

# Chapter 77

## Licensing & Rules for Dispatch Service Providers

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*Updated October 20, 2016*

**§77-01            Scope of the Chapter**

- (a) To establish a formal procedure for the licensing and supervision of businesses that provide Dispatch Services.
- (b) To establish requirements for providing Dispatch Services which must be met in order for Dispatch Service Providers to apply for and obtain a license.
- (c) To establish services to be provided by Dispatch Service Providers for the benefit of individuals and businesses licensed by TLC and for the public.
- (d) To establish appropriate penalties for the violation of these rules.

**§77-02            Penalties**

- (a) *Unlicensed Activity.* Unlicensed Activity is the act of providing or advertising the provision of any service regulated by this chapter by:
  - (1) Any Dispatch Service Provider Licensee whose License is suspended, revoked, or expired and not yet renewed, or
  - (2) Any entity that does not hold a Valid License from the Commission to provide Dispatch Services.
- (b) *Specific Penalties.* If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section will also state whether the violator must attend a 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 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.
- (d) *Non-Renewal of License; Suspension; Revocation.*

(1) Non-Renewal of License.

- (i) If an Dispatch Service Provider License is not timely renewed, the Dispatch Service Provider must immediately notify each Licensee, including both Bases and Drivers, for whom the Dispatch Service Provider is providing Dispatch Service under the expired License that the License has expired and that the Licensee must terminate usage of the Dispatch Service.
- (ii) Upon expiration of the Dispatch Service Provider License, the Dispatch Service Provider must not provide Dispatch Services for any further Licensees under the expired License.
- (iii) Upon expiration of the Dispatch Service Provider License, the Dispatch Service Provider must immediately cease offering Dispatch Services to any Licensee or to the public in New York City.

(2) Suspension.

- (i) If an Dispatch Service Provider's License has been suspended by the Commission, the Dispatch Service Provider must immediately notify each Licensee for whom the Dispatch Service Provider is providing Dispatch Service under the suspended License:
  - Of the dates during which the License is suspended, and
  - that the Licensee must terminate usage of the Dispatch Service for the duration of such suspension.
- (ii) Upon suspension of the Dispatch Service Provider License, the Dispatch Service Provider must not provide Dispatch Services for any further Licensees under the suspended License for the duration of such suspension, and must immediately, for the duration of such suspension, cease offering Dispatch Services to any already enrolled Licensee or to the public in New York City.

(3) Revocation.

- (i) If an Dispatch Service Provider's License has been revoked by the Commission, the Dispatch Service Provider must immediately notify each Licensee from whom the Dispatch Service Provider is providing Dispatch Service under the revoked License that:
  - its service agreement with the Dispatch Service Provider will be deemed terminated as of the date of License revocation, and
  - the Licensee must not continue to use the Dispatch Service.

- (ii) Upon revocation of the Dispatch Service Provider License, the Dispatch Service Provider must not provide Dispatch Services for any further Licensees under the revoked License.
- (iii) An Dispatch Service Provider whose License has been revoked must cease offering Dispatch Services under the revoked License to any Licensees or to the public for in New York City.

§77-02(d)	Penalty: \$1,000 fine	Appearance NOT REQUIRED
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**§77-03 Definitions Specific to this Chapter**

- (a) *Applicant* in this Chapter means an Applicant for an original or renewal Dispatch Service Provider License.
- (b) *Credit, Debit, and Prepaid Card Services.* Any provision of Dispatch Service used to process Passenger payment of fare in a Vehicle by credit, debit, or prepaid card as described in §77-20(a) of these Rules.
- (c) *Dispatch Service* has the same meaning as the same term in §51-03 of these Rules.
- (d) *Dispatch Service Provider* has the same meaning as the same term in §51-03 of these Rules.
- (e) *E-Dispatch* has the same meaning as the same term in §51-03 of these Rules.
- (f) *E-Dispatch Data.* All data required to be collected, transmitted and maintained pursuant to §77-20(b) of these Rules.
- (g) *Dispatch Service Provider License* is a license issued to a Dispatch Service Provider pursuant to this Chapter.
- (h) *License.* When the term “License” is used by itself in this Chapter—and in this Chapter ONLY—it refers to an Dispatch Service Provider License.
- (i) *Modification of Dispatch Service.* Any change to the manner in which the Dispatch Service Provider complies with the passenger or driver facing requirements contained in §77-20 of these Rules.
- (j) *Partner Base.* A Base that has entered into an agreement with a Dispatch Service Provider pursuant to §77-15(c) of these Rules for the provision of Dispatch Services and appears on the list of Partner Bases the Dispatch Service Provider files with the Commission pursuant to §77-05(c) of these Rules.

- (k) *PCI Standards.* The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See [www.pcisecuritystandards.org](http://www.pcisecuritystandards.org)
- (l) *Service Levels.* The standards of performance of the Dispatch Service and its components that are described in §§77-17 and 77-20 of these Rules.

#### **§77-04            Licensing – General Requirements**

- (a) *Applicants for Dispatch Service Provider License.* An Applicant for a Dispatch Service Provider License or its renewal may be an individual or a Business Entity.
- (b) *License for Each Dispatch Service.* An application for a new or renewal Dispatch Service Provider License must be filed for each Dispatch Service for which Commission approval is sought. A separate Dispatch Service Provider License will be issued or renewed for each approved Dispatch Service. All License requirements of this Chapter apply to each License to be issued or renewed.
- (c) *Certification.* Any new or renewal application for a Dispatch Service Provider License must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the application is true, under penalty of perjury.
- (d) *Proof of Identity.* The individual or Business Entity Person submitting the application for a Dispatch Service Provider License must provide to the Commission proof of identity in the form of a valid photo identification issued by the United States, a state or territory of the United States, or any political subdivision of a state or territory of the United States.
- (e) *Age.* The individual or Business Entity Person submitting an application for a Dispatch Service Provider License or its renewal must be at least 18 years of age.
- (f) *Fit to Hold a License.* An Applicant applying for a Dispatch Service Provider License or its renewal must demonstrate that they are Fit to Hold a License.
- (g) *Partnership Filings.* When the Applicant is a partnership, it must file with its License application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located.
- (h) *Corporate or LLC Filings.* When the Applicant is a corporation, it must file with its License application all of the following:
  - (1) One of the following certificates:
    - (i) A certified copy of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application;

- (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application; or
  - (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation.
- (2) *Limited Liability Companies (LLCs)*. When the Applicant is a limited liability company, it must file with its application the following:
  - (i) A copy of its articles of organization
- (i) *Uniqueness of Name*. The Commission has the right to reject the proposed name of any Dispatch Service Provider that the Commission finds to be substantially similar to any name in use by another Dispatch Service Provider Licensee, or any name that contains the word(s) “hack,” “taxi,” “taxicab,” “cab,” “coach,” or other designation of similar import.
- (j) *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,
    - (iii) NYC Department of Consumer Affairs,
    - (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.

- (k) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §77-14 of these Rules.
- (l) *Intellectual Property.* An Applicant must own the rights to or hold licenses to all the intellectual property associated with the manner in which the Applicant's provides Dispatch Services. The Commission reserves the right to request proof of such rights or licenses at any time during the term of the License.

#### **§77-05            Licensing – Specific Requirements**

- (a) *Approval of Dispatch Service Providers -- New License.* The Commission will not issue a Dispatch Service Provider License to any Applicant unless the Commission approves the manner in which the Dispatch Service Provider provides Dispatch Service. In determining whether to approve the Dispatch Service Provider License, the Commission will consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to subdivision (b) of this section adequately demonstrates that the manner in which the Dispatch Service Provider provides Dispatch Service complies with all of the requirements set forth in §77-20 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (j) of this section.
- (b) *Documentation for Dispatch Service Provider Approval.* The Applicant must submit with its License application a detailed description of the manner in which the Dispatch Service Provider provides Dispatch Service and its compliance with the requirements set forth in §77-20 of these Rules, as well a list of all third-party designees the Dispatch Service Provider will use in offering Dispatch Services. If the License application includes a payment option the Applicant must submit with its License application Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating compliance with the security standards set forth in §77-20(f) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (f) of this section, and the successful results of the security testing.
- (c) *Partner Bases List.* The Applicant must submit with its License application a list of all its Partner Bases. The Dispatch Service Provider must file with the Commission all updates to its list of Partner Bases within 5 business days of entering into a new Base agreement or terminating an existing Base agreement.
- (d) *Information Security and Use of Personal Information Policy.* The Applicant must submit with its License application an information security and use of personal information policy that includes, at a minimum, the following information:
  - (1) a statement of internal access policies relating to passenger and driver Personal Information for employees, contractors, and third party access, if applicable;
  - (2) a statement that, except to the extent necessary to provide credit, debit, and prepaid card services and services for any application that provides for electronic payment, personal information will only be collected and used with

such passenger's affirmative express consent and that such personal information will not be used, shared, or disclosed, except for lawful purposes;

- (3) procedures for notifying the Commission and affected parties of any breach of the security of the system, pursuant to section 899-aa of the General Business Law;
  - (4) a statement that any credit, debit, or prepaid card information collected by the Applicant or a credit, debit, or prepaid card services provider is processed by the Applicant or such provider in compliance with applicable payment card industry standards, and
  - (5) a statement of the Applicant's policies regarding the use of passenger geolocation information, which must include, at a minimum, a prohibition on the use, monitoring, or disclosure of trip information, including the date, time, pick-up location, drop-off location, and real-time vehicle location and any retained vehicle location records, without such passenger's affirmative express consent.
- (e) *Customer Service Contact Information.* The Applicant must submit with its License application a working email address and/or phone number which Passengers can use to contact the Dispatch Service Provider for customer service inquiries.
- (f) *Modification of Dispatch Service.* If, after a Dispatch Service Provider License is issued pursuant to this Chapter, the Dispatch Service Provider Licensee implements a Modification, the Dispatch Service Provider must notify the Commission upon implementing the Modification.
- (g) *Required Insurance.* After submission of an application for a new Dispatch Service Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision when the Commission requests it. Upon submission of an application to renew a Dispatch Service Provider License, the Dispatch Service Provider Licensee must provide to the Commission proof of the insurance required in this subdivision.
- (1) Professional Liability Insurance.
    - (i) In the Commission's discretion, if professional services will be performed by the Applicant in connection with any of the activities licensed under this Chapter, the Applicant must maintain and submit evidence of Professional Liability ("PL") Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars (\$1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error,

omission or negligent act of the Applicant or any employee or agent of the Applicant.

- (ii) If the Applicant's subcontractor(s) is/are performing or will perform professional services in connection with any of the activities licensed under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant's PL Insurance under subparagraph (i) of this paragraph must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.
- (iii) Claims-made policies will be accepted for Professional Liability Insurance. The policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of the insurance unless a new policy is secured with a retroactive date, including at least the last policy year.

(2) General Requirements for Insurance Coverage and Policies.

- (i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Commission.
- (ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.
- (iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which the policies are subject, whether or not the City is an insured under the policy.
- (iv) There must be no self-insurance program with regard to any insurance required under this subdivision unless approved in writing by the Commission. Any self-insurance program must provide the City with all rights that would be provided by insurance otherwise required under this subdivision, including but not limited to the defense obligations that insurers are required to undertake in liability policies.
- (v) The City's limits of coverage for all types of insurance required under this subdivision must be the greater of:
  - (A) the minimum limits set forth in this subdivision; or
  - (B) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(3) Proof of Insurance.

- (i) For each policy required under this subdivision, the Applicant must file with the Commission a Declarations Page issued by the insurer. All Declaration Pages must be:
  - (A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits; and,
  - (B) accompanied by either a duly executed “Certification by Insurer” in the form provided by the Commission or copies of all policies referenced in the Declarations Page. If complete policies have not yet been issued, binders are acceptable, until the complete policies have been issued, at which time such policies must be submitted.
- (ii) The Applicant must provide the Commission with a copy of any policy required under this subdivision upon demand by the Commission or the New York City Law Department.
- (iii) Acceptance by the Commission of a declarations page or a policy does not excuse the Dispatch Service Provider from maintaining policies consistent with all provisions of this subdivision (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.
- (iv) If the Dispatch Service Provider receives notice, from an insurance company or other person, that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the Dispatch Service Provider must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

NYC Taxi and Limousine Commission  
Attn: General Counsel  
33 Beaver Street 22<sup>nd</sup> Floor  
New York, New York 10004

New York City Comptroller  
Attn: Office of Contract Administration  
Municipal Building, One Centre Street, Room 1005  
New York, New York 10007.

(4) Miscellaneous Insurance Provisions.

- (i) Insurance coverage in the minimum amounts required in this subdivision shall not relieve the Dispatch Service Provider Licensee of any liability for indemnification under this Chapter.
- (ii) The Dispatch Service Provider waives all rights against the City, including its officers and employees, for any damages or losses that are covered under any insurance required under this subdivision (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the Dispatch Service Provider and/or its subcontractors required to be licensed under this Chapter.
- (iii) If the Dispatch Service Provider requires any subcontractor to procure insurance in connection with any of the activities licensed under this Chapter and requires the subcontractor to name the Dispatch Service Provider as an additional insured under such insurance, the Dispatch Service Provider must ensure that such entity also names the City, including its officers and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

(h) *Renewals of Required Insurance Policies.* The Dispatch Service Provider must submit to the Commission certificates of insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (h) of this section expires. Certificates of Insurance must comply with the requirements of subparagraph (h)(3)(i) above.

§77-05(i)	Penalty: \$1,500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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(i) *Waivers or Modifications.* Except where expressly prohibited by law, the Chairperson may, in his or her discretion, waive or modify any requirements for licensing under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Chairperson.

**§77-06 Licensing – Bond Required**

- (a) *Amount of Bond.* An Applicant for an Dispatch Service Provider License or renewal must deposit or have deposited with the Commission a five thousand dollar (\$5,000) bond, payable to the City of New York. The bond must be provided by one or more sureties approved by the Commission.
- (b) *Bond Guarantees.* The bond must guarantee that the Applicant or licensed Dispatch Service Provider will:
  - comply with all applicable provisions of law and rules of the Commission,
  - pay all fines imposed by the Commission, and

- pay all judgments or settlements arising from any action connected in any way with the Dispatch Service Provider License.
- (c) *Fines and Judgments.* The Dispatch Service Provider is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal. If the fine is not paid as required by § 77-02(c) of these Rules, the Commission may draw upon the bond.

**§77-07            Licensing – Fees and Term of License**

- (a) *Fee.* Every application for a new or renewal Dispatch Service Provider License must be accompanied by a non-refundable application fee of \$1,000 for each License to be issued or renewed.
- (b) *Form of Payment.* All application fees must be paid in the form authorized by §52-40 of these Rules.
- (c) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (d) *License Replacement Fee.* The fee to replace any lost, damaged or destroyed License is \$25.
- (e) *Late Filing Fee.* If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.
- (f) *Term of License.* The term of an Dispatch Service Provider License will be three years or less and each License will expire on October 31st.
- (g) *When to File for Renewal.*
- (1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.
  - (2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a “late application”. The fee for the late application will be \$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 or electronically.
  - (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.
- (h) *Suspended Licenses.*

- (1) If a License is suspended and is due to be renewed during the suspension, the Dispatch Service Provider must apply for renewal as required in subdivision (h) of this section if the Dispatch Service Provider 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 applies even if the Applicant has filed an application for a renewal.

**§77-08            Licensing – Cause for Denial, Suspension, or Revocation**

- (a) *Failure to Continuously Comply.* Whenever the Commission determines that the Dispatch Service Provider no longer meets the requirements for the Dispatch Service Provider License, the Commission may suspend or revoke the License and deny any application for renewal.
- (b) *Summary Suspension.* Nothing in this section limits the authority of the Commission to summarily suspend any Dispatch Service Provider License when it determines that a threat to public health, safety, or welfare exists.
- (c) *Failure to Complete Application Requirements*
  - (1) The Chairperson may deny an application for a new License if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.
  - (2) The Chairperson may 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.
- (d) *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, email, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within a reasonable period as requested or failure to appear at a scheduled interview will result in a denial of the application.

**§77-09            General Requirements – Unlicensed Activity**

- (a) *Dispatch Service Provider License Required.* An individual or Business Entity must not provide Dispatch Services in New York City or enroll any individual or Business Entity for the provision of Dispatch Services without a Valid Dispatch Service Provider License.

§77-09	Penalty: \$10,000	Appearance REQUIRED
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**§77-10 General Requirements – Compliance with Applicable Law**

- (a) *Licenses and Permits.* A Dispatch Service Provider must obtain licenses and permits required by applicable local, state or federal law.
- (b) *Occupational Safety & Health Administration.* A Dispatch Service Provider must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the Dispatch Service Provider Licensee’s place of business, as well as all other federal, state, and local laws governing its business.
- (c) *Payment of All Fines and Fees.* A Dispatch Service Provider must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.
- (d) *Workers’ Compensation Laws.* An Dispatch Service Provider must comply with all laws regarding workers’ compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§77-10	Penalty: \$1,000 fine and/or suspension until compliance	Appearance NOT REQUIRED
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**§77-11 General Requirements – Indemnification**

- (a) *Infringement Indemnification.* A Dispatch Service Provider Licensee must defend, indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys’ fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the Dispatch Service Provider Licensee, its employees, agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the Dispatch Service Provider Licensee, the City shall be partially indemnified by the Dispatch Service Provider Licensee to the fullest extent permitted by law.
- (b) *Not Limited by Insurance.* The indemnification obligations set forth in this section shall not be limited in any way by the Dispatch Service Provider Licensee’s obligations to obtain and maintain insurance as provided in §77-05(g) of these Rules.

§77-11(a)-(b)	Penalty: \$1,000 fine and/or suspension until compliance	Appearance REQUIRED
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**§77-12 General Requirements – Unlawful Activities Prohibited**

- (a) A Dispatch Service Provider Licensee must not file with the Commission any statement that he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

§77-12 (a)	Penalty: \$10,000 fine and revocation	Appearance REQUIRED
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**§77-13 General Requirements – Notice to TLC**

- (a) *Material Change in Information.* A Dispatch Service Provider Licensee must notify the Commission of any material change in the information contained in its current Dispatch Service Provider License application or renewal prior to implementing the change.

§77-13(a)	Penalty: \$1,000 fine and/or suspension up to 30 days	Appearance REQUIRED
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- (b) *Suspension or Revocation of License.* A Dispatch Service Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the Dispatch Service Provider Licensee, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.

§77-13(b)	Penalty: \$1,000 fine and suspension until compliance	Appearance REQUIRED
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- (c) *Security Breach:* If the Dispatch Service Provider is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa), the Dispatch Service Provider Licensee must inform the Commission immediately following such disclosures.

§77-13(c)	Penalty: \$1,000 fine and suspension until compliance	Appearance REQUIRED
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**§77-14 Business Requirements – Mailing and Email Address**

- (a) Each Dispatch Service Provider must designate and provide to the Commission the street address of its primary Dispatch Service Provider location as its Mailing Address.
- (b) A Dispatch Service Provider must have and provide to the Commission a working Email Address and telephone number at all times.
- (c) A Dispatch Service Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail within ten days.

§77-14(a)-(c)	Fine: \$100	Appearance NOT REQUIRED
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- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address or Email Address provided by the Dispatch Service Provider.
- (e) 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 Dispatch Service Provider.

**§77-15 Business Requirements – Fees Charged by Dispatch Service Provider Licensees**

- (a) *Fares.*
  - (1) *For all E-Dispatches:*
    - (i) A Dispatch Service Provider must NOT quote or charge a rate or fare that is greater than the rate or fare listed in the Rate Schedule filed with the Commission by its Partner Base(s).
    - (ii) A Dispatch Service Provider must NOT charge Passengers any fee, including but not limited to the fees listed in subdivision (b) of this section, unless such fee is specifically listed in the Rate Schedule filed with the Commission by its Partner Base(s).
    - (iii) A Dispatch Service Provider must NOT charge a rate or fare, inclusive of all fees, that is greater than the rate or fare provided to the Passenger pursuant to §77-20(d)(1) of these Rules.
  - (2) *For E-Dispatches to Livery Partner Bases:* A Dispatch Service Provider must NOT charge a fare above the amount quoted to the Passenger pursuant to §77-20(d)(1) of these Rules.

§77-15(a)	Penalty: \$1000 fine	Appearance NOT REQUIRED
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- (b) *Notice of Fees.* The Dispatch Service Provider must provide Passengers and/or Drivers with reasonable notice of all Passenger and Driver fees and rates charged by the Dispatch Service Provider, as applicable, including but not limited to any lawful price multipliers or variable pricing fees, cancellation fees, and no-show fees, prior to Drivers’ or Passengers’ use of the Dispatch Service to request or accept a trip.
  - (1) The amounts of any fees must be disclosed to the Passenger by the Dispatch Service Provider.
  - (2) The Dispatch Service Provider is permitted to charge cancellation fees to Passengers and/or Drivers who cancel E-Dispatched trips using the Dispatch

Service if the cancellation fees comply with the notification requirements set forth in this subdivision and appear on the Rate Schedule filed with the Commission by its Partner Base(s).

- (3) The Dispatch Service Provider must provide Drivers and/or Passengers with reasonable notice of any modifications of such fees or rates prior to the effective date of the modifications.
- (c) *File Partner Base Agreement Terms.* The Dispatch Service Provider must enter into a written agreement with each Base for which it provides Dispatch Service and must file with the Commission a sample of the form of agreement of such agreement.
- (d) *File User Agreement Terms.* The Dispatch Service Provider must file with the Commission all forms of the user agreements, use contracts, and privacy terms it requires Passengers to agree to prior to providing Passengers Dispatch Service. The Dispatch Service Provider must file with the Commission all updates of such documents and/or terms reflecting changes thereto.

**§77-16 Business Requirements – Provision of Dispatch Services**

All of the following conditions apply with regard to a Dispatch Service Provider’s provision of Dispatch Services:

- (a) The Dispatch Service Provider must not provide Dispatch Services unless the manner in which the Dispatch Service Provider provides Dispatch Service has been approved by the Commission pursuant to this Chapter;
- (b) No modification will be made to any Vehicle to install or mount a device through which the Dispatch Service Provider will provide Dispatch Service without the permission of the Chairperson and the approval of the device and its installation and/or mounting in the Vehicle.

§77-16	Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated	Appearance REQUIRED
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**§77-17 Business Requirements – Cooperation with the Commission**

Upon request of the Commission, a Dispatch Service Provider must make available at no charge a fully operable any device through which the Dispatch Service Provider offers Dispatch Services, to either Passengers or Drivers, and access to any requisite Base, Driver, and Passenger test IDs.

§77-17	Penalty: \$500 fine and suspension until compliance	Appearance REQUIRED
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**§77-18 Business Requirements – Dispatch Service Provider Liability for Conduct of Employees**

- (a) *Liability for Employee Conduct.* A Dispatch Service Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. This subdivision and subdivisions (b) and (c) of this section shall not be applicable to Drivers, or to individuals or business entities performing work for any Dispatch Service Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.
- (b) *Familiarizing Employees with Rules and Regulations.* A Dispatch Service Provider must ensure that all of its employees, contractors, and agents are fully familiar with all relevant regulatory agency rules and regulations.
- (c) *Compliance with Laws.* A Dispatch Service Provider must ensure that all of its employees, contractors, and agents perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

§77-18(a)-(c)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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**§77-19 Comply with Laws – Conduct Rules**

- (a) *Acceptance of Gift or Gratuity.* A Dispatch Service Provider Licensee, any person acting on his or her behalf, or any of the Dispatch Service Provider’s employees must not accept any gift, gratuity, or thing of value from an Owner or Driver of any vehicle licensed by the Commission or from anyone acting on behalf of an Owner or Driver for the purpose of violating any of these rules through acts of commission or omission.
- (b) *Reporting Requests for Gift or Gratuity.* A Dispatch Service Provider Licensee, any person acting on the Dispatch Service Provider’s behalf, or any of the Dispatch Service Provider’s employees must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity, or thing of value by any employee, representative, or member of the Commission or by any public servant.
- (c) *Offer of Gifts and Gratuities.* A Dispatch Service Provider Licensee, any person acting on his or her behalf or any of the Dispatch Service Provider’s employees must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

§77-19(a)-(c)	Penalty: \$10,000 fine and revocation	Appearance REQUIRED
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(d) *Reporting Offers of Gift or Gratuity.* A Dispatch Service Provider Licensee must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) above.

(e) *Fraud, Misrepresentation and Larceny.* A Dispatch Service Provider Licensee, while performing his or her duties and responsibilities as a Dispatch Service Provider Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny.

§77-19(d)-(e)	Penalty: \$10,000 fine and revocation	Appearance REQUIRED
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(f) *Willful Acts of Omission and Commission.*

(1) *Omission.* While performing the duties and responsibilities of a Dispatch Service Provider Licensee, a Dispatch Service Provider 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.

(2) *Commission.* While performing the duties and responsibilities of a Dispatch Service Provider Licensee, a Dispatch Service Provider Licensee must not deliberately perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§77-19(f)	Penalty: \$350 and/or suspension up to 30 days or revocation	Appearance REQUIRED
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(g) *Notice of Criminal Conviction.*

(1) A Dispatch Service Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the Dispatch Service Provider Licensee or any of the Dispatch Service Provider Licensee's Business Entity Persons.

(2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.

§77-19(g)	Penalty: \$500 and/or suspension up to 30 days	Appearance REQUIRED
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(h) *Threats, Harassment, Abuse.* A Dispatch Service Provider Licensee must not threaten, harass, or abuse any Commission or other governmental representative, public servant, or other person while performing his or her duties and responsibilities as a Dispatch Service Provider Licensee.

§77-19(h)	Penalty: \$500 and/or suspension up to 30 days or revocation	Appearance REQUIRED
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- (i) *Use or Threat of Physical Force.* A Dispatch Service Provider Licensee must not use or attempt to use any physical force against a Commission or other governmental representative, public servant, or other person while performing his or her duties and responsibilities as a Dispatch Service Provider Licensee.

§77-19(i)	Penalty: \$500 and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (j) *Cooperation with Law Enforcement.* A Dispatch Service Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

§77-19(j)	Penalty: \$250 fine	Appearance NOT REQUIRED
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- (k) *Cooperation with the Commission.* A Dispatch Service Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. A Dispatch Service Provider Licensee must produce his or her Commission License and other required documents whenever the Commission requires.

§77-19(k)	Penalty: \$250 fine and suspension until compliance	Appearance REQUIRED
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## §77-20 Technical Requirements – Provision of Dispatch Service

No Dispatch Service Provider will be approved by the Commission pursuant to this Chapter unless the manner in which it provides Dispatch Service complies with the all of the requirements set forth in this section or as such requirements may be waived or modified by the Commission pursuant to §77-05(i) of these Rules.

### (a) *Payment*

- (1) *Credit, Debit, and Prepaid Card Payment.* If the Dispatch Service Provider accepts credit, debit, and prepaid cards for payment of fares, the Dispatch Service Provider:
- (i) must offer the Passenger a receipt in accordance with paragraph (2) of this subdivision; the receipt can be an electronic receipt;
  - (ii) can offer pre-set payment options, including tip percentages, provided that the Passenger is permit Passengers to change the pre-set payment options

for a given trip at any time prior to the completion of a trip and payment of fare, including changes to the tip amount; and,

- (iii) cannot require a Passenger to pay a tip to the Driver above the fare quoted or charged to the Passenger.
- (2) The Dispatch Service Provider must be able to generate an accurate receipt for payment of fare for fares paid using its Dispatch Service, and the receipt must be offered to the Passenger. Upon the Passenger’s request a receipt must be transmitted to the Passenger. The receipt can either be in hard copy form or in electronic form and must contain all the following information:
- (i) Vehicle License number;
  - (ii) Vehicle’s affiliated Base License number;
  - (iii) Driver’s TLC Driver License number;
  - (iv) Total amount due;
  - (v) Itemized tolls (if applicable) by toll name and amount;
  - (vi) Itemized fees charged (if any) including any lawful price multiplier or variable pricing policy in effect at the time of the trip;
  - (vii) The “311” Commission complaint telephone number; and
  - (viii) The public access information the Partner Base has on file with the TLC pursuant to §59B-21(c) of these Rules.
  - (ix) The customer service contact information the Dispatch Service Provider has on file with the TLC.
- (3) A Dispatch Service Provider that accepts credit, debit, and prepaid cards for payment of fares must comply with all applicable PCI Standards. Credit, debit, and prepaid card information for electronic payments must not be stored locally on an electronic device through which the Dispatch Service Provider provides Dispatch Services.

§77-20(a)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (b) *E-Dispatch Data Collection and Transmission.* A Dispatch Service Provider and its third party designee, if any, must be capable of automatically collecting and transmitting the following E-Dispatch data for each E-dispatched trip in a format, layout, and frequency prescribed by the Commission:

- (1) The date, time, and location of the Passenger to be picked up;
- (2) The Driver's TLC Driver License number;
- (3) The dispatched Vehicle's License number;
- (4) The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle.

§77-20(b)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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(c) *Dispatch Service Restrictions.* A Dispatch Service Provider must conform to the following service restrictions:

- (1) The Dispatch Service Provider must not transmit requests for transportation or E-Dispatches to any Driver who
  - (i) does not have a Valid FHV license, according to the listings on TLC's Current Licensees webpage,
  - (ii) is operating a Vehicle that does not have a Valid Black Car Vehicle, Livery Vehicle, or Luxury Limousine Vehicle License, according to the listings on TLC's Current Licensees webpage, or
  - (iii) is operating a Vehicle that is not affiliated with the Dispatch Service Provider's Partner Base(s).
- (2) If a Dispatch Service Provider sends dispatch requests to Drivers through an electronic, Driver-facing interface, that interface must be available to a Driver *ONLY* when the Vehicle is standing or stopped, except that the Driver-facing interface can permit a Driver to accept a dispatch with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. All other uses of a Driver-facing interface must be velocity gated to prevent its use while the vehicle is in motion.
- (3) The Dispatch Service Provider must provide Dispatch Services to a Driver *ONLY* during the hours of operation its Partner Base(s) have on file with the Commission pursuant to §59B-21(b) of these Rules.
- (4) If the Dispatch Service Providers' Partner Bases have on file any of the same Public Access Information pursuant to §59B-21(c) of these Rules, the Dispatch Service Provider must clearly specify which Partner Base's rates will apply for a requested trip if the rate schedules the Partner Bases have on file with the Commission differ from each other.

§77-20(c)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (d) *Passenger Notifications.* A Dispatch Service Provider must conform to the following notification requirements:
- (1) *Price Notification.* The Dispatch Service Provider must clearly state the rate or fare for all trips requested by a Passenger through the Dispatch Service Provider and must conform to the following specifications:
- (i) *For E-Dispatches to Black Cars and Luxury Limousines:*
    - (A) The Dispatch Service Provider must disclose to the Passenger the rate or fare for a requested E-Dispatch.
    - (B) The rate or fare displayed to the Passenger must include all applicable fees or surcharges, including any lawful price multiplier or variable pricing policy in effect.
    - (C) If any lawful price multiplier or variable pricing policy is in effect, the Dispatch Service Provider must require the Passenger to affirmatively acknowledge and accept the price multiplier or variable pricing policy prior to E-Dispatching a Vehicle.
    - (D) The Dispatch Service Provider must provide Passengers, upon request, an estimate of the total fare in dollars and cents for the specific trip requested, inclusive of all fees and any price multiplier or variable pricing policy in effect.
  - (ii) *For E-Dispatches to Livery Vehicles:*
    - (A) The Dispatch Service Provider must provide a binding fare quote to any prospective Passenger requesting an E-Dispatch to a specified destination and intermediate stop(s) prior to acceptance of the trip pursuant to §59B-23(b)(1) of these Rules.
- (2) *License Notification:* The Dispatch Service Provider must provide the following information at the time a Passenger's trip request is accepted:
- (i) The name and TLC License number of the Base from which the Vehicle is being dispatched.
  - (ii) The dispatched Vehicle's License number.
  - (iii) The dispatched Driver's TLC Driver License number.

- (3) *Passenger Complaint Notification:* Upon receipt of a Passenger complaint, the Dispatch Service Provider must provide the Passenger with the “311” Commission complaint telephone number and inform the Passenger that only the TLC can suspend or revoke a Driver’s TLC License.

§77-20(d)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (e) *Wheelchair Accessibility.* The Dispatch Service Provider must make a wheelchair accessible option available to allow Passengers to indicate that they would like a wheelchair accessible vehicle when requesting a trip through the Dispatch Service Provider. All E-dispatches made pursuant to a request for an accessible vehicle to a Dispatch Service Provider must meet the “Equivalent Service” requirements set forth in §59B-17(c)(2) of these Rules.

§77-20(e)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (f) *Security.*

- (1) If the Dispatch Service Provider accepts credit card, debit card, or pre-paid card payment, the Dispatch Service Provider must conform to applicable PCI Standards.
- (2) The Dispatch Service Provider must comply with the Information Security and Use of Personal Information Policy filed with the TLC pursuant to §77-05(d) of these Rules.

§77-20(f)	Penalty: \$1,000 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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- (g) *Data Retention.* All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

§77-20(g)	Penalty: \$500 fine and/or suspension up to 60 days or revocation	Appearance REQUIRED
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