

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

Notice is hereby given in accordance with Section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates amendments to its rules regarding exclusionary zone enforcement, affiliations with suspended bases, and other administrative updates.

These rules are promulgated pursuant to Sections 1043 and 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York.

These rules were published on March 21, 2016, for public comment in the City Record. On April 21, 2016, a public hearing was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004.

Statement of Basis and Purpose of Rule

The TLC is amending its rules to:

- enhance exclusionary zone enforcement for the Street Hail Livery fleet,
- require drivers to end their affiliations with suspended bases,
- allow licensees to demonstrate Social Security registration without providing an original Social Security card,
- simplify the penalty sections relating to portable electronic devices,
- clarify the penalty section relating to for-hire vehicle data collection,
- remove the requirement that suspended licensees turn in their licenses before suspension takes effect,
- remove the requirement that For-Hire Vehicle drivers display their vehicle license within the vehicle,
- provide that a vehicle is subject to forfeiture if the owner has committed two or more violations of certain subdivisions of Section 19-506 of the Administrative Code in the past 36 months,
- clarify that Sexual Harassment and Sexual Contact are violations of TLC rules and
- increase the length of time that a completed defensive driving course remains valid.

Enhance Exclusionary Zone Enforcement

The creation of the Street Hail Livery (SHL) program has brought needed street hail service to Brooklyn, Queens, the Bronx, Staten Island and northern Manhattan.

The continued success of the SHL program depends upon enforcement of the requirement that SHLs only provide service to the outer boroughs and northern Manhattan. To meet this goal, the rule amendments will

- prevent SHL drivers from accepting a passenger without first logging into the Street Hail Livery Technology System (LPEP), which will identify where a passenger was accepted and

- clarify that SHL drivers are not permitted to accept a pre-arranged trip in Manhattan below East 96th Street and West 110th Street. This rule change will not affect the geographical areas in which Street Hail Liveries can be driven when the Street Hail Liveries are not being used to drive for-hire.

End Vehicle Affiliation with Suspended Bases

TLC licensees are required to be affiliated with a currently licensed Base. The rule amendment will ensure compliance by requiring licensees affiliated with a suspended Base to transfer their affiliation to a non-suspended Base. The rule amendment would also require the suspended Base License holder to notify all vehicle owners that are affiliated with the suspended Base of that Base's suspension.

It is important that licensees be affiliated with bases so that the TLC can perform its core regulatory functions, including the identification of the driver of a dispatched vehicle, whose name and license number are needed to enforce safety and consumer protection regulations.

Eliminate the Need for Original Social Security Cards

The TLC currently requires an original Social Security Card to complete the application process. We believe that the provision of the original card is unnecessary and that we can accomplish our goals with just the Social Security Number, which is used for a variety of purposes, including a Human Resources Administration check of compliance with child support enforcement efforts.

Further, the data collection is authorized by Section 111 of the New York State Social Services Law (requiring licensing agencies to collect social security info to check compliance with, among other things, social security enforcement).

Simplify Penalty Section of the Portable Electronic Device Rule

This rule amendment will clearly explain that a license suspension due to violation of the portable electronic device rule can be avoided through the successful completion of a Distracted Driving Course within 60 days of the conviction.

Simplify Penalty Section of the For-Hire Vehicle Data Collection Rule

This rule amendment will clearly explain that failure to comply with the for-hire vehicle data collection requirement would result in license suspension until compliance regardless of whether a finding of guilt occurred after a hearing or a guilty plea.

Remove Requirement That Licenses be Turned in Before Suspension Begins

This rule amendment will remove the requirement that a license be turned in before the suspension formally takes effect.

Remove Requirement That Vehicle Licenses be Displayed in For-Hire Vehicles

This rule amendment will remove the requirement that For-Hire Vehicle drivers display the For-Hire Vehicle License within the vehicle.

Update Forfeiture Rules

This rule amendment will implement Local Law No. 32 of 2012 by providing that a vehicle is subject to forfeiture if the owner has violated certain provisions of section 19-506 of the Administrative Code two or more times within the past 36 months.

Define Sexual Harassment and Unwanted Sexual Contact

This rule amendment serves two important goals. First, it educates all drivers on the exact parameters of unwanted sexual contact and conversation so that they are clear about what is appropriate conduct when relating to passengers and what is not appropriate conduct. And second, in the cases where despite this clarification a driver nonetheless engages in this form of harassment, it provides a Judge a specific penalty provision to apply. The TLC is aware that the cases are dependent on a credibility determination and will take all appropriate steps to ensure that reliable evidence is presented before a summons is issued.

Increase the Length of time that a Completed Defensive Driving Course Certificate is Valid

Currently, TLC rules require that a Defensive Driving Course be completed within six months of the date of application for a Commission-issued driver's license. The rule amendment will align TLC rules with the requirements of insurance companies and the State of New York, which accept these certificates as valid for up to three years after the date the Defensive Driving Course was completed.

The Commission's authority for these rule changes is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended by adding two definitions, in alphabetical order, to read as follows:

Sexual Contact means any touching of the sexual or other intimate parts of a person by the licensee. It also includes the touching of the licensee by the member of the public when the touching is forced by the licensee. Touching can be direct or through clothing, as well as the emission of ejaculate by the licensee upon any part of the member of the public, clothed or unclothed.

Sexual Harassment means engaging in any conversation or conduct related to sexual acts, sexual contact, or sexual/intimate body parts, or expressing a desire to enter into a sexual relationship or asking about a person's sexual relationships.

Section 2. Subdivision (b) of section 54-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Identification.* An Applicant for an original Taxicab Driver's License must produce both of the following [proofs of identity]:
 - (1) A Valid Government-issued photo ID.
 - (2) A Valid [, original] Social Security [card] number.

Section 3. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (k) of section 54-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) Defensive Driving Course.
 - (i) Applicants for a new Taxicab Driver's License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[dated within six months prior to the application date].
 - (ii) Applicants for a renewal Taxicab Driver's License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated less than three years prior to the date of the renewal application.

Section 4. Paragraph (2) of subdivision (f) of section 54-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *Street Hail Livery Operation.*

- (2) A Driver of a Street Hail Livery must not accept a passenger by hail in the Hail Exclusionary Zone or a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

Section 5. Section 54-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (o) and (p), to read as follows:

(o) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§54-12(o)	Fine: \$1,000 and mandatory suspension of 30 days and/or revocation. Points: 3	Appearance REQUIRED
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(p) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§54-12(p)	Fine: \$2,000 and mandatory revocation.	Appearance REQUIRED
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Section 6. Paragraphs (1) and (2) of subdivision (e) of section 54-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) *Use of Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§54-14(e)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended]. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.	Appearance NOT REQUIRED
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- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received

proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

(3) In a Street Hail Livery, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:

- (i) The communication is about a Dispatch; and
- (ii) The communication occurs using either an FCC-licensed commercial two-way radio or a device, including a smart phone, which is mounted in a fixed position and not handheld; and
- (iii) The communication occurs using either voice or one-touch pre-programmed buttons or keys.

Section 7. Paragraphs (i) and (ii) of paragraph (1) of subdivision (j) of section 55-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) An Applicant for a new License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[dated within six months of the application date].

(ii) An Applicant for a renewal License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years of the date of the renewal application.

Section 8. Section 55-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (m) and (n), to read as follows:

(m) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

<u>§55-12(m)</u>	<u>Fine: \$1,000 and mandatory suspension of 30 days and/or revocation.</u> <u>Points: 3</u>	<u>Appearance REQUIRED</u>
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(n) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

<u>§55-12(n)</u>	<u>Fine: \$2,000 and mandatory revocation.</u>	<u>Appearance REQUIRED</u>
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Section 9. Paragraphs (1) and (2) of subdivision (g) of section 55-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(g) *Use of Electronic Communication Device.*

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§55-14(g)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended]. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 10. Paragraph (2) of subdivision (a) of section 55-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) In a protective holder attached to the back of the driver’s seat in the Vehicle:

- (i) The For-Hire Vehicle Driver’s license of the Driver[; and
- (ii) The For-Hire Vehicle License].

Section 11. Subdivision (b) of section 56-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Identification.* If the Applicant is applying for an original License, he or she must provide both of the following [proofs of identity]:

(1) A Valid Government photo ID

(2) A Valid [, original] social security [card] number

Section 12. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (1) of Section 56-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) Applicants for a new Paratransit Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[dated within six months prior to the application date].

(ii) Applicants for a renewal Paratransit Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years prior to the date of the renewal application.

Section 13. Section 56-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (m) and (n), to read as follows:

(m) *Sexual Harassment.* While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§56-12(m)	<u>Fine: \$1,000 and mandatory suspension of 30 days and/or revocation.</u> <u>Points: 3</u>	<u>Appearance REQUIRED</u>
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(n) *Sexual Contact.* While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§56-12(n)	<u>Fine: \$2,000 and mandatory revocation.</u>	<u>Appearance REQUIRED</u>
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Section 14. Paragraphs (1) and (2) of subdivision (i) of section 56-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(i) *Use of Electronic Communication Device.*

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§56-14(i)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended].	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 15. Subparagraphs (i) and (ii) of paragraph (1) of subdivision (j) of section 57-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

(1) Defensive Driving Course.

(i) Applicants for a new Commuter Van Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course[dated within six months prior to the application date].

(ii) Applicants for a renewal Commuter Van Driver’s License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years prior to the date of the renewal application.

Section 16. Section 57-12 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (k) and (l), to read as follows:

(k) Sexual Harassment. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

§57-12(k)	Fine: \$1,000 and mandatory suspension of 30 days and/or revocation. Points: 3	Appearance REQUIRED
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(1) Sexual Contact. While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

§57-12(1)	Fine: \$2,000 and mandatory revocation.	Appearance REQUIRED
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Section 17. Paragraphs (1) and (2) of subdivision (b) of section 57-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(i) *Use of Electronic Communication Device.*

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§57-14(b)(1)	Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing [, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended].	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. [In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.] Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

Section 18. Subdivision (a) of section 58-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must provide to the Commission [proof of identity in the form of]:

(1) A Valid Government-issued photo ID and

(2) A Valid [, original] Social Security [Card] Number.

Section 19. Paragraphs (1) and (2) of subdivision (c) of section 59A-08 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Non-Use.* A For-Hire Vehicle License must be revoked for non-use if:
 - (1) For 60 or more days, the Licensee fails to maintain a Base affiliation (as required by §59A-11(e) of this Chapter) or fails to transfer from a base that has been suspended or
 - (2) For 60 or more days, the Licensee fails to maintain insurance coverage (as required by §59A-12 of this Chapter) or
 - (3) For 60 or more days, the License holder fails to comply with the inspection requirements (as required by §59A-26 of this Chapter)

Section 20. Subdivision (e) of section 59B-06 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), to read as follows:

(3) The suspended Base License holder must notify all vehicle owners that are affiliated with the suspended Base of the suspension within five days of the imposition of that suspension.

Section 21. Paragraph (2) of subdivision (b) of section 59B-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) Required operational records must be [safely] maintained at the Base for a period of [six] 18 months; inspection records must be kept for 12 months.

Section 22. The penalty provision of subdivision (a) of section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-19(a)	Fine: \$100 if plead guilty before a hearing <u>and suspension until compliance</u> ; \$150 if found guilty following a hearing and suspension until compliance.	Appearance NOT REQUIRED
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Section 23. Paragraphs 1 and 3 of subdivision (c) of section 59B-19 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Special Requirements for Street Hail Liveries*
 - (1) *Trip Record.*
 - (i) Trip Data must be collected and stored by the LPEP Provider electronically, through the use of the Street Hail Livery Technology System (LPEP).

- (ii) If the LPEP is inoperable, a written Trip Record must be kept by the Driver during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §59B-52(c) of this Chapter*)
- (iii) A written Trip Record, if required, must be kept [until all information is entered into LPEP] for eighteen months.
- [(iv) Information from a written Trip Record must be entered into LPEP by the Base within seven days after the Trip Record is made.]

(3) *Access to Trip Record and Trip Data.*

- (i) Trip Data and Trip Record information must be available as specified in Chapter 83 to the Commission (in a form and format and delivery method as specified by the Commission), the Street Hail Livery Licensee and the Street Hail Livery Driver.
- (ii) Trip Data and Trip Record information must be available at the end of each shift and/or at the end of a lease or contract term.
- (iii) A Street Hail Livery Base Owner must take possession of any written Trip Records weekly and hold such Trip Records for[at least three months after the information is entered into LPEP] eighteen months.

Section 24. Subdivision (b) of section 60A-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Identification.* Applicants for a new (original) Paratransit Vehicle License must provide both of the following [proofs of identity]:
 - (1) A Valid Government photo ID.
 - (2) A Valid [, original] social security [card] number.

Section 25. Subdivision (a) of section 60B-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Identification.* An individual Applicant or an Applicant's Business Entity Persons applying for a new (original) Base Station License must provide both of the following [proofs of identity]:
 - (1) A Valid Government photo ID
 - (2) A Valid [, original] social security [card] number

Section 26. Subdivision (a) of section 62-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An Applicant for an original License must provide the following [two forms of identification]:

- (1) A Valid government-issued photo ID
- (2) A Valid [, original] Social Security [card] number

Section 27. Subdivision (c) of section 64-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Proof of Identity.* The individual or Business Entity Person submitting the application for a Taximeter License must provide to the Commission [proof of identity with all of the following]:

- (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
- (2) A valid [, original] social security [card] number

Section 28. Paragraph (1) of subdivision (c) of Section 68-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- 1. Suspensions. Suspensions go into effect when the decision imposing the violation is issued. [However, the length of the suspension will be calculated from the day the Licensee turns the License in to the Commission.]

Section 29. Subparagraph (A) of paragraph (1) of subdivision (d) of section 68-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) A vehicle seized under the provision of [subsection] subdivision (a) of this section is subject to forfeiture and the Owner has a right to a hearing to determine custody of the vehicle pending the forfeiture proceeding pursuant to section 68-18(e) of these rules if either of the following are true:

- (A) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b), [or] (c) or (k) of section 19-506 of the Administrative Code [three] two or more times within the 36 months prior to the commitment of the violation resulting in the seizure, or,

Section 30. Paragraph (1) of subdivision (b) of section 68-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) A vehicle seized under the provision of [subsection] subdivision (a) of Rule 68-17 is subject to forfeiture if either of the following are true:

- (1) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b), [or] (c) or (k) of section 19-506 of the Administrative Code [three] two or more times within the 36 months prior to the commitment of the violation resulting in the seizure; or

Section 31. Subdivision (d) of section 75-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Proof of Identity.* The individual or Business Entity Person submitting the application for TPEP Provider Authorization must provide to the Commission [proof of identity with all of the following]:

- (1) A valid form of photo identification issued by the United States, a state or territory of the United States, or any political subdivision of such state or territory; and
- (2) A valid social security [card] number.

Section 32. Subdivision (a) of Section 82-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Identification.* An individual or all Business Entity Persons of a Business Entity applying for a Street Hail Livery License must provide to the Commission [proof of identity in the form of]:

- (1) A Valid Government-issued photo ID and
- (2) A Valid [, original] Social Security [card] number.

Section 33. Paragraphs 1 and 2 of section 82-13 of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-13 Compliance with Law – No Street Hail Livery Service Inside Hail Exclusionary Zones

(a) *Street Hail Livery Operation.*

- (1) A Street Hail Livery Licensee must ensure that the Driver of the Street Hail Livery accepts passengers by hail from the street only in the Hail Zone and does not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone. Paratransit service by a licensed Paratransit vehicle will not be considered a Pre-Arranged Trip for the purposes of this section. Service provided to the Metropolitan Transportation Authority for transportation of persons with disabilities will not be considered a Pre-Arranged Trip for the purposes of this section.

- (2) A finding that a Driver of a Street Hail Livery accepted a passenger by hail in the Hail Exclusionary Zone or accepted a Pre-Arranged Trip in the Pre-Arranged Exclusionary Zone will be evidence that a Street Hail Livery Licensee failed to make a good faith effort to deter the commission of that violation. The Chairperson can seize a Street Hail Livery if there is probable cause to believe that the driver of such vehicle is seeking a passenger for a Hail Trip in the Hail Exclusionary Zone or a Pre-Arranged trip in the Pre-arranged Exclusionary Zone.
- (3) This rule does not prohibit a Driver of a Street Hail Livery from traveling though the Exclusionary Zone in order to complete a trip by hail that began outside of the Exclusionary Zone, it does not prohibit a Driver of a Street Hail Livery from traveling through the Exclusionary Zone to complete a Pre-Arranged Trip that began outside of the Exclusionary Zone and it does not prevent the Driver of a Street Hail Livery from driving through the Exclusionary Zone where that Driver is not driving for-hire.

Section 34. Subdivision (a) of section 82-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Trip Record.*

- (1) Trip Data must be collected and stored electronically, through the use of the Street Hail Livery Technology System (LPEP). (*Note: Nothing in this Chapter alters or replaces the trip data requirements imposed on Paratransit Vehicles under Chapter 60 of these Rules when a Paratransit Vehicle is providing Paratransit service under those Rules*)
- (2) If the LPEP is inoperable, a written Trip Record must be kept during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §82-42 of this Chapter*)
- (3) A written Trip Record, if required, must be kept for eighteen months [until all information is entered into LPEP].
- [(4) Information from a written Trip Record must be entered into LPEP within seven days after the Trip Record is made].

Section 35. Paragraph 3 of subdivision (d) of section 82-22 of Title 35 of the Rules of the City of New York is deleted, as follows:

(d) *Changes and Corrections.*

- (1) A Licensee must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record.
- (2) A Licensee must not make erasures or obliterate information on a written Trip Record, or other record that Licensee is required to maintain.

- [(3) If a wrong entry is made on any written Trip Record, the Driver, Base or Licensee must correct it and record the date, time, and reason for the change, so long as a record of the manually changed entry exists.

§82-22(d)(3)	Fine: \$50	Appearance NOT REQUIRED]
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Section 36. Subdivision (e) of section 82-22(e) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (1), to read as follows:

(e) *Drive For-Hire Prohibition*

- (1) The holder of a Street Hail Livery vehicle license must not allow the Street Hail Livery vehicle to be driven for hire if the driver is not logged into the LPEP system. If the LPEP is inoperable, a written Trip Record must be kept during the 48-hour period that the Street Hail Livery is permitted to operate after timely notification of the malfunction. (See §82-42 of this Chapter)

Section 37. Subdivision (d) of Section 83-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Proof of Identity.* The individual or Business Entity Person submitting the application for an LPEP Provider License must provide to the Commission [proof of identity with all of the following]:

- (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
- (2) A valid [, original] social security [card] number

**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: Omnibus Amendments

REFERENCE NUMBER: 2016 RG 024

RULEMAKING AGENCY: Taxi and Limousine Commission

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 15, 2016

**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: Omnibus Amendments

REFERENCE NUMBER: TLC-91

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) Cure period is not included because certain violations cannot be corrected or undone and because other violations pose significant risks to public safety.

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

March 15, 2016
Date