

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Taxi and Limousine Commission (TLC) is proposing to amend its rules governing the technology systems required to be in taxicabs and street hail liveries. TLC is proposing to add new feature requirements and strengthen guidelines regarding terminations of contracts between technology providers and vehicle owners.

When and where is the hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on April 25, 2019. The hearing will be in the TLC hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

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

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to tlcrules@tlc.nyc.gov.
- **Mail.** You can mail comments to New York City Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the TLC at 212-676-1102.
- **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 April 25, 2019. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit written comments by April 23, 2019.

What if I 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 212-676-1055. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by April 22, 2019.

This location has the following accessibility option(s) available: The hearing room is wheelchair accessible and CART will be provided in the hearing room.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Office of Legal Affairs.

What authorizes TLC to make this rule? Sections 1043 and 2303 of the City Charter and Section 19-511 of the New York City Administrative Code authorize TLC to make this proposed rule.

Where can I find the TLC's rules? The TLC's rules are in Title 35 of the Rules of the City of New York.

What laws govern the rulemaking process? TLC 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 of the City Charter.

Statement of Basis and Purpose

In May 2018, the New York City Taxi and Limousine Commission (TLC) promulgated rules updating the in-vehicle technology requirements for yellow and green taxis. Since then, the TLC has received further suggested amendments from drivers, medallion owners, E-Hail Licensees, Technology System Providers (TSP), and other City agencies. Based on that feedback these proposed rules:

- Clarify that all available methods of payment must be offered to passengers with visual impairments,
- Update the process of adding tolls and tips to the fare for greater passenger transparency, and
- Clarify requirements for integrating Technology Systems with licensed E-Hail Applications.

Additionally, these proposed rules would implement Local Law 217 of 2018, which requires the TLC to promulgate rules to prevent the costs of a failed credit card payment for a trip from being passed on to the driver.

Further, these proposed rules lower the maximum credit card processing fee from 5% to 3.75% to align with the lease cap rules amendments that were adopted in 2018. Other amendments change references to the Taxicab Passenger Enhancements Project (TPEP) and Street Hail Livery Technology System (LPEP) to the newly defined Technology System Provider (TSP).

The TLC is also proposing to streamline its taxi rates by officially closing the Group Ride Program, which is limited to two restricted routes in Manhattan, and which has been unused by passengers for years. TLC continues to encourage E-Hail application providers to offer updated shared-ride services through its two-year Flexible Fare Pilot Program.

Contractual Requirements.

In addition to updating functional requirements for Technology Systems, these proposed rules also update contractual requirements between TSPs and their customers.

Taxicab fleet owners have raised concerns that, due to long-term contractual obligations, it is difficult for large fleets to switch Technology System Providers without causing disruptions in taxi service. In the interest of fostering a competitive in-vehicle technology market, and to prevent fleet and medallion owners from being locked into agreements, TLC is proposing additional requirements for contracts offered by Technology System Providers, particularly regarding contract termination or renewal and equipment de-installation. Specifically, these proposed rules:

- Allow licensed Taximeter Shops with trained personnel to perform Technology System de-installations,
- Require that all TSP contracts include an optional monthly term,
- Set limits on fees charged to customers,

- Require advance notification of any fee increases, and
- Clarify the financial obligations of TSPs to their customers when their license expires or is revoked.

The Commission’s authority for these rules is found in section 2303 of the New York City Charter and sections 19-503 and 19-511 of the Administrative Code.

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 deleting the definition of “Group Ride Program”, amending, the definition of “E-Payment”, and adding definitions of “Dispatch and Pay” and “Hail and Pay”, to read as follows:

Dispatch and Pay. A type of E-Payment for a licensed E-Hail Application that allows passengers to pay for E-Hailed Taxicab or Street Hail Livery fares through the E-Hail Application

E-Payment. A feature of a licensed E-Hail Application that is either Dispatch and Pay or Hail and Pay.

Hail and Pay. A type of E-Payment for a licensed E-Hail Application that allows passengers to pay for Street-Hailed Taxicab or Street Hail Livery fares through the E-Hail Application.

Section 2. Subdivision (o) of section 58-03 of Title 35 of the Rules of the City of New York, setting forth the definition of “Group Ride Program”, is REPEALED, and subdivisions (p) to (nn) are relettered as subdivisions (o) to (mm).

Section 3. Paragraph (3) of subdivision (a) of section 58-15 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (3) Failure to Report Bribery. An Owner must immediately report to the Commission and the NYC 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 other public servant or dispatcher employed at a public transportation facility [or authorized group-ride taxi line].

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| §58-15(a)(3) | Fine: \$1,000 and/or suspension up to 30 days or revocation. | Appearance REQUIRED |
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Section 4. Subdivision (c) of section 58-26 of Title 35 of the Rules of the City of New York, relating to Group Ride Fares, is REPEALED, and subdivision (d) is relettered as subdivision (c).

Section 5. Paragraph (1) of subdivision (c) of section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) *Trip Record.*

- (i) Trip Data must be collected and stored by the [LPEP] Technology System Provider (TSP) electronically, through the use of the [Street Hail Livery] Technology System [(LPEP)].
- (ii) If the [LPEP] Technology System 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 for eighteen months.

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| §59B-19(c)(1) | Fine: \$100 | Appearance NOT REQUIRED |
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Section 6. Subdivision (a) of section 59B-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) [LPEP] TSP Required. Every Street Hail Livery must be equipped with [LPEP] a Technology System.

Section 7. Section 59B-51 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-51 Special Requirements for Street Hail Liveries—Taximeters

(a) *Taximeter.*

- (1) A Street Hail Livery Base Owner must not dispatch a Street Hail Livery unless it is equipped with a Taximeter as required in Section 82-38 and the specifications set forth in Section 82-54 of these Rules.
- (2) A Street Hail Livery Base Owner must not tamper with, alter, repair or attempt to repair any of the following:
 - (i) A Taximeter

- (ii) Any Seal affixed to the taximeter by a licensed Taximeter repair shop or other authorized facility
 - (iii) The [Street Hail Livery] Technology System [(LPEP)]
 - (iv) Any cable mechanism or electrical wiring of a Taximeter or [Street Hail Livery] Technology System [(LPEP)]
- (3) A Street Hail Livery Base Owner must not make any change in a vehicle’s mechanism or its tires that would affect the operation of the Taximeter or of the [Street Hail Livery] Technology System [(LPEP)]

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| §59B-51(a) | Fine: \$250-\$1,500 and/or suspension up to 30 days | Appearance REQUIRED |
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Section 8. Section 59B-52 of Title 35 of the Rules of the City of New York is amended to read as follows:

59B-52 Special Requirements for Street Hail Liveries—[Street Hail Livery] Technology System [(LPEP)]

- (a) *Equip Street Hail Liveries with Technology System [(LPEP)].* A Street Hail Livery Base must ensure that each of its Street Hail Liveries is equipped with the [Street Hail Livery] Technology System [(“LPEP”)]. The [LPEP] Technology System must comply with the specifications established in §83 of these Rules.

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| §59B-52(a) | Fine: \$1,000 and suspension until compliance | Appearance REQUIRED |
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- (b) *Good Working Order.* The [LPEP] Technology System equipment must be in good working order [at all times and each of the five Core Services must be functioning at all times].

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| §59B-52(c) | Fine: \$250 and suspension until compliance | Appearance REQUIRED |
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- (c) *Malfunction or Failure to Operate.*

- (1) If the [LPEP] Technology System malfunctions or fails to operate, the Street Hail Livery Base must file an incident report with the authorized provider within two hours following the discovery of the malfunction or as soon as the Street Hail Livery Base reasonably should have known of such malfunction.
- (2) If the Driver or Street Hail Livery Licensee previously filed an incident report, the Street Hail Livery Base will not be required to file a separate incident report. The Street Hail Livery Base must verify that the report

has been filed by obtaining the incident report number from the Driver, Street Hail Livery Licensee or [LPEP] Technology System [p]Provider.

- (3) The Street Hail Livery Licensee or the Street Hail Livery Base must meet the appointment for repair scheduled by the [LPEP] Technology System [p]Provider following the incident report.

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| §59B-52(c)(1)-(3) | Fine: \$250 and suspension until compliance | Appearance REQUIRED |
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- (d) *[48-Hour Repair Deadline.* A Street Hail Livery Base must not allow a Street Hail Livery in which any of the five Core Services of the Street Hail Livery Technology System (LPEP) (or any material feature of a Core Service) is not functioning to be operated more than 48 hours for Hail Trips following the timely filing of an incident report.

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| §59B-52(d) | Fine: \$250 and suspension until compliance | Appearance REQUIRED |
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- (e) *Inspection upon Multiple [LPEP] Technology System Malfunctions.* For any Street Hail Livery requiring six or more repairs of the vehicle's [Street Hail Livery] Technology System [(LPEP)] in any 30-day period, the Street Hail Livery Base with which such vehicle is affiliated must promptly take that vehicle for inspection or schedule an inspection with the Commission's Safety and Emissions Facility. This requirement will not apply to the Street Hail Livery Base if compliance is made by the Street Hail Livery Licensee or Driver of the vehicle.

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| §59B-52[(e)](d) | Fine: \$250 | Appearance NOT Required |
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Section 9. Subdivision (d) of section 59D-05 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (1), to read as follows:

- (1) The Applicant must also certify that, absent a reasonable belief that a Driver's account is associated with fraudulent activity, if a payment transaction for a completed trip dispatched by the High-Volume For-Hire Service Licensee fails, the Driver will receive the entire amount owed for such completed trip.

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| §59D-05(d)(1) | Fine: \$250 | Appearance NOT Required |
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Section 10. Section 64-20 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g), to read as follows:

- (g) De-Installations. A Taximeter Business must only allow employees who have been authorized by the Taximeter Business in the de-installation of a Technology System Provider's (TSP's) equipment as provided in section 66-16(d) of the TLC Rules to de-install that TSP's equipment.

Section 11. Item (A) of subparagraph (iv) of paragraph (1) of subdivision (d) of section 66-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(A) De-installation of the Technology System at no charge within twenty (20) days of written notice from a Taxicab or Street Hail Livery Licensee; and

Section 12. Subparagraph (i) of paragraph (2) of subdivision (d) of section 66-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) If a Technology System Provider's License has been suspended by the Commission [for a period of at least thirty (30) days], the Technology System Provider must immediately notify each Taxicab or Street Hail Livery Licensee who is using the Technology System approved under the suspended License:

(A) the dates during which the License is suspended,

(B) that the Taxicab or Street Hail Livery Licensee has the option to terminate its contract with the Technology System Provider Licensee by providing written notice to the Technology System Provider, or if its contract will expire during the period of suspension that the Taxicab or Street Hail Livery Licensee has the option not to renew its contract, and,

(C) that the Taxicab or Street Hail Livery Licensee, if it wishes to terminate or not to renew its contract with the Technology System Provider whose License has been suspended, has ninety (90) days from the end date of the suspension period to obtain a Technology System and related services from another Technology System Provider.

Section 13. Subdivision (a) of section 66-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Filing of Fee Schedule with TLC.* A Technology System Provider Licensee must file with the Commission a current schedule of fees for:

(1) Services related to the sale, lease, use, installation, maintenance, service [or] and repair of the Technology System approved under this Chapter;

(2) Credit, debit, and prepaid card processing charges imposed by the Technology System Provider and by the credit/debit/prepaid card services provider;

(3) Training provided by the Technology System Provider over and above the training required by §66-16(c) of these Rules;

(4) Late payment charges, if any, for invoiced amounts that are not paid by the Taxicab or Street Hail Livery Licensee on or before thirty (30) days from the due date;

(5) De-installation of a Technology System, not to exceed [\$100 per hour] \$125 when de-installation is performed by the TSP; [and]

(i) TSP may not charge a de-installation fee when the Technology System is de-installed by another party.

(6) Unreturned or damaged equipment fees;

(7) Moving a Technology System from one vehicle to another;

(8) Termination/Cancellation of Technology System contract and

(9) Any and all other fees.

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| §66-15(a) | Penalty: <u>First Violation: \$[50]1000 fine</u> <u>Second Violation: \$1000 and/or suspension</u> | Appearance NOT REQUIRED |
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Section 14. Subdivision (b) of section 66-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Filing of Fee Changes with TLC.* A Technology System Provider Licensee must file any change in fees with the Commission at least ten (10) days before the fees are scheduled to change.

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| §66-15(b) | Penalty: <u>First Violation: \$[50]1000 fine</u> <u>Second Violation: \$1000 and/or suspension</u> | Appearance NOT REQUIRED |
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Section 15. Subdivision (c) of section 66-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Credit Card Processing Fees. Any fees withheld by the Technology System Provider for processing the credit/debit/prepaid card, E-Hail Application that provides for E-Payment, or Digital Wallet Application must not exceed [five percent (5%)] three point seven five percent (3.75%) of the total fare.

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| §66-15(c) | Penalty: <u>First Violation: \$[50]1000 fine</u> <u>Second Violation: \$1000 and/or suspension</u> | Appearance NOT REQUIRED |
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Section 16. Section 66-16 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

- (d) Upon written request by a licensed Taximeter Business, and within fourteen (14) days of such written request and at no additional charge to the Taximeter Business, a Technology System Provider must provide in-person training and written instructions on how to properly de-install the Provider’s Technology System. A Technology System Provider may prohibit a Taxicab or Street Hail Livery Licensee from having its Technology System de-installed by anyone other than the Technology System Provider or a Taximeter Business that has received such training.
- (1) The TSP must maintain a list of Taximeter Businesses certified to de-install its equipment and the dates of certification. The TSP must make the list available to the Commission upon request.

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| §66-16 (a)- [(c)](d) | Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated | Appearance REQUIRED |
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Section 17. Paragraph (1) of subdivision (d) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) If either party defaults in the performance of any of its material obligations under the contract, and does not cure the default within [thirty (30)] fifteen (15) days of receipt of a reasonably detailed notice of default from the other party, then the non-defaulting party may terminate the contract for cause by giving a written notice of termination;

Section 18. Subdivision (c) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) The term of the contract may be for periods of time up to five (5) years including renewals, but such contract renewals shall be subject to the renewal of the Technology System Provider’s License. If the contract is not to be renewed, the terms of such contract shall continue to apply monthly, at the discretion of the Medallion or Street Hail Livery Owner, for a maximum of two (2) months, until the Provider’s Technology System can be de-installed.
- (1) The fees provided for in the contract may not be raised during the term of the contract unless both parties agree.
- (2) The Technology System Provider must provide the Medallion or Street Hail Livery Owner with a renewal contract or notification of non-renewal at least ninety (90) days but no more than one hundred and twenty (120) days before the existing contract term end date.

Section 19. Paragraph (1) of subdivision (d) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) If either party defaults in the performance of any of its material obligations under the contract, and does not cure the default within [thirty (30)] fifteen (15) days of receipt of a reasonably detailed notice of default from the other party, then the non-defaulting party may terminate the contract for cause by giving a written notice of termination;

Section 20. Subparagraph (ii) of paragraph (3) of subdivision (d) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) When the Technology System Provider's License expires, the Technology System Provider must continue to provide to the Taxicab or Street Hail Livery Licensee all services required by Chapter 66 of the Taxi and Limousine Commission Rules for the same terms in effect prior to the expiration of the Technology System Provider's License, including but not limited to Maintenance Service in accordance with §66-18 of [those] these Rules, to the extent provided in this subparagraph. The contract provisions shall survive termination for one hundred fifty (150) days after the date of expiration of the Technology System Provider's License or until the Taxicab or Street Hail Livery Licensee has obtained a Technology System and related services from another Technology System Provider, whichever is earlier.

Section 21. Subparagraph (i) of paragraph (4) of subdivision (d) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) If the Technology System Provider's License has been suspended by the Taxi and Limousine Commission [for a period of thirty (30) days or more], the Technology System Provider must immediately notify the Taxicab or Street Hail Livery Licensee of the dates during which the License is suspended. Upon notification, but prior to the end of the suspension, the Taxicab or Street Hail Livery Licensee may opt to terminate the contract by giving written notice to the Technology System Provider.

Section 22. Paragraph (8) of subdivision (d) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (8) The termination charge must not be more than twenty-five percent (25%) of all remaining monthly charges applicable to the Technology System, not including any fees waived by the Technology [Service] System Provider in the three (3) months prior to termination, multiplied by the number of months remaining in the term of the contract, not to exceed

twelve (12) months [, plus the de-installation charge listed in the Technology System Provider's fee schedule on file with the Commission]. The termination charge will not apply to any termination of the contract[where the Taxicab or Street Hail Livery Licensee is]:

- (i) where the Taxicab or Street Hail Livery Licensee is permitted to terminate the contract without incurring liability or
- (ii) where at the Taxicab or Street Hail Livery Licensee's request the Technology System is removed from one vehicle and installed in another vehicle to be operated under the same Taxicab or Street Hail Livery License.

Section 23. Subdivision (e) of section 66-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) Upon the expiration or earlier termination of the contract, the Technology System Provider's [must remove the] Technology System may be de-installed at any licensed Taximeter Business trained by the Technology System Provider to perform de-installations [on the date reasonably agreed upon by the parties]. [Except where the Taxicab or Street Hail Livery Licensee terminates the contract pursuant to paragraphs one through five or subparagraph (ii) of paragraph eight of subdivision (d) of this section, or where the contract expires, the]The Technology System Provider may not charge the Taxicab or Street Hail Livery Licensee a de-installation charge for each Technology System not removed by the Provider.

Section 24. Paragraph (2) of subdivision (a) of section 66-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) A Technology System Provider must ensure that, when Passengers pay by credit, debit, or prepaid card, the Merchant or the Merchant's authorized payee receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the System, except when there is a fraud investigation, which must be completed within sixty (60) days of the transaction.

Section 25. Subdivision (f) of section 66-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) Cooperation with E-Hail Application Providers. A Technology System Provider must [cooperate with TLC licensed E-Hail Providers by making] make available to an E-Hail Application Provider, at the E-Hail Application Provider's request, an API, test environment and simulator as described in subdivision (e) of [§68-24] §66-24 of these Rules. A newly

licensed Technology System Provider must be able to satisfy the requirement of this subdivision within two (2) months of licensure.

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| §66-19(f) | Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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Section 26. Paragraphs (3) and (4) of section 66-22 of Title 35 of the Rules of the City of New York are renumbered as paragraphs (4) and (5), and a new paragraph (3) is added, to read as follows:

- (3) Driver must be within 0.35 of a mile in order to indicate that the vehicle is at the pickup location.

Section 27. Paragraph (2) of subdivision (f) of section 66-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) *Commission.* While performing the duties and responsibilities of a Technology System Provider Licensee, a Licensee must not deliberately perform, alone or with another, any act that is dishonest, fraudulent or against the best interests of the public, although not specifically mentioned in these Rules.

Section 28. Subparagraph (ii) of paragraph (3) of subdivision (b) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) Nassau and Westchester Counties -- [rivers] Drivers must not be allowed to select Rate 4 outside of Nassau and Westchester Counties.

Section 29. Subparagraph (iii) of paragraph (4) of subdivision (b) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) Enter a custom toll amount that is added to the total fare, to be accessible to the driver only, when outside the five boroughs of New York City.

Section 30. Paragraph (8) of subdivision (b) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (8) The Technology System must be able to receive and allow Drivers to accept or reject E-Hails from any TLC-licensed E-Hail Application that opts to interface with the Technology System in accordance with the Public API provided pursuant to §66-24(e)([1]2).

Section 31. Subparagraph (iii) of paragraph (1) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) the Technology System must notify the Passenger of any changes to the Taximeter rate or any additions of tolls, surcharges, extras, or other charges, including the name and amount of the charge, in a reasonable manner and length of time for a Passenger to be alerted to the addition; and

Section 32. Item (C) of subparagraph (ii) of paragraph (3) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (C) audio instructions enabling a Passenger to successfully complete fare payment, including discretionary tipping, E-Payment, and any other form of payment available in the Taxicab, without requiring the assistance of a Taxicab Driver,

Section 33. Paragraph (7) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York, relating to types of payment that must be allowed by a Technology System, is REPEALED, and paragraphs 8 through 10 are renumbered as paragraphs 7 through 9.

Section 34. Paragraph (8) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York, as renumbered by this rulemaking, is amended to read as follows:

- (8) For non-cash payments the Technology System must allow but not require the Passenger to add a custom tip. If the Passenger elects not to add a tip, the Technology System must require active confirmation of the Passenger's intent before processing payment.

Section 35. Paragraphs (1) through (4) of subdivision (e) of section 66-24 of Title 35 of the Rules of the City of New York are amended and renumbered as paragraph (2) through (5), and a new paragraph (1) is added, to read as follows:

- (e) [Public API. All Technology System Providers must maintain an application programming interface (API) that is available to any licensed E-Hail Provider and the Accessible Taxi Dispatcher.] E-Hail Integration. All Technology System Providers must integrate with any E-Hail Application Provider that chooses to work with the Technology System.
- (1) [The API must include but is not limited to the following:] Integration Process. Following a request from an E-Hail Application Provider to integrate with the Provider's Technology System, a TSP must integrate with the E-Hail Application Provider's E-Hail Application in one of the following ways:

(A) Integration By E-Hail Application Provider

- i. Within five days of written notification of selection, the Technology System Provider must provide to the E-Hail Application Provider all information on the design and inner operation of the Technology System that is necessary for the E-Hail Application Provider to establish an interface and communication of data between the Technology System and the E-Hail Application.
- ii. The submitted information must include, but is not limited to, a live application programming interface (API) providing all functions described in this subdivision, a test environment for such API, and a simulator.
- iii. Before providing the information on the design and inner operation of a Technology System, a TSP may require an E-Hail Application Provider to execute a non-disclosure agreement that is in a form approved by the Commission unless an alternative is agreed to by the parties within five days of notification of selection by the E-Hail Application Provider.

(B) Integration By Technology System Provider

- i. If the E-Hail Application Provider requests a non-disclosure agreement, the Technology System Provider must execute an agreement within five days in a form approved by the Commission, or otherwise agreed to by the parties.
- ii. Following execution of the non-disclosure agreement, the E-Hail Application Provider must provide to the Technology System Provider all information on the design and inner operation of the E-Hail Application that is necessary for the TSP to establish an interface and facilitate the communication of data between its Technology System and the E-Hail Application.
- iii. The submitted information must include, but is not limited to, a live API providing all functions described in this subdivision that the E-Hail Application Provider requests, a test environment, and a simulator.
- iv. The Technology System Provider must establish an interface and facilitate the communication of data between its Technology System and the E-Hail Application within 90 days.

(2) The integration required in paragraph (1) of this subdivision must provide the following functionality:

- (A) Allow the E-Hail Application Provider or Accessible Taxi Dispatcher to query and obtain a list of a specified number (at least

5) and type (e.g., WAV, SUV, etc.) of Vehicles that are available for hire and closest to a designated pickup location, and, for each Vehicle listed in the response to such query, access real-time meter status, GPS coordinates and direction for no less than 1 minute following such query. The Vehicle or list of Vehicles provided in response to any such query must include the medallion or SHL permit number, vehicle make and model, car type (e.g., SUV, minivan, etc.), wheelchair accessibility, and Driver name and TLC license number;

- (B) Allow the E-Hail Application Provider or Accessible Taxi Dispatcher to send an E-Hail or dispatch via the Technology System to the Driver of any or all of the Vehicles included in the list of Vehicles provided in response to a query, including the pickup time and location, and, if applicable, the pre-arranged fare and drop-off location;
- (C) Return the Driver's acceptance or rejection of the E-Hail or dispatch, or, if the driver takes no action within 30 seconds, return a timeout;
- (D) Allow the E-Hail Application Provider Licensee or Accessible Taxi Dispatcher to cancel any E-Hail or dispatch regardless of whether a Driver has responded;
- (E) For any Driver that has accepted an E-Hail or dispatch from an E-Hail Application Provider or the Accessible Taxi Dispatcher, for the duration of the trip from acceptance through meter off or cancellation, provide the E-Hail Application Provider or Accessible Taxi Dispatcher with a data feed of real-time GPS location and ride/meter events, and allow the E-Hail Application Provider or Accessible Taxi Dispatcher to communicate with such Driver via the Technology System, including:
 - i. allowing the E-Hail Application Provider or the Accessible Taxi Dispatcher to provide the Driver with the passenger's name and phone number and drop-off location, as well as other relevant trip information (e.g., "passenger waiting at south entrance," "passenger is wheelchair bound," etc.), [and]
 - ii. allowing the Driver to report trip events to the E-Hail Application Provider or the Accessible Taxi Dispatcher (e.g., "passenger in vehicle," "passenger no show," etc.)[. (F) Provide], and
 - iii. providing an onsite event when Driver reports being onsite, provide a no-show event if the Driver indicates a passenger no-show, and

provide a cancel event if the Driver cancels or retracts his or her acceptance of an E-Hail or dispatch[;].

(F) For licensed E-Hail Applications that provide E-Payment, the API must include the following payment functionality:

[(G)] (i) Provide access to itemized fare data including time-and-distance fare, tolls, surcharges, extras, and taxes from the Technology System and Taximeter, in real time, when the trip has been completed and the Driver has disengaged the Taximeter;

[(H)] (ii) Receive from the E-Hail Application Provider or Accessible Taxi Dispatcher a confirmation that electronic credit card payment for the total fare amount has been successfully processed; and

[(I)] (iii) Receive relevant payment information from the E-Hail Application Provider or Accessible Taxi Dispatcher to the extent necessary to display the total charges, including E-Hail service fee and tip (if applicable) on the receipt and collect and transmit Trip Data.

[(2)] (3) The Technology System Provider may charge the E-Hail Application Provider or Accessible Taxi Dispatcher a fee not to exceed twenty-five cents (\$0.25) per query for use of the API. The Technology System Provider may not charge the E-Hail Application Provider or Accessible Taxi Dispatcher credit card processing fees greater than the wholesale fees collected by the credit card issuer and credit card network for that transaction.

[(3)] (4) The Technology System Provider may require E-Hail Application Provider sending E-Hails to Drivers via the Technology System to charge a uniform Passenger cancellation and/or no-show fee.

[(4)] (5) Separate Violations. Each failure on the part of a Technology System Provider to cooperate with [a licensed] an E-Hail Application Provider or Accessible Dispatcher for the purpose of maintaining an API as provided in paragraph (1) of this subdivision will constitute a separate violation of this rule.

Section 36. Subdivision (b) of section 78-03 of Title 35 of the Rules of the City of New York is amended, subdivisions (d), (l) and (q), setting the definitions of “Dispatch and Pay,” “Pair” and “Hail and Pay”, are added, and subdivisions (d) to (j) are relettered as subdivisions (e) to (k), subdivisions (k) through (n) are relettered as subdivisions (m) through (p), and subdivisions (o) through (s) are relettered as subdivisions (r) through (v), to read as follows:

(b) Credit, Debit, and Prepaid Card Services. The portion of the E-Hail Application used to process Passenger payment of fare in a Vehicle

by credit, debit, or prepaid card as described in §78-21[(a)](b) and (c) of these Rules.

(d) *Dispatch and Pay* has the same meaning as the same term in §51-03 of these Rules.

(l) *Hail and Pay* has the same meaning as the same term in §51-03 of these Rules.

(q) *Pair*. The act of an E-Hail Application connecting to a Technology System for the purposes of Hail and Pay.

Section 37. Subdivision (b) of section 78-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Documentation for E-Hail Application Approval.* The Applicant must submit with its License application a detailed description of its E-Hail Application’s functionality and its compliance with the requirements set forth in §78-21 of these Rules, as well a list of all third-party designees the E-Hail Application Provider will use in offering E-Hail or E-Payment services. If the Application includes E-Payment, the Applicant must submit with its License application the documentation described in paragraphs ([1]2) [through] and (3) of this subdivision. All documentation pertaining to an independent third party must be accompanied by a signed authorization from the Applicant authorizing the Commission to contact the independent third party directly and authorizing the independent third party to respond to inquiries from the Commission.

(1) [An acceptance test plan that uses information technology industry testing tools, techniques and methodologies designed to comprehensively test whether the E-Hail Application and related services comply with all of the requirements set forth in §78-21 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (f) of this section;]

Documentation demonstrating that an independent third party that is accredited by the American National Standards Institute-American Society of Quality National Accreditation Board (“ANAB”) to perform International Organization for Standardization (“ISO”) 9001 certifications has performed acceptance testing consistent with the acceptance test plan, and the successful results of the acceptance testing; and

([3]2) Documentation[, to be renewed and resubmitted to the TLC every twelve (12) months,] demonstrating that an independent third party that is a Qualified Security Assessor (“QSA”) company has performed security testing of the E-Hail Application and related services to determine

compliance with the security standards set forth in §78-21(f) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (f) of this section, and the successful results of the security testing[.]; and

- (3) Documentation, demonstrating that a qualified, independent third party has performed acceptance testing of the E-Hail company's Application Programming Interface and related services to determine compliance with the standards set forth in §78-24(d)(2) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (e) of this section, and the successful results of such acceptance testing.

Section 38. Subdivisions (e) and (f) of section 78-05 of Title 35 of the Rules of the City of New York, governing required insurance for E-Hail Applications and renewal of insurance, are REPEALED, and subdivision (g) is relettered as subdivision (e).

Section 39. Section 78-06 of Title 35 of the Rules of the City of New York, governing bond requirements for E-Hail Applications, is REPEALED.

Section 40. Subdivision (h) of section 78-07 of Title 35 of the Rules of the City of New York is relettered as subdivision (i), and a new subdivision (h) is added, to read as follows:

(h) Extensions.

- (1) If a timely application for renewal of a License has been made as required in subdivision (g) of this section, the Chairperson may extend the term of the License until review of the renewal application is completed.
- (2) The License will be deemed valid during this extended term even if the application is ultimately denied.
- (3) If a License renewal application is approved, the renewal License expiration date will be based on the original expiration date of the License.

Section 41. Subdivision (c) of section 78-11 of Title 35 of the Rules of the City of New York, relating to indemnification and insurance obligations of E-Hail Application Providers, is REPEALED.

Section 42. Subdivision (b) of section 78-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Fares.* An E-Hail Application and an E-Hail Application Provider must NOT charge any Passenger a fare for a trip that exceeds the fare as calculated by the Taximeter, permitted in §58-26 and §82-26 of these Rules. The E-Hail Application and the E-Hail Application Provider may however charge additional

fees to a Passenger above the fare for the trip in accordance with subdivision (c) below so long as such fees are clearly delineated and not called a fare or tip or gratuity.

[NOTE: If an E-Hail Application Provider charges a per-trip fee for use of the E-Hail App and if the fee is assessed on a per-trip basis and bundled into the same credit card transaction as the payment of the fare, the Provider is required to have an agreement with either the merchant of record, or if processed through the Technology System, the Technology System Provider, as to how the fee will be remitted to the E-Hail Application Provider. The agreement must be outlined in the E-Hail Application Provider’s application documentation and must ensure that the per-trip fee is remitted in its entirety to the E-Hail Application Provider and is not retained by the Driver.]

Section 43. Subdivision (a) of section 78-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Credit, Debit, and Prepaid Card Payment.*

- (1) An E-Hail Application Provider must ensure that an E-Hail Application that includes E-Payment provides Credit, Debit, and Prepaid Card Services [complies in compliance with the requirements of §78-21[(a)] (b) and/or (c) of these Rules.]
- (2) An E-Hail Application Provider must ensure, for an E-Hail Application that includes E-Payment, that when Passengers pay by credit, debit, or prepaid card, the Driver receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the E-Hail Application, except for incidents when there is a fraud investigation, which must be completed within sixty (60) days of the transaction.
- (3) An E-Hail Application [must not provide a Driver compensation for a trip that exceeds the fare for the trip plus tolls and tip if any] Provider must ensure that an E-Hail Application that includes E-Payment complies with the requirements of §78-21(b) and/or (c) of these Rules.
- (4) An E-Hail Application may permit Passengers to split a fare if this feature is provided by the party processing the fare payment.

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| §78-17(a) | Penalty: \$500 fine and/or suspension up to 60 days or revocation for each paragraph violated | Appearance REQUIRED |
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Section 44. Subdivision (b) of section 78-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) Trip Data Collection and Transmission. An E-Hail Application Provider must ensure that an E-Hail Application collects and stores relevant trip information to obtain a complete trip record, and transmits such data to Technology System or the Commission in compliance with the requirements in §78-21[(c)](e) of these Rules.

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| §78-17(b) | Penalty: \$500 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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Section 45. Subdivision (c) of section 78-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Use Restrictions. An E-Hail Application Provider must ensure that an E-Hail Application restricts usage of the Application in compliance with the use restrictions in §78-21[(d)]a) of these Rules.

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| §78-17(c) | Penalty: \$500 fine and/or suspension up to 60 days or revocation | Appearance REQUIRED |
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Section 46. Subdivisions (a) through (e) of section 78-21 of Title 35 of the Rules of the City of New York are DELETED and replaced, to read as follows:

(a) Dispatching. The E-Hail Application must allow passengers to request transportation in a Taxicab or Street Hail Livery and dispatch a Taxicab or Street Hail Livery to the requested location.

(1) The E-Hail Application must not transmit E-Hails to any Driver who is not validly licensed to drive a Taxicab or Street Hail Livery or who is operating a Vehicle that does not have a Valid Taxicab License or Street Hail Livery Permit, per the TLC’s Current Licensees list published by the TLC.

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| §78-21(a)(1) | Penalty: \$400 fine and/or suspension up to 30 days | Appearance REQUIRED |
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(2) The E-Hail Application must be available to a Driver ONLY when the Vehicle is standing or stopped, except that an E-Hail Application can permit a Driver to accept an E-Hail request with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. All other use of the E-Hail Application must be velocity gated by the E-Hail Application Provider to prevent its use while the vehicle is in motion.

- (3) The E-Hail Application may only disclose to a Driver a potential Passenger's pickup location, drop-off location, and fare estimate, except that a Passenger's trip identification number or E-Hail Application user name may be transmitted to the Driver after the Driver has accepted the Passenger's E-Hail request.
- (4) The E-Hail Application must require a Driver to affirmatively opt in to use the E-Hail Application and must allow the Driver to opt out of receiving E-Hail requests from Passengers while on duty.
- (5) The E-Hail Application must make a wheelchair accessible option available to allow Passengers to indicate that they would like a wheelchair accessible vehicle. The E-Hail Application must not dispatch a non-accessible vehicle to a Passenger that requested an accessible vehicle.

(b) Dispatch and Pay (Optional).

E-Hail Applications that allow Passengers to pay for an E-Hailed trip using their credit/debit card on file with the E-Hail Application are subject to the following:

- (1) The E-Hail Application must not require a Passenger to pay a tip to the Driver.
- (2) The E-Hail Application must transmit an accurate receipt in electronic form, including by being viewable in the Application, to the Passenger. The receipt must contain all the following information:
 - (i) All items required by §66-24(c)(9) of these Rules; and
 - (ii) Any fee paid by the Passenger to the E-Hail Application Provider if paid directly to such Provider, clearly identified. NOTE: §78-15(a) of these Rules governs the payment of tips or gratuities
- (3) The E-Hail Application must receive the fare and Trip Data automatically from the Technology System or Taximeter and must not permit a Driver or any other person to enter any fare information manually. The E-Hail Application also must provide the Technology System Provider with the following:
 - (i) The credit card information necessary to process the transaction through the Technology System Provider's payment gateway and the amount to be charged for the transaction, including any tip and E-Hail service fee, if included in the amount to be charged;

(c) Hail and Pay (Optional). E-Hail Applications that allow Passengers to pay for a Street-Hailed trip using their credit/debit card on file with the E-Hail Application are subject to the following:

- (1) The E-Hail Application must comply with requirements as set forth in subdivision (b)(1) through (6) of this section.
- (2) The E-Hail Application must integrate with all licensed Technology Systems to allow Passengers to Pair to any and all Taxicabs and Street Hail Liveries.
 - (i) Within 5 days of licensure the E-Hail Application Provider must notify all licensed Technology System Providers that it intends to provide Hail and Pay.
 - (ii) Pursuant to 66-24(e)(1), the Technology System Provider will respond within 5 days and either direct the E-Hail Application Provider to begin necessary development work, or request the documentation listed below to do the work itself.

(A) Integration by the Technology System Provider

- If requested by the Technology System Provider, the E-Hail Application Provider must submit, within 5 days, all information on the design and inner operation of the E-Hail Application that is necessary for the Technology System Provider to establish an interface and communication of data between the Technology System and the E-Hail Application. The submitted information must include, but is not limited to a live application programming interface (API) providing all functions described in section 66-24(d)(2), a test environment for said API, and a simulator.

(B) Integration by E-Hail Application Provider

- When supplied by the Technology System Provider with all information stated in item (A) of this subparagraph on the design and inner operation of the Technology System that is necessary for the E-hail Application Provider to establish an interface and communication of data between the TSP and the E-hail Application, then the E-Hail Application Provider must complete integration within 90 days.

(3) Separate Violations. Each failure on the part of an E-Hail Application Provider to cooperate with a licensed Technology System Provider for the purpose of maintaining an API as provided in paragraph (1) of this subdivision will constitute a separate violation of this rule.

(d) Public API. The E-Hail Application Provider must maintain an application programming interface (API) that includes but is not limited to the following functionalities:

(1) Dispatching

(i) For any Driver that has accepted an E-Hail or dispatch from an E-Hail Application Provider or the Accessible Taxi Dispatcher, provide:

(A) a cancel event if the Passenger cancels or retracts his or her E-Hail or dispatch; and

(B) a unique E-Hail request identification number;

(2) E-Payment

(i) Receive from the E-Hail Application Provider or Accessible Taxi Dispatcher access to itemized fare data including time-and-distance fare, tolls, surcharges, extras, and taxes from the Technology System and Taximeter, in real time, when the trip has been completed and the Driver has disengaged the Taximeter;

(ii) Provide to the E-Hail Application Provider or Accessible Taxi Dispatcher a confirmation that electronic credit card payment for the total fare amount has been successfully processed; and

(iii) Provide relevant payment information to the E-Hail Application Provider or Accessible Taxi Dispatcher to the extent necessary to display the total charges, including E-Hail service fee and tip (if applicable) on the receipt and collect and transmit Trip Data.

(e) Trip Data Collection and Transmission. An E-Hail Application and its third party designee, if any, must be capable of automatically collecting and transmitting E-Hail request data and Trip Data as described below.

(1) The E-Hail Application and its third part designee, if any, must be capable of automatically collecting and transmitting to the Commission data on all E-Hail requests and the outcome of those requests (including pickup and drop-off locations specified by latitude and longitude), in a format and layout prescribed by the Commission.

- (2) The E-Hail Application must be able to provide reporting to the TLC as to whether a passenger request was for a wheelchair accessible vehicle.
- (3) The E-Hail Application and its third party designee, if any, must be capable of automatically collecting and transmitting to the Technology System the Trip Data required below for all trips using E-Payment.
 - (i) E-Hail Application License number;
 - (ii) Credit, debit, or pre-paid card type;
 - (iii) first two and last four digits of the credit, debit, or prepaid card used for paying fares;
 - (iv) E-Hail service fee collected by the E-Hail Application Provider, if applicable
 - (v) itemized fare;
 - (vi) tip amount;
 - (vii) E-Hail account holder identifier (uniquely identifying the Driver in the E-Hail Application’s system);
 - (viii) the number of Passengers that payment of the fare was split among if the E-Hail Application permits the fare to be split; and
 - (ix) a unique identification number assigned to each E-Hail request made by a Passenger in the E-Hail Application.

Section 47. Paragraph (5) of subdivision (i) of section 80-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) A Driver must cooperate with all dispatchers at public transportation terminals [and at authorized group-ride Taxicab lines].

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| §80-12(i)(5) | Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. | Appearance NOT required |
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Section 48. Paragraph (4) of subdivision (a) of section 80-17 of Title 35 of the Rules of the City of New York, relating to the collection of separate fares from passengers in a Taxicab or Street Hail Livery, is REPEALED, and paragraphs (5) and (6) are renumbered as paragraphs (4) and (5).

Section 49. Paragraph (1) of subdivision (a) of section 80-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) A Driver of a Taxicab must not use a person, other than a dispatcher at [an authorized Group Ride taxi line] a public transportation terminal, licensed E-Hail Application, or an Accessible Vehicle dispatcher, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

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| §80-19(a)(1) | Fine: \$50 | Appearance NOT REQUIRED |
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Section 50. Subparagraph (iii) of paragraph (2) of subdivision (b) of section 80-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) A Driver of a Street Hail Livery must not use a person, other than a dispatcher at an authorized [Group Ride taxi line] a public transportation terminal, licensed E-Hail Application, an Accessible Vehicle dispatcher, or a Street Hail Livery Base, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

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| §80-19(b)(2)(iii) | Fine: \$50 | Appearance NOT REQUIRED |
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Section 51. Paragraph (3) of subdivision (a) of section 82-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) *Failure to Report Bribery.* A Licensee must immediately report to the Commission and the NYC 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 other public servant or dispatcher employed at a public transportation facility [or authorized group-ride taxi line].

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| §82-16(a)(3) | Fine: \$1,000 and/or suspension up to 30 days or revocation. | Appearance REQUIRED |
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Section 52. Subdivision (c) of section 82-26 of Title 35 of the Rules of the City of New York is DELETED, subdivisions (d) through (j) are relettered as subdivisions (c) through (i).