CHAPTER 59 FOR-HIRE SERVICE

SUB-CHAPTER 59A	**FOR-HIRE VEHICLE OWNERS**
SUB-CHAPTER 59B	**FOR-HIRE BASE OWNERS**
SUB-CHAPTER 59C	**FOR-HIRE VEHICLE SPECIFICATIONS**

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§59A-01 Scope of this Sub-chapter

(a) To establish the procedures, rules and requirements for obtaining and maintaining a For-Hire Vehicle License, including:

(1) For-Hire Livery Vehicles

(2) For-Hire Black Car Vehicles

(3) For-Hire Luxury Limousine Vehicles

(b) To provide penalties for violations of the rules and requirements for maintaining a For-Hire Vehicle License.

(c) Except as otherwise provided, this chapter does not apply to For-Hire Vehicles that are Street Hail Liveries. The requirements for Street Hail Livery service are provided in Chapter 82 of these Rules.

§59A-02 Penalties

(a) *Unlicensed Activity*.

(1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:

(i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or

(ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.

(2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.

(b) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.

(c) *Payment of Fines.*

(1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

(i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

(2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

§59A-03 Definitions Specific to this Sub-chapter

(a) *Applicant* in this Sub-chapter means an Applicant for an original or renewal For-Hire Vehicle License.

(b) *Black Car* is a Vehicle that affiliates with a Black Car Base.

(c) *Black Car Base* is a For-Hire Base that operates as follows:

(1) All Black Car Vehicles are dispatched on a pre-arranged basis

(2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and

(3) More than ninety percent (90%) of the Base's business is on a payment basis other than direct cash payment by a Passenger

(d) *Driver* in this Sub-chapter means a For-Hire Driver.

(e) *For-Hire Base (*or "Base"*)* is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:

(1) A Black Car Base,

(2) A Livery Base (or Base Station),

(3) A Luxury Limousine Base.

(f) *For-Hire Driver* in this Sub-chapter means a Driver of a For-Hire Vehicle.

(g) *For-Hire Vehicle* is a motor Vehicle Licensed by the Commission to carry Passengers For-Hire in the City, which:

(1) Has a seating capacity of 20 or fewer Passengers

(2) Has three or more doors

(3) Is not a Taxicab, a Commuter Van, or an authorized bus as defined by NYS law.

(h) *Issuing Jurisdiction* is a county within New York State contiguous to New York City that issues its own approval to allow a vehicle within its jurisdiction to contract for hire and perform pre-arranged pick-ups and drop-offs of one or more Passengers.

(i) *License* in this Sub-chapter means a License for a For-Hire Vehicle.

(j) *Livery* is a For-Hire Vehicle that is affiliated with a Livery Base Station.

(k) *Livery Base Station* ("Base" or "Base Station") is a For-Hire Base that operates as follows:

(1) All Livery Vehicles are dispatched from the Base on a pre-arranged basis.

(2) All Livery Vehicles are designed to carry fewer than six (6) Passengers.

(3) Passengers are charged for service on the basis of a flat rate, time, mileage, or zones.

(l) A *Luxury Limousine* is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.

(m) *Luxury Limousine Base* is a For-Hire Base that operates as follows:

(1) All Luxury Limousines are dispatched from the Base by pre-arrangement.

(2) Luxury Limousine Vehicles have a seating capacity of 20 or fewer Passengers.

(3) More than ninety percent (90%) of its business is on a payment basis other than direct cash payment by a Passenger.

(4) Passengers are charged "garage to garage" service on the basis of a flat rate, time or mileage.

(n) *Owner or Vehicle Owner* in this Sub-chapter refers to the title owner, registered owner or lessee of a For-Hire Vehicle. An Owner can be a Business Entity or a person.

(o) *Penalty Point* is a non-monetary penalty assessed against either a Base Owner or the Owner of a For-Hire Vehicle if they are convicted of certain violations in this Sub-chapter.

(p) *Qualified Jurisdiction* is an Issuing Jurisdiction that meets the requirements for reciprocity described in §498 of the NYS Vehicle and Traffic Laws.

(q) *Qualified Vehicle License (or "QVL")* is the license issued by a Qualified Jurisdiction to that jurisdiction's vehicles authorizing them to provide pre-arranged, for-hire transportation within its jurisdiction.

(r) *Qualified Driver's License (or "QDL")* is a license issued by a Qualified Jurisdiction to that jurisdiction's drivers authorizing them to operate an authorized vehicle to provide pre-arranged, for-hire transportation within its jurisdiction.

(s) *Reciprocity (or Reciprocal Recognition)* means that:

(1) New York City For-Hire Vehicles and Drivers can do pickups or drop offs in Qualified Jurisdictions for trips ending or beginning in NYC, and

(2) Vehicles and drivers that are licensed to perform for-hire transportation by a Qualified Jurisdiction can do pickups or drop offs in NYC for trips ending or beginning in the Qualified Jurisdiction.

(t) *Vehicle* in this Sub-chapter refers to a For-Hire Vehicle.

§59A-04 Licensing – General Requirements

(a) ***Reserved.*** Identification.

(b) ***Reserved.*** Age.

(c) ***Reserved.*** Fingerprinting for Good Moral Character.

(d) *Designate Drivers as Agents to Receive Service.*

(1) An Applicant for a For-Hire Vehicle License (and a Licensee) must designate every Driver who operates one of Owner's Vehicles as an agent for accepting service of summons or Commission notices to correct defects in the Vehicle.

(i) Delivery of the summons or notice to correct defect(s) to a Driver will be adequate notice to the Vehicle Owner.

(ii) The Commission will send a photocopy of any summons or notice to correct defect(s) to the Vehicle Owner and the Base Owner of record.

(2) An Applicant for a For-Hire Vehicle License (and a Licensee) must designate every Driver who operates one of Owner's Vehicles as agent for service of any legal process from the Commission that can be issued against the Owner.

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

(1) An Applicant for a new For-Hire Vehicle License (or approval for a replacement vehicle) must demonstrate that the vehicle was inspected at the Commission's Safety and Emissions Division within ten days:

(i) After being issued T&LC plates by the NYS DMV, or

(ii) After the Commission's acceptance of the application for vehicles registered outside New York State

(2) Vehicles must pass inspection within 60 days after the date of the first scheduled inspection before the new For-Hire Vehicle License will be issued.

(3) The maximum number of inspections allowed in this 60-day period is four.

(4) The maximum limit of four inspections applies whether the Applicant submits only the original vehicle, or also submits a replacement vehicle.

(5) Failure of the original vehicle or any replacement vehicle to pass an inspection after four tries within the 60-day period will result in denial of the application.

(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), 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), 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.

(7) 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.

(8) *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 DMV 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.

(9) If the vehicle was altered after manufacture and seats 10 or more passengers (including the driver) and is not exempt from inspection by the NYS Department of Transportation, the vehicle must pass an inspection by the NYS Department of Transportation. The vehicle must also pass a visual inspection by the Commission.

(f) *Inspection Required to Renew a Vehicle License.*

(1) An Applicant for renewal of a For-Hire Vehicle License must have the vehicle inspected at the Commission's Safety and Emissions Division and demonstrate that the Vehicle has passed an inspection within sixty days after the date of the first scheduled inspection.

(2) The maximum number of inspections allowed in this 60-day period is four.

(3) The maximum limit of four inspections applies whether the Applicant submits only the original vehicle, or also submits a replacement vehicle.

(4) After the License expiration date, the vehicle must not operate until it passes inspection and meets all other requirements for Licensure.

(5) Failure of the original vehicle or any replacement vehicle to pass an inspection after four tries within the 60-day period will result in denial of the renewal application.

(6) *Nature of the Inspection.*

(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.

(ii) 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.

(7) If the vehicle was altered after manufacture and seats 10 or more passengers (including the driver) and is not exempt from inspection by

the NYS Department of Transportation, the vehicle must pass an inspection by the NYS Department of Transportation. The vehicle must also pass a visual inspection by the Commission.

(g) ***Reserved –*** *Vehicle Owner Training.*

(h) *Affiliation Required.* All Applicants for a For-Hire Vehicle License must demonstrate that they are affiliated with an appropriate For-Hire Base.

(i) *Affiliation with Only One Base.* For-Hire Vehicles can only affiliate with one Base at a time.

(j) *One License per Vehicle.*

(1) There must not be more than one For-Hire Vehicle License issued and in effect for any vehicle, as indicated by the vehicle identification number, at any one time.

(2) If the Commission receives an application for a For-Hire Vehicle License for a Vehicle that has an existing, Valid, For-Hire Vehicle License (as indicated by the VIN number), held by someone other than the Applicant:

(i) The Commission will schedule a Hearing to determine whether the holder of the existing Valid For-Hire Vehicle License is fit to hold the License.

(ii) The Commission will revoke the existing License unless the holder demonstrates that the License has been transferred to a new vehicle.

(k) ***Reserved--****Special Requirements for Black Car Affiliation.*

(l) *Payment of Fines and Fees.*

(1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to

(i) the Commission,

(ii) NYC Department of Finance's Parking Violations Bureau,

(iii) NYC Department of Finance's Red Light Camera Unit,

(iv) NYS DMV's Traffic Violations Bureau and

(v) any of their successor agencies.

(2) This requirement includes payment of fines and fees owed as of the date of the application by

(i) any Business Entity Persons of the Applicant

(ii) any Business Entity of which the Applicant is a Business Entity Person, and

(iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.

(3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(m) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:

(1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.* If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

(n) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

(o) *Fit to Hold a License.* An Applicant for a For-Hire Vehicle License must demonstrate that the Applicant is Fit to Hold a License.

(p) *Registration*. An Applicant for a new or renewal For-Hire Vehicle License must demonstrate that the vehicle has been properly registered. For a vehicle that has been modified after manufacture, this means the Applicant must show that the vehicle was properly re-registered with NYS after modification.

(q) *Operating Authority.* An Applicant for a new or renewal For-Hire Vehicle License must show that the vehicle possesses a current and Valid operating authority license from NYS and a current and Valid MC-300 Vehicle inspection form if the vehicle is not exempt from NYS DOT inspection and operating authority requirements and either of the following are true.

(1) The vehicle seats 10 or more passengers (including the driver) or

(2) The vehicle is a modified vehicle.

(r) *Exempt Vehicles*. An Applicant for a new or renewal For-Hire Vehicle License for a vehicle which has been modified and IS exempt from NYS Department of Transportation inspection and operating authority requirements must show an exemption letter from the NYS Department of Transportation.

(s) *Warranty*. An Applicant for a new For-Hire Vehicle License for a vehicle which has been modified after manufacture (except in a program supported by the original vehicle manufacturer) must provide evidence of warranty from the vehicle modifier that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(t) *Modifier Insurance Coverage*. An Applicant for a new or renewal For-Hire Vehicle License for a vehicle which has been modified after manufacture (except in a program supported by the original vehicle manufacturer) must provide evidence that the modifier maintains a General Liability Insurance Policy in a minimum amount of $5,000,000

§59A-05 Licensing – Reciprocal Recognition with Other Jurisdictions

(a) *Eligibility for Reciprocal Recognition.* To be eligible for Reciprocity, a vehicle with a QVL issued by a Qualified Jurisdiction meet the following requirements:

(1) Evidence of a Valid QVL from the Qualified Jurisdiction must be attached to the vehicle's windshield.

(2) The vehicle must be operated by driver with a Valid Chauffeur's License.

§59A-05(a)(2)	Fine: $100	Appearance NOT REQUIRED

(3) The vehicle must be operated by a driver who:

(i) Has a Valid QDL issued by the Qualified Jurisdiction.

(ii) Carries proof of the Valid QDL while operating within New York City and displays it on request or has it posted within the vehicle.

(iii) Meets the requirements of Chapter §55-21 of these Rules.

§59A-05(a)(3)	Fine: $350	Appearance NOT REQUIRED

(4) The vehicle must have a Valid state registration, and the certificate of registration (or a legible copy of it) is in the vehicle.

§59A-05(a)(4)	Fine: $100	Appearance NOT REQUIRED

(5) The vehicle must contain a Trip Record that:

(i) Meets the requirements of §59A-19 of this Chapter,

(ii) Demonstrates that any trip (including travel within New York City) was established by pre-arrangement, and

(iii) Shows that either the origin or final destination of the trip is outside New York City.

§59A-05(a)(5)	Fine: $300	Appearance NOT REQUIRED

(6) The vehicle must carry a Valid inspection sticker issued under the laws of New York State or the state of the vehicle's registration. The sticker must indicate the date of last inspection or the expiration date of the inspection.

§59A-05(a)(6)	Fine: Notice to Correct within 10 Days	Appearance NOT REQUIRED

(7) The vehicle's Reciprocal Recognition must not have been suspended for failure to make required repairs within 10 days of failing an inspection.

(b) *Privileges of Reciprocal Recognition.* A vehicle that meets the requirements of this section for Reciprocity will be allowed, without any License issued by or any fee paid to the Commission, to do the following:

(1) Pick up Passengers in the vehicle's Qualified Jurisdiction for travel to or through New York City

(2) Pick up Passengers in New York City for travel to the vehicle's Qualified Jurisdiction

(3) When transporting Passengers between the jurisdictions (as described in subdivisions (1) or (2) above), temporarily discharge and pick up such Passengers within New York City; provided, however, that all the stops must occur within 24 hours of the initial pick up of the Passengers.

(4) Transit through New York City for a trip beginning and ending outside New York City

§59A-06 Licensing – Term of License

(a) *New License.* The term of a new For-Hire Vehicle License is two years.

(b) *Renewal License.* The term of a renewal License is two years.

(c) *When to File for Renewal.*

(1) A renewing Applicant must file a completed application at least 30 days before the expiration date of the License in order to avoid a late fee.

(2) A renewing Applicant can file a completed application less than 30 days before the expiration date as a "late application," if the Applicant pays a late fee of $25.

(3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.

(4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(d) *Extension.* The Commission can extend the expiration date of the License by up to an additional 31 days.

(e) *Early Termination*.

(1) A For-Hire Vehicle License terminates early if it is revoked or surrendered, or if the vehicle's state license plates are surrendered.

(2) A License that has been terminated early cannot be renewed or reinstated.

(f) *Suspended Licenses*.

(1) If a License is suspended, the Licensee must apply for renewal as required in (c) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

(2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

§59A-07 Licensing – Fees

(a) *Vehicle License Fee*. The fee for each For-Hire Vehicle License will be $275 annually.

(1) *Exception for Vehicles used with Street Hail Livery Licenses Issued in Initial Street Hail livery License Issuance Period*: There will be no fee for a For-Hire Vehicle License for a Vehicle used as a Street Hail Livery for up to two years (for a maximum of $550) if the Vehicle is used with a Street Hail Livery License issued during the Initial Street Hail Livery License Issuance Period. This exception will apply only to the fee for the For-Hire Vehicle License for the Vehicle affiliated with the Street Hail Livery License when the Street Hail Livery License is first issued.

(2) *Exception for Vehicles used with Street Hail Livery Licenses Issued in Second Street Hail livery License Issuance Period*: There will be no fee for a For-Hire Vehicle License for a Vehicle used as a Street Hail Livery for up to one year (for a maximum of $275) if the Vehicle is used with a Street Hail Livery License issued during the Second Street Hail Livery License Issuance Period. This exception will apply only to the fee for the For-Hire Vehicle License for the Vehicle affiliated with the Street Hail Livery License when the Street Hail Livery License is first issued.

(3) *Exception to Exceptions.* The exceptions in (a)(1) and (2) do not apply to Vehicles used as Accessible Street Hail Liveries.

(b) *Late Filing Fee.* The Commission will charge an additional fee of $25 for a late filing of a renewal application, if it allows the filing at all.

(c) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.

(d) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.

(e) *Vehicle License Replacement Fee.* The Commission will charge a fee of $25 for each replacement License or Decal.

(f) *Vehicle Transfer Fees.*

(1) A Vehicle Licensee can change the Vehicle's affiliation from one Base to a different Base after approval by the Chairperson and payment of a $25 fee.

(2) A Vehicle Licensee can transfer the License from one vehicle to another after approval by the Chairperson and payment of a $25 fee.

(3) A Vehicle Licensee can replace the license plates on the Vehicle after approval by the Chairperson and payment of a $25 fee.

(4) A Vehicle Licensee can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a $25 fee.

(5) A Vehicle Licensee must pay a separate fee for each type of vehicle transfer. This is true even if the Vehicle Licensee wants to do several types of vehicle transfer all at one time.

§59A-08 Licensing – Causes for Denial or Revocation

(a) *Material Misrepresentation.*

(1) The Commission can deny an application for a License or its renewal and revoke or suspend any License issued if it finds that an Applicant has made a material misstatement or misrepresentation on an application for a License or its renewal.

(2) The Commission must send notice and conduct a hearing before revoking or suspending any License already issued.

(b) *Non-Compliance with Rules*. No For-Hire Vehicle License will be issued or renewed unless the For-Hire Vehicle is in compliance with the requirements of this Chapter at the time of the application for issuance or renewal.

(c) *Non-Use*. A For-Hire Vehicle License must be revoked for non-use if:

(1) For 60 or more days, the Licensee fails to maintain a Base affiliation (as required by §59A-11(e) of this Chapter)

(2) For 60 or more days, the Licensee fails to maintain insurance coverage (as required by §59A-12 of this Chapter)

(3) For 60 or more days, the License holder fails to comply with the inspection requirements (as required by §59A-26 of this Chapter)

(d) *Prior Revocation.*

(1) If the Applicant has had a previous For-Hire Vehicle License revoked, the Chairperson may deny the Applicant's application if the previous revocation shows that the applicant is not Fit to Hold a License.

(2) To determine if a previously revoked For-Hire Vehicle License ("Revoked License") will be attributed to this Applicant, the Commission will include any Revoked License held by any of the following:

(i) All of Applicant's Business Entity Persons, and

(ii) Any other entity in which any of Applicant's Business Entity Persons also serve as a partner, officer or shareholder.

(e) *Failure to Complete Application Requirements.*

(1) The Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 45 days of the date the application is filed. This does not apply to inspections.

(2) The Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License. This does not apply to inspections.

(3) The Chairperson will not deny an application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.

(4) The Applicant must also complete the inspection requirements of 59A-04(e) and (f) within 60 days of the first scheduled appointment. The Commission will deny the application of any Applicant which does not complete the inspection requirements as required.

(f) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

§59A-09 Licensing – Transfer of License

(a) *Transfer of Vehicle License to a New Vehicle.*

(1) In order to transfer the For-Hire Vehicle License to a new vehicle, the Owner must file an application to transfer the License within 15 days after registering the new vehicle with the applicable state DMV.

(2) No transfer application will be approved until the Owner presents the vehicle for inspection by the Commission. *(See §59A-04(e))*

(b) *Only One License per Vehicle.* There can only be one Valid For-Hire Vehicle License issued for any one Vehicle, as determined by the VIN.

§59A-10 Licensing – Care of Licenses

(a) *Unauthorized Entries.* No unauthorized entry can be made on the For-Hire Vehicle License or the Decal(s). No entry on the For-Hire Vehicle License or Decal(s) can be changed or defaced.

§59A-10(a)	Fine: $350 for first violation $500 for second violation in 24 months Revocation for third violation in 36 months	Appearance REQUIRED

(b) *Prompt Replacement of Unreadable License.* An unreadable For-Hire Vehicle License or Decal(s) must immediately be surrendered to the Commission for replacement.

§59A-10(b)	Fine: $25	Appearance NOT REQUIRED

(c) *Prompt Report of Loss of License.* In case of the theft, loss, or destruction of a For-Hire Vehicle License or Decal(s), the Owner must immediately notify the Commission, provide the Commission with an affidavit or information as required, and replace the License or Decal.

§59A-10(c)	Fine: $50	Appearance NOT REQUIRED

(d) *Prompt Replacement of License Plates.* A For-Hire Vehicle Owner must report the replacement of any lost or stolen New York State license plates in writing to the Commission within 48 hours (not including weekends and holidays) after obtaining new plates.

§59A-10(d)	Fine: $50	Appearance NOT REQUIRED

§59A-11 Compliance with Law – No Unlicensed Activity

(a) *For-Hire Vehicle License and Commission License Plate.*

(1) A For-Hire Vehicle Owner must not allow any of Owner's Vehicles to be dispatched unless:

(i) A Vehicle registered in NYS has license plates embossed with the legend "T & LC"

§59A-11(a)(1)(i)	Vehicle Fine: $350 Penalty Points: 1	Appearance NOT required

(ii) A Vehicle registered in a state other than New York has complied with any applicable license plate requirements.

(iii) The vehicle has a Valid For-Hire Vehicle License.

§59A-11(a)(1)(iii)	Vehicle Fine: $500 for the first offense in 12 months; $1000 for the second and subsequent offenses within a 12-month period. Penalty Points: 1	Appearance NOT required

(2) The Commission will post a list of Validly Licensed For-Hire Vehicles on its Web site.

(b) *Valid For-Hire Driver's License.*

(1) A Vehicle Owner must not allow any of its Vehicles to be dispatched unless its driver possesses a Valid For-Hire Driver's License.

(2) The Commission will post on its website a list of Drivers holding Valid For-Hire Drivers Licenses.

§59A-11(b)	Vehicle Fine: $350 Penalty Points: 1	Appearance NOT REQUIRED

(c) *Valid Chauffeur's License Required.*

(1) A Vehicle Owner must not allow any of its Vehicles to be dispatched unless it is being driven by a For-Hire Driver with a Valid Chauffeur's License.

(2) A Vehicle Owner is responsible for knowing the status of the state-issued driver's license for any driver dispatched in one of Owner's Vehicles.

§59A-11(c)	Vehicle Fine: $100 Penalty Points: 1	Appearance NOT REQUIRED

(d) *Validity of For-Hire Vehicle License Requires Valid State Registration.*

(1) A For-Hire Vehicle License will be Valid only while the state registration of the Vehicle remains Valid. The License of an Owner who operates a For-Hire Vehicle without a valid state registration will be summarily suspended.

(2) A For-Hire Vehicle Owner must immediately surrender his For-Hire Vehicle License to the Commission upon the expiration, restriction, suspension, or revocation of the Vehicle's state registration.

§59A-11(d)	Fine: $400 and Suspension until compliance.	Appearance REQUIRED

(e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner must not dispatch or permit another person to dispatch Owner's Vehicle unless:

(1) It is affiliated with a Validly Licensed Base

(2) The base dispatching the Vehicle is Validly Licensed

(3) The Vehicle is being dispatched *from* its affiliated Base, unless:

(i) The Vehicle is an Accessible Vehicle being dispatched to transport a Person with a Disability, or

(ii) The Base informs the customer that the Vehicle is from another Base.

§59A-11(e)	Fine: $400	Appearance NOT REQUIRED

(f) *Surrendering Licenses*. If a For-Hire Vehicle Owner license is revoked, expired or denied:

(1) It must be surrendered to the Commission within 10 days after revocation, expiration or denial.

(2) If the vehicle is registered in New York State, the Owner must surrender the T&LC license plates to the New York State Department of Motor Vehicles.

(g) *NYS DOT Authority*. A For-Hire Vehicle License for a vehicle which either

(1) seats 10 or more passengers and is NOT exempt from NYS Department of Transportation operating authority and inspection requirements, OR

(2) has been modified after manufacture and is NOT exempt from NYS Department of Transportation operating authority and inspection requirements will be Valid only while the NYS Department of Transportation operating authority required for the Vehicle remains Valid. The License of an Owner who operates a For-Hire Vehicle without a valid NYS Department of Transportation operating authority will be summarily suspended.

§59A-11(g)	Fine: Suspension until Valid NYS DOT operating authority obtained	Appearance REQUIRED

§59A-12 Compliance with Law – Vehicle Insurance Coverage

(a) *Maintain Liability Insurance.*

(1) A For-Hire Vehicle Owner must maintain the required insurance coverage on all of Owner's Vehicles at all times.

(2) When a For-Hire Vehicle Owner receives notice that his or her liability insurance is to be terminated, Owner must surrender the For-Hire Vehicle License and Decal(s) to the Commission on or before the termination date of the insurance.

(3) This requirement will not apply if the Owner of the Vehicle submits, before the termination of the policy, proof of new insurance effective on the date of termination of the old policy.

§59A-12(a)	Fine: $150-$350 and/or suspension up to 30 days	Appearance REQUIRED

(b) *Notification to Commission of Changes in Insurance Coverage.* Within seven days, not including holidays and weekends, a For-Hire Vehicle Owner must notify the Commission in writing of any change in insurance carrier or coverage, specifying the name and address of the new and the former insurance carriers and the number of the policy for each affiliated Vehicle. The Owner must submit proof of such coverage.

§59A-12(b)	Fine: $100	Appearance REQUIRED

(c) *Coverage Requirements.*

(1) *General Coverage*. For the purposes of insurance or other financial security, each Owner of a For-Hire Vehicle must maintain coverage for each Vehicle owned in amounts not less than the following:

(i) $200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law

(ii) $100,000 minimum liability and $300,000 maximum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law

§59A-12(c)(1)	Fine: $350 and suspension until compliance	Appearance REQUIRED

(2) *Coverage for Vehicles with Seating Capacity of Nine to Fifteen*. Each Owner of a For-Hire Vehicle with a seating capacity of at least nine but not more than 15 Passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

(i) $200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law

(ii) $1,500,000 minimum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law

§59A-12(c)(2)	Fine: $350 and suspension until compliance	Appearance REQUIRED

(3) *Special Coverage for Luxury Limousines with Seating Capacity of Less than Nine*. Each Owner of a Luxury Limousine with a seating capacity of fewer than nine Passengers must maintain coverage for each Vehicle in an amount of not less than:

(i) $200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law

(ii) $500,000 per accident where one person is injured, and

(iii) $1,000,000 per accident for all persons injured in that accident.

(4) *Coverage for Vehicles with Seating Capacity of Sixteen or Mor*e. Each Owner of a Vehicle with a seating capacity of at least 16 Passengers must maintain coverage for each Vehicle owned in amounts not less than the following:

(i) $200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision a of section 5102 of the New York State Insurance Law

(ii) $5,000,000 minimum liability for bodily injury and death, as those terms are described and defined in section 370(1) of the Vehicle and Traffic Law

§59A-12(c)(3)&(4)	Fine: $350 and suspension until compliance	Appearance REQUIRED

(d) *Report of Accidents to Carrier and the Commission.*

(1) *Report to Carrier.* A For-Hire Vehicle Owner must immediately report in writing to Owner's insurance carrier all accidents that are required to be reported to the insurance carrier involving Owner's For-Hire Vehicle(s).

§59A-12(d)(1)	Fine: $500-$1,000	Appearance REQUIRED

(2) *Report to Commission.*

(i) A For-Hire Vehicle Owner must immediately report in writing to the Commission all accidents that are required to be reported to the Department of Motor Vehicles (*under §605 of the Vehicle and Traffic Law*) involving Owner's Vehicle(s).

(ii) A copy of the report sent to the Department of Motor Vehicles must also be provided to the Commission within 10 days from the date by which the Owner is required to file the report with the DMV.

§59A-12(d)(2)	Fine: $150 and $25 for each day of violation thereafter and suspension until compliance	Appearance REQUIRED

§59A-13 Compliance with Law – Personal Conduct

(a) *Bribery Prohibited.*

(1) *Appearance of Bribery.* An Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission, or any other public servant.

§59A-13(a)(1)	Fine: Revocation and $10,000	Appearance REQUIRED

(2) *Demand for Gratuity.* A Licensee must immediately report to the Commission any request or demand for a gift, gratuity, or thing of value

by any employee, representative, or member of the Commission or any other public servant.

§59A-13(a)(2)	Fine: $1,000 up to Revocation	Appearance REQUIRED

(3) *Offer of Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control, or baggage handling, whether or not the person or persons are employed by the Port Authority of New York and New Jersey, LIRR, Metro-North, or any similar entity.

§59A-13(a)(3)	Vehicle Owner Fine: $250 – 1,000	Appearance REQUIRED

(b) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

§59A-13(b)	Fine: $350-1,000 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(c) *Willful Acts of Omission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

§59A-13(c)	Fine: $150-$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(d) *Willful Acts of Commission*. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§59A-13(d)	Fine: $150 - $350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

§59A-13(e)	Fine: $350-1,000 and suspension up to 30 days	Appearance REQUIRED

(f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person.

§59A-13(f)	Fine: $500-1,500 and/or suspension up to 60 days	Appearance REQUIRED

	or revocation	

(g) *Threat or Harm to Service Animal.* A Licensee must not distract, harm or use physical force against or attempt to distract, harm or use physical force against a Service Animal accompanying a person with a disability.

§59A-13(g)	Fine: $500-1,500 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(h) *Notice of Criminal Conviction.*

(1) A Licensee must notify the Commission within 15 calendar days after any felony conviction of the Licensee, or of any of Licensee's officers or members.

(2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§59A-13(h)	Fine: $50	Appearance NOT REQUIRED

(i) *Failure to Cooperate with Law Enforcement.*

(1) A Licensee must cooperate with all law enforcement officers and all authorized representatives of the Commission.

(2) Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

§59A-13(i)	Fine: $15-$150	Appearance REQUIRED

(j) *Cooperation with the Commission.* A Licensee must comply with the following required actions:

(1) Answer truthfully all questions and comply as directed with all communications, directives, and summonses from the Commission or its representatives.

(2) Within ten days following a request from the Commission, produce any Licenses or other documents the Licensee is required to have.

§59A-13(j)(1)&(2)	Fine: $300 and Suspension until compliance	Appearance REQUIRED

(3) Within 48 hours, a Licensee must respond to any contact from the Commission, seven days a week.

§59A-13(j)(3)	Fine: $500	Appearance NOT REQUIRED

(k) *Courtesy.* A Licensee will be courteous to Passengers.

§59A-13(k)	Fine: $150	Appearance NOT REQUIRED

(l) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

59A-13(l)	Fine: $10,000 and revocation.	Appearance NOT REQUIRED

§59A-14 Compliance with Law – Miscellaneous

(a) *Alcohol and Drug Laws.* A For-Hire Vehicle Owner must not knowingly allow an affiliated For-Hire Vehicle to be operated by a Driver who is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.

§59A-14(a)	Fine: $10,000 and revocation	Appearance REQUIRED

(b) *Payment of all Fines and Judgments.* The holder of a For-Hire Vehicle License issued under this Chapter must satisfy any outstanding judgment and pay any civil penalty owed for a violation relating to traffic in a Qualified Jurisdiction or for a violation of the regulations of a Qualified Jurisdiction.

§59A-14(b)	Penalty: Suspension until satisfaction or payment	Appearance NOT REQUIRED

§59A-15 RESERVED (Operations – Base Station Business Premises)

§59A-16 RESERVED (Operations – Management Oversight (Use of Agents))

§59A-17 Operations – Service Requirements (Customers)

(a) *No Required Ride-Sharing*. An Owner of a For-Hire Vehicle must not require that any prospective Passenger share a ride with another prospective Passenger.

§59A-17(a)	Vehicle Fine: $50	Appearance NOT REQUIRED

§59A-18 Operation – Responsibilities with Respect to Drivers

(a) *"Restricted Area".* For the purposes of this subdivision, "restricted area" is defined as all public streets and sidewalks located on either side of the street on which the Vehicle's affiliated Base is located or within the city block front where the Base is located, including both sides of the street on which the Base is located.

(b) *Obey Traffic Rules in Restricted Area.* The Owner of a For-Hire Vehicle must make sure that the Driver and Vehicle will obey all applicable traffic and parking regulations within the "restricted area."

§59A-18(b)	Vehicle Owner Fine: $50	Appearance NOT REQUIRED

(c) *Obey Noise, Littering and General Nuisance Laws.* The Owner of a For-Hire Vehicle must make sure that the Driver and the Vehicle will not create a nuisance while stopped at the Base, such as engaging in horn honking, littering, or playing loud audio material within the "restricted area."

§59A-18(c)	Vehicle Owner Fine: $50	Appearance NOT REQUIRED

§59A-19 Operations – Trip Record Information

(a) *Record-Keeping with Issuing Jurisdictions.* Both of the following entities must ensure the requirements set forth in subdivision (b) below are met:

(1) The holder of a For-Hire Vehicle License issued by the Commission for a Vehicle used in for hire transportation between New York City and an Issuing Jurisdiction

(2) The holder of an Issuing Jurisdiction Vehicle License issued by a Qualified Jurisdiction for a vehicle used in For-Hire transportation between New York City and the Qualified Jurisdiction

(b) *Issuing Jurisdiction's Trip Record*. The entities identified in (a) above must ensure that a record is made of each trip between New York City and the Issuing Jurisdiction. This record must contain:

(1) A record is made prior to the commencement of the trip in the Trip Record carried in the vehicle.

(2) The record is kept for a period of no less than one year after the trip.

(3) The record is written legibly in ink and includes the following information:

(i) The Passenger's name or other identifier

(ii) The time of the scheduled pick-up of the Passenger

(iii) The location of the scheduled pick-up of the Passenger

(iv) The locations of any intermediate stops at which the Passenger is picked up or dropped off

(v) The final destination of the Passenger

(vi) The time the trip was completed.

§59A-19(b)	Fine: $300	Appearance NOT REQUIRED

§59A-20 Operations – Current Contact Information

(a) *Mailing Address and Email Address.*

(1) A Vehicle Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days of the change.

§59A-20(a)(1)	Vehicle Owner Fine: $100	Appearance NOT REQUIRED

(2) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the For-Hire Vehicle Owner.

(b) *Capacity for 24-Hour Access.*

(1) A For-Hire Vehicle Owner must maintain a current telephone number on file with the Commission.

(2) This number must be connected to an answering machine or must be a pager number, an answering service telephone number, or something similar that allows the Commission to reach the Vehicle Owner on a 24-hour basis.

(3) A Vehicle Owner must have a working Email Address at all times.

§59A-20(b)	Vehicle Owner Fine: $100	Appearance NOT REQUIRED

§59A-21 RESERVED (Operations – Additional Records to be Maintained)

§59A-22 RESERVED (Operations – Reporting Requirements)

§59A-23 RESERVED (Operations – Rates and Tolls)

§59A-24 RESERVED (Operations – E-Zpass Required)

§59A-25 Operations – Miscellaneous Operating Requirements

(a) *Passenger Trips by Pre-Arrangement Only.*

(1) No For-Hire Vehicle Owner will allow Owner's Vehicle(s) to transport Passengers for hire other than through pre-arrangement with a Base licensed by the Commission.

(2) A For-Hire Vehicle Owner will be liable for penalties for any violation of this section.

§59A-25(a)	Vehicle: During any license term, $100 for the first violation during such term, with the penalty increasing by $100 for each subsequent violation up to a maximum of $10,000.	Appearance NOT REQUIRED

(b) *Black Car Owner's Compliance with Black Car Retirement Rules*. Beginning January 1, 2011, a Black Car Owner may affiliate a Vehicle with a Black Car Base only if the Vehicle meets the retirement requirements set forth in § 59A-28(d) of this chapter.

§59A-25(b)	Fine: $350	Appearance NOT REQUIRED

§59A-26 Vehicles – Inspections

(a) *Tri-Annual Inspections.*

(1) For-Hire Vehicles must be regularly inspected three times every year, including at least once every four months. Section 59A-04(e)(1) and (f)(1) specifies that inspections required for new and renewal applications must be done at the Commission's Safety and Emissions Division facility,

except as specifically set forth in Section 59A-04(e) and (f); the other required inspections can be done at any DMV registered facility.

(2) *Exception for vehicles seating 10 or more passengers (including the driver) and stretched vehicles.* A Vehicle which either:

(i) seats 10 or more passengers and is not exempt from NYS Department of Transportation operating authority and inspection requirements, or

(ii) has been modified after manufacture and which is not exempt from NYS Department of Transportation operating authority and inspection requirements must be inspected two times a year by the NYS Department of Transportation. Each Inspection will be performed as required by the NYS Department of Transportation and its regulations.

§59A-26(a)	Fine: $100 and suspension of the Vehicle Owner License until any defect found is corrected or until the vehicle passes inspection, including any applicable inspection by the NYS DOT.	Appearance REQUIRED

(b) *On-Street Inspections.* Any officer or employee of the Commission designated by the Chairperson or any police officer can conduct on-street inspections of any For-Hire Vehicle operating within New York City to assure compliance with all applicable laws and rules and can order the Vehicle to report to the Commission's inspection facility.

§59A-26(b)	Fine: Suspension of For-Hire Vehicle License or recognition of issuing jurisdiction vehicle License until compliance.	Appearance NOT REQUIRED

§59A-27 Vehicles – Meets Safety Standards

(a) *Unsafe or Unfit Vehicles.*

(1) No For-Hire Vehicle can be used in a For-Hire Vehicle service when the Commission or the New York State DMV has determined that the vehicle is unsafe or unfit for use as a For-Hire Vehicle and the Owner has been directed to remove the vehicle from service.

(2) If the Chairperson has determined that the Vehicle is unsafe or unfit, the Decals will be confiscated by the Chairperson.

(3) If the New York State DMV or a DMV inspection facility other than the Commission has determined that the Vehicle is unsafe or unfit, the

Vehicle Owner must return the Decals to the Chairperson within 72 hours of issuance of the determination.

(4) If the Chairperson has any reason to believe that any For-Hire Vehicle is unsafe or unfit for use, the Chairperson can order the Vehicle to report to the Commission's inspection facility.

(5) The License of an Owner who operates a vehicle that has been determined to be unsafe or unfit will be summarily suspended.

§59A-27(a)	Fine: $100 – 350 and/or suspension up to 30 days; Suspension until compliance.	Appearance REQUIRED

(b) *Seat and Shoulder Belts* Each For-Hire Vehicle must have all seat belts and shoulder belts clearly visible, accessible, and in good working order.

§59A-27(b)	Fine: $100 – 250	Appearance REQUIRED

(c) *Shoulder Belts Required.* In addition to seat belts for each seating position and shoulder belts for both outside front seat positions, all For-Hire Vehicles must be equipped with shoulder belts for both outside Passenger rear seat positions.

§59A-27(c)	Fine: $100 – 250	Appearance REQUIRED

(d) *Correct Defect Directives.* A For-Hire Vehicle Owner must comply with all Commission notices and directives to correct defects in the Vehicle.

§59A-27(d)	Fine: $50 per day until information is supplied	Appearance REQUIRED

(e) *Daily Personal Inspection by Owner.* A For-Hire Vehicle Owner must not permit a For-Hire Vehicle to be operated without daily personal inspection and reasonable determination that all equipment, including brakes, lights, signals, and Passenger seatbelts and shoulder belts, are in good working order and meet all the requirements of the New York State Vehicle and Traffic Law and these Rules.

§59A-27(e)	Fine: $150 if plead guilty before a hearing; $200 if found guilty following a hearing.	Appearance NOT REQUIRED

§59A-28 Vehicles –Miscellaneous Requirements and Vehicle Retirement

(a) *Post-Manufacture Alterations.*

(1) No For-Hire Vehicle can be altered after manufacture:

(i) To increase its length, width, weight or seating capacity, or

(ii) To modify its chassis and/or body design,

(2) *Exception for all types of Vehicles*: A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

(i) The modification has been made under a program approved in advance by the original vehicle manufacturer, and

(ii) The alteration has been performed by an entity approved and certified by the vehicle manufacturer to perform such alterations.

(iii) An original, unaltered, approved vehicle modifier's certification sticker must be affixed to the Vehicle on the left center post or hinge post.

(3) *Exception for Vehicles seating 10 or more passengers (including the driver) and NOT exempt from NYS DOT Requirements*:

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

(i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.

(ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.

(iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.

(iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.

(v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

(4) *Exception for Vehicles seating 10 or more passengers (including the driver) and exempt from NYS DOT Requirements*:

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

(i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

(5) *Exception for modified Vehicles seating 9 or fewer and exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

(i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

(6) *Exception for modified Vehicles seating 9 or fewer and NOT exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

(i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.

(ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.

(iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.

(iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.

(v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

§59A-28(a)	Vehicle Owner Fine: $10,000 and License suspension until compliance if alteration is not approved or revocation if the vehicle is not brought into compliance within 30 days.	Appearance REQUIRED

(b) *Proper Vehicle Identification Required.*

(1) *License Plate Number Matches.* The license plate number on the motor vehicle tax stamp, on the state registration certificate, and on the Commission Decals must match each other and must match the number on the license plates applied to the Vehicle.

§59A-28(b)(1)	Fine: $200 if plead guilty before a hearing; $300 if found guilty following a hearing.	Appearance NOT REQUIRED

(2) *Vehicle Identification Number Matches.* The last six digits of the vehicle identification number (VIN) on the Commission Decals must match the last six digits of the VIN on the state registration, and the VIN on the Vehicle.

§59A-28(b)(2)	Fine: $100	Appearance NOT REQUIRED

(3) *T & LC License Plates.* A For-Hire Vehicle that is registered in New York must have New York State license plates affixed to the Vehicle that are embossed with the legend "T & LC."

§59A-28(b)(3)	Fine: $100 - $350 and Suspension until compliance	Appearance NOT REQUIRED

(c) *Two-Door Vehicles Prohibited.* No For-Hire Vehicle can be a two door vehicle.

§59A-28(c)	Fine: Suspension of the Vehicle Owner License	Appearance REQUIRED

(d) *Required Black Car Retirement.* All Black Cars must be retired from Black Car service (but may be replaced) according to the following schedule:

(1) All Black Cars, model year 2003 or earlier, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2011.

(2) All Black Cars, model year 2004 or 2005 must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2012.

(3) All Black Cars, model year 2006, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2013.

(4) On and after January 1, 2014 all Black Cars must be retired from Black Car service no later than the expiration date of their For-Hire License after they turn six model years old.

(5) Black Cars that are five model years old or older must be retired from Black Car service no later than the expiration dates of their For-Hire Vehicle License on and after January 1, 2015 and every year thereafter.

(6) Notwithstanding the provisions of subdivisions (1) through (5) of this § 59A-28, beginning on January 1, 2011, the retirement date of any Vehicle licensed to operate in Black Car service and affiliated with a Black Car Base that is a Clean Air Vehicle Level I is extended for an additional two years or that is a Clean Air Vehicle Level II is extended for one additional year.

(7) A Black Car that has reached its retirement date must be retired from Black Car service even if it passes the New York State Department of Motor Vehicle inspection.

§59A-29 Vehicles – Markings & Advertising

(a) *Valid License Decals.*

(1) Three Valid Commission License Decals must be plainly visible and affixed to the Vehicle in the following locations:

(i) One Decal must be on the lower front right side of the windshield

(ii) One Decal must be on the lower rear corner of each of the two rear quarter windows; if there are no rear quarter windows, the Decals must be on the lower rear window just above the rear door.

(iii) The Decals must be affixed by Commission staff.

(2) New Decals must be placed on the Vehicle by the Commission Safety and Emissions Division:

(i) When the License is renewed;

(ii) If the Vehicle is replaced, changes affiliation, or changes its license plates.

(3) *Exception for Luxury Limousines.* Any For-Hire Vehicle that is a Luxury Limousine will only be required to have a single Commission Decal affixed to the lower right side of the front windshield.

§59A-29(a)	Failure to have proper Decal(s): $500 for the first offense in 12 months $1,000 for the second and subsequent offenses within a 12-month period and suspension of the For-Hire Vehicle License until compliance.	Appearance NOT REQUIRED

(b) *Valid Registration Sticker*. A Valid registration sticker from an authorized state motor vehicle department must be affixed to the left front windshield so as to be plainly visible.

§59A-29(b)	Fine: $100	Appearance NOT REQUIRED

(c) *Inspection Sticker*. A Valid New York State DMV inspection sticker that has no fewer than eight months left before the sticker expires must be plainly visible on the front left side of the front windshield.

§59A-29(c)	Vehicle Owner Fine: $100 and suspension of the Vehicle Owner License until any defect found is corrected Penalty Points: 1.	Appearance REQUIRED

(d) *Prohibited Colors for Vehicle Exteriors.* No For-Hire Vehicle can be, in whole or in part, any shade of Taxicab yellow and no For-Hire Vehicle not licensed and Valid to operate as a Street Hail Livery can be, in whole or in part, any shade of Apple Green as authorized for use with a Street Hail Livery provided in Chapter 82 of these Rules.

§59A-29(d)	Fine: $350 for the first violation; $500 for the second violation in 24 months; revocation for the third violation in 36 months	Appearance REQUIRED

(e) *Prohibited Advertising.*

(1) An Owner must not display any advertising on the exterior or the interior of a For-Hire Vehicle unless the advertising has been authorized by the Commission and a License has been issued to the Owner following the provisions of the Administrative Code.

(2) The Commission will not approve any advertising for the exterior of a For-Hire Vehicle that consists, in whole or in part, of roof top advertising.

§59A-29(e)	Fine: $50	Appearance NOT REQUIRED

(f) *Motor Vehicle Tax Stamp.*

(1) For Vehicles registered with the Department of Motor Vehicles prior to April 30, 1999, a Valid NYC commercial use motor vehicle tax stamp must be affixed to the front right side of the windshield of the Vehicle so as to be plainly visible.

(2) For Vehicles registered after April 30, 1999, the Owner must show proof that the required commercial use motor vehicle tax for the current tax period has been paid.

§59A-29(f)	Fine: $100	Appearance NOT REQUIRED

(g) *Base Station Affiliation Signs.* For-Hire Vehicles must identify their Affiliated Base Station on the exterior of the Vehicle as follows:

(1) The name of the Base Station, its License number and telephone number in one of the following ways:

(i) In letters and numerals at least one-and-one-half inches in height, on the outside of a door or doors on both sides of the Vehicle, below the windows and at least six inches above the bottom of the door(s);

(ii) In letters and numerals at least one inch in height in one location on the rear of the Vehicle below the rear window, and at least six inches above the bottom of the rear of the Vehicle, or

(iii) Both on the doors and rear of the Vehicle.

(2) The letters and numerals must be of a color that contrasts with the color of the body of the Vehicle so that it is easy to see and read.

(3) Lettering and numbering must be spaced to provide easy legibility and, if placed on doors on both sides of the Vehicle must be identical on both sides of the livery.

(4) All Decals must be semi-permanent adhesive stickers.

(5) *Exemption*. Luxury Limousines and Black Cars are exempt from the requirements of this subdivision.

§59A-29(g)	Fine: $25	Appearance NOT REQUIRED

(h) *Required Signage for Accessible Vehicles.* Any Accessible Vehicle licensed by the Commission must display signs that identifies the Vehicle as an Accessible Vehicle. The signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

(1) Must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the Vehicle

(2) Must be visible to Passengers entering the accessible Vehicle

§59A-29(h)	Fine: $75	Appearance NOT REQUIRED

(i) *Required Signage for Clean-Air Vehicles.* Any Clean Air For-Hire Vehicle licensed by the Commission must display signs that identify the Vehicle as a Clean Air Vehicle. The signs design will be provided by the Commission on its

Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

(1) Must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the Vehicle

(2) Must be visible to Passengers entering the clean air vehicle

§59A-29(i)	Fine: $75	Appearance NOT REQUIRED

§59A-30 Vehicles – Items Required to be in Vehicle

(a) *Required Items.* Each For-Hire Vehicle must have:

(1) On the right visor, on top of the right side of the dashboard, or in the glove compartment:

(i) The certificate of registration or a legible copy of it

(ii) The insurance card or a legible copy of it

(2) In a protective holder attached to the back of the driver's seat:

(i) The For-Hire Vehicle Driver's license of the Driver; and

(ii) The For-Hire Vehicle License.

(3) *Exception for Black Cars and Luxury Limousines.*

(i) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver's seat to display:

A. The For-Hire Vehicle Driver's License

B. The For-Hire Vehicle License

(ii) Those items must, however, be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

§59A-30(a)(1)-(3)	Fine: $50 for each violation of this rule; however, no	Appearance REQUIRED

	fine for a violation of this rule can exceed $100	

(4) *Livery Passengers' Bill of Rights*.

(i) Every Livery Vehicle Owner must post a Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.

(ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

(iii) The Livery Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

§59A-30(a)(4)	Fine: $100 if plead guilty before a hearing; $150 if found guilty following a hearing.	Appearance NOT REQUIRED

(5) *Modified Vehicles.* If the Vehicle has been modified after manufacture and IS exempt from NYS Department of Transportation inspection and authorization requirements, a copy of the valid exemption letter from the NYS Department of Transportation must be kept in the Vehicle at all times.

§59A-30(a)(5)	Fine: $100.	Appearance NOT REQUIRED

(b) *Trip Record.*

(1) The Trip Record required in §59A-19(b) of this Chapter must be kept in the Vehicle during any trip between New York City and an Issuing Jurisdiction, including a trip through either New York City or an Issuing Jurisdiction.

(2) On request, the Trip Record must be presented for inspection to any police officer or peace officer acting in his or her special duties or to other persons authorized by the Commission or by the Issuing Jurisdiction.

(3) Failure to present the Trip Record as required when requested by an authorized person will be presumptive evidence of an unlicensed operation.

§59A-30(b)	Fine: $300	Appearance NOT REQUIRED

§59A-31 Vehicle – Equipment

(a) *Heating and Air Conditioning.* The Owner of a For-Hire Vehicle must be responsible for ensuring that the Vehicle is equipped with functioning heating and air conditioning equipment.

§59A-31(a)	Fine: $50	Appearance NOT REQUIRED

(b) *Roof Light.* A For-Hire Vehicle must not be equipped with a roof light**,** except for a Vehicle that operates primarily in Staten Island and is affiliated with a Base located in Staten Island. A roof light on a Staten Island Vehicle must be approved.

§59A-31(b)	Fine: $350 – first violation $500 – second violation in 24 months Revocation for third violation in 36 months	Appearance REQUIRED

(c) *Meter.* No For-Hire Vehicle can be equipped with a meter except a wheelchair accessible Livery which is participating in the dispatch program as described in Chapter 3 of this title.

§59A-31(c)	Fine: $50	Appearance NOT REQUIRED

(d) *Distress Signaling Light – Livery Vehicle.*

(1) *Requirement.* The Vehicle must be equipped with a help or distress signaling light system as required by the specifications in §59C-03 of these Rules.

(2) *Exemption*. A Vehicle will be exempt from the requirements of this subdivision if the Vehicle is affiliated with a Black Car Base or a Luxury Limousine Base.

§59A-31(d)	Fine: $175 and suspension until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC's Safety and Emissions Division.	Appearance NOT REQUIRED

§59A-32 Vehicle Equipment – Partitions for Livery Vehicles

(a) *Requirement.* A For-Hire Livery Vehicle must be equipped with a partition that isolates the Driver from the rear seat Passengers as described in §59C-02 of Sub-chapter C of these Rules.

§59A-32(a)	Fine: $350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; $450 if found guilty following a hearing. Suspension until the condition is corrected.	Appearance NOT REQUIRED

(b) *Exemptions.*

(1) A For-Hire Livery Vehicle will be exempt from the requirements of subdivision (a) if the Vehicle is equipped with *all* of the following safety devices:

(i) An FCC-licensed commercial two-way radio with an emergency button that would notify the dispatcher that the Driver is in trouble or a cellular telephone that has an emergency dialing feature

(ii) The distress signaling light required by §59A-31(d), above

(iii) An approved in-vehicle camera system.

(2) Black Cars and Luxury Limousines are exempt from this requirement.

§59A-33 Vehicle Equipment – In-Vehicle Camera System (IVCS)

(a) *Requirements for In-Vehicle Camera System.* When an existing in-vehicle camera system is required to be replaced or when the system is installed as one of the three safety devices specified in §59A-32, the Livery Vehicle must be equipped with an IVCS that meets the specifications of §59C-01; the system must be installed and maintained by the manufacturer's authorized installer or a Taximeter Business that meets the requirements of §59C-01 of these Rules; and the IVCS must be functioning and maintained in good working order.

§59A-33(a)	Fine: $350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; $450 if found guilty following a hearing. Suspension until the condition is corrected.	Appearance NOT REQUIRED

(b) *Required Signage About In-Vehicle Camera System.* Each For-Hire Vehicle equipped with an in-vehicle camera system must display Decals on each rear Passenger window, visible to the outside, that contain the following information in letters at least one-half inch high: "This vehicle is equipped with camera security. You will be photographed."

§59A-33(b)	Fine: $50 if plead guilty before a hearing; $100 if found guilty following a hearing.	Appearance NOT REQUIRED

§59A-34 RESERVED (Taxicab Specific Vehicle Equipment)

§59A-35 Penalty Points for For-Hire Vehicles

(a) *Four Penalty Points Requires License Revocation.* The License of any For-Hire Vehicle that accumulates four penalty points for violations during any License term will be revoked.

(b) *Points Accrued but not Assessed Before Renewal.*

(1) If points are imposed *after* a Vehicle License has been renewed based on a violation that occurred *before* the renewal, the points will be added to the total points accumulated by the Vehicle *before* its renewal.

(2) If the additional Points raise the total number to four or more Points, the Vehicle License will be revoked.

(c) *Revocation Process.*

(1) The Chairperson can begin revocation proceedings whenever a Licensee has been assessed four or more points during the current term of that License.

(2) The Licensee's License can also be revoked as part of the decision imposing the final point necessary for revocation.

(3) At any time revocation of a Base License is mandated and the last penalty point arises from the same incident that created the For-Hire Vehicle License revocation mandate, separate proceedings must be held for the Base License revocation and the Vehicle License revocation.

(d) The Chairperson will develop a point reduction program applicable to Vehicles and Bases.

(e) No penalty points will be imposed for violations occurring before August 1, 2009.

§59B-01 Scope of this Sub-chapter

(a) To establish the procedures, rules and regulations for obtaining and maintaining a For-Hire Base License, specifically for a:

(1) Livery Base Station

(2) Black Car Base

(3) Luxury Limousine Base

(b) To provide penalties for violations of the rules and requirements for maintaining a For-Hire Base License.

§59B-02 Penalties

(a) *Unlicensed Activity.*

(1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:

(i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed (except as provided in this Sub-chapter), or

(ii) Any person who does not hold a License or Authorization from the Commission;

(2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.

(b) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.

(c) *Payment of Fines.*

(1) Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

(i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the

Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

(2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

§59B-03 Definitions Specific to this Sub-chapter

(a) *Applicant* in this Sub-chapter means an Applicant for an original or renewal For-Hire Base License.

(b) *Black Car* is a Vehicle that affiliates with a Black Car Base.

(c) *Black Car Base* is a "central dispatch facility" (*as the term is defined in New York Executive Law, §160-cc*) and For-Hire Base that operates as follows:

(1) All Black Car Vehicles are dispatched on a pre-arranged basis;

(2) All Black Car Vehicles are owned by franchisees of the Base or are members of a cooperative that operates the Base; and

(3) More than ninety percent (90%) of the Base's business is on a payment basis other than direct cash payment by a Passenger.

(d) *Black Car Fund* is the New York Black Car Operators' Injury Compensation Fund, Inc. established under Article 6-F of the NYS Executive Law.

(e) *Driver* in this Sub-chapter means a For-Hire Driver.

(f) *For-Hire Base (*or "Base"*)* is the Commission-licensed business for dispatching For-Hire Vehicles and the physical location from which For-Hire Vehicles are dispatched; a For Hire Base can be any of the following:

(1) A Black Car Base,

(2) A Livery Base (or Base Station),

(3) A Luxury Limousine Base.

(g) *For-Hire Driver* in this Sub-chapter means a Driver of a For-Hire Vehicle.

(h) *For-Hire Vehicle* is a motor Vehicle Licensed by the Commission to carry Passengers For-Hire in the City, which:

(1) Has a seating capacity of 20 or fewer Passengers

(2) Has three or more doors

(3) Is not a Taxicab, a Commuter Van, or an authorized bus as defined by NYS law

(i) *Independent Base Station* is a Livery Base Station that is designated as an independent livery base under §18-c of the NYS Workers' Compensation Law because it has joined the Livery Fund.

(j) *Independent Livery Driver* is the Driver of a Livery which is affiliated with an Independent Base Station.

(k) *License* in this Sub-Chapter means a For-Hire Base License.

(l) *Livery* is a For-Hire Vehicle that is affiliated with a Livery Base Station.

(m) *Livery Base Station* ("Base" or "Base Station") is a For-Hire Base that operates as follows:

(1) Livery Vehicles are dispatched from the Base on a pre-arranged basis.

(2) Livery Vehicles are designed to carry fewer than six (6) Passengers.

(3) Passengers are charged for service on the basis of a flat rate, time, mileage, or zones.

(n) *Livery Fund* is the independent livery driver benefit fund established under Article 6-G of the NYS Executive Law.

(o) *Luxury Limousine* is a For-Hire Vehicle that is affiliated with a Luxury Limousine Base.

(p) *Luxury Limousine Base* is a For-Hire Base that operates as follows:

(1) All Luxury Limousines are dispatched from the Base by pre-arrangement.

(2) Luxury Limousine Vehicles have a seating capacity of 20 or fewer Passengers.

(3) More than ninety percent (90%) of its business is on a payment basis other than direct cash payment by a Passenger.

(4) Passengers are charged "garage to garage" service on the basis of a flat rate, time or mileage.

(q) *Mailing Address* for a For-Hire Base will be the Base address.

(r) *Owner* in this Sub-chapter refers to a For-Hire Base Owner. An Owner can be a Business Entity or a person.

(s) *Penalty Point* is a non-monetary penalty assessed against either a Base Owner or the Owner of a For-Hire Vehicle if they are convicted of certain violations in this Chapter.

(t) *Respondent* means an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being unfit to hold a License.

(u) *Vehicle* in this Sub-chapter refers to a For-Hire Vehicle.

§59B-04 Licensing – General Requirements

(a) ***Reserved.*** Identification.

(b) ***Reserved.*** Age.

(c) *Fingerprinting to Verify Good Moral Character.*

(1) *Initial Applicants.* An individual or all Limited Business Entity Persons of a Business Entity applying for a Base License must be fingerprinted for the purpose of securing criminal history records from the New York State Division of Criminal Justice Services.

(2) *Review of Criminal History.* The criminal history must be reviewed in a manner consistent with Article 23-A of the New York State Correction Law.

(3) *Additions or Changes to Applicant*. Before or within five days after any change or addition to the Limited Business Entity Persons of a Business Entity Licensee:

(i) The Licensee must file an application with the Commission for approval of the change or addition on forms that are prescribed by the Commission.

(ii) The new Limited Business Entity Person(s) must be fingerprinted as required by this subdivision.

(4) The Applicant or Licensee must pay any processing fee required.

(d) ***Reserved.*** Designate Drivers as Agents to Receive Service.

(e) *Bond Required.*

(1) Before a For-Hire Base License will be issued or renewed, the Applicant must provide the Commission with a bond in the amount of $5,000 with one or more sureties to be approved by the Commission.

(2) The bond must be for the benefit of New York City and must guarantee the following:

(i) The Licensee will dispatch only vehicles that are currently licensed by the Commission and that have a current New York City commercial use motor vehicle tax stamp.

(ii) The Licensee will pay all civil penalties owed for violating any provision of this Chapter.

(3) The bond will permit the Commission to draw upon the bond to pay any penalties owed by the Base for any violation of this Chapter that has not been paid when due or after completion of any appeal.

(i) The Chairperson will give the Base Owner 30 days' notice before drawing upon the bond to pay any penalty.

(ii) If the Commission has to draw on the bond, the Base Owner will be assessed one Penalty Point.

(4) The bond must be maintained by the Base Owner for the term of the License.

§59B-04(e)	Fine: $250 for failure to post or maintain bond; Penalty Points: One Penalty Point for draw on bond.	Appearance NOT REQUIRED

(f) *Payment of Fines and Fees.*

(1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to

(i) the Commission,

(ii) NYC Department of Finance's Parking Violations Bureau,

(iii) NYC Department of Finance's Red Light Camera Unit,

(iv) NYS DMV's Traffic Violations Bureau and

(v) any of their successor agencies.

(2) This requirement includes payment of fines and fees owed as of the date of the application by

(i) any Business Entity Persons of the Applicant

(ii) any Business Entity of which the Applicant is a Business Entity Person, and

(iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.

(3) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(g) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:

(1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.* If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

(h) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

(i) *Fit to Hold License.* An Applicant (including the individual, Business Entity or any Limited Business Entity Persons) must demonstrate that they are Fit to Hold a License.

<u>§59B-04.1 Licensing—Issuance of Street Hail Livery Base Licenses</u>

(a) *Issuance of Licenses.* The Commission can issue up to 450 Street Hail Livery Base Licenses. The Commission can re-issue any Street Hail Livery Base Licenses when such licenses are revoked, surrendered, not renewed or otherwise terminated by a holder or the Commission.

(b) Initial Issuance Period

(1) *Priority to Licensed Bases.* During the one month period following issuance of the first Street Hail Livery License which is the Initial Street Hail Livery Base Issuance Period, only a Livery Base that is licensed by the Commission and is in good standing can obtain a Street Hail Livery Base License.

(2) *Good Standing.* For purposes of the Street Hail Livery Base Issuance Period Initial, a Livery Base is in good standing and may participate in the issuance if the Base:

(i) Has been continuously in operation as a Licensed Livery Base for at least three years on the date of Street Hail Livery Base License application and

(ii) Has no outstanding fines, summonses or suspensions as of the date of the application for the Street Hail Livery Base License.

(c) Second Issuance Period

(1) *Priority to Licensed Livery and Paratransit Bases.* During the Second Street Hail Livery Base Issuance Period (that is, the five month period following the Initial Street Hail Livery Base Issuance Period), a Street Hail Livery Base License can be issued only to the following types of bases and only if those bases are in good standing.

(i) A Livery Base
(ii) A Paratransit Base
(iii) A Commuter Van Service

(2) *Good Standing.* For purposes of the Second Street Hail Livery Base Issuance Period, a base is in good standing and may participate in the issuance if that base:

(i) Has been continuously in operation as a Licensed Livery Base or Paratransit Base or Commuter Van Service for at least three years on the date of Street Hail Livery Base License application and

(ii) Has no outstanding fines, summonses or suspensions as of the date of the application for the Street Hail Livery Base License.

(d) Issuance following Initial and Second Issuance Periods.

(1) After the Street Hail Livery Base Initial and Second Issuance Period, any person or Business Entity can apply for a Street Hail Livery Base License.

(e) Each Applicant for a Street Hail Livery Base License must meet all the requirements of this Chapter.

(f) An Applicant which also holds a Paratransit Base License or Commuter Van Service Authorization must continue to comply with requirements applicable to such license for all vehicle dispatched under that license.

§59B-05 Licensing – Special Requirements for Livery Base Stations and Street Hail Livery Bases

(a) *Fitness to Hold a License.*

(1) An Applicant for a License to operate a Livery Base Station must demonstrate to the satisfaction of the Commission that the Applicant is fit to operate a Base Station.

(2) The Commission will consider:

(i) The ability of the Applicant to adequately manage the Base Station,

(ii) The Applicant's financial stability,

(iii) Whether the Applicant operates or has previously operated a Licensed Base Station and the manner in which that Base Station was operated.

(3) The Commission will also consider any relevant information maintained in the records of the Department of Motor Vehicles or the Commission.

(b) *Off-Street Parking.* An Applicant for a License to operate a Livery Base Station must demonstrate to the satisfaction of the Commission that the operator of the Base Station will comply with the provision to provide and use lawful off-street facilities as described in §59B-15(j).

(c) *Local Review.* A determination by the Commission to approve an application for a new or renewal License to operate a Livery Base Station will not become final until the determination has been subject to review by the New York City Council, as follows:

(1) Upon receipt of an application for a new or renewal Livery Base Station License, the Commission will, within five business days, submit a copy of the application to the City Council and to the district office of the City Council member and the community board for the area in which the Base Station is or would be located.

(2) Within five days of a decision to approve a new or renewal Base Station License, the Commission will send to the City Council and to the district office of the Council member within whose district that Base Station is or would be located:

(i) A written copy of the approval decision.

(ii) Copies of the data, information, and other materials the Commission relied on to make the decision.

(3) *Action by City Council. [Admin Code §19-511.1]*

(i) Within 90 days of the first scheduled meeting following receipt of the decision and back-up data, the Council can adopt a resolution to review the decision and can approve or disapprove it.

(ii) If the Council fails to act within the 90-day period, the Commission's decision will become final.

(d) *Submit Business Plan – Livery Base Only*. A Livery Base Station must submit a business plan with each application for a new or renewal License or for a change of ownership of the Base Station License. The business plan must include:

(1) *Contact Information.* The business name, address, telephone number, email address and 24-hour contact number for the Base Station;

(2) *Plans for Ensuring Compliance with Commission Rules.*

(i) A general description of how the Base Station intends to monitor and ensure that the Base Station itself, its affiliated Vehicle Owners, and the Drivers operating the affiliated Vehicles comply with these Rules;

(ii) A specific plan for assuring that affiliated Vehicles and their Drivers provide transportation only through pre-arrangement made with the Base

(iii) A specific description of how the Base plans to prevent its affiliated Vehicles and their Drivers from accepting street hails

(3) *Plans for Preventing Recurrence of Past Violations.* A description of how the Base Station intends to prevent a recurrence of any Rule violations that occurred during the current and previous (if any) term(s) of its License.

(4) *Off-Street Parking.* Policies and procedures regarding off-street parking, including:

(i) The address of the Livery Base's off-street parking location

(ii) How far the off-street parking location is from the Livery Base.

(iii) How the Base will encourage its affiliated Vehicles to use the Livery Base's off-street parking location, and

(iv) How the Livery Base will ensure that the affiliated Vehicles not using the off-street parking location do not violate applicable traffic and parking regulations when they are in the area around the Base Station.

(5) *Number of Vehicles.*

(i) Renewal Applicants must include the number of Vehicles currently affiliated with the Base Station

(ii) New Applicants must include the number of Vehicles they expect to be affiliated with the Base Station when it obtains the License

(iii) Both new and renewal Applicants must include an estimate of the average number of Vehicles they expect to be affiliated with the Base during the term of the License

(iv) A Street Hail Livery Base can affiliate both Street Hail Liveries and other For-Hire Vehicles if it is also a Base or Street Hail Liveries and Paratransit Vehicles if it is a Paratransit Base.

(6) *Number of Trips.*

(i) A renewal Applicant must include the average number of requests currently received and the average number of trips currently dispatched on a daily basis.

(ii) A new Applicant must include an estimate of average number of requests it expects to receive and the average number of trips it expects to dispatch on a daily basis when it obtains the License.

(iii) Both new and renewal Applicants must include an estimate of the average requests they expect to receive and the average number of trips they expect to dispatch on a daily basis during the term of the License;

(7) *Customer Service.* A description of how calls will be answered, rides dispatched, and complaints handled;

(8) *Hours of Operation*.

(i) The hours during which the Base will be providing transportation,

(ii) The hours the Base office will be open;

(9) *Rates*. A Rate Schedule in a form and format approved by the Chairperson, including, for a Street Hail Livery Base, rates applicable to Street Hail Liveries when dispatched on a Pre-Arranged Trip; provided that a Street Hail Livery Base doing no pre-arranged business is not required to file a Rate Schedule.

(10) *Miscellaneous.* Any other matters required by the Chairperson or the Commission as a condition of renewal of a Base Station License in light of the specifics of the Base Station's application and operating history.

§59B-06 Licensing – Term of License

(a) *New Base License Term.*

(1) The term of a new For-Hire Base License will expire three years after the last day of the month in which the new License is issued.

(2) Example:

(i) A new Applicant files on October 10, 2009.

(ii) The Commission approves the application on December 15, 2009.

(iii) No action is taken by the City Council within its 90-day period (by March 15, 2010), and the Commission issues a License on March 24, 2010.

(iv) That License would expire on March 30, 2013.

(b) *Base License Renewal Term.*

(1) A License issued to a renewing Applicant on or after July 2, 2009 will expire three years after the date on which the previous License expired.

(2) A License issued prior to July 2, 2009 will expire two years after the date on which the previous License expired.

(c) *When to File for Renewal.*

(1) A renewing Applicant must file a completed application *at least* 60 days before the expiration date of the License in order to avoid a late fee.

(2) A renewing Applicant can file a competed application less than 60 days before the expiration date as a "late application," if the Applicant pays a late fee of $25.

(3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.

(4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.

(d) *Extensions.*

(1) If a timely application for renewal of a License has been made as required in subdivision (c)(1) or (2), above, the Chairperson will extend the effectiveness of the License until review of the renewal application is completed.

(2) The effectiveness of the License during this extended period applies even if the application is ultimately denied.

(3) If an extended License renewal application is approved, the renewal License expiration date will be based on the original expiration date of the License and not the extended date.

(e) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (c) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

(2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

(f) *Street Hail Livery Base Licenses.*

(1) *Suspension , Revocation, or Failure to Renew.* If an underlying Base License or Paratransit Base License or Commuter Van Service Authorization is suspended or revoked as a result of the imposition of a penalty under this or another Chapter of these Rules, or if the underlying License fails to be renewed for any reason, the suspension, revocation or failure to renew is also applicable to the Street Hail Livery Base License.

(2) A Street Hail Livery Base License will expire three years after the date it was issued or earlier if it, or the underlying Base License or Paratransit Base License or Commuter Van Service Authorization, is revoked or surrendered or is not renewed.

(3) Upon issuance of a Street Hail Livery Base License:

(i) the underlying Base License or Paratransit Base License term will be pro-rated (and the License fee for that License will be pro-rated which means an additional fee will be charged) so that the Base License will expire on the same date that the Street Hail Livery Base License expires. *Example.* The

underlying Base License expires on 6/15/14. A Street Hail Livery Base License is issued to the Base on 6/16/12 and will expire on 6/15/15. The underlying Base License will be extended for one year and an additional 1 year license fee of $500 will be charged. The underlying Base License and the Street Hail Livery Base License will both expire on 6/15/15.

§59B-07 Licensing – Fees

(a) *Base License Fee.*

(1) The fee for the operation of a For-Hire Base is $500 annually.

(2) *Exception:* The fee for the operation of a Street Hail Livery Base is $1000 annually for the Street Hail Livery Base License plus $500 annually for the fee for a For-Hire Base License or Paratransit Base License or $275 for a Commuter Van Service Authorization.

(3) Upon issuance of a Street Hail Livery Base License:

(i) an underlying Base License term will be pro-rated (and the License fee for that License will be pro-rated which means an additional fee will be charged) so that the Base License will expire on the same date that the Street Hail Livery Base License expires.

(b) *Late Filing Fee.* The Commission will charge an additional fee of $25 for a late filing of a renewal application, if it allows the filing at all.

(c) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.

(d) *No Refund if Application Denied.* The Commission will not refund fees if it denies the application.

(e) *Base License Replacement Fee.* The Commission will charge a fee of $25 for each replacement License.

(f) *Base Transfer Fee.* The fee for the transfer of a Base License or Ownership interest will be $500.

(g) *Name Change Fee.* The fee to change the name of a Base will be $500.

(h) *Relocation Fee.* The fee to change the location of a Base will be $500.

§59B-08 Licensing – Causes for Denial or Revocation

(a) *Material Misrepresentation.*

(1) The Commission can deny an application for a License or its renewal and revoke or suspend any License issued if it finds that an Applicant has made a material misstatement or misrepresentation on an application for a License or its renewal.

(2) The Commission must send notice and conduct a hearing before revoking or suspending any License already issued.

(b) *Violation of NYS Franchise Act.*

(1) The Commission will not grant a License or renew a License when the base owner is offering and selling franchises in violation of the New York Franchise Sales Act (for the purposes of this subdivision, "Act").

(2) The Commission can also suspend or revoke the License of any Base Owner found to have violated the Act.

(3) In determining whether a Base Owner is in violation of the Act, the Commission can rely upon the written advice of the New York State Department of Law certifying to the Commission that the Base Owner is in violation of the Act.

(c) In determining whether a Base Owner is in violation of the Act, the Commission can rely upon the written advice of the New York State Department of Law certifying to the Commission that the Base Owner is in violation of the Act.

(d) *Livery Base Station–Criteria for Reviewing New Application.* In reviewing an application for a License to operate a Livery Base Station, the Commission will examine and consider the following factors:

(1) Any negative impact on Other Transportation Systems, including:

(i) The adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public

(ii) Any negative impact that the proposed operation might have on those existing services

(iii) The extent and quality of service provided by existing, legally operating For-Hire Vehicles and Taxicabs

(2) Any negative impact on quality of life in the vicinity of the Base Station, including:

(i) Traffic congestion

(ii) Sidewalk congestion

(iii) Noise.

(e) *Livery Base Station – Compliance with Rules.*

(1) In reviewing an application to renew a Base Station License, the Commission will consider whether the Licensee has violated any applicable Rule of the Commission.

(2) No Livery Base Station will be renewed if the Applicant has been found guilty of violating the off-street parking requirements described in §59B-15(j) of this Chapter.

(f) *Revocation for Livery Fund violations*

(1) No Livery Base Station License will be issued to an Applicant if a Livery Base Station License previously held by Applicant was revoked for violations of Article 6-G of the NYS Executive Law.

(2) A Livery Base Station License previously held by an Applicant includes any Livery Base Station License held by any Licensee in which any of Applicant's Limited Business Entity Persons was also a Limited Business Entity Person.

(3) The ban on issuance will continue for five years following the revocation, and until

(i) Any money owed to the Livery Fund on the account of the revoked License is paid or

(ii) The Livery Fund agrees on a payment plan for money owed to it.

(g) *Failure to Complete Application Requirements.*

(1) The Chairperson will deny an application for a new Black Car Base or Luxury Limousine Base License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The Chairperson will deny an application for a renewal Black Car Base or Luxury Limousine Base License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The Chairperson will deny an application for a new or renewal Livery Base Station License if the Applicant has not completed all the requirements of an application and has not completed all the requirements for Licensing as a Livery Base Station set forth in Section 59B-05 of this Chapter within 90 days of Commission approval of the application.

(4) The Chairperson will not deny an application under this Rule if completion is delayed because the Chairperson has not issued a final decision and the Applicant has complied with any requests made by the Chairperson.

(h) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License to operate a Base Station, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

§59B-09 Licensing – Transfer of an Ownership Interest in a For-Hire Base License

(a) *Transfer Requirements for All For-Hire Bases.* Any For-Hire Base License or Ownership interest in the Licensee can be transferred to a proposed transferee if all of the following conditions are met:

(1) The transferee demonstrates to the satisfaction of the Commission the qualifications to assume the duties and obligations of a Base Owner.

(2) All the outstanding fines, penalties, and other liabilities that the transferor owes to the Commission have been satisfied.

(3) The Commission approves the transfer and any changes in corporate officers or directors.

(4) Both the transferor and transferee must appear in person as directed by the Chairperson to complete the transfer:

(i) A party who is an individual must appear in person

(ii) A party that is a partnership must be represented by a general partner

(iii) A party that is a corporation must be represented by a Limited Business Entity Person.

(5) No transfer or change will be effective until approved and the Chairperson has given notice of the approval to the Licensee.

(b) *Additional Requirements for Transfers of a Livery Base Station.*

(1) *Additional Bond for Tort Liabilities.* The transferor or the transferee files an additional bond to cover the transferor's tort liabilities (if any) that have arisen out of the operation of a Base Station, that remain outstanding and that exceed the amount covered by any bond or insurance policy already in effect.

(2) *Transferee Business Plan.* The transferee provides a business plan meeting the requirements in §59B-05(d) above.

(3) *Transfer While Judgment Pending.* No voluntary transfer of a Base Station License can be made if a judgment docketed with the clerk of court of any county within the City of New York remains unsatisfied against the Licensee and in favor of any Government agency. However, the transfer can be permitted under one of the following conditions:

(i) A bond is filed in an amount sufficient to satisfy the judgment.

(ii) All the judgment creditors of a Licensee file written permission for the transfer with the Commission.

(iii) The proceeds from the transfer are paid into court or held in escrow, on terms and conditions approved by the Commission, to protect the rights of all parties that have a legitimate interest.

(4) *Criteria for Approving Proposed Transferee.* In reviewing a proposed transfer of a Base Station License or of the ownership interest in the License, the Commission will consider the following:

(i) The criminal history of the proposed transferee and of the transferee's Business Entity Persons, if any

(ii) Any relevant information maintained in the records of the DMV or the Commission

(iii) The transferee's financial stability

(5) *Criteria for Denying Proposed Transferee.* A transfer will not be approved if, in the past two years, the proposed transferee or any Business Entity Person of the proposed transferee, where appropriate, has been found to have violated any law or rule involving any of the following:

(i) Assault of a Passenger, official, or member of the public in connection with any matter relating to a For-Hire Vehicle

(ii) Giving or offering an unlawful gratuity to a public servant, as defined in §10.00 of the NYS Penal Law

(iii) Providing the Commission with false information

(iv) Three unexplained failures to respond to an official communication from the Commission or the Department of Investigation that was sent by certified mail, return receipt requested

(c) *Street Hail Livery Base Licenses Not Transferrable.*

(1) Street Hail Livery Base Licenses can only be used in connection with the specific entity to which they were initially issued (i.e. the specific Livery Base to which the Street Hail Livery Base License was initially issued) and cannot be transferred for use by any other entity.

(2) A change in the ownership structure of or an ownership interest in an owner of a Street Hail Livery Base License is valid only if the conditions of Section 59B-09(a) are met.

§59B-10 RESERVED (Licensing – Care of Licenses)

§59B-11 Compliance with Law – No Unlicensed Activity

(a) *Base License Required.* No person or entity is permitted to operate a business as a Livery Base Station, Black Car Base or Luxury Limousine Base without a Valid For-Hire Base License from the Commission. No person or entity is permitted to operate a business as a Street Hail Livery Base without a Valid Street Hail Livery Base License from the Commission.

§59B-11(a)	Fine: $200-$1,500 Penalty Point: 1 Administrative Code Penalties for Unlicensed	Appearance REQUIRED

	Activity	

(b) *For-Hire Vehicle License and Commission License Plate.*

(1) A Base Owner must not dispatch any For-Hire Vehicle unless:

(i) A Vehicle registered in NYS has license plates embossed with the legend "T & LC"

(ii) A Vehicle registered in a state other than New York has complied with any applicable license plate requirements.

(iii) The vehicle has a Valid For-Hire Vehicle License.

(2) The Commission will post a list of Validly Licensed For-Hire Vehicles on its Web site.

(3) In addition to the other requirements of this Rule, a Street Hail Livery Base Owner must not dispatch a vehicle to engage in the business of being a Street Hail Livery unless the vehicle has a Valid Street Hail Livery License.

§59B-11(b)	Base Owner Fine: $300 Penalty Points: 1 Administrative Code Penalties for Unlicensed Activity	Appearance NOT required

(c) *Valid For-Hire Driver's License Required.*

(1) A Base Owner must not dispatch any Vehicle unless its driver possesses a Valid For-Hire Driver's License.

(2) The Commission will post on its Web site a list of Drivers holding Valid For-Hire Drivers Licenses.

(3) In addition to the other requirements of this Rule, a Street Hail Livery Base Owner must not dispatch a vehicle to engage in the business of being a Street Hail Livery unless the driver is Validly authorized to be a Street Hail Livery Driver.

§59B-11(c)	Base Fine: $500 for the first violation in 12 months; $800 for each subsequent offense within a 12-month period	Appearance NOT REQUIRED

(d) *Valid Chauffeur's License Required.*

(1) A Base Owner must not dispatch any Vehicle unless it is being driven by a For-Hire Driver with a Valid Chauffeur's License

(2) A Vehicle Owner is responsible for knowing the status of the state-issued driver's license for any driver dispatched in one of Owner's Vehicles.

§59B-11(d)	Base Fine: $500 except if the DMV status of the driver's license is not available on the Commission's website.	Appearance NOT REQUIRED

(e) *Advertising of Unlicensed For-Hire Service.* A base owner must not hold him or herself out to the public as a for-hire service without a current License issued by the Commission for that activity. "For-Hire" service includes Livery, Black Car, or Luxury Limousine service.

§59B-11(e)	Fine: $350 for the first violation; $500 for the second violation; revocation for the third violation within 36 months	Appearance REQUIRED

(f) *Unapproved Transfer of Base Location.* A Base Owner who moves a Base to any location without the prior approval of the Commission is engaging in Unlicensed Activity.

§59B-11(f)	Fine: $200-$1,500 and Suspension of Base License Penalty Point: 1	Appearance REQUIRED

§59B-12 Compliance with Law – Workers' Compensation

(a) *Livery Base Station.*

(1) *Compliance with Workers' Compensation Law.*

(i) Every Livery Base Station must either

(A) be a member of the Livery Fund or

(B) maintain coverage under the NYS Workers' Compensation Law for all drivers dispatched.

(ii) Every Livery Base Station must maintain either Livery Fund membership or workers' compensation insurance coverage at all times.

(iii) A Livery Base Station that is an Independent Base Station must be a member of Livery Fund. To prove it is a member of the Livery Fund, a Livery Base Station must submit to the Commission

(A) A copy of the affirmation given by the Livery Base Station to the Workers' Compensation Board as required by §18-c(2) of the NYS Workers' Compensation Law and

(B) A copy of any certificate of membership or similar documentation issued by the Livery Fund.

(iv) A Livery Base Station that is not an Independent Base Station must buy insurance providing compensation under the NYS Workers' Compensation Law for all drivers dispatched. To prove that it has bought insurance coverage, a Livery Base Station must submit to the Commission

(A) a current certificate of insurance and

(B) proof that the insurer is licensed by the NYS Insurance Department, together with a list of authorized signatories.

§59B-12(a)(1)	Fine: $25 for each day of non-compliance up to $5,000 and either suspension until compliance or Livery Base License revocation	Appearance REQUIRED

(2) *Audit of Independent Base Stations.* The Commission can audit any Independent Base Station as provided in §18-c(2)(g) of the NYS Workers' Compensation Law.

(3) *Coercion Prohibited.* An Independent Base Station must not coerce any driver or vehicle owner into making false statements or refrain from reporting any violation of Article 6-G of the NYS Executive Law.

§59B-12(a)(3)	Fine: $1,000-$5,000 and or suspension of Livery Base License and membership in Livery Fund for up to 2 years	Appearance REQUIRED

(4) *Enforcement on Request.* The Commission will enforce the provisions of this paragraph (4) only at the request of the Livery Fund or the NYS Workers' Compensation Board. The Livery Fund or NYS Workers' Compensation Board can ask the Commission to enforce these rules by filing a complaint against a Livery Base. The complaint will include documentation of the violation.

(i) An Independent Base Station must pay any assessment by the Livery Fund within 30 days of the assessment.

§59B-	Fine: $500 for each 30 days after notice payment is	Appearance REQUIRED

12(a)(4)(i)	overdue, plus payment of the overdue amount plus interest on such amount at 12% per annum, together with either suspension until compliance or revocation of license and Livery Fund membership.	

(ii) If an Independent Base Station License is suspended or revoked for failure to pay an assessment, the License cannot be reinstated, and the Independent Base Station cannot apply for a new or renewal license until:

(A) The Independent Base Station pays any money it owes to the Livery Fund or

(B) The Livery Fund agrees on a payment plan for money owed to it.

(iii) An Independent Base Station must not make a materially false statement in the sworn affirmation required by §18-c(2) of the Workers' Compensation Law.

§59B-12(a)(4)(iii)	Fine: $1,000-$10,000 and/or Livery Base License revocation for up to 5 years for first offense and permanent bar to licensure for second	Appearance REQUIRED

(iv) Any Independent Base Station found to have made a materially false statement under (iii) of this subparagraph on two separate occasions may not apply for or hold a Livery Base Station License.

(v) An Independent Base Station must not make any material misrepresentation about

(A) the number of Vehicles affiliated with the Independent Base Station,

(B) the number of owners of such Vehicles, or

(C) the number of drivers dispatched by the Independent Base Station.

(D) Material misrepresentation includes any temporary alteration of records to reduce the numbers of vehicles or drivers.

§59B-12(a)(4)(v)	Fine: $1,000-$5,000 and/or Livery Base License suspension or Livery Base License revocation for up to 2 years.	Appearance REQUIRED

(5) *Cessation of Benefits to Drivers.* Upon filing with the Workers' Compensation Board to end the payment of benefits to the Driver of an affiliated Vehicle who has recovered from a disability and is ready to return to work, a Base Owner must provide the Driver with documentation that benefits have been stopped in order for the Commission to return that Driver's License.

§59B-12(a)(5)	Fine: $100-$250	Appearance REQUIRED

(b) *Black-Car and Luxury Limousine Bases.*

(1) *Membership in the Black Car Operators' Injury Compensation Fund.*

(i) Every Black Car Base and Luxury Limousine Base must become and remain a member of the Black Car Fund and must register with the Department of State as a Member of the Black Car Fund.

(ii) This provision does not apply to a Black Car or Luxury Limousine Base that owns fifty (50%) percent or more of the Vehicles it dispatches.

§59B-12(b)(1)	Fine: $25 for each day of non-compliance, to a maximum of $10,000, and either suspension until compliance or Base License revocation	Appearance REQUIRED

(2) *Submit Certificate of Registration with the Fund.* Every Black Car Base and Luxury Limousine Base must:

(i) Provide the Commission with a copy of its certificate of registration with the Black Car Fund.

(ii) Pay to the Department of State all fees due as required by State law.

§59B-12(b)(2)	Fine: $25 for each day of non-compliance, to a maximum of $10,000, and either suspension until compliance or Base License revocation	Appearance REQUIRED

(3) *Bill and Collect Surcharge.* Every Black Car Base and Luxury Limousine Base member of the Black Car Fund must add the surcharge established by the Black Car Fund and required by State law to each invoice and billing for services and to each credit payment of services performed by a Vehicle affiliated with the Base for every trip:

(i) Originating from a centralized dispatch facility located within the State of New York

(ii) Originating from a point within the State of New York

§59B-12(b)(3)	Fine: $25 for each day of non-compliance, to a maximum of $10,000, and either suspension until compliance or Base License revocation, together with revocation of Black Car Fund membership	Appearance REQUIRED

(4) *Remit Surcharges.* Every Black Car Base and Luxury Limousine Base must forward to the Black Car Fund all surcharges due and owing under paragraph (3), above, no later than the 15th day of the month following the month in which the surcharge is collected.

§59B-12(b)(4)	Fine: $500-$5,000 for each 20 days the payment is overdue, and suspension until compliance or revocation, together with restitution to the Black Car Fund of any unpaid amount, together with interest at the rate of 12 percent per annum, together with revocation of Black Car Fund membership.	Appearance REQUIRED

(5) *Comply with all Rules of the Black Car Fund.* Every Black Car Base and Luxury Limousine Base must comply with all applicable provisions of law governing the Black Car Fund, and all rules and regulations.

§59B-12(b)(5)	Fine: $500-$10,000 and suspension until compliance or revocation	Appearance REQUIRED

(6) *Enforcement at Black Car Fund's Request.* The Black Car Fund can ask the Commission to enforce these rules by filing a complaint against a Black Car Base or Luxury Limousine Base. The complaint will include documentation of the violation.

(c) *Street Hail Livery Bases.*

(1) Every Street Hail Livery Base must comply with the NYS Workers' Compensation Law and maintain the coverage required.

§59B-13 Compliance with Law – Personal Conduct

(a) *Bribery Prohibited.*

(1) *Appearance of Bribery.* An Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission, or any other public servant.

§59B-13(a)(1)	Fine: Revocation and $10,000	Appearance REQUIRED

(2) *Demand for Gratuity.* A Licensee must immediately report to the Commission any request or demand for a gift, gratuity, or thing of value by any employee, representative, or member of the Commission or any other public servant.

§59B-13(a)(2)	Fine: $1,000 up to Revocation	Appearance REQUIRED

(3) *Prohibited Offer of Gift to Airport or Transportation Terminal Staff.* A Licensee must not offer or give any gift, gratuity, or thing of value to a person or persons employed at any airport or other transportation terminal to provide ground transportation information services, dispatching service, security services, traffic and parking control, or baggage handling.

§59B-13(a)(3)	Base Fine: $1,000 up to revocation	Appearance REQUIRED

(b) *Fraud, Theft.* While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

§59B-13(b)	Fine: $350-1,000 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(c) *Deliberate Acts of Omission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

§59B-13(c)	Fine: $150 - $350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(d) *Deliberate Acts of Commission.* While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public although not specifically mentioned in these Rules.

§59B-13(d)	Fine: $150 - $350 and/or suspension up to 30 days or revocation	Appearance REQUIRED

(e) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

§59B-13(e)	Fine: $350-1,000 and suspension up to 30 days	Appearance REQUIRED

(f) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person.

§59B-13(f)	Fine: $500-1,500 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(g) *No Threat or Harm to Service Animal.* A Licensee must not distract, harm, or use physical force against or attempt to distract, harm, or use physical force against a Service Animal accompanying a person with a disability.

§59B-13(g)	Fine: $500-1,500 and/or suspension up to 60 days or revocation	Appearance REQUIRED

(h) *Notice of Criminal Conviction.*

(1) A Licensee must notify the Commission within 15 calendar days after any felony conviction of the Licensee or of any of Licensee's officers or members.

(2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§59B-13(h)	Fine: $50	Appearance NOT REQUIRED

(i) *Failure to Cooperate with Law Enforcement.* A Licensee must cooperate with all law enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

§59B-13(i)	Fine: $15-$150	Appearance REQUIRED

(j) *Failure to Cooperate with the Commission.*

(1) A Licensee must truthfully answer all questions and comply with all communications, directives, and summonses from the Commission or its representatives.

(2) Within ten days following a request from the Commission, a Licensee must produce any Licenses or other documents the Licensee is required to have.

(3) Licensee must aid the Commission in obtaining information it seeks regarding Drivers or Vehicles affiliated with the Base.

§59B-13(j)(1)-(3)	Fine: $200 and suspension until compliance	Appearance REQUIRED

(4) Within 48 hours, a Licensee must respond to any contact from the Commission, seven days a week.

§59B-13(j)(4)	Fine: $500	Appearance NOT REQUIRED

(k) *Courtesy.* A Licensee must be courteous to Passengers.

§59B-13(k)	Fine: $150	Appearance NOT REQUIRED

(l) *MTA Tax*

(1) The MTA Tax must be charged on any Hail Trip in a Street Hail Livery that starts in New York City and ends in any of the following:

(i) New York City

(ii) Dutchess County

(iii) Nassau County

(iv) Orange County

(v) Putnam County

(vi) Rockland County

(vii) Suffolk County

(viii) Westchester County

(2) A Street Hail Livery Base must ensure that the Taximeter in each Street Hail Livery affiliated with the Base is adjusted to properly collect the MTA Tax for Hail Trips.

(3) A Street Hail Livery Base must collect the MTA Tax due for each Hail Trip made by a Street Hail Livery affiliated with that Base from the Driver of the Street Hail Livery.

(4) A Street Hail Livery Base must remit all MTA Taxes due to the NYS Department of Taxation and Finance together with such returns as are required by NYS Department of Taxation and Finance as and when such taxes are due.

§59B-13(l)	Fine: $1,000 per vehicle and suspension until compliance	Appearance REQUIRED

(m) *Facilitation of Sex Trafficking with a Vehicle.* A Licensee must not Facilitate Sex Trafficking with a Vehicle.

59B-13(m)	Fine: $10,000 and revocation.	Appearance NOT REQUIRED

§59B-14 Compliance with Law – Miscellaneous

(a) *Alcohol and Drug Laws.* A Base Owner must not knowingly allow an affiliated For-Hire Vehicle to be operated by a Driver who is under the influence of any drugs or alcohol or whose driving ability is in any way impaired.

§59B-14(a)	Fine: $10,000 and revocation	Appearance REQUIRED

(b) *Disability Laws.*

(1) A Base Owner must not instruct, authorize, or permit an affiliated Driver to discriminate unlawfully against people with disabilities.

(2) Discrimination includes:

(i) Refusing to serve People with Disabilities,

(ii) Refusing to load and unload the mobility aids of People with Disabilities,

(iii) Charge any more than the set rate for the transportation of People with Disabilities, or their Service Animals, wheelchairs, or other mobility aids.

§59B-14(b)	Fine: $350-1,000 and/or suspension up to 30 days or revocation	Appearance REQUIRED

§59B-15 Operations – Business Premises

(a) *Maintenance of Physical Location.* A For-Hire Base Owner must maintain a principal place of business in a commercially zoned area, from which affiliated Vehicles and Drivers can be dispatched.

§59B-15(a)	Fine: Suspension until requirement is met.	Appearance REQUIRED

(b) *Minimum Number of Affiliated Vehicles.*

(1) A Base must have at least ten affiliated Vehicles associated with the Base except when either of the following applies:

(i) A Base that was first Licensed before January 1, 1988 will only be required to have at least five affiliated Vehicles.

(ii) A Livery Base that has an affiliated Accessible Vehicle is only required to have at least five affiliated Vehicles.

§59B-15(b)	Fine: Suspension until minimum is met	Appearance REQUIRED

(2) A Street Hail Livery Base can meet the requirement of paragraph (1) by affiliating either or both of Street Hail Liveries or other licensed For-Hire Vehicles or, if the Base is also a Paratransit Base, Paratransit Vehicles and Street Hail Liveries.

(c) *Working Phone at the Base*. A Base Owner must maintain a working telephone at the Base.

§59B-15(c)	Fine: Suspension until compliance	Appearance REQUIRED

(d) *Dispatching of Vehicles from Base*.

(1) A Base Station Owner must provide a device for transmitting trip request information to Drivers of affiliated Vehicles.

(2) Except for Accessible Vehicles, no For-Hire Vehicle can be dispatched from any location other than the location specified in the Base License.

§59B-15(d)	Fine: $250 and Suspension until compliance	Appearance REQUIRED

(e) *Application to Move Base*.

(1) A Base Owner who moves the Base to a new location must apply for approval of the new location by the Commission.

(2) The proposed location must comply with all of the requirements for obtaining the particular Base License sought; except that if there has been no change in the Ownership of the Base, the Commission can waive the requirements for:

(i) Proving fitness to hold License and

(ii) Posting a bond.

§59B-15(e)	Fine: Suspension of Base License.	Appearance REQUIRED

(f) *Application to Transfer or Assign Base*. A Base Owner must not transfer or assign the Base Owner's License to another without obtaining the Commission's written approval as described in §59B-09 of this Chapter. *Note: A Street Hail Livery Base License cannot be transferred.*

§59B-15(f)	Fine: Suspension of Base License.	Appearance REQUIRED

(g) *Display Rates.* A Base Owner must at all time conspicuously display the current schedule of rates charged by the Base.

§59B-15(g)	Fine: $50	Appearance NOT REQUIRED

(h) *Display Base Information.* A Base Owner must conspicuously display the Base name, any trade, business or operating name, and the Base License number on the front or office door of the Base's premises.

§59B-15(h)	Fine: $50	Appearance NOT REQUIRED

(i) *Black Car Base Affiliation.* Only Black Car Bases can dispatch Vehicles to do line work and only For-Hire Vehicles that are affiliated with Black Car Bases can perform line work.

§59B-15(i)	Fine: $250 for first violation $500 for second violation within 24 months Revocation for third violation within 24 months	Appearance NOT REQUIRED Appearance NOT REQUIRED Appearance REQUIRED

(j) *Off-Street Parking Requirements – Livery Base Stations.*

(1) A Base Station Owner must ensure that the operator of the Base provides and uses legal, off-street facilities for parking and storing the Livery Vehicles that will be dispatched from the Base.

(2) The available off-street facilities must provide at least one parking space for every two Livery Vehicles (not including Street Hail Liveries) affiliated with the Base.

(3) The distance between the Base and the off-street parking facilities for Livery Vehicles must be one and one-half miles or less.

(4) The off-street parking facilities for Livery Vehicles must be in a location zoned for the operation of a parking facility.

(5) *Waiver.* The Chairperson can reduce the number of required off-street parking spaces or can waive that requirement entirely upon a determination that:

(i) There are not enough legal off-street parking facilities in the vicinity of the Base to fulfill these requirements,

(ii) An Applicant demonstrates to the satisfaction of the Chairperson that complying with the off-street parking requirements in paragraphs (1) and (2) would impose an economic hardship upon the Applicant.

(iii) The Chairperson will not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the Applicant, or a predecessor in interest, has violated any provision governing the transfer of the Base.

(iv) The Commission's decision to waive or reduce the off-street parking requirements:

A. Will be made in writing,

B. Will contain a detailed statement of the reasons for the decision

C. Will be made a part of the Commission's approval of the application for the Base Station License.

§59B-16 Operations – Special Requirements

(a) *Occupy Licensed Base Location.* All Base Owners must operate the Base on the premises licensed by the Commission.

§59B-16(a)	Penalty: Revocation of License	

(b) *Maintain Operations – Livery Base Only.*

(1) A Livery Base Station Owner must not cease operations at the Base Station for a period of 60 or more consecutive days.

(2) There will be no penalty if the failure to operate for 60 or more days has been caused by strike, riot, war, public catastrophe or other acts beyond the control of the Licensee.

§59B-16(b)	Penalty: Revocation of License	

(c) *Use of Temporary Premises – Livery Base Only.*

(1) Where the Commission finds that a particular Livery Base Station cannot be operated due to an act beyond the control of the Licensee, a temporary Base Station License will be issued to the same Licensee for an alternative location, provided that all other requirements for such License are met and provided further that the unexpired term of the original License is six months or more.

(2) A temporary Base Station License will last no longer than 60 days.

(3) During the 60-day period, the Base Owner must either:

(i) File an application to change the Livery Base location or

(ii) Return operations to the original location and notify the Chairperson of the return.

(4) The temporary Base Station License will not be extended unless within the 60 day period the Base Station Owner either (1) files an application to change the location and the Commission has not completed its review of the application within the 60 day period or (2) demonstrates that good cause exists for a further extension because the Owner requires additional time to return the Base Station to the original location.

§59B-16(c)	Fine: Revocation	Appearance REQUIRED

§59B-17 Operations – Service Requirements (Customers)

(a) *Customer Complaints.* A Base Owner will be responsible for handling customer complaints when directed by the Chairperson and will provide any information requested by the Chairperson regarding such complaints.

§59B-17(a)	Fine: $150	Appearance NOT REQUIRED

(b) *No Required Ride-Sharing.* A For-Hire Base Owner must not require that any prospective Passenger share a ride with another prospective Passenger.

§59B-17(b)	Base Fine: $50	Appearance NOT REQUIRED

(c) *Provide Accessible Transportation.* A Base Owner must provide transportation service to Persons with Disabilities.

(1) *Alternative Methods of Providing Service.* A Base Owner can provide Accessible Vehicle transportation service to Persons with Disabilities either by:

(i) Dispatching an Accessible Vehicle from Owner's Base, upon request

(ii) Contracting with another Base to provide and dispatch Accessible Vehicles for Persons with Disabilities.

(2) *Must Provide "Equivalent Service."*

(i) Whether the Base dispatches its own Accessible Vehicles or contracts with another Base, the Base Owner must provide "equivalent service" to persons with disabilities.

(ii) "Equivalent Service" means that the service available to Persons with Disabilities, is equivalent to the service provided to other individuals with respect to:

A. Response time to requests for service

B. Fares charged

C. Hours and days of service availability

D. Ability to accept reservations

E. Restrictions based on trip purpose

F. Other limitations on capacity or service availability

§59B-17(c)	Fine: $1000 and, if the violation includes failure to maintain either an affiliated Accessible Vehicle or an arrangement with another Base to provide such service, suspension of the Base License until compliance	Appearance REQUIRED

(d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Owner's Base, unless:

(1) The Vehicle is affiliated with another Base, and the Owner informs the customer

(2) The Base is dispatching an Accessible Vehicle.

§59B-17(d)	Fine: $150	Appearance NOT REQUIRED

(e) *Special Requirements for Street Hail Liveries.*

(1) *Credit/Debit Card Rules.*

(i) A Street Hail Livery Base Owner must ensure that each affiliated Street Hail Livery is equipped to accept customer payment by credit and debit card.

(ii) A Street Hail Livery Base Owner is not permitted to charge a pass along or additional fee to any passenger for debit or credit card transactions in Hail Trips.

§59B-17(e)(1)	Fine: First violation: $350 if plead guilty before a hearing; $500 if found guilty following a hearing. Second violation w/in 24 months: $700 if plead guilty before a hearing; $1,000 and possible	Appearance REQUIRED

	suspension of License for up to 30 days if found guilty following a hearing. Third violation w/in 36 months: $750 and Revocation of License if plead guilty before a hearing; $1,000 and Revocation of License if found guilty following a hearing.	

(2) *E-Z-Pass® Required*.

A Street Hail Livery Base Owner must ensure that each affiliated Street Hail Livery is equipped with an E-Z-Pass® tag.

§59B-17(e)(2)	Fine: $100 and suspension until compliance	Appearance REQUIRED

§59B-18 Operations – Owners' Responsibilities with Respect to Drivers

(a) *Create and Enforce Good Conduct Rules.*

(1) A Base Owner must create, maintain and enforce rules governing the conduct of affiliated Drivers while performing their duty as For-Hire Vehicle Drivers.

(2) These rules must be submitted in writing to the Commission within seven days of their creation (not including holidays and weekends) and whenever these rules are updated or amended.

§59B-18(a)	Fine: $25-$100	Appearance REQUIRED

(b) *Rules for Conduct in Area Surrounding the Base.*

(1) A Base Owner will be responsible for ensuring that all "Base personnel" comply with the restrictions established in this subsection (b) within the "restricted area."

(2) For the purposes of this subdivision, "Base personnel" are the Owners of Vehicles affiliated with the Base or dispatched by the Base and their Drivers, whether they are on duty or not.

(3) For the purposes of this subdivision, "restricted area" is defined as all public streets and sidewalks located on either side of the Base's street or within the city block front where the Base is located, including both sides of the street on which the Base is located.

(4) In the "restricted area," "Base personnel" must not do any of the following:

(i) Double park

(ii) Park on the sidewalk

(iii) Park across a driveway

(iv) Park by or at a fire hydrant or bus stop

(v) Park, stop, or stand in any manner that violates the Vehicle and Traffic Laws of the State of New York and the New York City Traffic Rules

(vi) Do mechanical maintenance or make repairs on any Vehicle, except to emergency repairs that are necessary to move a disabled Vehicle (Examples of disabling conditions: a dead battery or a flat tire)

§59B-18(b)(1)-(4)	Fine: $50 for first occasion; $100 - $250 for the second and subsequent occasions; non-renewal of Base License for violations on six dates within 12 months	Appearance REQUIRED

(5) A Base Owner must ensure that "Base personnel" obey all applicable traffic and parking regulations within the "restricted area."

§59B-18(b)(5)	Fine: $50	Appearance REQUIRED

(6) A Base Owner must ensure that "Base personnel" do not create a nuisance such as engaging in unnecessary horn honking, littering, or playing loud audio material within the "restricted area."

§59B-18(b)(6)	Fine: $50	Appearance REQUIRED

(c) *Special Requirements for Street Hail Liveries: Credit Cards for Hail Trips*

(1) A Street Hail Livery Base Owner can deduct from any credit or debit card payments due to a Street Hail Livery Driver any amounts required to be collected for payment of the MTA Tax.

(2) A Street Hail Livery Base Owner must pay the Street Hail Livery Driver on no less than a weekly basis, the total amount of all credit card payments received during that period. The Base Owner must provide an itemized receipt, showing all deductions, with each payment.

§59B-18(c)(2)	Fine: $100	Appearance NOT REQUIRED

(3) A Street Hail Livery Base Owner can withhold from the cash payments to a Street Hail Livery Driver (and all such withholdings must be identified on the receipt) the following:

(i) the sum of all MTA Tax payments due from the Street Hail Livery Driver; and

(ii) the sum of all tolls and charges deducted by the MTA Bridges & Tunnels from the *E-Z-Pass*® account of the Street Hail Livery Base Owner for trips provided by the Street Hail Livery Driver.

§59B-18(c)(3)	Fine: First violation: $200 Second violation: $300 Third violation: $500 In addition to the penalty payable to the Commission, the ALJ may order the Base Owner to pay restitution to the Driver, equal to the excess amount that was charged to the Driver.	Appearance REQUIRED

(d) A Base is permitted to penalize a Driver who does not pick up a Passenger for a pre-arranged trip.

§59B-19 Operations – Trip Record Information

(a) *Required Information.* A Base Owner must make sure that the following records are collected:

(1) With respect to all dispatched calls:

(i) The date, the time, and the location of the Passenger to be picked up

(ii) The Driver's For-Hire License number

(2) With respect to all affiliated Vehicles:

(i) The Owner's name, mailing address, and home telephone number

(ii) The Vehicle's registration number

(iii) The Vehicle's License number

(iv) The Vehicle's license plate number

(v) The name of the Vehicle's insurance carrier and the policy number

(vi) The dates of inspection of the Vehicle and the outcome of each inspection

(b) *Maintenance of Required Information.*

(1) A Base Owner must make sure that all required information listed above is kept and made available for inspection by Commission representatives during regular business hours.

(2) Required operational records must be safely maintained at the Base for a period of six months; inspection records must be kept for 12 months.

§59B-19(b)	Fine: $100 if plead guilty before a hearing; $150 if found guilty following a hearing.	Appearance NOT REQUIRED

(c) *Special Requirements for Street Hail Liveries—Trip Record Information*

(1) *Trip Record.*

(i) Trip Data must be collected and stored by the LPEP Provider electronically, through the use of the Street Hail Livery Technology System (LPEP).

(ii) If the LPEP is inoperable, a written Trip Record must be kept by the Driver during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §59B-52(c) of this Chapter)*

(iii) A written Trip Record, if required, must be kept until all information is entered into LPEP.

(iv) Information from a written Trip Record must be entered into LPEP by the Base within seven days after the Trip Record is made.

§59B-19(c)(1)	Fine: $100	Appearance NOT REQUIRED

(2) *Written Trip Records.* A written Trip Record must include the following information:

(i) The Street Hail Livery License number

(ii) The Street Hail Livery Driver's License number

(iii) The location where each passenger is picked up

(iv) The time each passenger is picked up

(v) The total number of passengers

(vi) The location where each passenger is dropped off

(vii) The time each passenger is dropped off

(viii) The total trip mileage

(ix) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)

(x) Method of payment

(xi) The trip number

(xii) Whether the trip is a Hail Trip or a Pre-Arranged Trip

(xiii) Other information required by the Commission

(xiv) For a Pre-Arranged Trip, the following information is required:

A. The time of dispatch.

B. If the dispatch was for a Pre-Arranged Trip to begin with an airport pickup.

(3) *Access to Trip Record and Trip Data.*

(i) Trip Data and Trip Record information must be available as specified in Chapter 83 to the Commission (in a form and format and delivery method as specified by the Commission), the Street Hail Livery Licensee and the Street Hail Livery Driver.

(ii) Trip Data and Trip Record information must be available at the end of each shift and/or at the end of a lease or contract term.

(iii) A Street Hail Livery Base Owner must take possession of any written Trip Records weekly and hold such Trip Records for at least three months after the information is entered into LPEP.

§59B-19(c)(3)	Fine: $100	Appearance NOT REQUIRED

(4) *Changes and Corrections*.

(i) A Street Hail Livery Base Owner must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record

(ii) A Street Hail Livery Base Owner must not make erasures or obliterate information on a written Trip Record, or other record that Owner is required to maintain.

§59B-19(c)(4)(i)-(ii)	Fine: $100	Appearance NOT REQUIRED

(iii) If a wrong entry is made on any written Trip Record, the Driver, the Street Hail Livery Licensee or Street Hail Livery Base Owner must correct it and record the date, time, and reason for the change. This record must be kept as long as the written Trip Record must be kept.

§59B-19(c)(4)(iii)	Fine: $100	Appearance NOT REQUIRED

(iv) Trip Records, whether electronic or paper, must not be changed either in whole or in part, unless authorized by the Commission.

§59B-19(c)(4)(iv)	Fine: $100 - $350 and/or suspension up to 30 days	Appearance REQUIRED

§59B-20 Operations – Current Contact Information

(a) *Base Name.*

(1) *File with Commission.* A For-Hire Base Owner must file with the Commission the name it uses (including any trade, business or operating names) in the operation of the Base or in promotions or advertising.

(2) *No "Substantially Similar" Names.* The Chairperson can reject any such trade, business or operating name if, in the judgment of the Chairperson, such name is substantially similar to the trade, business or operating name of another Base.

(3) *Only One Name per Base.*

(i) A Base must use only one trade, business or operating name in its operations, including in its public communications, advertising, promotional activities, and Passenger solicitation activities.

(ii) A Base can add words such as “premium” or “select” to its approved trade name to promote a different level of service, if the Base offers multiple levels of service.

(4) *Only One Base per Name.* Any trade, business or operating name approved by the Chairperson for one Base cannot be used by any other Base, unless both Bases seeking to use the same trade, business or operating name share identical Owners.

§59B-20(a)	Fine: $100	Appearance NOT REQUIRED

(b) *Mailing and Email Address.*

(1) A For-Hire Base Owner must file the address of its Base with the Commission.

(2) A For-Hire Base Owner must have a working Email Address at all times.

(3) A For-Hire Base Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§59B-20(b)(1)-(3)	Fine: $100	Appearance NOT REQUIRED

(4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the For-Hire Base Owner.

(5) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the For-Hire Base Owner.

(c) *Capacity for 24-Hour Access.*

(1) A For-Hire Base Owner must maintain a current telephone number on file with the Commission.

(2) This number must be connected to an answering machine or must be a pager number, an answering service telephone number, or something similar that allows the Commission to reach the Base Owner on a 24-hour basis.

§59B-20(c)	Fine: $100	Appearance NOT REQUIRED

§59B-21 Operations – Additional Records to be Maintained and Reported

(a) *Maintenance of Current Rate Schedule.*

(1) A Base Owner must file a Rate Schedule with the Commission, in a form approved by the Chairperson. This Rate Schedule must include the Base's rates for rides dispatched by the Base for Pre-Arranged Trips provided by Street Hail Liveries, if the Base dispatches Street Hail Liveries.

(2) A new Rate Schedule must be filed:

(i) Whenever rates are changed and also

(ii) Annually, no later than the anniversary date of the License,

(iii) With every renewal application

(iv) With any application to change the Ownership or location of the Base.

(3) Failure to file a Rate Schedule with a renewal application or an application to change Ownership or location will result in denial of the application by the Chairperson.

§59B-21(a)	Fine: $50	Appearance NOT REQUIRED

(b) *Hours of Operation.* A Base Owner must file with the Chairperson the Base's hours of operations and must notify the Chairperson of any change in the hours of operation.

§59B-21(b)	Fine: $50	Appearance NOT REQUIRED

(c) *Public Access Information.*

(1) A Base Owner must file with the Chairperson all contact information made available to or offered to the public for purposes of pre-arranging transportation for hire, including telephone numbers, Web sites and email addresses.

(2) These telephone numbers, Web sites, email addresses and other contact information and methods can be used only with the name of the Base approved under §59B-20(a) of this Chapter.

§59B-21(c)	Fine: $100	Appearance NOT REQUIRED

(d) *Affiliated Vehicles and Drivers List.*

(1) A Base Owner must maintain paper or electronic records of all For-Hire Vehicles that are or have been affiliated with or dispatched by the Base during the prior 12-month period, including, as applicable:

(i) Dates of affiliation,

(ii) Vehicle identification numbers,

(iii) Department of Motor Vehicles (or equivalent) registration numbers,

(iv) For-Hire Vehicle License numbers,

(v) Inspection records.

(vi) Copies of forms affiliating and disaffiliating Vehicles.

(2) A Base Owner must maintain paper or electronic records of all Drivers of these Vehicles including:

(i) Dates of operation,

(ii) Department of Motor Vehicles driver's license numbers,

(iii) For-Hire Driver's License numbers.

§59B-21(d) (1) & (2)	Fine: $50	Appearance NOT REQUIRED

(3) *Filing Notice with the Commission.* A Base Owner must send the Commission the list of affiliated Drivers and Vehicles (described in (1) and (2) above) on a quarterly basis.

§59B-21(d)(3)	Fine: $100	Appearance NOT REQUIRED

(4) *Special Reporting Requirements for Street Hail Livery Bases.* A Street Hail Livery Base Owner must maintain and report all information required by this subdivision 59B-21(d) electronically in a format specified by the Commission. All such information must also be maintained by the Street Hail Livery Base Owner for at least 12 months.

§59B-21(d)(4)	Fine: $500	Appearance NOT REQUIRED

(e) *Evidence of Compliance with Off-Street Parking Rules – Livery Base Only*. A Livery Base Owner must maintain and have available for inspection at the Base the evidence of compliance with off street parking requirements in the form required by §59B-15(J) of this Chapter.

§59B-21(e)	Fine: $50	Appearance NOT REQUIRED

(f) *Compliance with all Record Keeping Rules*. A Base Owner must comply with all record-keeping procedures established and required by the Commission.

§59B-21(f)	Fine: $50 if plead guilty before a hearing; $100 if found guilty following a hearing.	Appearance NOT REQUIRED

§59B-22 Records—Reporting Requirements for Street Hail Liveries

(a) *LPEP Required.* Every Street Hail Livery must be equipped with LPEP.

(b) *Trip Data Collection and Transmission.*

(1) All Trip Data must be transmitted to the Commission in the form and manner specified in Chapter 83.

(2) To the extent necessary to facilitate data transfer, the Commission may mandate that each Street Hail Livery be equipped with external antennas.

(3) No equipment designed to comply with the provisions of this section may be installed unless it has been approved by the Commission based on a determination that the equipment conforms to the specifications set herein, is safe, and fulfills the intended purposes for such equipment.

§59B-22(b)(1)-(3)	Fine: $500	Appearance NOT REQUIRED

§59B-23 Operations – Rates and Tolls

(a) *Rates Must Not Exceed Scheduled Rates.* A Base Owner must not quote or charge a fare that is more than the fare listed in the Rate Schedule filed with the Commission.

§59B-23(a)	Fine: $200 for Passenger overcharge, whether from any quote or from schedule of fares required to be filed with the Commission .	Appearance NOT REQUIRED [Yes] No

(b) *Rate Quotes – Livery Base Only.*

(1) A Base Station Owner must provide an accurate and binding price quote to any prospective Passenger contacting the Base for transportation to a specified destination and intermediate stop(s).

(2) *Honoring Rate Quotes.* If the Passenger agrees to receive the transportation, the Base Owner must honor the price quoted unless the Passenger changes the destination or number of stops.

§59B-23(b)	Fine: $100 for failure to provide quote on request.	Appearance NOT REQUIRED

(c) *Special Rule for Street Hail Liveries.* Fares for Hail Trips in Street Hail Liveries will be as set forth in section 82-26 of these Rules

(d) *Transportation by Pre-Arrangement Only.* A Base Owner must be responsible for ensuring that transportation is provided only by pre-arrangement through the Base.

(1) A Base Owner must be responsible for ensuring that transportation is provided only by pre-arrangement through the Base.

(2) A Base Owner must ensure that a For-Hire Vehicle does not accept passengers except by pre-arrangement through the base. Exception: A Street Hail Livery affiliated with a Street Hail Livery Base can provide transportation by accepting hails from passengers in the street in the Hail Zone.

(3) A Base Owner is responsible and can be issued a summons if Vehicles improperly accept Passenger. A Base Owner's liability will be based on a three month weighted average of total vehicles affiliated with the Base. It will be a defense to any summons issued under this rule that the Base can demonstrate an average of ten Pre-Arranged Trips per affiliated vehicle per day.

§59B-23(d)	Fine: $1000 if 10% of the Base's affiliated vehicles receive summonses under Section 59A-25(a) $3000 if 20% of the Base's affiliated vehicles receive summonses under Section 59A-25(a)	Appearance NOT REQUIRED

(e)

(1) A Street Hail Livery Base Owner must ensure that no Street Hail Livery affiliated with the Street Hail Livery Base, or any other Vehicle affiliated with the Street Hail Livery Base, will provide transportation by accepting hails from passengers in the Hail Exclusionary Zone.

(2) A Street Hail Livery Base Owner is responsible and can be issued a summons if Vehicles improperly accept Passengers. A Street Hail Livery Base Owner's liability will be based on a three month weighted average of total vehicles affiliated with the Street Hail Livery Base. It will be a defense to any summons issued under

this rule that the Base can demonstrate an average of ten Pre-Arranged Trips per affiliated vehicle per day.

§59B-23(e)	Fine: $1000 if 10% of the Base's affiliated Street Hail Livery vehicles receive summonses under Section 82-13(a) $3000 if 20% of the Base's affiliated Street Hail Livery vehicles receive summonses under Section 82-13(a)	Appearance NOT REQUIRED

(f) A Street Hail Livery Base Owner must not dispatch a Street Hail Livery for a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

§59B-23(f)	Fine: $500	Appearance NOT REQUIRED

§59B-24 RESERVED (Operations – E-Zpass Required)

§59B-25 Operations – Miscellaneous Operating Requirements

(a) *No Street Hails Permitted.* A Base Owner must maintain and enforce rules and policies preventing Vehicles affiliated with the Base or dispatched by the Base and Drivers of these Vehicles from accepting street hails and preventing Street Hail Liveries from accepting Hail Trips in the Hail Exclusionary Zone. *NOTE*: Street Hail Liveries are permitted to accept street hails in Hail Zone.

§59B-25(a)	Fine: Suspension until compliance	Appearance REQUIRED

(b) *Prohibited Use of "Taxi."* A Base Owner must not hold himself out for business as a "taxi" or "taxicab" service or in any way use the word "taxi," "taxicab," "cab," "hack," or "coach" to describe the business.

§59B-25(b)	Fine: $250	Appearance NOT REQUIRED

(c) *Advertising of Commission License.*

(1) A Base Owner must clearly state that the Base is licensed by the Commission in all advertising, whether print, broadcast, electronic or Internet, and in all handbills, fliers, websites or other promotional materials and on all business cards and receipts.

(2) All of the advertising and materials listed in (1) above must include the For-Hire Base License number.

§59B-25(c)	Fine: $100	Appearance NOT REQUIRED

(d) *Termination of Affiliation.*

(1) *Base Owner Termination.* A Base Owner can terminate the affiliation of a Vehicle only by:

(i) Giving the Chairperson an agreement signed and dated by both parties in which the Vehicle Owner consents to the termination, or

(ii) Sending notice to the Vehicle Owner's Mailing Address by certified mail, return receipt requested, together with proof of mailing, and sending copies of the notice and proof of mailing mailed to the Commission.

(iii) Termination will become effective either:

A. The date of the Vehicle Owner's signed agreement, or

B. The date notice is mailed to the Vehicle Owner.

(iv) A Base Owner can notify the Commission at any time when a Vehicle is no longer affiliated with Owner's Base; this notification will be a defense to any liability attaching to the Owner for damage to persons or property caused by the Vehicle after the notification.

(2) *Automatic Termination of Affiliation.*

(i) A Vehicle's affiliation with a Base will terminate automatically when any of the following occurs:

A. The Base License is revoked

B. The Base License is suspended for more than 30 continuous days;

C. The Base License expires

(ii) In addition, a Vehicle's affiliation with a Base will terminate automatically upon expiration or revocation of the Vehicle's License.

(e) *Black Car Base Owner's Compliance with Black Car Retirement Rules.* Beginning January 1, 2011, a Black Car Base Owner may allow a Vehicle to be affiliated with the Black Car Base only if the Vehicle meets the retirement requirements set forth in § 59A-28(d) of this chapter.

§59B-25(e)	Fine: $350	Appearance NOT REQUIRED

§59B-26 Vehicles – Inspections

(a) *Tri-Annual Inspection Required.* For-Hire Vehicles must be inspected three times a year including at least once every four months.

§59B-26(a)	Base Fine: $350	Appearance NOT REQUIRED

§59B-27 Vehicles – Meets Safety Standards

(a) *Unsafe or Unfit Vehicles.*

(1) No For-Hire Vehicle can be used in a For-Hire Vehicle service after the Commission or the NYS DMV has determined that the Vehicle is unsafe or unfit for use as a For-Hire Vehicle, and the Owner has been directed to remove the Vehicle from service.

(2) If the Commission or the Commission's inspection facility determines that the Vehicle is unsafe or unfit, the Decals must be removed by the Commission.

(3) If the NYS DMV or a DMV inspection facility determines that the Vehicle is unsafe or unfit, the Vehicle Owner must return the Decals to the Chairperson within 72 hours after the determination is made.

(4) If the Chairperson has any reason to believe that any For-Hire Vehicle is unsafe or unfit for use, the Chairperson can order the Vehicle to report to the Commission's inspection facility.

(b) *Seat and Shoulder Belts.* Each For-Hire Vehicle must have all seat belts and shoulder belts clearly visible, accessible, and in good working order.

§59B-27(b)	Fine: $100 – 250	Appearance REQUIRED

(c) *Shoulder Belts Required.* In addition to seat belts for each seating position and shoulder belts for both outside front seat positions, all For-Hire Vehicles must be equipped with shoulder belts for both outside Passenger rear seat positions.

§59B-27(c)	Fine: $100 – 250	Appearance REQUIRED

§59B-28 Vehicles – Miscellaneous Requirements

(a) *Post-Manufacture Alteration.*

(1) No For-Hire Vehicle License can be altered after manufacture:

(i) To increase its length, width, weight or seating capacity, or

(ii) To modify its chassis and/or body design.

(2) *Exception for all types of Vehicles*: A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

(i) The modification has been made under a program approved in advance by the original vehicle manufacturer, and

(ii) The alteration has been performed by an entity approved and certified by the vehicle manufacturer to perform such alterations.

(iii) An original, unaltered, approved vehicle modifier's certification sticker must be affixed to the Vehicle at a location to be determined by the Commission.

(3) *Exception for Vehicles seating 10 or more passengers and NOT exempt from NYS DOT Requirements*:

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

(i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.

(ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.

(iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.

(iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.

(v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

(4) *Exception for Vehicles seating 10 or more passengers (including the driver) and exempt from NYS DOT Requirements*:

A For-Hire Vehicle can be altered, after manufacture, provided that the Vehicle, as modified, meets all of the following:

(i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

(5) *Exception for modified Vehicles seating 9 or fewer and exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

(i) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(ii) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(iii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(iv) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(v) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

(6) *Exception for modified Vehicles seating 9 or fewer and NOT exempt from NYS DOT inspection and operating authority requirements:*

A For-Hire Vehicle can be altered, after manufacture, even if the original vehicle manufacturer has not approved the program, provided that the Vehicle, as modified, meets all of the following:

(i) The Vehicle, as modified, has been approved by the NYS Commissioner of Motor Vehicles under Section 401(1)(b) of the NYS Vehicle and Traffic Law.

(ii) The Vehicle has passed inspection by the NYS Department of Transportation under 17 NYCRR §720.

(iii) For such modified For-Hire Vehicles, the inspections required by Section 59A-04(e) and (f) and Section 59A-26(a) of this Chapter and the requirement to meet safety standards set forth in Section 59A-27 of this Chapter, will be inspections of, and determinations by, the NYS Department of Transportation.

(iv) A modified For-Hire Vehicle must still pass a visual inspection at the Commission's Safety and Emissions Division at application and renewal as required by section 59A-04(e) and (f) of this Chapter.

(v) The For-Hire Vehicle must be properly registered with the NYS Department of Motor Vehicles and must have been re-registered after completion of the modification.

(vi) The Vehicle must carry the modifier's sticker certifying that the modification was conducted in accordance with Federal Motor Vehicle Safety Standards.

(vii) The modifier of the Vehicle must certify that it is registered with the National Highway Traffic Safety Administration.

(viii) The modifier of the Vehicle must provide a warranty that the vehicle will be free from defects in material and workmanship, including that the chassis and frame will be free from defects for a period of 3 years or 60,000 miles, whichever comes first.

(ix) The modifier of the Vehicle must maintain a General Liability Insurance Policy in a minimum amount of $5,000,000.

§59B-28(a)	Base Owner Fine: $1,000.	Appearance REQUIRED

(b) *Proper Vehicle Identification Required.*

(1) *License Plate Number Matches.* The license plate number on the motor vehicle tax stamp, on the state registration certificate, and on the Commission Decals must match each other and must match the number on the license plates affixed to the Vehicle.

§59B-28(b)(1)	Fine: $100	Appearance NOT REQUIRED

(2) *Vehicle Identification Number Matches.* The last six digits of the vehicle identification number (VIN) on the Commission Decals must match the last six digits of the VIN on the state registration, and the VIN on the Vehicle.

§59B-28(b)(2)	Fine: $100	Appearance NOT REQUIRED

(3) *T & LC License Plates.* A For-Hire Vehicle that is registered in New York must have official "T&LC" license plates.

§59B-28(b)(3)	Fine: $100 - $350 and Suspension until compliance	Appearance NOT REQUIRED

(4) *License Plates for Street Hail Liveries.* A Street Hail Livery must be registered in New York and must have license plates issued by the NYS DMV and embossed with the legend "T&LC". No "vanity" plates are permitted for Street Hail Liveries.

§59B-28(b)(4)	Fine: $100 -$350 and Suspension until compliance	Appearance REQUIRED

§59B-29 Vehicles – Markings & Advertising

A Base Owner must not dispatch a Vehicle from its Base unless the Vehicle complies with the following requirements.

(a) *Valid License Decals.*

(1) Three Valid Commission License Decals must be plainly visible and affixed to the Vehicle in the following locations:

(i) One Decal must be on the lower front right side of the windshield.

(ii) One Decal must be on the lower rear corner of each of the two rear quarter windows; if there are no rear quarter windows, the Decals must be on the lower rear window just above the rear door.

(iii) The Decals must be affixed by Commission staff.

(2) When the Vehicle License is renewed or when the Vehicle is replaced, changes affiliation, or changes its license plates, the Vehicle must be brought to the Commission Safety and Emissions Division to have new Decals placed on the Vehicle.

(3) *Exception for Luxury Limousines.* Any For-Hire Vehicle that is a Luxury Limousine will only be required to have a single Commission Decal affixed to the lower right side of the front windshield.

§59B-29(a)	Failure to have proper Decals: $500 for the first offense in 12 months $1,000 for the second and subsequent offenses within a12-month period.	Appearance NOT REQUIRED

(b) *Valid Registration Sticker*. A valid registration sticker from an authorized state motor Vehicle department must be affixed to the left front windshield so as to be plainly visible.

§59B-29(b)	Fine: $100	Appearance NOT REQUIRED

(c) *Inspection Sticker*. A Valid New York State DMV inspection sticker that has at least eight months left before the sticker expires must be clearly visible on the left side of the front windshield.

§59B-29(c)	Base Owner Fine: $350	Appearance NOT REQUIRED

(d) *Taxicab Yellow Prohibited.* No part of a For-Hire Vehicle can be painted any shade of Taxicab yellow.

§59B-29(d)	Fine: $350 for the first violation; $500 for the second violation in 24 months; Revocation for the third violation in 36 months	Appearance REQUIRED

(e) *Prohibited Advertising.*

(1) A Vehicle must not display advertising on the outside or the inside unless the Commission has authorized the advertising and has given the Vehicle Owner a permit specifying that the advertising complies with the Administrative Code.

(2) The Commission will not approve any roof top advertising for For-Hire Vehicles, except for Street Hail Liveries.

(3) *Street Hail Liveries: Optional Rooftop Advertising Fixture.*

(i) A Street Hail Livery Licensee may equip a Taxicab with an authorized Rooftop Advertising Fixture in accordance with Rule 82-63.

§59B-29(e)	Fine: $50	Appearance NOT REQUIRED

(f) *Motor Vehicle Tax Stamp.*

(1) For Vehicles registered with the Department of Motor Vehicles before April 30, 1999, a Valid NYC commercial use motor vehicle tax stamp must be affixed to the front right side of the windshield of the Vehicle and clearly visible.

(2) For Vehicles registered after April 30, 1999, the Owner must show proof that the required commercial use motor vehicle tax for the current tax period has been paid.

§59B-29(f)	Fine: $100	Appearance NOT REQUIRED

(g) *Livery Base Station Affiliation Signs.* A For-Hire Livery Vehicle must identify its affiliated Base Station on the outside of the Vehicle as follows:

(1) The name of the Base Station, its License number and telephone number in one of the following ways:

(i) In letters and numerals at least one-and-one-half inches in height, on the outside of a door or doors on both sides of the Vehicle, below the windows and at least six inches above the bottom of the door(s);

(ii) In letters and numerals at least one inch in height in one location on the rear of the Vehicle below the rear window, and at least six inches above the bottom of the rear of the Vehicle, or

(iii) Both on the doors and rear of the Vehicle.

(2) The letters and numerals must be of a color that contrasts with the color of the body of the Vehicle so that it is easy to see and read.

(3) Lettering and numbering must be spaced to provide easy legibility and, if placed on doors on both sides of the Vehicle must be identical on both sides of the livery.

(4) All Decals must be semi-permanent adhesive stickers.

(5) *Exemption*. Luxury Limousines and Black Cars are exempt from the requirements of this subdivision.

§59B-29(g)	Fine: $25	Appearance NOT REQUIRED

(h) *Required Signage for Accessible Vehicles.* Any Accessible Vehicle licensed by the Commission must display signs that identify the Vehicle as an Accessible Vehicle. The signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

(1) Must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the Vehicle

(2) Must be visible to Passengers entering the Accessible Vehicle

§59B-29(h)	Fine: $75	Appearance NOT REQUIRED

(i) *Required Signage for Clean-Air Vehicles.* Any Clean Air For-Hire Vehicle licensed by the Commission must display signs that identify the Vehicle as a Clean Air Vehicle. The signs design will be provided by the Commission on its Web site or through other appropriate means as announced on its Web site. The signs must be placed on the Vehicle as follows:

(1) Must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the Vehicle

(2) Must be visible to Passengers entering the Clean Air Vehicle

§59B-29(i)	Fine: $75	Appearance NOT REQUIRED

(j) *Markings—Special Requirements for Street Hail Liveries*

(1) Street Hail Liveries must comply with the markings requirements of §82-33 of these Rules.

(2) A Street Hail Livery Base must not permit a Street Hail Livery affiliated with it to operate unless it has the proper markings.

§59B-29(i)(2)	Fine: $100	Appearance NOT REQUIRED

(k) *Color—Special Requirements for Street Hail Liveries*

(1) The exterior of the Street Hail Livery vehicle must be painted Street Hail Livery color to be designated, except for the trim. The specifications for Street Hail Livery color to be designated will be posted on the Commission's Web site.

(2) A Street Hail Livery Base must not permit a Street Hail Livery affiliated with it to operate unless it is painted as required by this section.

§59B-29(k)(2)	Fine: $100	Appearance NOT REQUIRED

§59B-30 Vehicles – Items Required to be in Vehicle

(a) *Licenses and Certificates.* No For-Hire Vehicle can be dispatched by a For-Hire Base unless the Vehicle contains:

(1) On the right visor, on top of the right side of the dashboard or in the glove compartment:

(i) The certificate of registration or a legible copy of it

(ii) The insurance card or a legible copy of it

(2) In a protective holder attached to the back of the driver's seat in the Vehicle:

(i) The For-Hire Vehicle Driver's license of the Driver; and

(ii) The For-Hire Vehicle License.

(3) *Exception for Black Cars and Luxury Limousines.*

(i) Black Cars and Luxury Limousines must comply with all requirements of this subdivision (a) except that these Vehicles will not be required to have a protective holder mounted behind the driver's seat to display:

A. The For-Hire Vehicle Driver's License

B. The For-Hire Vehicle License

(ii) Those items must, however, be displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and available for inspection by the Passenger upon request.

§59B-30(a)(1)-(3)	Fine: $50 for each violation of this rule; however, no fine for a violation of this rule can exceed $100	Appearance REQUIRED

(4) *Modified Vehicles.* If the Vehicle has been modified after manufacture and IS exempt from NYS Department of Transportation inspection and authorization requirements, a copy of the valid exemption letter from the NYS Department of Transportation must be kept in the Vehicle at all times.

§59B-30(a)(4)	Fine: $100.	Appearance NOT REQUIRED

(b) *Livery Passengers' Bill of Rights*.

(1) *Regular Liveries Only*: No For-Hire Livery Vehicle can be dispatched by a For-Hire Base unless the Vehicle contains:

(i) The Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.

(ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

(iii) The Livery Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

(2) *Street Hail Liveries Only:* No Street Hail Livery Vehicle can be dispatched by a Street Hail Livery Base unless the Vehicle contains:

(i) The Street Hail Livery Passengers' Bill of Rights in a form and format prescribed by the Commission.

(ii) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

§59B-30(b)	Fine: $100	Appearance NOT REQUIRED

(c) *Special Requirements for Street Hail Liveries.* In addition to the other requirements of this section, a Street Hail Livery Base Owner must ensure that all Street Hail Liveries dispatched by the Base comply with the following:

(1) No Street Hail Livery can be dispatched unless the Vehicle contains the Rate Card in a frame next to the Street Hail Livery Driver's License.

§59B-30(c)(1)	Fine: $25	Appearance NOT REQUIRED

§59B-31 Vehicle – Equipment

A Base Owner must not dispatch a Vehicle from its Base unless the Vehicle is in compliance with all of the following requirements.

(a) *Roof Light.* A Base Owner must not dispatch a For-Hire Vehicle that is equipped with a roof light**,** unless the Vehicle falls under one of the following catagories:

(i) *Staten Island Vehicles:* The Vehicle operates primarily in Staten Island and is affiliated with a Base located in Staten Island. A roof light on a Staten Island Vehicle must meet the specifications in the definition of "roof light" in these rules; or

§59B-31(a)(i)	Fine: $350 – first violation $500 – second violation in 24 months Revocation for third violation in 36 months	Appearance REQUIRED

(ii) *Street Hail Livery Vehicles*: The Vehicle is a Street Hail Livery. A Street Hail Livery vehicle must be equipped with a roof light meeting the requirements of Chapter 82-52 of these Rules.

§59B-31(a)(ii)	Fine: $100	Appearance NOT REQUIRED

(b) *Meter.* A Base Owner must not dispatch a For-Hire Vehicle that is equipped with a meter. *Exception:* A Street Hail Livery must be equipped with a taximeter. See Section 59B-51 of this Chapter.

§59B-31(b)	Fine: $50	Appearance NOT REQUIRED

(c) *Distress Signal Light – Livery Vehicle.*

(1) *Requirement.* A Base Owner must not dispatch a Livery Vehicle unless it is equipped with a help or distress signaling light system meeting the specifications in Sub-chapter §59C-03 of these Rules.

(2) *Exemption*. Vehicles affiliated only with a Black Car Base or a Luxury Limousine Base are not subject to this requirement.

§59B-31(c)	Fine: $175 and suspension of the vehicle license until the condition is corrected. Respondent must provide a condition corrected form issued by the TLC's Safety and Emissions Division.	Appearance NOT REQUIRED

§59B-32 Vehicle Equipment – Partitions for Livery Vehicles

(a) *Requirement.*

(1) A Base Owner must not dispatch a For-Hire Livery Vehicle unless it is equipped with a partition that isolates the Driver from the rear seat Passengers or is exempt from this requirement as described below.

(2) The specifications for the required partition is described in Sub-chapter §59C-02 of these Rules.

§59B-32(a)	Fine: $350 and suspension until the condition is corrected	Appearance REQUIRED

(b) *Exemptions.*

(1) A For-Hire Livery Vehicle will be exempt from the requirements of paragraph(a)(1) if the Vehicle is equipped with all of the following safety devices:

(i) An FCC-licensed commercial two-way radio with an emergency button that would notify the dispatcher that the Driver is in trouble or a cellular telephone that has an emergency dialing feature

(ii) The distress signal light required by §59B-31(c), above

(iii) An approved in-vehicle camera system described in §59B-33(a) below.

(2) Vehicles affiliated only with a Black Car Base or a Luxury Limousine Base are not subject to this requirement.

§59B-33 Vehicle Equipment – In-Vehicle Camera System (IVCS)

(a) *Requirements for In-Vehicle Camera System.* If a Livery Vehicle is equipped with an IVCS as one of the requirements for exemption from installing a partition:

(1) The IVCS must meet the specifications described in §59C-01 of these Rules and must be functioning and maintained in good working order.

§59B-33(a)(1)	Fine: $350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; $450 if found guilty following a hearing. Suspension until the condition is corrected.	Appearance NOT REQUIRED

(2) *Sign.* The Vehicle must display signs on each rear Passenger window, clearly visible to the outside that say ***"This Vehicle is equipped with camera security. You will be photographed."*** In letters at least one-half inch high.

§59B-33(a)(2)	Fine: $50	Appearance NOT REQUIRED

§59B-34 RESERVED (Taxicab Specific Vehicle Equipment)

§59B-35 Penalty Points for Bases

(a) *Accumulation of Points.* A Base will accumulate Penalty Points as penalties for violation of certain Rules and upon certain violations by the Base's affiliated Vehicles, as specified below.

(b) *Notification of Affiliated Vehicle Points.* A Base will be notified by the Commission (by USPS to the Base Mailing Address) whenever an affiliated For-Hire Vehicle accumulates a Penalty Point.

(c) *Assessment of Point for Revocation of Affiliated Vehicle License.* A Base will be assessed one Penalty Point whenever an affiliated For-Hire Vehicle accumulates Penalty Points sufficient in number and time, that the Commission revokes the Vehicle's License.

(d) *Six Penalty Points Requires Base License Revocation*. The License of any Base that accumulates six or more Penalty Points for occurrences during any License term will be revoked.

(e) *Points Accrued but not Assessed Before Renewal.*

(1) If points are imposed *after* a Base License has been renewed based on a violation that occurred *before* the renewal, the points will be added to the total points accumulated by the Base *before* its renewal.

(2) If the additional Points raise the total number to six or more Points, the Base License will be revoked.

(f) *Revoking a License.*

(1) The *C*hairperson can begin revocation proceedings whenever a Base Licensee has been assessed six or more points during the current term of that License.

(2) The Licensee's Base License can also be revoked as part of the decision imposing the final point necessary for revocation.

(g) *Separate Proceedings for Base License and Vehicle License Revocation.* At any time revocation of a Base License is mandated and the last penalty point arises from the same incident that created the For-Hire Vehicle License revocation mandate, separate proceedings must be held for the Base License revocation and the Vehicle License revocation.

(h) *Point Reduction Program.* The Chairperson will develop a point reduction program applicable to Vehicles and Bases.

(i) *Penalty Point Program Start Date.* No Penalty Points will be imposed for violations occurring before August 1, 2009.

§59B-51 Special Requirements for Street Hail Liveries—Taximeters

(a) *Taximeter.*

(1) A Street Hail Livery Base Owner must not dispatch a Street Hail Livery unless it is equipped with a Taximeter as required in Section 82-38 and the specifications set forth in Section 82-54 of these Rules .

(2) A Street Hail Livery Base Owner must not tamper with, alter, repair or attempt to repair any of the following:

(i) A Taximeter

(ii) Any Seal affixed to the taximeter by a licensed Taximeter repair shop or other authorized facility

(iii) The Street Hail Livery Technology System (LPEP)

(iv) Any cable mechanism or electrical wiring of a Taximeter or Street Hail Livery Technology System (LPEP)

(3) A Street Hail Livery Base Owner must not make any change in a vehicle's mechanism or its tires that would affect the operation of the Taximeter or of the Street Hail Livery Technology System (LPEP).

§59B-51(a)	Fine: $250-$1,500 and/or suspension up to 30 days	Appearance REQUIRED

§59B-52 Special Requirements for Street Hail Liveries—Street Hail Livery Technology System (LPEP)

(a) *Equip Street Hail Liveries with LPEP*. A Street Hail Livery Base must ensure that each of its Street Hail Liveries is equipped with the Street Hail Livery Technology System ("LPEP"). The LPEP must comply with the specifications established in §83 of these Rules.

§59B-52(a)	Fine: $1,000 and suspension until compliance	Appearance REQUIRED

(b) *Good Working Order*. The LPEP equipment must be in good working order at all times and each of the five Core Services must be functioning at all times.

§59B-52(c)	Fine: $250 and suspension until compliance	Appearance REQUIRED

(c) *Malfunction or Failure to Operate.*

(1) If the LPEP malfunctions or fails to operate, the Street Hail Livery Base must file an incident report with the authorized provider within two hours following the discovery of the malfunction or as soon as the Street Hail Livery Base reasonably should have known of such malfunction.

(2) If the Driver or Street Hail Livery Licensee previously filed an incident report, the Street Hail Livery Base will not be required to file a separate incident report. The Street Hail Livery Base must verify that the report has been filed by obtaining the incident report number from the Driver, Street Hail Livery Licensee or LPEP provider.

(3) The Street Hail Livery Licensee or the Street Hail Livery Base must meet the appointment for repair scheduled by the LPEP provider following the incident report.

§59B-52(c)(1)-(3)	Fine: $250 and suspension until compliance	Appearance REQUIRED

(d) *48-Hour Repair Deadline.* A Street Hail Livery Base must not allow a Street Hail Livery in which any of the five Core Services of the Street Hail Livery Technology System (LPEP) (or any material feature of a Core Service) is not functioning to be operated more than 48 hours for Hail Trips following the timely filing of an incident report.

§59B-52(d)	Fine: $250 and suspension until compliance	Appearance REQUIRED

(e) *Inspection upon Multiple LPEP Malfunctions.* For any Street Hail Livery requiring six or more repairs of the vehicle's Street Hail Livery Technology System (LPEP) in any 30-day period, the Street Hail Livery Base with which such vehicle is affiliated must promptly take that vehicle for inspection or schedule an inspection with the Commission's Safety and Emissions Facility. This requirement will not apply to the Street Hail Livery Base if compliance is made by the Street Hail Livery Licensee or Driver of the vehicle.

§59B-52(e)	Fine: $250	Appearance NOT Required

§59C-01 In-Vehicle Camera System ("IVCS")

(a) *Requirement.* When an existing IVCS is required to be replaced or when an IVCS system is installed, it must be functioning and in good working order and meet the specifications and installation requirements below.

(b) *Technical Specifications.*

(1) The IVCS must be connected to the vehicle battery, and the fuse for the connection must be concealed in a tamper-resistant housing.

(2) Wiring between the recording unit and the camera head must use at either end, tamper-resistant registered jack (RJ) style connectors.

(3) All electrical connections and wiring must be protected from spikes and dips in vehicle voltage.

(4) The camera head housing and brackets must be tamper-proof and securely mounted to the right of the rear view mirror. The installation must provide unobstructed vision for the driver.

(5) The camera's field of view must include the full face of all occupants seated in passenger seats and facing forward.

(6) Images must be recorded and stored in a unit separate from the camera head.

(7) The recording unit must be concealed from view and fastened securely with tamper-resistant hardware.

(8) The IVCS must provide a visual indication of system status that is located on the lower left portion of the dashboard and is visible to the driver and to law enforcement personnel inspecting the vehicle from outside of the driver door.

(9) The IVCS and components must be sufficiently shock-resistant to withstand typical vehicle movement and collisions.

(10) The IVCS must have an RS-232 connection or other means for secure image retrieval.

(11) Images must be sharp, undistorted, and clear enough to enable the viewer to identify all passengers under all lighting conditions, including, for example, dark and bright light, daylight, and backlight.

(12) Sensor resolution must be, at a minimum, 510 by 480 pixels.

(13) Storage capacity must be, at a minimum, 7,000 images in an encrypted format, and all access to the storage unit must result in the storage of an electronic "tag" including the installer identification number and date of the event.

(14) The IVCS must have connection ports for a minimum of two (2) cameras.

(15) The IVCS must have an event flag or panic button accessible to the driver and located in an inconspicuous location.

(16) The IVCS must record images and the following information for each image:

(i) Date and time

(ii) For-Hire Vehicle License number

(iii) IVCS serial number

(iv) IVCS indicator for event flags

(17) Image capture must be linked to the following events:

(i) Vehicle door openings and closings

(ii) Event flag button activation

(iii) Event flag in the test mode when the image(s) are recorded for inspection and test purposes

(iv) Panic button activation

(18) In the event of a panic button activation, systems must record to protected memory a total of three events. The recording must include, at a minimum, the 2.5 minutes immediately before and after the button activation, at one frame per second.

(19) Image access may be provided only to law-enforcement agencies, including the New York City Police Department.

(20) If the IVCS has a physical port for secure image retrieval, the port must be located on the right side of the dashboard or in the trunk, installed inconspicuously, and accessible to law enforcement personnel.

(21) When memory storage capacity is reached, the IVCS must overwrite the oldest images as new images are recorded in sequence.

(22) Installations and repairs of IVCS may be performed only by installers authorized by the manufacturer and currently licensed by the Department of Consumer Affairs. Installations and repairs may also be performed by Taximeter Businesses currently licensed by the Commission under to Chapter 64 of this title.

(23) A notarized affidavit signed by a manufacturer's authorized installer attesting to the proper functionality of the IVCS must be provided to the Commission by the authorized installer: (i) annually, and (ii) within 14 calendar days after any installation, repair, or modification of the IVCS.

§59C-02 Partitions – Livery Vehicles Only

(a) *Requirement.*

(1) The vehicle must be equipped with a partition that isolates the driver from the rear seat passengers or all passengers of the vehicle.

(2) The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the For-Hire Driver's License and front windshield.

(3) A Vehicle Owner can apply for a certificate of exemption from the requirement to install a partition if the Vehicle has a communication device, distress signaling light and IVCS as specified in §59A-32(b) of Sub-chapter 59A.

(b) *Technical Specifications.*

(1) The partition must extend from the ceiling to a specific point as recommended by the Chairperson and approved by the Commission, based upon the make and model of the vehicle.

(2) The transparent portion of the partition must be constructed of a mar-resistant polycarbonate not less than 0.375 inches thick that will provide passengers and drivers with maximum visibility.

(i) For a flat partition and a partition for a For-Hire Vehicle with factory installed curtain airbags, the transparent portion must extend from the ceiling to join or overlap with the protective plate of the partition.

(ii) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition. On the side that extends forward to back between the two front seats, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console located between the two front seats.

(3) The protective plate must join or overlap with the transparent portion of the partition and extend downward to the floor of the vehicle. The protective plate must be a plate of 0.085-inch thick bullet-resistant ballistic steel or its equivalent recommended by the Chairperson and approved by the Commission. The protective plate must be installed inside and covering the front seat's entire backrest.

(i) The protective plate must extend from the point that the transparent portion joins it downward to the floor of the For-Hire Vehicle.

(ii) If the transparent portion overlaps the protective plate, the protective plate must extend from the point of joinder with the transparent portion downward to the floor of the For-Hire Vehicle.

(iii) For an L shaped partition, the protective plate must also cover the right side of the center console between the two front seats.

(4) The entire protective plate of each partition must have sufficient padding to prevent injury to any rear-seat passenger in case of an accident or sudden stopping, and all surfaces must be free of sharp and rough edges.

(5) There must be no opening or gap between the partition and the body of the vehicle larger than one inch, except for vehicles equipped with factory installed curtain airbags. In those vehicles, the partition shall allow a space of six inches on each side, sufficient to permit proper deployment of the curtain airbags.

(6) In addition to meeting all other technical specifications, a partition may be installed only if it does not impair passenger and driver safety and allows passengers and drivers to communicate with each other.

§59C-03 Distress Signal Lights – Livery Vehicles Only

(a) *Requirement.* An owner must equip all For-Hire Vehicles with a help or distress signaling light system consisting of two turn signal type "lollipop" lights.

(b) *Technical Specifications.*

(1) One light must be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light must be mounted on top of the rear bumper, to the left of the license plate.

(2) Each light must be three to four inches in diameter, have a total rated output of 32 candle power, and be amber-colored or have an amber-colored lens so that the light output of the device is the color amber at 32 candle power.

(3) The activator must be installed within easy reach of the driver, must be silent when operating, and must be fully solid-state.

(4) The lights must be able to flash between 60 and 120 times per minute.