

EFFECTIVE THROUGH 10/25/16

CHAPTER 55

FOR-HIRE DRIVERS

Contents

| | | |
|--------|---|----|
| §55-01 | Scope of this Chapter..... | 3 |
| §55-02 | Penalties..... | 3 |
| §55-03 | Definitions Specific to this Chapter..... | 4 |
| §55-04 | Licensing – Requirements..... | 6 |
| §55-05 | REPEALED Licensing – Probationary Licenses..... | 11 |
| §55-06 | Licensing – Term of License..... | 11 |
| §55-07 | Licensing – Fees..... | 12 |
| §55-08 | Licensing – Process and Causes for Denial of License..... | 13 |
| §55-09 | RESERVED (Licensing – Transfer of License)..... | 15 |
| §55-10 | Licensing – Care and Use of License..... | 15 |
| §55-11 | Comply with Laws – Unlicensed Activity Prohibited..... | 16 |
| §55-12 | Comply with Laws – Proper Conduct..... | 17 |
| §55-13 | Comply with Laws – Traffic Laws..... | 20 |
| §55-14 | Operations – Passenger and Driver Safety..... | 22 |
| §55-15 | Operations – General Rules During Operation of Vehicle..... | 25 |
| §55-16 | Operations – Comply with Reasonable Passenger Requests..... | 27 |
| §55-17 | RESERVED (Operations – Method of Payment)..... | 28 |
| §55-18 | RESERVED (Operations – Lost Property)..... | 28 |

| | | |
|---------------|--|-----------|
| §55-19 | Operations – Passenger and Solicitation and Engagement..... | 28 |
| §55-20 | Operations – Refusing Passengers | 29 |
| §55-21 | Operations – Rules for Drivers from Qualified Jurisdictions | 30 |
| §55-22 | Vehicle – Operating Conditions..... | 32 |
| §55-23 | Vehicle – Items Required to be in the Vehicle | 33 |
| §55-24 | RESERVED (Vehicle – Trip Records) | 34 |
| §55-25 | RESERVED (Vehicle – Electronic Trip Record System) | 34 |
| §55-26 | RESERVED (Vehicle – Miscellaneous) | 34 |
| §55-27 | Special Driver Penalty Programs | 34 |
| §55-28 | Street Hail Liveries. | 37 |

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§55-01 Scope of this Chapter

- (a) To establish procedures for the licensing, monitoring and regulation of For-Hire Drivers.
- (b) To establish operating rules to protect customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

§55-02 Penalties

- (a) *Unlicensed Activity.*
 - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for-hire transportation service by:
 - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
 - (ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for-hire vehicle, or for the for hire service, as applicable;
 - (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) *Specific Penalties.* If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section also states whether the violator must attend a Hearing.
- (c) *Payment of Fines*
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:
 - (i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.
 - (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the

notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

§55-03 Definitions Specific to this Chapter

- (a) *Applicant* in this Chapter means an Applicant for an original or renewal For-Hire Driver's License.
- (b) *Application* in this chapter refers to an application for a For-Hire Driver's License including all documentation and other information submitted as part of the application.
- (c) *Black Car* is a Vehicle that affiliates with a Black Car Base.
- (d) *Black Car Base* is a For-Hire Base that operates as follows:
 - (1) All Black Car Vehicles are dispatched on a pre-arranged basis;
 - (2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and
 - (3) More than ninety percent (90%) of the Base's business is on a payment basis other than direct cash payment by a Passenger.
- (e) *Critical Driver's Program* is a Commission program that charges additional penalties to a Driver who accumulates a certain number of Department of Motor Vehicle points on his or her state driver's license within a certain amount of time.
- (f) *Driver*, in this chapter, means a For-Hire Driver.
- (g) *For-Hire Base (or "Base")* is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For-Hire Base can be any of the following:
 - (1) A Black Car Base,
 - (2) A Livery Base (or Base Station),
 - (3) A Luxury Limousine Base.
- (h) *For-Hire Driver* in this Chapter means a driver of a For-Hire Vehicle.
- (i) *For-Hire Vehicle* is a motor vehicle Licensed by the Commission to carry Passengers for hire in the City, which:
 - (1) Has a seating capacity of 20 or fewer Passengers;

- (2) Has three or more doors;
 - (3) Is not a Taxicab, a Commuter Van, or an authorized bus as defined by NYS law.
- (j) *Issuing Jurisdiction* is a county within New York State contiguous to New York City that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.
- (k) *License* in this Chapter means a License to drive a For-Hire Vehicle.
- (l) *Livery* is a For-Hire Vehicle that is affiliated with a Livery Base Station.
- (m) *Livery Base Station* or “*Base Station*” is a For-Hire Base that operates as follows:
- (1) All Livery Vehicles are dispatched from the Base Station on a pre-arranged basis;
 - (2) All Livery Vehicles are designed to carry fewer than six (6) Passengers;
 - (3) Passengers are charged for service on the basis of a flat rate, time, mileage, or zones.
- (n) A *Luxury Limousine* is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.
- (o) A *Luxury Limousine Base* is a For-Hire Base that operates as follows:
- (1) All Luxury Limousines are dispatched from the Base by pre-arrangement;
 - (2) Luxury Limousine Vehicles have a seating capacity of 20 or fewer Passengers;
 - (3) More than ninety percent (90%) of its business is on a payment basis other than direct cash payment by a Passenger;
 - (4) Passengers are charged “garage to garage” service on the basis of a flat rate, time or mileage.
- (p) *Qualified Jurisdiction* is an Issuing Jurisdiction that meets the requirements for reciprocity described in §498 of the NYS Vehicle and Traffic Law.

- (q) *Qualified Vehicle License (or “QVL”)* is the license issued by a Qualified Jurisdiction to that jurisdiction’s vehicles authorizing them to provide pre-arranged, for-hire transportation within its jurisdiction.
- (r) *Qualified Driver’s License (or “QDL”)* is a license issued by a Qualified Jurisdiction to that jurisdiction’s drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its jurisdiction.
- (s) *Reciprocity (or Reciprocal Recognition)* means that:
 - (1) New York City For-Hire Vehicles and Drivers can do pickups or drop offs in Qualified Jurisdictions for trips ending or beginning in NYC, and
 - (2) Vehicles and drivers that are licensed to perform for-hire transportation by a Qualified Jurisdiction can do pickups or drop offs in NYC for trips ending or beginning in the Qualified Jurisdiction.
- (t) *Use an Electronic Communication Device (or Using an Electronic Communication Device)*, in this Chapter, means to
 - (1) Operate any function of an Electronic Communication Device in any way, or
 - (2) Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.
 - (3) *Exception:* A short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following are true:
 - (i) The communication is about a Dispatch; and
 - (ii) The communication occurs using *either* an FCC-licensed commercial two-way radio *or* a device which is mounted in a fixed position and not hand-held; and
 - (iii) The communication occurs using *either* voice *or* one-touch pre-programmed buttons or keys.
- (u) *Vehicle*, in this Chapter, refers to a For-Hire Vehicle.

§55-04 Licensing – Requirements

- (a) ***Reserved. Age.***
- (b) ***Reserved. Identification.***
- (c) ***Chauffeur’s License.*** An Applicant must hold a Valid Chauffeur’s License.
- (d) ***Reserved. Fitness for the Job.***
- (e) ***Reserved. Speak and Understand English.***

- (f) *Reserved. Familiar with Geography.*
- (g) *Pass Drug Test.*
 - (1) All Applicants for new For-Hire Driver's License, except New York City Police Officers, must be tested, at the Applicant's expense, for Drugs.
 - (2) The Commission designates who can perform the drug test and will only designate an individual or entity that has a permit issued by the New York State Department of Health.
 - (3) If an Applicant tests positive for Drugs, the Commission will deny the Applicant's license. This decision is final.
- (h) *Fingerprinting for Determining Good Moral Character.*
 - (1) An Applicant for a For-Hire Driver's License will be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services.
 - (2) The criminal history of any Applicant, including a renewal Applicant, will be reviewed in a manner consistent with Article 23-A of the New York State Correction Law.
 - (3) The application of any Applicant will be denied, and the For-Hire Driver's License of any current holder will be revoked, following a conviction for any serious criminal offense (as described in §498.1(f) of the New York Vehicle and Traffic Law).
 - (4) The Applicant will pay any processing fee required by the State.
- (i) *Agreement to Accept Legal Notices or Processes.*
 - (1) An Applicant must agree to accept service of any sort of notice or legal process issued by any agency of the City of New York upon the Applicant (Licensee) at the Applicant's Mailing Address.
 - (2) These official notices can be left with a member of the Applicant's family or any other person who resides with the Applicant at the Mailing Address.
- (j) *Training.* The Commission requires that Applicants for a License complete the required courses, provided however, that beginning on and after the effective date of this rule, and until a date to be posted by the Chairperson on the Commission's Web site, new Applicants will not be required to complete Authorized Driver Education Training at the time of licensure and will be issued a License

conditioned on completing such course at such time as the course is available. On or after a date to be set by the Chairperson and posted on the Commission's Web site at least 60 days prior to such date: (1) conditional Licensees must complete Authorized Driver Education Training and pass prescribed tests within 90 days as a condition of continued Licensure, and (2) Applicants must complete all required courses and pass prescribed tests as administered by the Commission or at its direction in order to obtain a License.

(1) *Defensive Driving Course.* (i) An Applicant for a new License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course.

(ii) An Applicant for a renewal License must hold a current certificate of completion that was issued no more than three years prior to the application date for the required hours of instruction in a Defensive Driving Course dated within three years of the date of the renewal application.

(2) *Authorized Driver Education Training.* After an application for licensure has been accepted by the Agency, an Applicant for a new License must complete the Authorized Driver Education Training course and pass an examination on course subjects as a condition of licensure.

(3) *Authorized License Renewal Course.* An Applicant for a renewal License must complete the Authorized License Renewal Course within 60 days prior to the renewal application date.

(4) *Military Exemption.* Any Applicant for a License who previously held a Valid License will not be required to take Authorized Driver Education Training, provided that Applicant meets the following conditions:

(i) The Applicant's License expired solely because the Applicant was not available to renew his or her License because he or she was engaged in active military service.

(ii) The Applicant's military service began before the expiration date of his or her prior License.

(iii) The Applicant filed an application within 90 days of completing active military service, and in no event later than three years following expiration of the prior License.

(iv) The Applicant provided proof of the dates of active military service.

- (v) Applicant meets all other requirements for obtaining a new License.
- (5) *Exemption for New York City Police Officers.* Any Applicant for a License who is a New York City Police Officer will not be required to take Authorized Driver Education Training, provided that Applicant meets the following conditions:
- (i) Applicant must present a letter from his or her commanding officer approving the application.
 - (ii) Applicant must pass an examination authorized by the Commission.
 - (iii) Applicant must meet all other requirements for obtaining a new License.
- (6) *Wheelchair Passenger Assistance Training.* An Applicant for a new License must attend and complete Wheelchair Passenger Assistance Training as a condition of licensure after an application for licensure has been accepted by the Agency. An Applicant for a renewal License who has never attended and completed Wheelchair Passenger Assistance Training must attend and complete such training in order to renew his or her license.
- (k) *Payment of Fines and Fees.*
- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
 - (i) the Commission,
 - (ii) NYC Department of Finance’s Parking Violations Bureau,
 - (iii) NYC Department of Finance’s Red Light Camera Unit,
 - (iv) NYS DMV’s Traffic Violations Bureau and
 - (v) any of their successor agencies.
 - (2) This requirement includes payment of fines and fees owed as of the date of the application by
 - (i) any Business Entity Persons of the Applicant

- (ii) any Business Entity of which the Applicant is a Business Entity Person, and
 - (iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.
- (3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (l) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and a current and valid E-mail Address.
- (m) *Material Changes in the Application.* The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:
 - (1) Changes in Applicant's Chauffeur's License status;
 - (2) Mailing address;
 - (3) Additional criminal convictions;
 - (4) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or
 - (5) Any change to the information provided or submitted with the Application.
- (n) *Sex Trafficking Awareness Training.*
 - (i) Beginning December 1, 2012, all Applicants, including Applicants for renewal licenses, must do all of the following:
 - A. Complete Sex Trafficking Awareness Training, and
 - B. Certify to the Commission as part of his or her application that he or she has completed such training.
 - (ii) For any Applicant applying for a For-Hire Driver's License on or after December 1, 2012, completion of Sex Trafficking Awareness Training and certification of completion are conditions for issuance of a license.

- (iii) *Exception for Applicants who have completed Sex Trafficking Awareness Training.* Beginning December 1, 2012, Applicants who have previously completed the Sex Trafficking Awareness Training course at least once and have certified that they have done so as required by sections (i) and (ii) of this section are not required to do so again, provided that they do all of the following:
 - A. Obtain and review the Continuing Sex Trafficking Awareness Training materials approved by the Commission and
 - B. Certify to the Commission as part of his or her application that he or she has obtained and reviewed Continuing Sex Trafficking Awareness Training material provided by the Commission.
 - C. For applicants who qualify to use this exception, review of the written Continuing Sex Trafficking Awareness Training materials and certification of obtaining and review of such materials are conditions for issuance of a license.
- (o) *Training Providers.* Providers of training and courses required in this Chapter must be approved by the Commission, must administer the curriculum required by the Commission, and must have received Commission approval of all fees charged.

§55-05 REPEALED Licensing – Probationary Licenses

§55-06 Licensing – Term of License

- (a) *New License.* A new License will be issued with a term of three years.
- (b) *Renewal License.* A License issued to a renewing Applicant will expire three years from the date on which the previous License expired.
- (c) *Extensions.* The Commission can extend the expiration date of a License once by up to 90 days. If an expiration date is extended, the required drug test must be taken and passed within 30 days before (and no later than) the extended expiration date.
- (d) *Advancement.* If a Licensee will not be available for drug testing during the 90 days before his or her License expires (or will be unavailable for any other reason), the Licensee may ask the Commission to move and reset the License expiration to an earlier date, provided that:
 - (1) Licensees make only one such request during the term of a License.

- (2) The request is complete and accurate and submitted on the proper Commission form.

(e) *When to File for Renewal.*

- (1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License in order to avoid a late fee.
- (2) A renewing Applicant can file a completed application less than 30 days before the expiration date as a “late application,” if the Applicant pays a late fee of \$25.
- (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.
- (4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(f) *Suspended Licenses.*

- (1) If a License is suspended, the Licensee must apply for renewal as required in (e) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.
- (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

§55-07 Licensing – Fees

- (a) *Fee for License.* The fee for a For-Hire Driver's License will be \$84 annually.
- (b) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.
- (c) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (d) *Late Filing Fee.* The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) *License Replacement Fee.* The Commission will charge a fee of \$25 for each License it issues to replace a lost, mutilated or unreadable License.

- (f) *Fees for Trainings and Other Courses.* Participants in a training or course required in this Chapter are responsible for any fees associated with that training or course.

§55-08 Licensing – Process and Causes for Denial of License

- (a) *Fit to Hold a License - Applicant.* The Chairperson will deny the original or renewal License of any Applicant who fails to demonstrate that the Applicant is Fit to Hold a License. The Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.
- (b) *Fit to Hold a License - Licensee.* If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny Driver’s renewal application or may seek to suspend or revoke his or her License.
- (c) *Denial of an Application.* The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson, no Application fees will be refunded.
 - (1) *Three-Year Ban.* The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs.
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
 - (iv) Any act, as prohibited by these Rules, resulting in the revocation of a prior License, unless the prior License was revoked pursuant to the mandatory penalties set forth in §54-02(e) of these Rules.
 - 1. The three-year ban will apply if, while license revocation charges were pending, a prior License expired or was surrendered to the Chairperson.

2. *Special Consideration for Critical Driver Program and Persistent Violator Program Revocations.* After a minimum of one year from the date the Critical Driver or Persistent Violator summons is issued, an Applicant may request a waiver of the three-year ban from the Chairperson. This request can only be made if the Applicant's driving record reflects no more than three points for violations that occurred during the three year period preceding the date of the request for the waiver.
- (2) *One-Year Ban.* The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:
- (i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.
 - (ii) The traffic infraction of unlicensed operation of a motor vehicle.
 - (iii) *Prior Application Denied.* The Chairperson will deny an Application that is submitted within one year after the submission of a prior Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior Application was submitted to the Commission.
 - (iv) *Illegal use of Drugs,* as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The one-year ban will run from the date of the failed drug test.
- (3) *Other Reasons for Denial of an Application.*
- (i) *Mistake or Omission in the Application.* The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.
 - (ii) *Eligible for Critical Driver Penalty.* The Chairperson can deny an Application if the Applicant would if licensed be subject to License suspension or revocation under the Critical Driver Program at the time the Application is submitted.
 - (iii) *Pendency of Criminal Charges.* The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days

after the submission of the Application, the Application will be denied.

- (4) *Settlements.* When settling charges which may result in the revocation of a License, the Chairperson and the Respondent in that proceeding may agree to a ban on applying for a new License different than that provided for in these rules, provided that the agreement is in writing.
- (d) *Failure to Complete Application Requirements.*
 - (1) The Chairperson will deny an Application for a new License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.
 - (2) The Chairperson will deny an Application for a renewal License if the Applicant has not completed all the requirements of an Application by the expiration date of the prior License.
 - (3) The Chairperson will not deny an Application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.
- (e) *Additional Consideration of an Application.* If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

§55-09 RESERVED (Licensing – Transfer of License)

§55-10 Licensing – Care and Use of License

- (a) *Loss or Theft of License.* A Driver, within 24 hours (not counting holidays and weekends), must notify the Commission of the loss or theft of his For-Hire Driver’s License.

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| §55-10(a) | Fine: \$50 | Appearance NOT REQUIRED |
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- (b) *Unreadable License.* A Driver must immediately surrender any unreadable or unrecognizable For-Hire Driver's License to the Commission.

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| §55-10(b) | Fine: \$50 | Appearance NOT REQUIRED |
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- (c) *No Alteration.* A Driver must not alter in any way any portion of his For-Hire Driver’s License or the attached photograph.

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| §55-10(c) | Fine: \$50 | Appearance NOT REQUIRED |
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- (d) *Keep Likeness Updated.* Whenever a Driver’s physical appearance has changed to any significant extent, the Driver must contact the Commission and arrange to have a new photograph of him- or herself taken at the Commission offices.

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| §55-10(d) | Fine: \$50 | Appearance NOT REQUIRED |
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- (e) *Surrender of License.* A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

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| §55-10 (e) | Fine: \$1,000 to be paid if Driver applies for a new License of any type. | Appearance N/A |
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§55-11 Comply with Laws – Unlicensed Activity Prohibited

- (a) *Driver Must Have Valid For-Hire Driver’s License.*

- (1) A driver must not operate a For-Hire Vehicle unless the driver has a Valid For-Hire Drivers License and the Vehicle is affiliated with a Licensed Base.
- (2) The Commission considers any driver who operates a For-Hire Vehicle after his or her License expires and before a renewal License is issued to be engaged in Unlicensed Activity.

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| §55-11(a) | Fine: First Violation: \$350 Second Violation: \$500 Third Violation in 36 months: Revocation. | Appearance REQUIRED |
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- (b) *Driver Must Have a Valid Chauffeur’s License.*

- (1) A Driver must not operate a For-Hire Vehicle without a valid Chauffeur’s License. The License of a Driver who operates a For-Hire Vehicle without a valid Chauffer’s License will be summarily suspended.
- (2) A Driver of a For-Hire Vehicle which is not exempt from NYS Department of Transportation authorization and inspection requirements must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a non-exempt vehicle if not in compliance with Article 19-A is the same as if the individual were driving a For-Hire Vehicle without a Valid License.

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| §55-11(b)(1)-(2) | Fine: First Violation: \$1,500 and Suspension until compliance. Second Violation in 36 months: \$2,000 and Suspension until compliance. Third Violation: revocation. | Appearance NOT REQUIRED |
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- (3) A Driver will immediately surrender his or her For-Hire Driver's License to the Commission upon the restriction, suspension or revocation of his Chauffeur's License.

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| §55-11(b)(3) | Fine: \$100 | Appearance NOT REQUIRED |
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- (c) *For-Hire Vehicle Must be Licensed by Commission.* A Driver must only operate for hire a vehicle that has a Valid Commission License to be operated as a For-Hire Vehicle.

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| §55-11(c) | Fine: First Violation: \$350 Second Violation: \$500 Third Violation in 36 months: Revocation. | Appearance REQUIRED |
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- (d) *No Unauthorized Use of For-Hire Driver's License.* A Driver must not permit another person to use his or her For-Hire Driver's License.

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| §55-11(d) | Fine: \$250 | Appearance NOT REQUIRED |
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§55-12 Comply with Laws – Proper Conduct

- (a) *Bribery.*

- (1) *Avoid Appearance of Bribery.* An Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

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| §55-12(a)(1) | Fine: \$10,000 and revocation | Appearance REQUIRED |
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- (2) *Do Not Offer Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to anyone at the Port Authority of New York and New Jersey, LIRR, Metro-North, or any similar airport or other transportation terminal who is employed to do the following:

- (i) Ground transportation information services,
- (ii) Dispatching service,
- (iii) Security services,

- (iv) Traffic and parking control, or
- (v) Baggage handling.

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| §55-12(a)(2) | Fine: Up to \$10,000 and revocation | Appearance REQUIRED |
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- (3) *Failure to Report Bribery.* A Licensee must immediately report to the Commission 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.

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| §55-12(a)(3) | Fine: \$1,000 and/or suspension up to 30 days or revocation | Appearance REQUIRED |
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- (b) *Fraud, Theft.* While performing the duties and responsibilities of a Driver, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

| | | |
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| §55-12(b) | Fine: \$350-\$1,000 and/or suspension up to 60 days or revocation Points: 4 | Appearance REQUIRED |
|-----------|--|---------------------|

- (c) *Willful Acts of Omission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with any other, any act where this failure is against the best interests of the public although not specifically mentioned in these Rules.

| | | |
|-----------|--|---------------------|
| §55-12(c) | Fine: \$150-\$350 and/or suspension up to 30 days or revocation Points: 3 | Appearance REQUIRED |
|-----------|--|---------------------|

- (d) *Willful Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with any other, any act that is against the best interests of the public although not specifically mentioned in these Rules.

| | | |
|-----------|--|---------------------|
| §55-12(d) | Fine: \$150-\$350 and/or suspension up to 30 days or revocation Points: 3 | Appearance REQUIRED |
|-----------|--|---------------------|

- (e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

| | | |
|-----------|--|---------------------|
| §55-12(e) | Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation Points: 3 | Appearance REQUIRED |
|-----------|--|---------------------|

- (f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person.

| | | |
|-----------|--|---------------------|
| §55-12(f) | Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation Points: 4 | Appearance REQUIRED |
|-----------|--|---------------------|

- (g) *Threat or Harm to Service Animal.* A Licensee must not distract, harm or use physical force against or attempt to distract, harm or use physical force against a Service Animal accompanying a Person with a Disability.

| | | |
|-----------|--|---------------------|
| §55-12(g) | Fine: \$500-1,500 and/or suspension up to 60 days or revocation Points: 4 | Appearance REQUIRED |
|-----------|--|---------------------|

- (h) *Notice of Criminal Conviction.*

- (1) A Licensee must notify the Commission in writing within 15 calendar days after any felony conviction of the Licensee.

| | | |
|--------------|--|-------------------------|
| §55-12(h)(1) | Fine: \$100 if plead guilty before a hearing; \$250 if found guilty following a hearing. | Appearance NOT REQUIRED |
|--------------|--|-------------------------|

- (2) Within 15 days after sentencing, Licensee must provide the Commission with a certified copy of the certificate of disposition issued by the clerk of the court.

| | | |
|--------------|-------------|-------------------------|
| §55-12(h)(2) | Fine: \$100 | Appearance NOT REQUIRED |
|--------------|-------------|-------------------------|

- (i) *Cooperate with the Commission.*

- (1) A Driver must truthfully answer all questions and comply as directed with all communications, directives, and summonses from the Commission or its representatives.

- (2) Within 10 days following a request from the Commission, a Driver must produce any License or other document the Driver is required to have or be reasonably able to obtain.

| | | |
|------------------|---|---------------------|
| §55-12(i)(1)&(2) | Fine: \$300 and Suspension until compliance | Appearance REQUIRED |
|------------------|---|---------------------|

- (3) (i) A Driver must report any change of Mailing Address and E-mail Address to the Commission in person or by mail within ten days.

| | | |
|-----------------|-------------|-------------------------|
| §55-12(i)(3)(i) | Fine: \$100 | Appearance NOT REQUIRED |
|-----------------|-------------|-------------------------|

- (ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

(j) *Cooperate with Law Enforcement.*

- (1) A Licensee must cooperate with all law enforcement officers and authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, providing his or her name, License number and any other document that is required to be in the Driver's possession.

| | | |
|-----------|--|-------------------------|
| §55-12(j) | Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing. | Appearance NOT REQUIRED |
|-----------|--|-------------------------|

(k) *Courtesy.* A Licensee will be courteous to Passengers.

| | | |
|-----------|--|-------------------------|
| §55-12(k) | Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing. | Appearance NOT REQUIRED |
|-----------|--|-------------------------|

(l) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

| | | |
|----------|--------------------------------|-------------------------|
| 55-12(l) | Fine: \$10,000 and revocation. | Appearance NOT REQUIRED |
|----------|--------------------------------|-------------------------|

(m) *Sexual Harassment.* While performing the duties and responsibilities of a Licensee, a Licensee must not engage in the sexual harassment of any person.

| | | |
|-----------|---|---------------------|
| §55-12(m) | Fine: \$1,000 and mandatory suspension of 30 days and/or revocation. Points: 3 | Appearance REQUIRED |
|-----------|---|---------------------|

(n) *Sexual Contact.* While performing the duties and responsibilities of a Licensee, a Licensee must not engage in sexual contact with any person.

| | | |
|-----------|---|---------------------|
| §55-12(n) | Fine: \$2,000 and mandatory revocation. | Appearance REQUIRED |
|-----------|---|---------------------|

§55-13 Comply with Laws – Traffic Laws

(a) *Compliance with Traffic Laws.* A For-Hire Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose the following fines and penalties in addition to any fines and penalties imposed by the underlying law:

- (1) Laws, rules or regulations governing stationary vehicles.

| | | |
|--------------|--|-------------------------|
| §55-13(a)(1) | Fine: \$100 if plead guilty before a hearing; \$200 if found guilty following a hearing. | Appearance NOT REQUIRED |
|--------------|--|-------------------------|

- (2) Laws, rules or regulations governing moving vehicles, *other than hazardous moving violations* defined by paragraph (3) of this subdivision.

| | | |
|--------------|--|-------------------------|
| §55-13(a)(2) | Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing. | Appearance NOT REQUIRED |
|--------------|--|-------------------------|

- (3) Laws, rules or regulations governing moving vehicles that involve hazardous moving violations defined as follows:

| | | |
|--------------|---|-------------------------|
| §55-13(a)(3) | Fine: \$300 if plead guilty before a hearing; \$400 if found guilty following a hearing. Points: As listed below | Appearance NOT REQUIRED |
|--------------|---|-------------------------|

| Rule | VIOLATION | Points |
|----------------------|--|--------|
| § 55-13(a)(3)(i) | SPEEDING | |
| § 55-13(a)(3)(i)(A) | SPEEDING 1 to 10 miles above posted speed limit | 3 |
| § 55-13(a)(3)(i)(B) | SPEEDING 11 to 20 miles above posted speed limit | 4 |
| § 55-13(a)(3)(i)(C) | SPEEDING 21 to 30 miles above posted speed limit | 5 |
| § 55-13(a)(3)(i)(D) | SPEEDING 31 to 40 miles above posted speed limit | 6 |
| § 55-13(a)(3)(i)(E) | SPEEDING 41 or more miles above speed limit | 8 |
| § 55-13(a)(3) (ii) | Failing to stop for school bus | 5 |
| § 55-13(a)(3) (iii) | Following too closely | 4 |
| § 55-13(a)(3) (iv) | Inadequate brakes (own vehicle) | 4 |
| § 55-13(a)(3) (v) | Inadequate brakes (employer's vehicle) | 2 |
| § 55-13(a)(3) (vi) | Failing to yield right of way | 3 |
| § 55-13(a)(3) (vii) | Traffic signal violation | 3 |
| § 55-13(a)(3) (viii) | Stop sign violation | 3 |
| § 55-13(a)(3) (ix) | Yield sign violation | 3 |
| § 55-13(a)(3) (x) | Railroad crossing violation | 3 |
| § 55-13(a)(3) (xi) | Improper passing | 3 |
| § 55-13(a)(3) (xii) | Unsafe lane change | 3 |
| § 55-13(a)(3) (xiii) | Driving left of center | 3 |
| § 55-13(a)(3) (xiv) | Driving in wrong direction | 3 |
| § 55-13(a)(3) (xv) | Leaving scene of an accident involving property damage or injury to animal | 3 |

- (4) *Report Before Leaving Scene.* 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 number, and Vehicle License

number, as well as the name of the Vehicle’s insurance carrier and the insurance policy number.

| | | |
|--------------|--|---------------------|
| §55-13(a)(4) | 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 Points: 3 | Appearance REQUIRED |
|--------------|--|---------------------|

- (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.

| | | |
|--------------|--------------------------|-------------------------|
| §55-13(a)(5) | Fine: \$100 Points: 3 | Appearance NOT REQUIRED |
|--------------|--------------------------|-------------------------|

- (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.

| | | |
|--------------|---|-------------------------|
| §55-13(a)(6) | Fine: Suspension until satisfaction or payment. | Appearance NOT REQUIRED |
|--------------|---|-------------------------|

§55-14 Operations – Passenger and Driver Safety

- (a) *Reckless Driving Rule.* A Driver must not operate a For-Hire Vehicle in a manner or speed that unreasonably endangers users of other vehicles, pedestrians or the Passengers.

| | | |
|-----------|--|---------------------|
| §55-14(a) | Fine: \$350 - \$1,000 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within an 18 month period. Points: 4 | Appearance REQUIRED |
|-----------|--|---------------------|

- (b) *Driving While Impaired.*
- (1) A Driver must not operate a For-Hire Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content) or while he or she is under the influence of Drugs.
 - (2) A Driver must not operate or occupy his or her For-Hire Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or consuming any Drugs.
 - (3) A Driver may be found guilty of Driving While Impaired regardless and independent of any of the Driver’s previous Annual Drug Test results.

| | | |
|-----------|------------------|---------------------|
| §55-14(b) | Fine: Revocation | Appearance REQUIRED |
|-----------|------------------|---------------------|

- (c) *Drug Testing “For Cause.”* If the Commission has a reasonable suspicion that a Driver has used a Drug that makes him or her unfit to operate a For-Hire Vehicle safely, the Commission can direct the Driver to be tested, at the Driver’s expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

| | | |
|-----------|--|-------------------------|
| §55-14(c) | Fine: Suspension until compliance or revocation of License | Appearance NOT REQUIRED |
|-----------|--|-------------------------|

- (d) *Annual Drug Testing.*

- (1) All Drivers except those who are NYC Police Officers, must be tested annually, at the Driver’s expense, for Drugs.
- (2) For Drivers in the first year of a three-year License, the testing must occur no sooner than 90 days before the one-year anniversary date of the License, and no later than the one-year anniversary date. The License of a Driver who does not timely submit to drug testing will be summarily suspended.

| | | |
|------------------|--|-------------------------|
| §55-14(d)(1)&(2) | Fine: Summary Suspension until compliance or revocation. \$200 if compliance is more than 30 days after the deadline | Appearance NOT REQUIRED |
|------------------|--|-------------------------|

- (3) For Drivers in the second year of a three-year License, the testing must occur no sooner than 90 days before the second-year anniversary date of the License, and not after the second-year anniversary date.

| | | |
|--------------|--|-------------------------|
| §55-14(d)(3) | Fine: Summary Suspension until compliance. \$200 if compliance is more than 30 days after the deadline | Appearance NOT REQUIRED |
|--------------|--|-------------------------|

- (4) For Drivers in the third year of a three-year License, the testing must occur no sooner than 90 days before the License expiration date, and in no case after the expiration date.

| | | |
|--------------|--|-------------------------|
| §55-14(d)(4) | If the Driver fails to be tested within this time period, his or her License will expire and will not be renewed | Appearance NOT REQUIRED |
|--------------|--|-------------------------|

- (e) *Results of Drug Test.* Licensee must pass every drug test, whether “for cause” or annual. If the results of either test are positive, or if the sample cannot be tested, the Driver’s License can be revoked after a hearing.

| | | |
|-----------|--|-------------------------|
| §55-14(e) | Fine: License may be revoked after hearing | Appearance NOT REQUIRED |
|-----------|--|-------------------------|

- (f) *Driving While Injured.*

- (1) If a Driver files for Workers' Compensation benefits claiming an injury that prevents the Driver from working as a For-Hire Driver, the Driver must stop driving as a For-Hire Driver and return his or her Drivers License to the Commission.
- (2) The Commission will return the Drivers License when the Driver gives the Commission documents proving that his or her Workers' Compensation benefits have stopped because he or she has recovered from the injury.

| | | |
|-----------|--------------------|---------------------|
| §55-14(f) | Fine: \$75 - \$150 | Appearance REQUIRED |
|-----------|--------------------|---------------------|

(g) *Use of an Electronic Communication Device.*

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

| | | |
|--------------|--|-------------------------|
| §55-14(g)(1) | Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for third offense in any 15-month period | Appearance NOT REQUIRED |
|--------------|--|-------------------------|

- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. Penalty: Suspension until compliance if course not completed within 60 days of the date of conviction. The Driver must provide proof that the course was completed.

- (3) *Affirmative Defense.* A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
- (ii) The communication reports an imminent threat to life or property;
- (iii) The Driver could not safely stop the Vehicle to make the report;
and
- (iv) The Driver provides documentary proof of communication with an emergency response provider.

- (h) *Serious Crashes.* A Serious Crash is one in which any person has suffered Critical Injury or death. "Critical Injury," for purposes of this section, means any

injury determined to be critical by the emergency medical service personnel responding to such crash.

- (i) If a Driver has been issued a summons for or charged with one or more traffic related violations or crimes in a Serious Crash, the Driver’s License may be Summarily Suspended, upon a finding that the Driver’s conduct was a substantial cause of the Serious Crash. Upon conviction of the Driver of one or more of the violations or crimes stated in the summons or charges and upon a determination that one or more of the violations or crimes for which conviction occurred was a cause of Critical Injury or death, the License will be revoked. A Summary Suspension pursuant to this section may be lifted pursuant to this Title or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the Chairperson may continue to suspend the license pursuant to an investigation into the Driver’s fitness and such License may be revoked if the Driver is found not Fit to Hold a License (see subdivision (ii)). This section does not limit in any way the Chairperson’s authority to Summarily Suspend a Driver for other reasons.
- (ii) After any Serious Crash of which the TLC is notified involving a Driver operating a Licensed Vehicle, the TLC will review whether the Driver is Fit to Hold a License under Section 55-08(b) of this Chapter. The TLC can seek Suspension or Revocation of the Driver’s License and can Summarily Suspend the Driver’s License while any fitness review or enforcement action is pending, in accordance with Section 68-15 of this Title.

§55-15 Operations – General Rules During Operation of Vehicle

- (a) *No Weapons.* A Driver, while operating a For-Hire Vehicle, must not, without the Chairperson's written authorization, have in his or her possession or in the Vehicle, a weapon as defined by these Rules, or any other instrument that is intended to be used as a weapon.

| | | |
|-----------|------------|---------------------|
| §55-15(a) | Revocation | Appearance REQUIRED |
|-----------|------------|---------------------|

- (b) *Driver Neat & Clean.* A Driver must be clean and neat in dress and person and present a professional appearance.

| | | |
|-----------|------------|-------------------------|
| §55-15(b) | Fine: \$25 | Appearance NOT REQUIRED |
|-----------|------------|-------------------------|

- (c) *No Smoking.* A Driver must not smoke in a For-Hire Vehicle.

| | | |
|-----------|--|-------------------------|
| §55-15(c) | Fine: \$150 for first and subsequent offenses within | Appearance NOT REQUIRED |
|-----------|--|-------------------------|

| | | |
|--|-------------------|--|
| | a 12-month period | |
|--|-------------------|--|

(d) **Reserved.** *No Locking Rear Doors.*

(e) **Reserved.**

(f) **Reserved.** *Have E-ZPass.*

(g) *No Overcharging Passenger.*

- (1) A Driver must not charge or attempt to charge a fare above the pre-approved rate quoted by the dispatcher or Dispatch Service Provider. A Driver must not impose or attempt to impose any additional charge for transporting a Person with a Disability, a service animal accompanying a Person with a Disability or a wheelchair or other mobility aid.
- (2) No Driver is permitted to ask or require a Passenger to tip.

| | | |
|-----------|--|---------------------|
| §55-15(g) | Fine: \$100-250 except that the penalty for soliciting a tip shall be \$50, and restitution of overcharge to the Passenger | Appearance REQUIRED |
|-----------|--|---------------------|

(h) **Reserved.** *Non-Paying Customers.*

(i) **Reserved.** *No Overloading Vehicle.*

(j) *Use of Front Seat.*

- (1) A Driver must permit a Passenger who is unable to enter or ride in the rear seat of a For-Hire Vehicle to occupy the front seat alongside the Driver.

| | | |
|--------------|------------|-------------------------|
| §55-15(j)(1) | Fine: \$75 | Appearance NOT REQUIRED |
|--------------|------------|-------------------------|

- (2) If a Passenger's luggage, wheelchair, crutches, three-wheeled motorized scooter, other mobility aid or other property occupies the rear seat of the For-Hire Vehicle, the Passenger must be permitted to occupy the front seat alongside the Driver.

| | | |
|--------------|------------|-------------------------|
| §55-15(j)(2) | Fine: \$25 | Appearance NOT REQUIRED |
|--------------|------------|-------------------------|

(k) *Luggage.* Upon request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property in or from the Vehicle's interior or trunk compartment, and must secure such compartment.

| | | |
|-----------|-------------|-------------------------|
| §55-15(k) | Fine: \$ 50 | Appearance NOT REQUIRED |
|-----------|-------------|-------------------------|

(l) **Reserved.** *No Property.*

- (m) **Reserved.** *No 'Marketing' to Passengers.*
- (n) **Reserved.** *Handling Passengers with Infectious Diseases.*
- (o) **Parking.** While stopped at its affiliated Base:
 - (1) A Livery Driver must use the off-street parking facilities provided by the Base Station Owner and must comply with all applicable traffic and parking regulations.

| | | |
|--------------|------------|-------------------------|
| §55-15(o)(1) | Fine: \$50 | Appearance NOT REQUIRED |
|--------------|------------|-------------------------|

- (2) A Black Car or Luxury Limousine Driver must comply with all applicable traffic and parking regulations.

| | | |
|--------------|------------|-------------------------|
| §55-15(o)(2) | Fine: \$50 | Appearance NOT REQUIRED |
|--------------|------------|-------------------------|

- (p) **No Nuisance Behavior.** A Driver while stopped at the Base with which the Driver's Vehicle is affiliated must not create a nuisance such as:

- (1) Engaging in littering,
- (2) Playing of loud audio material, or
- (3) Horn honking.

| | | |
|-----------|------------|-------------------------|
| §55-15(p) | Fine: \$50 | Appearance NOT REQUIRED |
|-----------|------------|-------------------------|

- (q) **No Requiring Ride-Sharing.** A Driver of a For-Hire Vehicle must not require that any prospective Passenger share a ride with another prospective Passenger.

| | | |
|-----------|------------|-------------------------|
| §55-15(q) | Fine: \$50 | Appearance NOT REQUIRED |
|-----------|------------|-------------------------|

§55-16 Operations – Comply with Reasonable Passenger Requests

- (a) **Reserved.** *Shortest Route Absent Reasonable Passenger Request.*
- (b) **Reserved.** *Request to Change Destination or Terminate.*
- (c) **Reserved.** *Request for Driver's Name, License Number.*
- (d) **Reserved.** *Request for Receipt.*
- (e) **Passenger Requests on Audio.**
 - (1) All audio equipment controlled by the Driver must be turned on or off at the request of the Passenger.

- (2) The Passenger shall have the right to select what is played on the audio equipment.
- (3) Whether or not the Vehicle is hired, an audio device must be played at normal volume only, and must comply with all noise laws and regulations.

| | | |
|-----------|------------|-------------------------|
| §55-16(e) | Fine: \$50 | Appearance NOT REQUIRED |
|-----------|------------|-------------------------|

- (f) *Passenger Requests on Air Conditioning.* A Driver must turn on or off heating or air-conditioning equipment at the request of the Passenger.

| | | |
|-----------|------------|-------------------------|
| §55-16(f) | Fine: \$50 | Appearance NOT REQUIRED |
|-----------|------------|-------------------------|

§55-17 RESERVED (Operations – Method of Payment)

§55-18 RESERVED (Operations – Lost Property)

§55-19 Operations – Passenger and Solicitation and Engagement

- (a) *Limitations on Driver Solicitation of Passengers.*

- (1) A Driver, other than a Driver of a Street Hail Livery as defined in subdivision (c) of section 82-03 of these Rules, 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 Dispatch Service Provider, or by dispatch of an Accessible Vehicle.

| | | |
|--------------|---|---------------------|
| §55-19(a)(1) | Fine: First Violation: \$500 Second Violation in 24 months: \$1500 Third Violation in 36 months: Revocation | Appearance REQUIRED |
|--------------|---|---------------------|

- (2) *Hail Exclusionary Zone.* If a Driver other than a Driver of a Street Hail Livery as defined in subdivision (c) of section 82-03 of these Rules solicits or picks up Passengers other than by prearrangement through a licensed Base of the class that can dispatch the Driver’s For-Hire Vehicle or Dispatch Service Provider, or by dispatch of an Accessible Vehicle in Manhattan south of East 96th Street and West 110th Street or at the New York City Airports, the Driver will be subject to the below enhanced penalties.

| | | |
|--------------|---|---------------------|
| §55-19(a)(2) | Fine: \$2,000 for the first violation; \$4,000 for the second violation in 24 months; \$10,000 and revocation for third violation in 120 months | Appearance REQUIRED |
|--------------|---|---------------------|

- (b) *Taxi Stands.* A For-Hire Driver must not pick up a Passenger at an authorized taxi stand.

| | | |
|-----------|--|---------------------|
| §55-19(b) | Fine: First Violation: \$350 Second Violation in 24 months: \$500 | Appearance REQUIRED |
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| | | |
|--|--|--|
| | Third Violation in 36 months: Revocation | |
|--|--|--|

- (c) *Airports.* A Driver must not accept a dispatch while parked or otherwise located at Kennedy Airport or La Guardia Airport unless the Driver is parked in an area other than the airport’s designated passenger pick up locations.

| | | |
|-----------|-------------|-------------------------|
| §55-19(c) | Fine: \$250 | Appearance NOT REQUIRED |
|-----------|-------------|-------------------------|

§55-20 Operations – Refusing Passengers

- (a) *Must Not Refuse Passengers.*

- (1) A Driver who has been dispatched must not refuse, by words, gestures, cancellation of such dispatch, or any other means to provide transportation to a person who has prearranged the trip with a destination within the City of New York, the counties of Westchester or Nassau or Newark Airport.
- (2) A Driver who has been dispatched must not refuse, by words, gestures or any other means to provide transportation to a Person with a Disability or any Service Animal accompanying the person.

| | | |
|------------------|---|---------------------|
| §55-20(a)(1)&(2) | Fine: First Violation: \$200- \$350 Second Violation within 36 months: \$350 - \$500 | Appearance REQUIRED |
|------------------|---|---------------------|

- (3) A Driver must not refuse to transport any Person with a Disability or any guide dog accompanying such person.

| | | |
|--------------|------------------------------|---------------------|
| §55-20(a)(3) | Fine: \$5,000 and revocation | Appearance REQUIRED |
|--------------|------------------------------|---------------------|

- (b) *Justification for Refusal.* Justifiable grounds for refusing transportation services are the following:

- (1) The Passenger is carrying, or is in possession of any article, package, case or container that the Driver reasonably believes will cause damage to the interior of the For-Hire Vehicle, impair its efficient operation, or stain or foul the interior. This does not include wheelchairs or other mobility aids used by disabled persons.
- (2) The Passenger is escorted or accompanied by an animal that is not properly or adequately secured in a kennel case or other suitable container. This provision will not apply to service animals accompanying People with Disabilities.
- (3) The Passenger is intoxicated or disorderly. (*Caution:* Drivers must not refuse service solely because a disability results in annoying, offensive, or inconvenient behavior.)

(4) If the Driver has asked the Passenger to stop smoking in the Vehicle and the Passenger has refused to stop, the Driver may discharge the Passenger. The Driver must, however, discharge the Passenger at a safe location.

(c) *Attendants for Disabled Passengers.* A Driver may not require a Person with a Disability to be accompanied by an attendant. However, if a Person with a Disability is accompanied by an attendant, a Driver will not impose or attempt to impose any additional fare charges for transporting the attendant.

| | | |
|-----------|--|---------------------|
| §55-20(c) | Fine: \$100-\$250 and order restitution of any overcharge to the Passenger | Appearance REQUIRED |
|-----------|--|---------------------|

(d) *Luggage and Mobility Aids.* A Driver must not refuse to transport a Passenger’s luggage, wheelchair, crutches, other mobility aid or other property.

| | | |
|-----------|--------------------------------|---------------------|
| §55-20(d) | Fine: \$200-\$350 Points: 2 | Appearance REQUIRED |
|-----------|--------------------------------|---------------------|

§55-21 Operations – Rules for Drivers from Qualified Jurisdictions

(a) *Eligibility for Reciprocal Recognition.* A driver holding a Valid Qualified Jurisdiction driver’s license (a QDL) will be eligible for Reciprocity, provided that the driver meets all of the following requirements:

(1) The driver is operating a vehicle that is licensed to operate for-hire by a Qualified Jurisdiction (*see Chapter 59A, §59-05*).

| | | |
|--------------|-------------|-------------------------|
| §55-21(a)(1) | Fine: \$350 | Appearance NOT REQUIRED |
|--------------|-------------|-------------------------|

(2) The driver holds a Valid Chauffeur’s License.

| | | |
|--------------|-------------|-------------------------|
| §55-21(a)(2) | Fine: \$100 | Appearance NOT REQUIRED |
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(3) While operating within New York City, the Valid Chauffeur’s License must be displayed on request or be posted within the vehicle.

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| §55-21(a)(3) | Fine: \$350 | Appearance NOT REQUIRED |
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(4) The driver maintains and completes the Trip Record required and described in subdivision (e), below.

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| §55-21(a)(4) | Fine: \$300 | Appearance NOT REQUIRED |
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(5) A driver providing For-Hire transportation in New York City under Reciprocal Recognition must comply with the Rules of this chapter while operating within New York City as if the driver were licensed by the Commission.

- (b) *Privileges of Reciprocal Recognition.* A driver who meets the requirements above for Reciprocity will be allowed, without any License issued by or any fee paid to the Commission, to do the following:
- (1) Pick up Passengers in the driver's Qualified Jurisdiction for travel to or through New York City.
 - (2) Pick up Passengers in New York City for travel to the driver's Qualified Jurisdiction.
 - (3) When transporting Passengers between the jurisdictions (as described in subdivisions (1) or (2) above), temporarily discharge and pick up such Passengers within New York City; provided, however, that all the stops must occur within 24 hours of the initial pick up of the Passengers.
 - (4) Transit through New York City for a trip beginning and ending outside New York City.
- (c) *Prohibited Activity.* A driver must NOT provide transportation for hire between two points wholly within New York City unless both vehicle and driver are licensed by the Commission.
- (d) *Unlicensed Activity.* A driver will be engaged in Unlicensed Activity if he or she:
- (1) Fails to have the licenses required or is not eligible for Reciprocity under subdivision (a) of this section.
 - (2) Engages in the prohibited activity described in subdivision (c) of this section.
- (e) *Qualified Jurisdiction Trip Record.*
- (1) A record of each trip between New York City and a Qualified Jurisdiction must be made prior to the commencement of the trip and recorded on a Trip Record carried in the vehicle.
 - (2) The Trip Record must be kept for a period of no less than one year after the trip.
 - (3) The record of each trip must be written legibly in ink and include the following information:
 - (i) The Passenger's name or other identifier.
 - (ii) The time of scheduled pick-up.

- (iii) The location where the Passenger is scheduled to be picked up.
 - (iv) The location of any intermediate stops between the original pick-up location and the final destination.
 - (v) The Passenger's final destination.
 - (vi) At the completion of the trip, the time of completion shall be added to the record.
- (4) The Trip Record must be kept in the vehicle during any trip between New York City and a Qualified Jurisdiction, including a trip through either New York City or a Qualified Jurisdiction.
 - (5) The Trip Record must be presented for inspection on request to any police officer or peace officer acting pursuant to his or her special duties or other person authorized by the Commission or by the Qualified Jurisdiction.
 - (6) Failure to present a properly maintained Trip Record when requested by an authorized person will be presumptive evidence of Unlicensed Activity.

§55-22 Vehicle – Operating Conditions

- (a) *Reserved. 3-Minute Idle.*
- (b) *Reserved. Inspect Condition.*
- (c) *Reserved. No On-street Maintenance Other than Emergency.*
- (d) *Clean Interior.* A Driver during his or her work shift must keep the Vehicle's interior clean and scent free.

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| §55-22(d) | Fine: \$50 | Appearance NOT REQUIRED |
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- (e) *Reserved. Exterior Clean and Identification Visible.*
- (f) *No Unauthorized Equipment.* In addition to the dispatch equipment required by a Driver's Base, a Driver is permitted to use the following electronic device(s) provided that the device(s) is mounted in a fixed position and not hand-held and use of the electronic device(s) is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion:
 - (1) If the dispatch equipment required by a Driver's Base is capable of accepting dispatches from other Bases or Dispatch Service Providers, *ONE* electronic device that is used to accept dispatches from a Base or Dispatch Service Provider.

- (2) If the dispatch equipment required by a Driver’s Base is not capable of accepting dispatches from other Bases or Dispatch Service Providers, *TWO* electronic devices that are used to accept dispatches from a Base or Dispatch Service Provider.

(g) **Reserved.** *No Unauthorized Signing.*

§55-23 Vehicle – Items Required to be in the Vehicle

(a) *Licenses and Certificates.* A Driver must not operate a For-Hire Vehicle without the following:

- (1) On the right visor, on top of the right side of the dashboard or in the glove compartment:

- (i) The certificate of registration or a legible copy of it; and
- (ii) The insurance card or a legible copy of it.

- (2) In a protective holder attached to the back of the driver’s seat in the Vehicle:

- (i) The For-Hire Vehicle Driver’s license of the Driver.

- (3) Exception for Black Cars and Luxury Limousines.

- (i) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver’s seat to display:

- A. The For-Hire Vehicle Driver’s License; and
- B. The For-Hire Vehicle License.

- (ii) Those items must, however, be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

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| §55-23(a)(1)-(3) | Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. | Appearance NOT REQUIRED |
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(b) *Trip Record.* If the For-Hire Vehicle is used for providing pre-arranged transportation for hire between the City of New York and a Qualified Jurisdiction, a Trip Record, as described in §55-21(e), must be carried in the Vehicle.

- (c) *Clear View for Passengers.* A Driver must not block a Passenger’s view of his or her Driver’s License, the For-Hire Vehicle License and, in a Livery, the Livery Passengers’ bill of rights.

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| §55-23(c) | Fine: \$50 | Appearance NOT REQUIRED |
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§55-24 RESERVED (Vehicle – Trip Records)

§55-25 RESERVED (Vehicle – Electronic Trip Record System)

§55-26 RESERVED (Vehicle – Miscellaneous)

§55-27 Special Driver Penalty Programs

- (a) *Critical Driver’s Program (“Points” in this Section refers to points assessed by the Department of Motor Vehicles).* In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission’s Critical Driver’s Program:

- (1) *License Suspension.* If, within a 15-month period, a Driver accumulates six or more points but fewer than ten points on his or her driver’s license (whether issued by New York or another state), the Commission will suspend the Driver’s For-Hire Driver’s License for 30 days.
- (2) *License Revocation.* If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver’s license (whether issued by New York or another state), the Commission will revoke the Driver’s For-Hire Driver’s License.
- (3) *Review of Driver Fitness.* The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, accident, or other driving related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.
- (4) *15-Month Period.* When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will calculate the 15-month period by counting backwards 15 months from the date of the most recent conviction for the violation carrying points that is cited in the summons issued under this section.
- (5) *Date of Point Accumulation.* For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date of conviction.

- (6) *Multiple Points from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
- (7) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will, for purposes of the Critical Driver's Program, deduct three points from the total points that appear on the Licensee's driving record maintained by the DMV or equivalent licensing agency of the state which issued such license of any Licensee who voluntarily attends and satisfactorily completes a Defensive Driving Course. Such point reduction will count only towards points accumulated by the Licensee as a result of the conviction for violations that occurred within 15 months prior to the date of the completion of the course; counting from the date of conviction. In order for the Defensive Driving Course to reduce the Licensee's Critical Driver program points, the course must be satisfactorily completed prior to the adjudication of the Critical Driver summons. Completion of the Defensive Driving Course after the adjudication of a Critical Driver Program summons will reduce the Licensee's Critical Driver Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.
 - (ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.
 - (iii) If the Commission has already suspended or revoked the Driver's License before the Driver completes the course, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce total points more than once in any 18-month period.
- (b) *Program for Persistent Violators of For-Hire Drivers' Rules ("Points" in this Section refers to points assessed by the Commission).*
- (1) *Suspension and Revocation – Points and Time Periods.*

- (i) The Commission will add one point to the For-Hire Driver's License of any Driver who has been found guilty of three or more violations within a 15-month period.
 - (ii) Any Driver who has accumulated six or more Commission-issued points but fewer than ten points total against his or her For-Hire Driver's License within a 15-month period and whose License has not been revoked will have his or her License suspended for up to 30 days.
 - (iii) The Commission will revoke the License of any Driver who has accumulated ten or more points against his or her For-Hire Driver's License within a 15-month period.
 - (iv) Any Driver whose License has not been revoked and who has within a 15-month period accumulated against his or her For-Hire Vehicle Driver's License a combination of designated Persistent Violator points and Critical Driver points totaling six to nine points, counting from the date of conviction, will have his or her License suspended for up to 30 days. For purposes of this subparagraph and of subparagraph (v) of this paragraph, "designated Persistent Violator points" shall be points assessed against the Driver's License for violations that threaten the safety of passengers or any other persons, and shall be all violations listed in sections 55-13 and 55-14 of these rules.
 - (v) The Commission will revoke the License of any Driver who has within a 15-month period accumulated against his or her For-Hire Vehicle Driver's License a combination of designated Persistent Violator points and Critical Driver points totaling ten or more points, counting from the date of conviction.
- (2) *Multiple Violations from a Single Incident.* For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.
 - (3) *More Severe Penalties at Discretion of Commission.* The Commission can impose more severe or additional penalties to any penalties stated in this section.
 - (4) *Hearing Process and Imposition of Penalties.*
 - (i) The Commission will impose penalties described in this section following the hearing at which the Driver is found in violation of

rules that bring his accumulated point total to the level that triggers these penalties.

- (ii) Persistent violator penalties will be in addition to those penalties specifically listed in the Rules.
- (5) *Point Reduction for Voluntary Course Completion.*
- (i) Before suspending or revoking a Driver's License, the Commission will deduct three points from the total points of any Licensee who voluntarily attends and satisfactorily completes a Point Reduction Course.
 - (ii) In order for the Point Reduction Course to reduce the Driver's Persistent Violator Program points, the course must be satisfactorily completed prior to the adjudication of the Persistent Violator summons. The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed.
 - (iii) If the Commission has already suspended or revoked the Driver's License before the Driver completes the course, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce total points more than once in any five year period.
 - (v) If no Point Reduction Course is available when the Driver seeks to enroll, the Driver may take a Defensive Driving Course. After the driver furnishes the Commission with proof that the course was satisfactorily completed, the TLC will deduct three points from either the number of points accrued under the Critical Driver Program, §55-27(a) or the Program for Persistent Violators §55-27(b). The Driver will select the program from which the points will be deducted.
- (6) It will be an affirmative defense that the act that formed the basis for the violation was beyond the control and influence of the Driver.

§55-28 Street Hail Liveries.

- (a) The holder of a Valid For-Hire Driver's License on July 1, 2013 is authorized to drive a Street Hail Livery subject to all the requirements of this Section and Chapter 54 of these Rules.
- (b) (Reserved)

(c) The holder of a Valid For-Hire Driver's License must comply with all requirements of Chapter 54 while operating a Street Hail Livery. A Driver operating a Street Hail Livery can be found liable for violating the requirements of Chapter 54.

(d) *Special Penalty Programs.*

Any points accumulated under Chapter 54 by a For-Hire Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License as specified in

- (i) Section 55-27(a) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or
- (ii) Section 55-27(b) of this Chapter if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules,

and the Driver may incur the penalties specified as a result.