

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 New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amending the provisions of Chapters 4, 5, 6 and 7 of Title 35 of the Rules of the City of New York to amend the rules regarding the reporting of traffic accidents and the exchange of information by drivers. The proposed rule would clarify what is required by drivers and provide uniform requirements and penalties for all four categories of licensees: taxicab, for-hire vehicle, paratransit, and 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. The proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2011.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on Thursday, October 21, 2010, at 10:00 a.m. 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 October 14, 2010.

Written comments in connection with these proposed rules must be received no later than October 18, 2010. Comments may be submitted through the NYC Rules website at www.nyc.gov/nycrules, or may be to the Office of Legal Affairs to:

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

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

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend section 4-13(a)(4) of Title 35 of the Rules of the City of New York to read as follows:

§4-13 **Comply with Laws – Traffic Laws & Miscellaneous**

(a) (4) *Report Before Leaving Scene.* A Driver who knows or should have known that a traffic accident involving the Driver's Taxicab resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

- (i) Show his or her Chauffeur's License, Taxicab Driver's License, and Rate Card to the other party involved in the incident.
- (ii) Give the other involved party his or her name, [residence address,] Chauffeur's License number, Taxicab Driver's License number, and Taxicab Medallion number, as well as the name of the Taxicab's insurance carrier and the insurance policy number.

§4-13(a)(4)	Fine: [\$50-\$350] <u>\$350</u> and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period Points: 3	Appearance REQUIRED
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(5) *Notify Taxicab Vehicle Owner of Accident.* If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Taxicab.

§4-13(a)(5)	Fine: [\$75-\$150] <u>\$100</u> Points: 3	Appearance <u>NOT</u> REQUIRED
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Section 2. It is proposed to amend section 5-13(a) of Title 35 of the Rules of the City of New York to read as follows:

§5-13 **Comply with Laws – Traffic Laws & Miscellaneous**

- (a) (4) *Report Before Leaving Scene.* [Drivers know or should know when a traffic accident involving the Driver's Vehicle has resulted in personal injury to another or to another's property; when this happens, the Driver must stop] A Driver who knows or should have known that a traffic accident involving the Driver's For-Hire Vehicle resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:
- (i) Show his or her Chauffeur's License, For-Hire Driver's License, and Vehicle License to the other party involved in the incident.
 - (ii) Give the other involved party his or her name, Chauffeur's License number, the Vehicle owner's name, the affiliated Base name and telephone number, For-Hire Driver's License Number, and Vehicle License number, as well as the name of the Vehicle's insurance carrier and the insurance policy number.

§5-13(a)(4)	[Fine: \$25 - \$250 and/or suspension up to 30 days. Points: 4] <u>Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period</u> <u>Points: 3</u>	Appearance REQUIRED
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- (5) *Notify For-Hire Vehicle Owner and Base of Accident.* If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the For-Hire Vehicle and to the affiliated Base.

<u>§5-13(a)(5)</u>	<u>Fine: \$100</u> <u>Points: 3</u>	<u>Appearance NOT REQUIRED</u>
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- (6) *Payment of Traffic Judgments.* The holder of a Driver's License issued under this chapter must satisfy any outstanding judgment and pay any civil penalty owed for a traffic violation in a Qualified Jurisdiction or a violation of the regulations of a Qualified Jurisdiction.

§5-13(a)[(5)] (6)	Fine: Suspension until satisfaction or payment.	Appearance NOT REQUIRED
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Section 3. It is proposed to amend section 6-14(c) of Title 35 of the Rules of the City of New York to read as follows:

§6-14 **Operations – Passenger and Driver Safety**

(c) (1) [Reporting] Report Before Leaving Scene. A Driver who knows or should have known that a traffic accident involving the Driver’s Paratransit Vehicle resulted in personal injury to another or damage to another’s property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

(i) Show his or her Chauffeur’s License, Paratransit Driver’s License, and Vehicle License to the party sustaining the damage.

(ii) Give the other involved party his or her name, Chauffeur’s License number, the Vehicle owner’s name, the affiliated Base name and telephone number, Paratransit Driver’s License number, and Vehicle License number, as well as the name of the Vehicle’s insurance carrier and the insurance policy number.

[(1) Any Paratransit Driver involved in an accident must stop and identify himself or herself.

(2) Before leaving the accident scene, the Paratransit Driver will provide the following to the other involved parties or to a police officer on the scene:

(i) An opportunity to copy information from the Driver’s Chauffeur’s License, Paratransit Driver’s License and insurance card,

(ii) The Driver’s name and residence address,

(iii) The Paratransit Driver’s number,

(iv) The Paratransit Vehicle identification number,

(v) The Vehicle’s insurance carrier and the insurance policy number.]

§6-14(c)(1)	Fine: [\$25-\$250] <u>\$350</u> and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule	Appearance REQUIRED
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	more than three times within a 12-month period.	
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(2) Notify Paratransit Vehicle Owner of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Paratransit Vehicle and to the affiliated Base.

§6-14(c)(2)	Fine: \$100 Points: 3	Appearance NOT REQUIRED
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Section 4. It is proposed to amend section 7-14 of Title 35 of the Rules of the City of New York to read as follows:

§7-14 **Operations – Passenger and Driver Safety**

(c) (1) Report Before Leaving Scene. A Driver who knows or should have known that a traffic accident involving the Driver’s Commuter Van resulted in personal injury to another or damage to another’s property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

- (i) Show his or her Chauffeur’s License, Commuter Van Driver’s License, and Vehicle License to the party sustaining the damage.
- (ii) Give the other involved party his or her name, Chauffeur’s License number, the Vehicle owner’s name, the affiliated Commuter Van Service name and telephone number, Commuter Van Driver’s License number, and Vehicle License number, as well as the name of the Vehicle’s insurance carrier and the insurance policy number.

§7-14(c)(1)	Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.	Appearance REQUIRED
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(2) Notify Commuter Vans Service of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Commuter Van Service.

<u>§7-14(c)(2)</u>	<u>Fine: \$100</u> <u>Points: 3</u>	<u>Appearance NOT</u> <u>REQUIRED</u>
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Statement of Basis and Purpose of Proposed Rule

The Taxi and Limousine Commission proposes changes to its rules governing the reporting of traffic accidents and the providing of information by the licensed driver to the injured or damaged party. Section 600 of the NYS Vehicle and Traffic Law requires a driver involved in a motor vehicle accident to exchange identification and insurance information with the injured party, or to file an accident report with the local police department. The purpose of this rulemaking is to clarify what type of information specific to a licensee must be exchanged.

In addition, the proposed rulemaking provides for uniform requirements and penalties for all licensees. This rule amends the version of the Commission's rules that becomes effective January 1, 2011.