

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”, “the Commission”) is proposing rules that would update the in-vehicle camera system (IVCS) specifications for taxis and street hail liveries in TLC rules, and would remove the requirement that livery vehicles be equipped with a partition or an IVCS.

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 August 9, 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 August 8, 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 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.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by August 8, 2023.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by August 2, 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 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 Sections 19-503 of the New York City Administrative Code authorize the Commission to make this proposed rule. The proposed rule was included in the agency regulatory agenda.

Where can I find the Commission's rules? The Commission's rules are in Title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? TLC 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 of the City Charter.

Statement of Basis and Purpose

Currently, all taxis, street hail liveries (SHLs), and liveries are required to have a partition between the front driver seat and the rear passenger seats. Liveries and owner-operated taxis have been permitted to have an in-vehicle camera system (IVCS) in lieu of a partition since 2000, SHLs since their genesis in 2013, and leased taxis since 2016. The cameras capture still photographs at certain triggering events such as the opening or closing of the door, and the photographs are available only to law enforcement.

The current IVCS specifications are very prescriptive and require technology that is out of date. This creates a niche market in which cameras must be specifically built for TLC-licensed vehicles, and the lack of competition results in high prices and limited availability for substandard technology. Both the Taxi Strategic Plan and the Black Car of 2022 and Livery Task Force Report of 2021 include recommendations to update TLC's IVCS requirements.

TLC is proposing to update its IVCS rules in two ways. First, the proposed rules would remove the partition requirement. This change aims to give the livery sector the same operational flexibility as other pre-arranged services in the for-hire vehicle sector such as black cars. Second, for vehicle owners who do want the security of an IVCS, the proposed rules would update the IVCS specifications for taxis and SHLs to increase the availability of IVCS options and make the camera's products—photos and videos—more useful to law enforcement, vehicle owners, and drivers.

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.]

Section 1. Section 58-36 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

§58-36 Vehicle Equipment – In Vehicle Camera System (IVCS)

(d) IVCS. An Owner must not delete, modify, or alter in any way image, or video footage of the IVCS.

<u>§58-36(d)</u>	<u>Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.</u>	<u>Appearance REQUIRED</u>
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Section 2. Section 59A-32 of Title 35 of the Rules of the City of New York, relating to the partition requirement for livery vehicles is hereby REPEALED.

Section 3. Subdivision (a) of Section 59A-33 of Title 35 of the Rules of the City of New York, relating to the in-vehicle camera system requirement for livery vehicles is hereby REPEALED.

Section 4. Section 59B-32 of Title 35 of the Rules of the City of New York, relating to the partition requirement for livery vehicles is hereby REPEALED.

Section 5. Section 59B-33 of Title 35 of the Rules of the City of New York, relating to the in-vehicle camera system requirement for livery vehicles is hereby REPEALED.

Section 6. Section 59C-01 of Title 35 of the Rules of the City of New York, relating to the IVCS technical specifications for for-hire vehicles is REPEALED.

Section 7. Section 59C-02 of Title 35 of the Rules of the City of New York, relating to the partition requirement for livery vehicles is hereby REPEALED.

Section 8. Subdivision (b) of Section 67-12 of Title 35 of the Rules of the City of New York, relating to the technical specifications for in-vehicle camera systems, is REPEALED, and a new subdivision (b) is added, to read as follows:

§67-12 Requirements for Hack-up – In-Vehicle Camera System (“IVCS”)

(b) Technical Specifications.

(1) Frequency. The IVCS must capture at least one image per second, or capture video, while the engine is running and for at least ten (10) minutes after the engine is shut off.

(2) Quality. The IVCS must record sharp, undistorted, and clear images or video to enable the viewer to identify all passengers under all lighting conditions, including but not limited to dark and bright light, daylight, and backlight.

- (3) Scope. The IVCS must be able to capture the full face of all occupants of the vehicle, including the driver.
- (4) Stamping. The IVCS must record the following information on each image or video frame:
- i) Date and time,
 - ii) Vehicle license number, and
 - iii) IVCS serial number.
- (5) Indicator. The IVCS must indicate when the camera is operational and when there is a malfunction.
- (6) Retention. The IVCS must retain images or video for at least thirty (30) days.
- (7) Stability. The IVCS must be fastened securely with tamper-resistant hardware.
- (8) Installation and repairs. Installations and repairs of IVCS may be performed only by:
- i) Installers currently licensed by the Department of Consumer and Worker Protection or successor agency, or
 - ii) Taximeter Businesses.
- (9) Access. The IVCS must be accessible in the following ways:
- i) The IVCS and its contents, including image or video, may only be accessible to the Vehicle Owner and the Taximeter Business or licensed installer that installed the IVCS.
 - ii) The Taximeter Business or licensed installer must provide image or video access to law enforcement agencies, including the New York City Police Department, the Vehicle Owner, and the Vehicle Driver, upon request, in standard digital formats.
- (10) Inspection and approval. Only IVCS models approved by TLC may satisfy the requirements of this section.
- i) After an approved IVCS model is installed, the Vehicle Owner must provide for inspection a notarized affidavit that includes images taken by the camera within 14 calendar days after installation, or after repair or modification after an approved IVCS model is installed.
- (11) Recordkeeping. IVCS manufacturers must keep a record of the IVCS installed in each TLC licensed vehicle with the following information:
- i) The name of the camera model,
 - ii) The name of the licensed installer,

- iii) The date of installation, and
- iv) TLC vehicle license number.
- v) The data must be made available to the Commission on a regular basis as determined by the TLC’s Division of Safety and Emissions, and on demand.

Section 9. Section 80-22 of Title 35 of the Rules of the City of New York, relating the operation and condition of vehicles is amended by adding a new subdivision (j), to read as follows:

§80-22 Vehicles – Operation and Condition

- (j) IVCS. A Driver must not delete, modify, or alter in any way image, or video footage of the IVCS.

<u>§80-22(j)</u>	<u>Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.</u>	<u>Appearance REQUIRED</u>
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Section 10. Subdivision (b) of Section 82-58 of Title 35 of the Rules of the City of New York, relating to the technical specifications for in-vehicle camera systems, is REPEALED, and a new subdivision (b) is added, to read as follows:

§82-58 Requirements for Hack-up – In-Vehicle Camera System (“IVCS”)

- (b) Technical Specifications.

- (1) Frequency. The IVCS must capture at least one image per second, or capture video, while the engine is running and for at least ten (10) minutes after the engine is shut off.
- (2) Quality. The IVCS must record sharp, undistorted, and clear images or video to enable the viewer to identify all passengers under all lighting conditions, including but not limited to dark and bright light, daylight, and backlight.
- (3) Scope. The IVCS must be able to capture the full face of all occupants of the vehicle, including the driver.
- (4) Stamping. The IVCS must record the following information on each image or video frame:
 - i) Date and time,
 - ii) Vehicle license number, and
 - iii) IVCS serial number.

- (5) Indicator. The IVCS must indicate when the camera is operational and when there is a malfunction.
- (6) Retention. The IVCS must retain images or video for at least thirty (30) days.
- (7) Stability. The IVCS must be fastened securely with tamper-resistant hardware.
- (8) Installation and repairs. Installations and repairs of IVCS may be performed only by:
- i) Installers currently licensed by the Department of Consumer and Worker Protection or successor agency, or
 - ii) Taximeter Businesses.
- (9) Access. The IVCS must be accessible in the following ways:
- i) The IVCS and its contents, including image or video, may only be accessible to the Vehicle Owner and the Taximeter Business or licensed installer that installed the IVCS.
 - ii) The Taximeter Business or licensed installer must provide image or video access to law enforcement agencies, including the New York City Police Department, the Vehicle Owner, and the Vehicle Driver, upon request, in standard digital formats.
- (10) Inspection and approval. Only IVCS models approved by TLC may satisfy the requirements of this section.
- i) After an approved IVCS model is installed, the Vehicle Owner must provide for inspection a notarized affidavit that includes images taken by the camera within 14 calendar days after installation, or after repair or modification after an approved IVCS model is installed.
- (11) Recordkeeping. IVCS manufacturers must keep a record of the IVCS installed in each TLC licensed vehicle with the following information:
- i) The name of the camera model,
 - ii) The name of the licensed installer,
 - iii) The date of installation, and
 - iv) TLC vehicle license number.
 - v) The data must be made available to the Commission on a regular basis as determined by S&E, and on demand.

**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: Amendment of Rules Relating to Security Systems in Taxicabs and Livery Vehicles

REFERENCE NUMBER: 2023 RG 040

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: June 28, 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: Amendment of Rules Relating to Security Systems in Taxicabs and Livery Vehicles

REFERENCE NUMBER: TLC-135

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

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

June 28, 2023
Date