

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation

Notice is hereby given in accordance with section 1043 of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates a new rule that: 1) creates a new short-term storage program for For-Hire Vehicle (FHV) licenses (“Short-Term FHV Storage Program”); and 2) clarifies that, after August 31, 2023, the end date of the previous storage program, created during the height of the COVID-19 pandemic (“COVID-19 FHV Storage Program”), licenses remaining in that program will not transfer over to the new Short-Term FHV Storage Program, and if not expired, will be subject to fines and suspension for failure to follow directives to exit the storage program, as well as revocation for non-use.

This rule is promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. This rule was published in the City Record on July 20, 2023 for public comment. On August 23, 2023, a public hearing was held virtually by the TLC and the rule was adopted by the Commission on September 13, 2023.

STATEMENT OF BASIS AND PURPOSE OF RULE

In 2020, the TLC created a COVID-19 FHV License Storage Program to give relief to vehicle license holders who could not afford to retain or repair their vehicles during the COVID-19 pandemic. This program ends on August 31, 2023. FHV owners were notified by TLC multiple times through the TLC website and via email that FHV licenses must be taken out of storage by August 31, 2023.

This rule establishes a new, short-term storage program for For-Hire Vehicle (FHV) Licenses called the “Short-Term FHV License Storage Program. This new program will permit active FHV licensees to put their FHV license in storage once during every 2-year license term for up to 90 days. The TLC originally proposed a 60-day storage period, but after hearing comments at the public hearing, the storage period was extended to 90 days. This program will be useful to licensees who may be traveling overseas for an extended period, or who may be experiencing issues with their vehicle. An application must be filed for an FHV license to be placed into storage with the TLC.

To be placed into the Short-Term For-Hire Vehicle License Storage Program, all suspensions must be cleared, all fines and fees must be paid to TLC, and plates must be surrendered to the DMV within 60 days prior to the storage date. (Surrendering plates to the New York State Department of Motor Vehicles alone is insufficient to enter TLC’s storage program.) Licensees with pending base, plate or vehicle transfers will not be permitted to be placed into storage with the TLC. While the FHV license is in storage, the TLC will not enforce insurance or inspection requirements pursuant to subchapter 59A or other applicable TLC rules.

To take a license out of storage, the licensee must submit an application as prescribed by the Commission, and if the period in storage exceeds the renewal date, the licensee must complete any

renewal requirements. Any FHV license not taken out of storage when the 90-day period has ended will be subject to a fine of \$300 and suspension until compliance for failure to follow directives to exit the storage program pursuant to Section 59A-13(j)(1), as well as revocation for non-use pursuant to Section 59A-08(c).

The rule also clarifies that FHV licenses remaining in the FHV License Storage Program established during the COVID-19 pandemic (“COVID-19 FHV License Storage Program”) after the program end date, August 31, 2023, will not automatically transfer over to the new Short-Term FHV Storage Program, and, if the license has not expired, the licensee will be subject to fines and suspension for failure to follow directives to exit the storage program pursuant to Section 59A-13(j)(1), as well as revocation for non-use pursuant to Section 59A-08(c).

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

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subchapter 59A of chapter 59 of Title 35 of the Rules of the City of New York is amended by adding a new section 59A-36, to read as follows:

§ 59A-36. Storage of For-Hire Vehicle Licenses

(1) *Short-Term For-Hire Vehicle License Storage Program.*

(a) *Description of Program.* A Licensee may put their For-Hire Vehicle License in storage with the Commission for up to 90 days once during every two year license term, during which time the TLC will not enforce insurance or inspection requirements set forth in this sub-chapter 59A, or pursuant to any other applicable TLC rules, subject to the following terms.

(b) *Application, Criteria and Approval.* In order to be placed into the Short-Term For-Hire Vehicle License Storage Program:

- (i) *All suspensions must be cleared, and the licensee must pay all fines and fees due to TLC,*
- (ii) *Plates must be surrendered to the DMV within 60 days prior to the storage date,*
- (iii) *The licensee must submit an application as set forth by the Commission, and*
- (iv) *Licenses with pending transfers will not be permitted to go into storage.*

(c) *Removal from Storage.* To remove a license from storage, a Licensee must submit an application as prescribed by the Commission, and if the period the license is in storage exceeds the renewal date, the licensee must complete all renewal requirements.

(d) *Licenses Remaining in Storage at the End of the Storage Period.* Any For-Hire Vehicle License not taken out of storage when the 90-day period has ended will be subject to fines and suspension for failure to follow directives to exit the

storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the 90-day storage period has ended.

(2) *COVID-19 For-Hire Vehicle License Storage Program, End of Program.*

(a) *End of Program.* The COVID-19 For-Hire Vehicle License Storage Program established in 2020 ends on August 31, 2023.

(b) *Licenses Remaining in Storage at the End of the Program.* Any For-Hire Vehicle License not taken out of storage when the COVID-19 For-Hire Vehicle License Storage Program ends on August 31, 2023 will not be transferred to the new Short-Term For-Hire Vehicle License Storage Program. For-Hire Vehicle Licenses in storage after the program end date, August 31, 2023, that are not expired will be subject to fines and suspension for failure to follow directives to exit the storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the program has ended.