

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amending the provisions of Title 35 of the Rules of the City of New York to increase certain license and inspection fees.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2011 because the need for them was not anticipated at the time the agenda was prepared.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on Thursday, February 17, 2011 at 10:00 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than February 10, 2011.

Written comments in connection with these proposed rules must be received no later than February 2, 2011. Comments may be submitted through the NYC Rules website at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules), or may be submitted to the Office of Legal Affairs at:

Charles R. Fraser  
*Deputy Commissioner for Legal Affairs/General Counsel*  
Taxi and Limousine Commission  
40 Rector Street, 5<sup>th</sup> Floor  
New York, New York 10006  
Telephone: 212-676-1135  
Fax: 212-676-1102  
Email: [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)

Written comments and a transcript of all comments received at the hearing will be available for public inspection at that office.

New Material is underlined.

[Material inside brackets indicates deleted material.]

**Section 1.** It is proposed to amend Sections 1-05(a) and (b) of Title 35 of the Rules of the City of New York to read as follows:

(a) The fee payable to TLC for the inspection required for the issuance of a certificate of inspection of a taxicab, inclusive of the issuance of such certificate, shall be [fifty dollars (\$50)]\$90.

(b) An owner shall pre-pay upon license application and renewal the inspections fees, set by §1-05(a), for the three inspections per year required by §1-10(b). Pre-payment for each inspection scheduled during a renewal period shall be made in connection with an application for or renewal of a taxicab license and shall be a condition for [license renewal]licensure.

**Section 2.** It is proposed to amend Section 2-05(a) of Title 35 of the Rules of the City of New York to read as follows:

(a) In accordance with §19-505(j) of the Administrative Code of the City of New York, the fee for a taxicab driver's license shall be [sixty dollars (\$60)]\$84 annually.

**Section 3.** It is proposed to amend Section 4-16(c) of Title 35 of the Rules of the City of New York to read as follows:

(c) Pursuant to §19-505(j) of the Administrative Code of the City of New York, the fee for a paratransit vehicle driver's license shall be [sixty dollars (\$60)]\$84 annually.

**Section 4.** It is proposed to amend Section 6-03(c) of Title 35 of the Rules of the City of New York to read as follows:

(c) Pursuant to §19-505(j) of the Administrative Code of the City of New York, the fee for a for-hire vehicle driver's license shall be [sixty dollars (\$60)]\$84 annually.

**Section 5.** It is proposed to amend Section 6-03 of Title 35 of the Rules of the City of New York to add new subdivision (h) to read as follows:

(h) [*Repealed*]Inspection Fees.

(1) The Commission's fee for a required Commission inspection is \$75; this fee includes the certificate of inspection issued when the vehicle passes inspection. Inspection fees must be prepaid with each application and renewal application.

(2) Reinspection Fee. A reinspection fee can be required if a vehicle must be reinspected. There is a reinspection fee only if reinspection is required because the vehicle failed a component of the inspection required by Section 301 of the NYS Vehicle and Traffic Law. In that case, the reinspection fee is the maximum fee allowed by New York State Department of Motor Vehicle regulation for any component that must be reinspected. If reinspection is required because the vehicle failed any other component of the inspection, there is no reinspection fee.

**Section 6.** It is proposed to amend Sections 6-12(c)(3) and (4) of Title 35 of the Rules of the City of New York to read as follows:

**§6-12 Conditions of Licensure and Operation Relating to For-Hire Vehicles and Bases.**

(c)

(3)(i) *New Applications for For-Hire Vehicles That Are Model Year 1996 or Later.* Beginning on September 1, 2009, and during such time as the Commission's Safety and Emissions Division is a Department of Motor Vehicles (DMV) certified inspection station, as a condition for issuance of a new for-hire vehicle permit or approval as a replacement vehicle, vehicles that are model year 1996 or later must be inspected at the Commission's Safety and Emissions Division within ten (10) days after the issuance of T&LC plates by DMV, or after the Commission's acceptance of the application for vehicles registered outside New York State, and, in either case, must pass such inspection within sixty (60) days after the date of the first scheduled inspection of such vehicle and before issuance of a new for-hire vehicle permit. The maximum number of inspections allowed in such sixty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 60 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 60 days will result in denial of the application. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the owner and vehicle requirements set forth in this chapter, and shall constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision, unless the vehicle has accumulated fewer than 500 miles traveled at the time the vehicle arrives at the Commission's facility for inspection in which case the inspection will be only a visual inspection. [The fee for such TLC inspections shall be the fee prescribed by regulation of the DMV for inspections pursuant to section 305 of the Vehicle and Traffic Law.]

(ii) *New Applications for For-Hire Vehicles That Are Model Year 1995 or Earlier or That Have Maximum Gross Weight (MGW) of 8,501 Pounds or More.* Beginning on September 1, 2009, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for issuance of a new for-hire vehicle permit or approval as a replacement vehicle, vehicles that are model year 1995 and earlier and vehicles of any model year for which the registration cards state the maximum gross weight (MGW) of 8,501 pounds or more must be inspected at the Commission's Safety and Emissions Division within ten (10) days after the issuance of T&LC plates by DMV, or after the Commission's acceptance of the application for vehicles registered outside New York State, and, in either case, must pass such inspection within sixty (60) days after the date of the first scheduled inspection of such vehicle and before issuance of a new for-hire vehicle permit. The maximum number of inspections allowed in such sixty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 60 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 60 days will result in denial of the application. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the owner and vehicle requirements set forth in this chapter, except that such inspections shall not include emissions testing and shall not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. [The fee for such TLC inspections shall be the safety inspection fee prescribed by regulation of the DMV for inspections pursuant to section 305 of the Vehicle and Traffic Law.]

(4)(i) *Renewals for For-Hire Vehicles That Are Model Year 1996 or Later.* Beginning on February 1, 2010, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for renewal of a for-hire vehicle permit, vehicles that are model year 1996 or later must have been inspected at the Commission's Safety and Emissions Division and pass such inspection within thirty (30) days after the date of the first scheduled inspection of such vehicle and before a renewal permit will be issued. The maximum number of inspections allowed in such thirty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 30 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for licensure and of all replacement vehicles to pass an inspection four times within 30 days will result in denial of the application. If a vehicle has not passed inspection by the permit expiration date, the vehicle shall not operate until it passes inspection. If a vehicle does not pass inspection within the thirty-day period, the vehicle shall not operate and the application shall be denied. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for

compliance with the vehicle owner and for-hire vehicle requirements set forth in this chapter and shall constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. [The fee for such TLC inspections shall be the fee prescribed by regulation of the DMV as set forth in paragraph (3)(i) of this subdivision.]

(ii) *Renewals for For-Hire Vehicles That Are Model Year 1995 or Earlier or That Have MGW of 8,501 Pounds or More.* Beginning on February 1, 2010, and during such time as the Commission's Safety and Emissions Division is a DMV certified inspection station, as a condition for renewal of a for-hire vehicle permit, vehicles that are model year 1995 and earlier and vehicles of any model year for which the registration cards state the MGW of 8,501 pounds or more must have been inspected at the Commission's Safety and Emissions Division and pass such inspection within thirty (30) days after the date of the first scheduled inspection of such vehicle and before a renewal permit will be issued. The maximum number of inspections allowed in such thirty-day period is four (4) inspections. The maximum limit of 4 inspections which must occur within 30 days applies not only to the vehicle originally submitted for licensure but also to any replacement vehicle submitted. Failure of the vehicle originally submitted for inspection and of all replacement vehicles to pass an inspection four times within 30 days will result in denial of the application. If a vehicle has not passed inspection by the permit expiration date, the vehicle shall not operate until it passes inspection. If a vehicle does not pass inspection within the thirty-day period, the vehicle shall not operate and the application shall be denied. Such inspection(s) shall comply with the vehicle inspection requirements set forth in section 301 of the Vehicle and Traffic Law and shall further inspect for compliance with the vehicle owner and for-hire vehicle requirements set forth in this chapter, except that such inspections shall not include emissions testing and shall not constitute one of the inspections required by section 19-504(f) of the Administrative Code and by paragraph (2) of this subdivision. [The fee for such TLC inspections shall be the safety inspection fee prescribed by regulation of the DMV as set forth in paragraph (3)(ii) of this subdivision.]

**Section 7.** It is proposed to amend Section 9-15(b)(1) of Title 35 of the Rules of the City of New York to read as follows:

(1) In accordance with §19-505(j) of the Administrative Code of the City of New York, the fee for a commuter van driver's license shall be [sixty dollars (\$60)]\$84 annually, to be paid at the time of filing the application for issuance or renewal of such license. Such fee shall not be refunded in the event of disapproval of the application.

### **Statement of Basis and Purpose**

These rules increase fees for Taxi and Limousine Commission-issued drivers' licenses and initial inspections of taxicabs, to be authorized by Local Law. Driver's license fees were last changed in 1984, and initial inspection fees for taxi inspections were apparently last changed in 1990. These fees no longer adequately reflect the Commission's costs.

In addition, these rules increase the initial inspection fee for for-hire vehicles. FHV inspections at Commission facilities were first required in 2009, and the fee imposed at that time covered only the State-mandated portion of the inspection, and did not cover the additional inspection items involved in determining compliance with the Commission's rules. Accordingly, the current fee for such inspections is the amount allowed to be charged by the State DMV for State-mandated vehicle inspections. These proposed rules raise the fee for the initial inspection to cover both the State-mandated and the Commission-mandated components of the inspection. The fee for the State-mandated portion of the inspection continues subject to State DMV limits. The Commission intends to charge the increased inspection fee for each inspection conducted on and after the date these rules become effective.

Finally, these rules clarify that FHVs are subject to re-inspection fees only if they fail the State-mandated portion of the initial inspection. As with taxicabs, re-inspections required solely for Commission-mandated items remain free of charge.

This rule amends the Commission's current rules; there will be a separate rule-making to amend the Commission rule book that becomes effective April 1, 2011.