

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates a rule which allows licensed bases that have received permits from the TLC as Street Hail Livery dispatch bases to act on behalf of Street Hail Livery owners for certain limited transactions related to licensing and the transfer of base and vehicle affiliations.

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

On January 21, 2016, a public hearing on these rules was held by the TLC at the TLC’s offices at 33 Beaver St., 19th Floor, New York, New York. These rules were approved at the TLC’s public Commission Meeting held on January 21, 2016. These rules will take effect 30 days after publication.

STATEMENT OF BASIS AND PURPOSE OF RULE

The Taxi and Limousine Commission (TLC) has adopted rules allowing licensed bases that have received permits from the TLC as Street Hail Livery dispatch bases to act on behalf of Street Hail Livery owners for certain limited transactions related to licensing and the transfer of base and vehicle affiliations. The adopted rule will add a provision to the existing rules governing Street Hail Livery Bases in Chapter 59 of Title 35 of the Rules of the City of New York.



State law permits New York City to issue up to 18,000 transferable licenses to for-hire vehicles, authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. These for-hire vehicles are commonly known as “Green” taxis.

The State legislation also requires that every SHL vehicle be affiliated with a base and gives TLC the authority to issue up to 450 non-transferable SHL base permits, which allow bases to affiliate with SHL vehicles. As of November 20, 2015, there are 189 licensed bases that have obtained SHL base permits from the TLC.

Until the adoption of this rule, only individuals who owned the SHL permit or an officer of a corporate entity that owned the SHL permit were authorized to transact business pertaining to that license. However, segments of the industry recently expressed interest in the authority to act on behalf of Street Hail Livery (SHL) licensees, similar to how medallion agents act on behalf of yellow taxis. Now, base owners with SHL base permits, who already have business relationships with SHL licensees, will be able to transact business on behalf of SHL licensees, since they are the logical choice.

The adopted rule will allow SHL permitted bases to act as representatives for SHL owners to change the vehicle affiliated with the permit or remove a rate card from storage. This will allow drivers to avoid the need to appear in person at a TLC facility to conduct these transactions so they can remain on the road serving passengers.

The Commission’s authority for this rule is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York, as well as in the Hail Law.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Title 35 of the Rules of the City of New York is amended by adding a new section 59B-04.2, to read as follows:

§59B-04.2 Licensing—Street Hail Livery Base Can Act as Representative

(a) Upon notice to the Commission, in a manner prescribed by the Commission, the Owner of a Street Hail Livery License may designate an individual Owner of a Street Hail Livery Base with which such Owner of a Street Hail Livery License is affiliated, or a Limited Business Entity Person of a Business Entity that owns a Street Hail Livery Base with which such Owner of a Street Hail Livery License is affiliated, to appear before the Commission as a representative of such Owner of a Street Hail Livery License. Upon notice to the Commission and in a manner prescribed by the Commission, an applicant for a Street Hail License seeking to affiliate with a Street Hail Livery Base may designate an individual Owner of a Street Hail Livery Base with which such applicant is seeking to affiliate, or a Limited Business Entity Person of a Business Entity that owns a Street Hail Livery Base with which such applicant is seeking to affiliate, to appear before the Commission as a representative of such applicant. The scope of such representation is limited to business transactions related to licensing and transfers of vehicle affiliations with a Street Hail Livery License, and excludes transactions for the initial purchase of a Street Hail Livery License or transfer of ownership of or interests in a Street Hail Livery License.