

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation

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 rules to update the in-vehicle camera system (IVCS) specifications for taxis and street hail liveries and to remove the requirement that livery vehicles be equipped with a partition or an IVCS.

The rule is promulgated pursuant to section 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. This rule was published in the City Record on July 10, 2023 for public comment. On August 9, 2023 a public hearing was held virtually by the TLC and the rules as adopted by the Commission on September 13, 2023.

Statement of Basis and Purpose

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

The current IVCS specifications are very prescriptive and require technology that is out of date. This creates a niche market in which cameras must be specifically built for TLC-licensed vehicles, and the lack of competition results in high prices and limited availability for substandard technology. Both the Taxi Strategic Plan¹ and the Black Car and Livery Task Force Report of 2021² include recommendations to update TLC’s IVCS requirements.

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

TLC’s authority for these rules is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

¹ https://www.nyc.gov/assets/tlc/downloads/pdf/taxi_strategic_plan_2022.pdf

² <https://www.nyc.gov/assets/tlc/downloads/pdf/black-car-and-livery-task-force-report-2021.pdf>

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

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

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

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

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

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

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

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

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

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

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

(b) Technical Specifications.

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

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

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

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

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

§80-22 Vehicles – Operation and Condition

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

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

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

- (b) Technical Specifications.

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

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