

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 is considering changing its rules. One change would allow Taxicab Technology Service Providers to print commercial advertising and commercial sponsorships on the back of taximeter receipts (so long as the ads and sponsorships comply with the same standards for ads and sponsorships on the passenger information monitors (“PIM”s) in the rear seat of taxicabs.)

A second change would clarify that a driver must always offer a taximeter receipt to a passenger personally, via the PIM, or via other electronic means, and that when a passenger requests a receipt, a driver must give one to a passenger. The rule makes an exception for the driver offering a receipt if the PIM is not working, in which case the driver will not be held responsible for offering a receipt for 48 hours after the non-working PIM is reported to the authorized taxicab technology service provider.

A third change in the rule updates the items required on a passenger receipt.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, January 19, 2012. The hearing will be in the Commission hearing room at 33 Beaver Street, New York, New York, on the 19th Floor.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **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 on January 19, 2012. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by January 16, 2012.

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. You must tell us by Thursday, January 12, 2012.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments 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 section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the 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? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The purpose of the proposed rule is to:

- Permit advertising and sponsorship on taximeter receipts;
- Clarify that a Driver must always offer a taximeter receipt to a passenger personally, via the PIM, or via other electronic means;
- Give the passenger the option to refuse a receipt;
- Clarify that if a passenger does not want a receipt or does not indicate whether or not he or she wants a receipt, a Driver will not be held responsible for not giving a receipt;
- Clarify that if the PIM is not working, the driver will not be held responsible for offering a receipt for 48 hours after the non-working PIM is reported to the authorized taxicab technology service provider; and,
- Update the items required to appear on taximeter receipts.

Commercial Advertising

Currently, the Commission rules permit commercial advertising and commercial sponsorships on passenger information monitors (“PIMs”) in the rear seat of medallion taxicabs. Such advertising and sponsorships must conform to the standards in the Medallion Taxicab Technology Enhancements Service Program (“T-PEP”) contracts with the two Taxicab Technology Service Providers.

The Commission wants to allow commercial advertising and sponsorships on the back of taximeter receipts. The proposed rule would permit commercial advertising and commercial sponsorships to be printed on the back of taximeter receipts in taxicabs.

Taximeter receipt advertising would be permitted only if:

- Advertising and sponsorships comply with the standards in the T-PEP contracts, and,
- The advertising and sponsorship does not reduce the readability of the taximeter receipt.

Driver’s Offering Receipts

The existing Driver rule requires that a Driver must give a taximeter receipt to a passenger but is unclear as to whether a Driver is required to always give a receipt to a passenger or only when a passenger acknowledges he or she wants one. The proposed rules would clarify that a Driver must always offer, either personally or via the passenger information monitor (“PIM”), a receipt to a Passenger. The passenger would then have the choice of accepting or refusing a receipt.

- If in response to the driver’s request a passenger personally or electronically confirms that he or she wants a receipt, then the Driver must provide it.

- If a passenger does not indicate, personally or electronically, whether or not they want a receipt, the Driver will not be in violation of the rule by not giving a receipt to a passenger.

The proposed rules would also create the following exception for the driver offering a receipt:

- If the PIM is not working, the driver will not be held responsible for offering a receipt for 48 hours after the non-working PIM is reported to the authorized taxicab technology service provider.

Items Required on Receipts

The proposed rules would also update the items required on a passenger receipt to include the items required by the T-PEP contracts (as amended by Amendment No. 4 dated June 13, 2011):

- date
- time
- Medallion number
- trip number
- total fare
- tolls
- surcharges
- extras
- tip, if paid by credit/debit card
- last four digits of card account number, if applicable
- Driver's hack license number, and,
- the "311" Commission Complaint telephone number.

New material is underlined.

[Deleted material is in brackets.]

Section 1. It is proposed that of Section 54-16(d) of chapter 54 of Title 35 of the Rules of the City of New York be amended, to read as follows:

§ 54-16 Operations – Comply with Reasonable Requests

(d) *Passenger Receipt.*

- (1) (a) [A] At the end of a trip, a Driver, personally or via the passenger information monitor (PIM) or other electronic means, must [give] offer a Passenger a receipt for payment of fare [at the end of a trip].

(b) except when the PIM is inoperable, for not more than 48 hours after the driver files an incident report with the authorized taxicab technology service provider , as set forth in §58-41(b)(1), and

(2) when a Passenger requests a receipt, personally or via the PIM or other electronic means, a Driver must give a Passenger a receipt for payment of the fare.

(3) The receipt must state the:

(i) date[,]

(ii) time[,]

(iii) Medallion number[,]

(iv) trip number

(v) total fare [paid,]

(vi) tolls

(vii) surcharges

(viii) extras[,]

(ix) tip, if paid by credit/debit card

(x) last four digits of card account number, if applicable

(xi) Driver's hack license number and

(xii) the "311" Commission Complaint telephone number.

§54-16 (d)	Fine: \$50 before a hearing; \$75 if found guilty following a hearing. Points: 1	Appearance NOT REQUIRED
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Section 2. It is proposed that Section 58-16(a) of chapter 58 of Title 35 of the Rules of the City of New York be amended to read as follows:

(a) *Compliance with Commission Rules and Regulations, Generally and Specifically.*

(1) An Owner must comply with the Commission's Taxicab specifications, the Marking Specifications for Taxicabs, all pertinent provisions of the Administrative Code and

other laws, rules or regulations governing Taxicab Owners.

§58-16 (a)(1)	Fine: \$ 200 if plead guilty before a hearing; \$300 if found guilty following a hearing.	Appearance NOT REQUIRED
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(2) Commercial Advertising and Commercial Sponsorships on the Back of Taximeter Receipts.

(i) Commercial advertising and commercial sponsorships may be printed on the back of receipts produced by a taximeter.

(ii) Any such advertising and sponsorships appearing on a receipt must comply with the commercial advertising and commercial sponsorship standards as set forth in the contracts between the Commission and Taxicab Technology Service Provider(s).

(iii) Any such advertising and sponsorships appearing on a receipt must not interfere with the readability of the fare information on the face of the receipt.

§58-16 (a) (2)(ii) and (iii)	Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing.	Appearance NOT REQUIRED
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NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Receipts for Taxicab Trips

REFERENCE NUMBER: TLC-17

RULEMAKING AGENCY: TLC

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

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

/s/ Francisco Navarro
Mayor's Office of Operations

November 28, 2011
Date

NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

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

RULE TITLE: Receipts for Taxicab Trips

REFERENCE NUMBER: 2011 RG 102

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: November 28, 2011