

## **NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

### **Notice of Promulgation of 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”) promulgates amendments to its rules regarding dispatch of for-hire vehicles and binding fare quotes.

These rules are promulgated pursuant to Sections 1043 and 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York.

These rules were published on January 16, 2015, for public comment in the City Record. On February 26, 2015, a public hearing was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004. These rules were approved at a TLC Commission Meeting on March 19, 2015. These rules will take effect 30 days after publication.

### **Statement of Basis and Purpose**

#### **Cross-Class Dispatching**

In November 2014, the TLC adopted rules that prohibited cross-class dispatching of for-hire vehicles (FHVs), i.e., livery bases may only dispatch livery vehicles; black car bases may only dispatch black cars; and luxury limousine bases may only dispatch luxury limousines. The purpose of the cross-class dispatch prohibition is to preserve important vehicle class distinctions in the New York City Administrative Code (such as the binding price quote in liveries) that were becoming blurred by the spread of smartphone applications. However, the TLC has reviewed its November rules and has determined that because of the substantially similar regulations that govern black cars and luxury limousines and the fact that their drivers may be covered by the same workers’ compensation scheme, black car bases and luxury limousine bases should be allowed to dispatch each other’s vehicles. This rule reflects that change, and as required by the November rules, the dispatching base must provide the customer with the name and license number of both the affiliated base and the dispatching base.

#### **Binding Price Quotes**

TLC rules require that livery bases provide passengers seeking transportation to a specific destination with a binding price quote. Passengers are informed of their right to a binding price quote in the Livery Passengers’ Bill of Rights posted in each livery vehicle. The cross-class dispatch prohibition seeks to preserve this important feature. To strengthen this feature, however, this rule requires that livery bases ask passengers to specify a destination and any intermediate stops when requesting a ride, regardless of the method of request. If specified, the base must provide a binding price quote for travel to the specific destination. If no destination is specified, then the base must provide a binding statement of how the fare for the trip is to be calculated, which can be by time, mileage, zones, or other means. Finally, for each and every trip request, livery bases must disclose to passengers their right to a binding price quote.

These rules are authorized by Section 2303 of the Charter and Sections 19-503 and 19-503.1 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (a) of section 55-19 of Title 25 of the Rules of the City of New York is amended to read as follows:

- (a) *Limitations on Driver Solicitation of Passengers.* A Driver must not solicit or pick up Passengers other than by prearrangement through a licensed Base of the class that can dispatch the Driver's For-Hire Vehicle, or by dispatch of an Accessible Vehicle.

Section 2. Subparagraph (ii) of paragraph (3) of subdivision (e) of section 59A-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (ii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer and the [affiliated Base is a Base of the same License type (that is, a Black Car Base or Livery Base) as the Base dispatching the Vehicle] dispatching Base is (1) a Livery Base if the affiliated Base is a Livery Base, or (2) either a Black Car or Luxury Limousine Base if the affiliated Base is a Black Car Base or a Luxury Limousine Base.

Section 3. Subdivision (d) of section 59B-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner's Base, unless:
- (1)
- (i) The Vehicle is affiliated with [another Base of the same License type as the Base Owner's Base (i.e., a Black Car Base may only dispatch a Vehicle affiliated with another Black Car Base; a Livery Base may only dispatch a Vehicle affiliated with another Livery Base) and the Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer, or] (i) a Livery Base if the dispatching Base is a Livery

Base or (ii) either a Black Car or Luxury Limousine Base if the dispatching Base is a Black Car or Luxury Limousine Base, and

(ii) The Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer; or

(2) The Base is dispatching an Accessible Vehicle from a Base it has contracted with to provide accessible transportation pursuant to Section 59B-17(c) of these Rules.

Section 4. Subdivision (b) of Section 59B-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Rate Quotes – Livery Base Only.*

(1) Each time a prospective Passenger contacts a Base for transportation, regardless of the means by which the Passenger contacts the Base, the Base Station Owner must ask the Passenger to specify a destination and any intermediate stop(s). If the Passenger specifies a destination and any intermediate stop(s), the [A] Base Station Owner must provide the prospective Passenger with an accurate and binding price quote [to any prospective Passenger contacting the Base for transportation to a specified destination and intermediate stop(s)] for travel to the specified destination and any intermediate stop(s). If the Passenger does not specify a destination and any intermediate stop(s), the Base Station Owner must then provide the Passenger with an accurate and binding statement of how the fare is to be calculated, which can be by time, mileage, zones, or other means.

(2) *Disclosure.* For requests for transportation made by means other than a telephone call, the Base Station Owner must ask the Passenger to specify a destination and any intermediate stop(s), and must prominently disclose in writing to the Passenger, as the Passenger books the trip, that the Passenger will receive an accurate and binding price quote for the trip upon entering his or her destination.

(3) *Honoring Rate Quotes.* If the Passenger agrees to receive the transportation, the Base Owner must honor the price quoted unless the Passenger changes the date, time, or location of the pick up; the destination or number of stops; or the vehicle type requested, if any.

§59B-23(b)	Fine: \$75 if plead guilty before a hearing; \$100 <u>if found guilty following a hearing</u> [for failure to provide quote on request].	Appearance NOT REQUIRED
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