and suspension until compliance | Appearance REQUIRED |
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Section 20. Paragraph 2 of subdivision (j) of section 59A-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) Within [ten] three business days following a request from the Commission, produce any Licenses or other documents the Licensee is required to have.

Section 21. Paragraph 2 of subdivision (j) of section 59B-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) Within [ten] three business days following a request from the Commission, a Licensee must produce any Licenses or other documents the Licensee is required to have.

Section 22. Paragraph 2 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:

- (2) Within [ten] three business days following a request from the Commission, a Licensee must produce any Licenses or other documents the Licensee is required to have.

Section 23. Subdivision (b) of section 61A-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Surety Bond or Policy of Insurance.* No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. [Coverage must be in at least the following amounts:

| Type of Liability | Minimum Coverage Required | |
|--|---|-----------------------------------|
| | Commuter-Van for 12 Passengers Or Fewer | Commuter-Van for 13-20 Passengers |
| • For personal injury or death to one person | \$100,000 | \$100,000 |
| • For personal injury or death to one person in one accident <ul style="list-style-type: none"> ▪ Maximum for each person in one accident | \$300,000 \$100,000 | \$500,000 \$100,000 |
| • For property damage | \$50,000 | \$50,000] |

Each Owner of a Commuter Van must maintain the following coverage:

(1) General Coverage for Commuter Vans with Seating Capacity of Less than Eight. For the purposes of insurance or other financial security, each Owner of a Commuter Van with a seating capacity of less than eight passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

- (i) \$50,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
- (ii) \$100,000 minimum liability and \$300,000 maximum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law
- (iii) \$50,000 minimum liability for injury to or destruction of property

(2) General Coverage for Commuter Vans with Seating Capacity of Eight or More. For the purposes of insurance or other financial security, each Owner of a Commuter Van with a seating capacity of not less than eight passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

- (i) \$50,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
- (ii) \$500,000 minimum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law
- (iii) \$50,000 minimum liability for injury to or destruction of property

| | | |
|------------|--|---------------------|
| §61A-11(b) | Fine: \$300 and suspension until compliance Three or more violations within one year: License revocation (see Mandatory Penalties §61A-02(e)) | Appearance REQUIRED |
|------------|--|---------------------|

Section 24. Paragraph 3 of subdivision (e) of section 61A-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Produce any other document the Owner is required to keep no later than [10] three business days following a request from the Commission.

Section 25. Subdivision (b) of section 61B-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Surety Bond or Policy of Insurance.* No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of

insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. [Coverage must be in at least the following amounts:

| Type of Liability | Minimum Coverage Required | |
|--|---|-----------------------------------|
| | Commuter-Van for 12 Passengers Or Fewer | Commuter-Van for 13-20 Passengers |
| • For personal injury or death to one person | \$100,000 | \$100,000 |
| • For personal injury or death to one person in one accident <ul style="list-style-type: none"> ▪ Maximum for each person in one accident | \$300,000 \$100,000 | \$500,000 \$100,000 |
| • For property damage | \$50,000 | \$50,000] |

Each Owner of a Commuter Van must maintain the following coverage:

- (1) General Coverage for Commuter Vans with Seating Capacity of Less than Eight. For the purposes of insurance or other financial security, each Owner of a Commuter Van with a seating capacity of less than eight passengers must maintain coverage for each Vehicle owned in amounts not less than the following:
 - (i) \$50,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
 - (ii) \$100,000 minimum liability and \$300,000 maximum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law
 - (iii) \$50,000 minimum liability for injury to or destruction of property

- (2) General Coverage for Commuter Vans with Seating Capacity of Eight or More. For the purposes of insurance or other financial security, each Owner of a Commuter Van with a seating capacity of eight or more passengers must maintain coverage for each Vehicle owned in amounts not less than the following:
 - (i) \$50,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law
 - (ii) \$500,000 minimum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law
 - (iii) \$50,000 minimum liability for injury to or destruction of property

| | | |
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| §61B-11(b) | Fine: \$300 and suspension until compliance Multiple violations: See Mandatory Penalties (§61B-02(d)) | Appearance REQUIRED |
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Section 26. Paragraph 3 of subdivision (e) of section 61B-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) Produce any other document the Owner is required to keep no later than [10] three business days following a request from the Commission.

Section 27. Section 66-25 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b), to read as follows:

§66-25 Compliance with Law - Miscellaneous

(b) Street Hail Livery Improvement Fund.

- (1) A Technology System Provider and/or E-Hail Application Provider must pay the collected Street Hail Livery Improvement Surcharge remitted by the Street Hail Livery Driver to the Street Hail Livery Improvement Fund within 60 days of the end of the payment period. For example, the Street Hail Livery Improvement Surcharge due for the month of July must be remitted to the TLC in its entirety by October 1st.
- (2) The Technology System Provider and/or E-Hail Application Provider must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time and in the manner required by the Commission.
- (3) If a Technology System Provider and/or E-Hail Application Provider does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment will be grounds for suspension of the Technology System Provider License or E-Hail Application Provider License, and/or denial of any renewal application or of any application for another TLC-issued license, as well as monetary penalties.

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| 66-25(b) | Fine: \$1000 and suspension until complian | Appearance REQUIRED |
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Section 28. Paragraph (6) of subdivision (j) of section 80-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (6) [Safe Driving] Point Reduction Course. Driver may voluntarily attend and complete the [Safe Driving] Point Reduction Course to reduce the Driver's Persistent Violator Program points prior to the adjudication of the Persistent Violator summons.

Section 29. Clause B of subparagraph (iv) of paragraph (1) of subdivision (c) of section 80-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

B. *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 preceding the date of the request for the waiver.

Section 30. Subparagraph (ii) of paragraph (3) of subdivision (c) of section 80-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

(ii) *Eligible for [Critical Driver] Persistent Violator Penalty.* The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or revocation under the [Critical Driver] Persistent Violator Program at the time the Application is submitted.

A. For purposes of this subparagraph, TLC will consider DMV Points accrued no earlier than 15 months prior to the date of the application in order to determine whether the new applicant meets the [Critical Driver] Persistent Violator Program standard.

Section 31. Subdivision (c) of section 80-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Driver Must Have Valid Chauffeur's License.*

(1) A Driver must not operate a Taxicab, a For-Hire Vehicle or a Street Hail Livery without a Valid Chauffeur's License. The License of a Driver who operates a Taxicab, For-Hire Vehicle or Street Hail Livery without a [valid] Valid Chauffeur's License will be summarily suspended.

(2) A Driver must not operate a Taxicab, a For-Hire Vehicle or a Street Hail Livery if the Driver's driving privileges in New York State have been suspended or revoked.

(3) A Driver of a For-Hire Vehicle which is not exempt from NYS Department of Transportation authorization and inspection requirements must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a non-exempt vehicle that is not in compliance with Article 19-A constitutes the same offense as driving a For-Hire Vehicle without a Valid License.

| | | |
|---------------------------|--|-------------------------|
| §80-11(c)(1)- [(2)](3) | Fine: First Violation: \$350 and Suspension until compliance. Second Violation in 36 months: \$500 and Suspension until compliance. | Appearance NOT REQUIRED |
|---------------------------|--|-------------------------|

| | | |
|--|---|--|
| | Third Violation in 36 months: revocation. | |
|--|---|--|

[(3)](4)A driver must immediately surrender his or her TLC Driver License to the Commission upon the revocation of his or her New York State Chauffeur's License or upon the revocation of the driver's New York State Driving privileges.

| | | |
|-------------------|-------------|-------------------------|
| §80-11(c)[(3)](4) | Fine: \$100 | Appearance NOT REQUIRED |
|-------------------|-------------|-------------------------|

Section 32. Clause A of subparagraph (ii) of paragraph 3 of subdivision (f) of section 80-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- A. The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$[17.50]20.00 (See Chapter 58, §58-26[(d)](c)(3) for Taxicabs and Chapter 82, §82-26[(d)](c)(3) for Street Hail Liveries)..

Section 33. Subdivision (a) of section 80-27 of Title 35 of the Rules of the City of New York, relating to the Critical Drivers' Program, is REPEALED, and subdivision (b) of section 80-27 is re-lettered subdivision (a) and, as relettered, is amended to read as follows:

§80-27 [Special Driver Penalty Programs] Persistent Violator Program

[(b)] (a) *Program for Persistent Violators of Drivers' Rules* [(“Points” in this subdivision refers to points assessed by the Commission; these points are included in the penalties for specific violations of rules in this subdivision)].

(1) *Suspension and Revocation--Points and Time Periods.*

- (i) [Any Driver who has accumulated six or more Commission-issued points but fewer than ten points against his or her TLC Driver License within a 15-month period and whose License has not been revoked will have his or her License suspended for up to 30 days.
- (ii) The Commission will revoke the License of any Driver who has accumulated ten or more points against his or her TLC Driver License within a 15-month period.
- (iii) Suspension. Any Driver whose License has not been revoked and who has within a 15-month period accumulated [against his or her TLC Driver License a combination of designated Persistent Violator points and Critical Driver points totaling six to nine points] a total of at least six but fewer than ten TLC Points or DMV Points or both combined, counting from the date of conviction, will have [his or her] such Driver's TLC Driver License suspended for up to 30 days. [For purposes of this subparagraph and subparagraph (iv) of this paragraph, “designated Persistent Violator points” shall be points assessed against the Driver's TLC Driver License for

violations that threaten the safety of passengers or any other persons, and shall be all violations listed in Sections 80-13 and 80-14 of these rules.

- (iv)] (ii) Revocation. The Commission will revoke the TLC Driver License of any Driver who has within a 15-month period accumulated [against his or her TLC Driver License a combination of designated Persistent Violator points and Critical Driver points totaling ten or more points] a total of 10 or more TLC Points or DMV Points or both combined, counting from the date of conviction.
- (2) *Multiple Violations from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (3) *More Severe Penalties at Discretion of Commission.* The Commission can impose [more severe or additional] penalties that are more severe than or additional to [any penalties] those stated in this section.
- (4) *Hearing Process and Imposition of Penalties.*
 - (i) The Commission will impose penalties described in this section following the hearing at which the Driver is found to have violated the rule(s) triggering these penalties.
 - (ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.
- (5) [Safe Driving] *Point Reduction for Voluntary Course Completion.*
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct three [points from the total points of] TLC Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course or three DMV Points from the points accumulated by any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course, counting from the date of conviction.
 - (ii) In order for the Defensive Driving Course or [Safe Driving] Point Reduction Course to reduce the Driver's Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the Persistent Violator summons. Completion of the Defensive Driving Course or Point Reduction Course after the adjudication of a Persistent Violator Program summons will reduce the Driver's Persistent Violator Program points only

after the Driver completes such Driver's suspension. If the Driver's License was issued by a state other than New York, the Driver must submit a recent driving abstract from the state of licensure. The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed.

- (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
- (iv) The Commission will not reduce [total points] the TLC Points of any Driver more than once in any five year period and will not reduce the DMV Points of any Driver more than once in any 18-month period.
- (v) If no [Safe Driving] Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a Defensive Driving Course. After the Driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from [either] the number of points accrued under the [Critical Driver Program as set forth in subdivision (a) of this section or the Program for Persistent Violators as set forth in subdivision (b) of this section] Persistent Violator Program whether such points are TLC Points or DMV Points. [The Driver will select the program from which the points will be deducted.]

Section 34. Paragraph 2 of subdivision (j) of section 82-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) Within [ten] three business days following a request from the Commission, produce any Licenses or other documents the Licensee is required to have.

Section 35. Subdivision (g) of section 82-17 of Title 35 of the Rules of the City of New York, relating to the Street Hail Livery Improvement fund, is REPEALED, and a new subdivision (g) is added, to read as follows:

(g) *Street Hail Livery Improvement Fund (TSP Responsibility).*

- (1) A Technology System Provider and/or E-Hail Application Provider is responsible for remitting all collected Street Hail Livery Improvement Surcharge amounts to the Street Hail Livery Improvement Fund, as described in subdivision (b) of §66-25 of these Rules.
- (2) When any Street Hail Livery Improvement Surcharge amount due is not collected by the Technology System Provider and/or E-Hail Application Provider, the Street Hail Livery Licensee must pay the entire such amount, as remitted by the Street Hail Livery Driver, to the Street Hail Livery Improvement Fund.

- (3) The Street Hail Livery Licensee, or the Technology System Provider and/or E-Hail Application used by the Street Hail Livery Licensee, must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time and in the manner required by the Commission.
- (4) If a Street Hail Livery Licensee, or the Technology System Provider and/or E-Hail Application used by the Street Hail Livery Licensee, does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, nonpayment will be grounds for the suspension of the TLC license issued to the entity required to pay and/or by the denial of any renewal application or of any application for another TLC-issued license submitted by such entity, in addition to monetary penalties for such non-payment.

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| <u>82-17(g)(1-4)</u> | <u>Fine: \$1000 and suspension until compliance</u> | <u>Appearance REQUIRED</u> |
|----------------------|---|----------------------------|

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

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

RULE TITLE: Miscellaneous Rule Amendments

REFERENCE NUMBER: 2022 RG 100

RULEMAKING AGENCY: Taxi and Limousine Commission

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

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

/s/ STEVEN GOULDEN
Senior Counsel

Date: February 16, 2023

**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: Miscellaneous Rule Amendments

REFERENCE NUMBER: TLC-132

RULEMAKING AGENCY: Taxi and Limousine Commission

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

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

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

February 17, 2023
Date