

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission (“TLC”) is considering amending its For-Hire-Vehicles inspection rules to clarify the existing For-Hire-Vehicle inspection process.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, September 20, 2012. The hearing will be in the Commission hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at www.nyc.gov/nycrules.
- **By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on August 9, 2012 at 10:00 a.m. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by July 30, 2012.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by August 3, 2012.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY 10004.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year because the need for the proposed rule was not anticipated.

Where can I find the Commission’s rules? The Commission’s rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The proposed rule amends the Taxi and Limousine Commission's For-Hire-Vehicle inspection rules to clarify when a For-Hire-Vehicle is exempt from certain inspection requirements. Under the current rules, a vehicle with fewer than 500 miles traveled must undergo only a visual inspection and not the more stringent inspections set forth in the NYS Vehicle and Traffic Law or other applicable laws and rules. The proposed rule clarifies that this exemption from the more stringent inspections applies to vehicles of any model year that have fewer than 500 miles traveled at the time of inspection. The Commission's authority for this rules change 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.

[Material inside brackets indicates deleted material.]

It is proposed to amend section 59A-04(e)(6) of Title 35 of the Rules of the City of New York to read as follows:

§59A-04 Licensing – General Requirements

(e) *Inspection Required for a New Vehicle License.*

(6) *Nature of the Inspection.*

- (i) If the vehicle has accumulated fewer than 500 miles traveled at the time the vehicle arrives at the Commission's facility for inspection, irrespective of the vehicle's model year, the inspection will be only a visual inspection.
- (ii) Unless exempt under (i), [I]if the vehicle is a year 1996 or later model:
 - A. The vehicle must pass (i) the vehicle inspection requirements set forth in Section 301 of the NYS Vehicle and Traffic Law, (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
 - B. The inspection will count as one of the "tri-annual" inspections required by §59A-26 of this Sub-chapter.
- (iii) Unless exempt under (i), [I]if the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle's maximum gross

weight (MGW) as recorded on the registration card, is 8,501 pounds or more:

- A. The vehicle must pass (i) the vehicle inspection requirements set forth in Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.
- B. The inspection will *not* count as one of the “tri-annual” inspections required by §59A-26 of this Sub-chapter.

NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of FHV Inspection Rules

REFERENCE NUMBER: 2012 RG 055

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: June 19, 2012

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of FHV Inspection Rules
REFERENCE NUMBER: TLC-36
RULEMAKING AGENCY: TLC

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

June 20, 2012
Date