

**NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amended rules governing commuter van drivers.**

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on August 28, 2009 at 2:30 p.m.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on July 8, 2010. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

**Charles R. Fraser**  
***Deputy Commissioner for Legal Affairs/General Counsel***  
**Taxi and Limousine Commission**  
**40 Rector Street, 5<sup>th</sup> Floor**  
**New York, New York 10006**  
**Telephone: 212-676-1135**  
**Fax: 212-676-1102**  
**Email: [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)**

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 7 thereto, to read as follows:

New Material is underlined.

# Chapter 7

# Commuter Van Drivers

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**§7-01**      **Scope of this Chapter**

- (a)      To establish procedures for the licensing and regulation of Commuter Van Drivers who operate for hire into, out of or within New York City:
- (b)      To establish operating rules to protect the customers and the public.
- (c)      To establish appropriate penalties for the violation of these rules.

**§7-02**      **Penalties**

- (a)      Unlicensed Activity
  - (1)      Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
    - (i)      Any Licensee whose License is suspended, revoked, expired and not yet renewed, or
    - (ii)     Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
  - (2)      Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b)      Specific Penalties. If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (c)      Payment of Fines.
  - (1)      Fines are due within 30 days of the day the violator is found guilty of the violation.
  - (2)      If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

If a respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

- (d)      Mandatory Penalties
  - (1)      The following cumulative violations will result in mandatory revocation:

<u>§</u>	<u>Topic</u>	<u>Cumulative Violation Criteria</u>	<u>Penalty, after opportunity for Hearing</u>
<u>7-18(b)</u>	<u>Pick Up and Discharging Passengers</u>	<u>Failure to comply three or more times within six months</u>	<u>Revocation of Drivers License</u>
<u>7-11(c)</u>	<u>Use or attempt to use physical force</u>	<u>Failure to comply three or more times within six months</u>	<u>Revocation of Drivers License</u>
<u>7-10(c)</u>	<u>Suspension of license under "Bus Driver" Driver Rules</u>	<u>Driver's license is suspended under Article 19-A §509-c(2)(d) twice within a three year period, for accumulating nine or more points within an 18-month period</u>	<u>Revocation of Drivers License</u>

- (2) A Driver who has had his or her License revoked under any of these mandatory penalties is not permitted to apply for a new License for a period of one year after the date of revocation

**§7-03 Definitions Specific to this Chapter**

- (a) Applicant in this Chapter means an Applicant for an original or renewal Commuter Van Driver's License.
- (b) Authorized means that a Commuter Van Service has been given permission to operate by the Commission.
- (c) Commuter Van Driver's License means a License to drive a Commuter Van Vehicle.
- (d) Commuter Van Vehicle. A motor vehicle having a seating capacity of at least nine (9) but not more than twenty (20) passengers that has been licensed by the TLC to carry passengers for hire in an Authorized Commuter Van Service.
- (e) Commuter Van Service. A service that is Authorized by the Commission to use Commuter Vans to provide transportation into, out of, or within New York City:
- (1) on a prearranged, regular daily basis,
  - (2) over non-specified or irregular routes, and
  - (3) between a zone in a residential neighborhood and a location which will be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport.
- (f) Driver in this Chapter refers to a Commuter Van Driver.
- (g) License in this Chapter means a Commuter Van Driver's License.

- (h) Passenger Manifest is the written record required for Commuter Van Services; the only information required in a Passenger Manifest is the name of each passenger to be picked up.
- (i) Person with a Disability is an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a Service Animal, but who can transfer from such a mobility aid to a Taxicab, For-Hire Vehicle or Commuter Van with or without reasonable assistance.
- (j) Service Animal. A guide dog, signal dog or any other animal trained specifically to work or to perform tasks for a Person with a Disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

#### **§7-04      Licensing – General Requirements**

- (a) Reserved. Age.
- (b) Reserved. Identification.
- (c) Chauffeur’s License. An Applicant must hold a Valid Chauffeur’s License.
- (d) Qualified “Bus Driver” Under Article 19-A. An Applicant for a Commuter Van Driver’s License must:
  - (1) Meet the qualifications of Article 19-A of the NYS Vehicle and Traffic Laws for the operation of a bus, as that article defines “bus,” and
  - (2) Submit a copy of the affidavit filed with the NYS Department of Motor Vehicles certifying that the driver has done so.
- (e) Fitness for the Job. The Applicant must demonstrate to the satisfaction of the Commission that he or she is fit and able to drive the Commuter Van for which the License is sought.
- (f) Reserved. Familiar with Geography.
- (g) Reserved. Pass Drug Test.
- (h) Fingerprinting for Determining Good Moral Character.
  - (1) The Applicant must be fingerprinted so that the Commission can obtain criminal history records from the New York State Division of Criminal Justice Services.

- (2) The Applicant must pay any processing fee required by the State.
- (i) **Reserved. Agreement to Accept Service of Process.**
- (j) **Reserved. Training**
- (k) **Reserved. Unique Requirements/Exceptions for NY Police Officers.**

**§7-05      Licensing – Term of Licenses**

- (a) **Original (new) License Term.** An original Commuter Van Driver’s License will be Valid for two years from the date it is issued.
- (b) **Renewal License Term.** A License issued to a renewing Applicant will be Valid for two years from the date that the previous License expired.

**§7-06      Licensing – License and Administrative Fees**

- (a) **Fee for License.** The fee for a Commuter Van Driver’s License will be \$60 annually.
- (b) **When Fee is Paid.** The fee for an original or renewal License must be paid when the Applicant files the application.
- (c) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves an application.
- (d) **Late Filing Fee.** The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) **License Replacement Fee.** The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

**§7-07      Licensing – Procedures and Causes for Denial**

- (a) **Reserved. Failure to Meet Requirements.**
- (b) **Revocation within the Last Year.** The Commission will not issue or renew a Commuter Van Driver’s License if the Applicant has had a Commuter Van Driver’s License revoked within the last year.
- (c) **Material Misrepresentation or Falsification.** The Commission can deny an application or refuse a renewal if the Applicant has lied or withheld any material information or made or concealed a material fact in connection with his or her application or any certification related to the application.

- (d) Commission Failure to Approve Within 180 Days.
- (1) The Commission will approve or disapprove applications for a Commuter Van Driver's License within 180 days of receiving the completed application.
  - (2) Failure to approve or disapprove application within this time frame will be considered a denial of the application.
- (e) Other Reasons. The Commission may deny a Commuter Van Driver's License whenever the Applicant has engaged in conduct that would be the basis for suspension or revocation.
- (f) Refusal to Renew. The Commission may refuse to renew a Commuter Van Driver's License for any of the reasons listed above in this section, as well as for the following:
- (1) The Applicant has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
  - (2) The Applicant has engaged in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Applicant has failed to pay any penalty that has been properly imposed under these Rules.
  - (4) The Applicant has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter Van Driver, or has been convicted of any offense that under Article 23-A of the NYS Corrections Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter Van Driver's License.
  - (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter Van Drivers.
  - (6) The Applicant has been found to have violated any of the provisions of §8-107 of the Administrative Code of the City of New York concerning unlawful discriminatory practices in public accommodations in the operation of a commuter van service or a commuter van vehicle.

**§7-08     Licensing – Transfer of License.**

- (a) A Commuter Van Driver's License is not assignable or transferable.

**§7-09      RESERVED [Care of Licenses]**

**§7-10      Comply with Laws – Unlicensed Activity Prohibited**

- (a)      Driver Must Be Licensed. A person must not operate a for-hire Commuter Van without having a Valid Commuter Van Driver’s License.

<u>§7-10(a)</u>	<u>Fine: \$300</u>	<u>Appearance NOT REQUIRED</u>
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- (b)      Driver Must Have a Valid Chauffeur’s License. A driver must not operate a Commuter Van unless he or she possesses a Valid Chauffeur’s License.

<u>§7-10(b)</u>	<u>Fine: \$300</u>	<u>Appearance NOT REQUIRED</u>
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- (c)      Driver Must Be in Compliance with Article 19-A. A Commuter Van Driver must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a Commuter Van in noncompliance with Article 19-A is considered to be the same as if the individual were driving a Commuter Van without a Valid Commuter Van License.

<u>§7-10(c)</u>	<u>Fine: \$300</u>	<u>Appearance NOT REQUIRED</u>
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- (d)      Commuter Van Must Be Licensed and Authorized. A Commuter Van Driver must not operate a Commuter Van unless it is:

- (1)      Licensed by the Commission
- (2)      Operating under an Authorized and Valid Commuter Van Service.

<u>§7-10(d)</u>	<u>Fine: \$300</u>	<u>Appearance NOT REQUIRED</u>
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- (e)      Shall Not Advertise Vehicle as Commuter Van Service. No person will operate any vehicle bearing the words “Commuter Van Service,” “van service,” “Commuter Van,” “van” or other similar designation unless all of the following are true:

- (1)      The person has:
  - A.      A Commuter Van Drivers License
  - B.      A Valid state driver’s license;
- (2)      The vehicle is:
  - A.      Licensed as a Commuter Van

B. Operating under an Authorized and Valid Commuter Van Service.

§7-10(e)	Fine: \$500 first violation; \$1,000 subsequent violations within 24 months	Appearance REQUIRED
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- (f) Driving with an Expired License. A person who drives an authorized, Licensed Commuter Van after his or her Commuter Van Driver's License expires, or before the Commission issues a renewal License is guilty of driving without a License, and will be subject to the penalties for violation of §7-10(a).

§7-11 **Comply with Laws – Proper Conduct**

(a) No Bribery.

(1) Must Not Offer Bribe.

- (i) A Driver or any person acting as his representative must not offer or give any gift, gratuity or thing of value to any member, employee, or representative of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
- (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§7-11(a)(1)	Fine: \$1,000 and/or suspension or revocation	Appearance before OATH REQUIRED
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(2) Report Request for Bribe.

- (i) A Commuter Van Driver must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
- (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§7-11(a)(2)	Fine: \$1,000 and/or suspension or revocation	Appearance before OATH REQUIRED
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- (b) No Fraud, Misrepresentation. While performing the duties and responsibilities of a Driver, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§7-11(b)	Fine: Refusal to renew or revocation	
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- (c) Use or Threat of Physical Force. While performing the duties and responsibilities of a Driver or any act in connection with those duties, a Driver must not use or attempt to use any physical force against any person nor harm or distract any Service Animal.

§7-11(c)	Fine: \$50-\$350 and/or suspension or revocation	Appearance REQUIRED
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- (d) Report Criminal Conviction.

- (1) A Driver must notify the Commission within five calendar days after any criminal conviction of the Driver.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§7-11(d)	Fine: \$50-\$250 and/or suspension or revocation	Appearance REQUIRED
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- (e) Cooperate with Law Enforcement and the Commission. Commuter Van Drivers must:

- (1) Answer all questions truthfully and comply as directed with all communications, directives and summonses from the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to Commuter Vans;

§7-11(e)(1)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
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- (2) Produce any documents required by this section to be kept in the Commuter Van upon the demand of any authorized person or entity; and

§7-11(e)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (3) Produce any document required by this chapter to be kept by no later than 10 days following a request from the Commission.

§7-11(e)(3)	Fine: \$75-\$350 and/or suspension until compliance	Appearance REQUIRED
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- (f) Reserved. No Willful Acts of Omission.

- (g) Reserved. No Willful Acts of Commission.

§7-12 Comply with Laws – Traffic Laws & Miscellaneous

(a) Critical Driver's Program (rules relating to the points)

- (1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Commuter Van Driver's License for 30 days.
- (2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), 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 following any moving violation, accident, or other driving related incident.
- (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.
- (5) Date of Point Accumulation. When points are assigned as a result of a violation, they will be counted as of the date of the violation.
- (6) Multiple Points from a Single Incident. A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, the Commission will count the single violation with the highest point total, if a Driver has accumulated points for multiple violations arising from a single incident.
- (7) Point Reduction for Voluntary Course Completion.
  - (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Driver who voluntarily attends and satisfactorily completes an Approved Motor Vehicle Accident Prevention Course
  - (ii) The Driver must furnish the Commission with proof 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 of any Driver more than once in any 18-month period.
- (8) Nothing in this section prevents the Commission from imposing additional or more severe penalties for these violations.

(b) Reserved. Program for Persistent Violators.

**§7-13      Operations – Passenger and Driver Safety**

(a) Safe Driving Behavior.

- (1) Applicants must maintain safe and lawful driving behavior.
- (2) The Commission will not issue or renew a Commuter Van Driver's License if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of such License.

(b) 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.

NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.

<u>§7-13(b)(1)</u>	<u>Fine: \$200</u>	<u>Appearance NOT REQUIRED</u>
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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, or any similar state law or rule, must take a Distracted Driving Course.
  - (i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.
  - (ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.

- (3) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:
- (i) The communication was to an emergency response provider;
  - (ii) The communication reports an imminent threat to life or property;
  - (iii) The Driver could not safely stop the Vehicle to make the report;  
and
  - (iv) The Driver provides documentary proof of communication with an emergency response provider.

**§7-14      Operations – General Rules**

- (a) Reserved. No Weapons.
- (b) Reserved. Driver neat & clean.
- (c) Reserved. No smoking.
- (d) Reserved. No locking rear doors.
- (e) Reserved.
- (f) Reserved. Have E-ZPass.
- (g) No Overcharging Customers.
  - (1) A Commuter Van Driver will not charge or attempt to charge a customer more than the fare that was approved in advance by the dispatcher.
  - (2) A Commuter Van Driver will not charge or attempt to charge any additional fees for transporting a Person with a Disability, for a Service Animal accompanying a Person with a Disability, or for wheelchairs or other mobility aids.

§7-14(g)	Fine: \$100-\$250 and order restitution for any overcharge passenger	Appearance REQUIRED
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- (h) Reserved. Non-paying Customers.
- (i) Reserved. No Overloading Vehicle.
- (j) Reserved. Use of Front Seat.
- (k) Reserved. Luggage.

- (l) Reserved. No Property.
- (m) Reserved. No 'Marketing' to Passengers.
- (n) Reserved. Handling Passengers with Infectious Diseases.

**§7-15     RESERVED [Operations – Comply with Reasonable Passenger Requests]**

**§7-16     RESERVED [Operations – Method of Payment]**

**§7-17     RESERVED [Operations – Lost Property]**

**§7-18     Operations – Passenger Solicitation and Engagement**

- (a) Solicitation of Passengers.
  - (1) A Commuter Van Driver must only transport passengers on a pre-arranged basis, and whose names appear on the Passenger Manifest.
  - (2) Requests for service and pre-arranged trips must be logged in and these records must be maintained at the business premises of the Commuter Van Service for verification.

<u>§7-18(a)</u>	<u>Fine: \$50</u>	<u>Appearance NOT REQUIRED</u>
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- (b) Limitations on Passenger Pick-up. A Commuter Van Driver must not perform or allow the pick up or discharge passengers:
  - (1) Outside of the geographic area specified in the Commuter Van Service Authorization, or
  - (2) Along any route of a City of New York or private bus line. [Exception: This restriction does not apply to the pick up or discharge of passengers along bus routes in the borough of Manhattan south of Chambers Street by drivers for commuter van services which on July 1, 1992 had authority from the New York State Department of Transportation to pick up or discharge passengers along bus routes in such area, provided that the scope of operations by such commuter van services along bus routes in such area shall not exceed the scope of such operations prior to July 1, 1992].

<u>§7-18(b)</u>	<u>Fine: \$75 first and second violation; Revocation for third violation within six months (see Mandatory Penalties, §7-02(c))</u>	<u>Appearance NOT REQUIRED</u>
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**§7-19     Operations – Refusing Passengers**

- (a) Must Not Refuse. Unless justified, a Driver who is dispatched must not refuse by words, gestures or any other means, to transport a person who has prearranged the trip and the destination is within Commuter Van Service's Authorized jurisdiction. This includes a passenger accompanied by a Service Animal.

§7-19(a)	Fine: \$200-\$350 for first violation; \$350-\$500 for each subsequent violation within 36 months	Appearance REQUIRED
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- (b) Justification for Refusal. Justifiable grounds for refusing to transport passengers include:

- (1) The passenger has a weapon
- (2) The passenger has a package or some article that the Driver reasonably believes could injure others or damage the Commuter Van Vehicle.
- (3) The passenger is accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. (This provision does not apply to Service Animals accompanying Persons with Disabilities.)
- (4) The passenger is intoxicated or disorderly. (A Driver must not, however, refuse to provide service solely because a disability results in annoying, offensive or inconvenient behavior).
- (5) The passenger has refused a request by the Commuter Van Driver to stop smoking.
  - (i) The Driver may discharge a passenger who refuses to stop smoking after the Driver made the request.
  - (ii) If a Driver discharges the passenger, it must be at a safe location.

- (c) Attendants for Disabled Passengers.

- (1) A Commuter Van Driver must not require a Person with a Disability to be accompanied by an attendant.
- (2) If a Person with a Disability is accompanied by an attendant, a Driver must not charge or attempt to charge an additional fare for transporting the attendant.

§7-19(c)	Fine: \$100-\$250 and order restitution for any overcharge to the passenger	Appearance REQUIRED
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- (d) Luggage and Mobility Aids. A Commuter Van Driver must not refuse to transport a passenger's wheelchair, crutches or other mobility aid.

§7-19(d)	Fine: \$200-\$350	Appearance <u>REQUIRED</u>
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**§7-20     RESERVED [Operations – Cooperation with Issuing Jurisdictions]**

**§7-21     RESERVED [Vehicles – Operation and Condition]**

**§7-22     Vehicles – Items required to be in the Vehicle during operation**

(a)     Items in Vehicle. A Commuter Van Driver must not operate a Commuter Van unless the following are present in the vehicle:

- (1)     The Commuter Van License;
- (2)     The Driver’s Commuter Van Driver’s License;
- (3)     The Authorization to operate a Commuter Van Service, or a legible photocopy;
- (4)     The vehicle registration and evidence of current liability insurance;
- (5)     The Passenger Manifest.

§7-22(a)(1)-(5)	Fine: \$25 per missing item; maximum penalty \$50	Appearance <u>NOT REQUIRED</u>
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**§7-23     Vehicles – Written Trip Records**

(a)     Passenger Manifest. A Commuter Van Driver must maintain a Passenger Manifest and enter the name of each passenger to be picked up legibly in ink before the passenger boards.

§7-23(a)	Fine: \$25	Appearance <u>NOT REQUIRED</u>
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**§7-24     RESERVED [Vehicle Equipment—Electronic Trip Record System]**

## Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 9, Commuter Vans (although only those parts concerning commuter van drivers)	Chapter 7, Rules Governing Commuter Van Drivers

The proposed rules make several substantive changes to the provisions of current rules governing commuter van drivers. Specifically, the proposed rules:

- Eliminate, to the extent applicable to commuter van drivers, the transition provisions incorporated in rules 9-04 and 9-05, as such provisions are now obsolete.
- Impose a specific requirement that drivers drive safely.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

## **Supplemental Statement**

A public hearing on these proposed rules was held on August 28, 2009. Following that hearing, the TLC voted at a public meeting on September 17, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously made and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions regarding cell phone use were revised to track revised TLC rules governing the use of cell phones and electronic devices.