

Chapter 70

Transition Rules

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§70-01 Scope of this Chapter

- (a) To repeal existing TLC rules;
- (b) To promulgate new TLC rules of which this chapter is part;
- (c) To provide for a transition from the existing rules to the new rules;
- (d) To set forth the general purpose that actions taken under the existing rules remain effective when the new rules take effect, a purpose which is to be construed broadly.

§70-02 Penalties

This chapter is informational in nature and does not provide for any penalties.

§70-03 Definitions Specific to this Chapter

- (a) *Activation Date.* The Activation Date is April 1, 2011.
- (b) *New Rules.* Title 35 of the Rules of the City of New York and any amendments that become effective on and after the Activation Date.
- (c) *Old Rules.* Title 35 of the Rules of the City of New York as in effect before the Activation Date.

§70-04 Rules

- (a) *Old Rules.* The Old Rules are repealed on the Activation Date.
- (b) *New Rules.* The New Rules become effective and binding on the Activation Date.

§70-05 Existing Licenses

- (a) *Existing Licenses.* All Licenses issued by the Commission and Valid at the Activation Date continue in existence.
- (b) *Obligation to follow New Rules.* All Licensees must obey the New Rules beginning on the Activation Date. It does not matter when a License was issued or when the License expires. A Licensee will be responsible for his or her conduct as a Licensee under the New Rules beginning on the Activation Date.

- (c) *Old Rules are no defense to ongoing obligations.* No person can raise as a defense to a violation of the New Rules from the Activation Date either the existence of the Old Rules before the Activation Date or that a License was issued under the Old Rules.
- (d) *License Terms-Expiration.*
 - (1) A License Valid and in effect on the Activation Date expires on the date it was scheduled to expire when issued under the Old Rules.
 - (2) A License suspended on the Activation Date expires on the date it was scheduled to expire when issued under the Old Rules.
- (e) *License Renewals.* When a License expires on or after the Activation Date, the New Rules apply to any application to renew that License.

§70-06 License Applications

- (a) *License Applications received before the Activation Date.* License applications received before the Activation Date will be processed under the Old Rules. However, for any such License, the Licensee must follow the New Rules beginning on the Activation Date.
- (b) *License Applications received after the Activation Date.* License applications received on and after the Activation Date will be processed under the New Rules.

§70-07 Persistence of Enforcement Actions

- (a) *Summonses.*
 - (1) All summonses written and outstanding under the Old Rules remain valid at the Activation Date. Charges in the summonses will be adjudicated under the Old Rules.
 - (2) All summonses written beginning on the Activation Date will be written under the New Rules. Charges in the summonses will be adjudicated under the New Rules.
 - (3) No summons can be dismissed on or after the Activation Date on the ground that it was written under the Old Rules for conduct that occurred before the Activation Date.
- (b) *Outstanding Fines and Penalties.*
 - (1) Fines, penalties and debts owed to the Commission on the Activation Date for violations of any rule or duty continue to be due and payable until paid.

- (2) Any fine, penalty or debt imposed on or after the Activation Date resulting from a summons written under the Old Rules for conduct that occurred before the Activation Date will be due and payable until paid.
- (c) *Suspensions.*
- (1) Any License suspension which has gone into effect before the Activation Date remains in effect beginning on the Activation Date and must be served until the terms of the suspension are satisfied.
 - (2) Any suspension imposed under the Old Rules which goes into effect beginning on or after the Activation Date must be served until the terms of the suspension are satisfied.
 - (3) The Activation Date will not affect the end date of any suspension.
- (d) *Hearing Schedules.* The Activation Date will not affect the date of any Hearing or other action scheduled before the Commission's Adjudications Tribunal or OATH
- (e) *Directives and Notices to Correct.*
- (1) Any directive or notice to correct issued by the Commission before the Activation Date remains in effect on the Activation Date and until complied with.
 - (2) Penalties for violation of any directive or notice to correct issued before the Activation Date will be imposed under the Old Rules.
- (f) *Outstanding Points for Drivers, Vehicle Owners, and Bases.*
- (1) All points issued as penalties by the Commission under any of the Persistent Violator or Critical Driver Programs, or as Penalty Points to owners of For-Hire Vehicles or Bases and accumulated against any License on the Activation Date remain in effect.
 - (2) Any points issued and accumulated on and after the Activation Date as a result of summonses issued under the Old Rules will be added to any accumulated points.
 - (3) Any action to suspend or revoke any License under any accumulated point program initiated on or after the Activation Date will be governed by the New Rules.
 - (4) In any action to suspend or revoke, the Commission will consider points accumulated within the period specified by applicable rules. Points accumulated against a License both before and on and after the Activation Date will be considered.

- (g) *Cumulative Penalties.* When penalties are affected by the number of times a person has been convicted of that violation, convictions for prior offenses under the Old Rules count toward second and subsequent offense penalties under the New Rules.