

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amending the provisions of Title 35 of the Rules of the City of New York to add rules governing the process and requirements for license applications and renewals.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2011.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on Thursday, January 20, 2011, at 10:00 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than January 13, 2011.

Written comments in connection with these proposed rules must be received no later than January 18, 2011. Comments may be submitted through the NYC Rules website at www.nyc.gov/nycrules, or may be submitted to the Office of Legal Affairs at:

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

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

New Material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend Section 4-04 of Title 35 of the Rules of the City of New York to add a new subdivision (o) to read as follows:

(o) *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.

Section 2. It is proposed to amend Section 4-06 of Title 35 of the Rules of the City of New York to add new subdivisions (e) and (f) to read as follows:

(e) *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.

(f) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (e) 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.

Section 3. It is proposed to amend Section 4-07(d) of Title 35 of the Rules of the City of New York to read as follows:

(d) *Late Filing Fee.* The Commission will charge an additional fee of \$25 for a late filing of a renewal application, [and may choose not to accept it] if it allows the filing at all.

Section 4. It is proposed to amend Section 4-08 of Title 35 of the Rules of the City of New York to add a new subdivision (e) to read as follows:

(e) *Failure to Complete Application Requirements.*

(1) The Commission will deny an application for a new License if the Applicant has not completed all of the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all of the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 5. It is proposed to amend Section 5-04 of Title 35 of the Rules of the City of New York to add a new subdivision (j) to read as follows:

(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’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.

Section 6. It is proposed to amend Section 5-06 of Title 35 of the Rules of the City of New York to add new subdivisions (e) and (f) to read as follows:

(e) *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.

(f) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (e) 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.

Section 7. It is proposed to amend Section 5-07(d) of Title 35 of the Rules of the City of New York to read as follows:

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

Section 8. It is proposed to amend Section 5-08 of Title 35 of the Rules of the City of New York to add a new subdivision (c) to read as follows:

(c) Failure to Complete Application Requirements.

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 9. It is proposed to amend Section 6-04 of Title 35 of the Rules of the City of New York to add a new subdivision (n) to read as follows:

(n) 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.

Section 10. It is proposed to amend Section 6-06 of Title 35 of the Rules of the City of New York to add new subdivisions (c) and (d) to read as follows:

(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) 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.

Section 11. It is proposed to amend Section 6-07(d) of Title 35 of the Rules of the City of New York to read as follows:

(d) *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.

Section 12. It is proposed to amend Section 6-08(d) of Title 35 of the Rules of the City of New York to read as follows:

(d)[Representation Before the Commission. If the Commission denies a new or renewal Driver’s License application, the Applicant is entitled to a hearing before the Commission. The Applicant

can be represented by an attorney or a non-attorney at the hearing. The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant.] Failure to Complete Application Requirements.

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 13. It is proposed to amend Section 7-04 of Title 35 of the Rules of the City of New York to add a new subdivision (l) to read as follows:

(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.

Section 14. It is proposed to amend Section 7-06 of Title 35 of the Rules of the City of New York to add new subdivisions (c) and (d) to read as follows:

(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) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (d) 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.

Section 15. It is proposed to amend Section 7-07(d) of Title 35 of the Rules of the City of New York to read as follows:

(d) *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.

Section 16. It is proposed to amend Section 7-08(d) of Title 35 of the Rules of the City of New York to read as follows:

(d) [*Commission Failure to Approve Within 180 Days*] *Failure to Complete Application Requirements.*

(1) [The Commission will approve or disapprove applications for a Commuter Van Driver’s License within 180 days of receiving the completed application.

(2) Failure to approve or disapprove application within this time frame will be considered a denial of the application.]

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 180 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 17. It is proposed to amend Section 8-04 of Title 35 of the Rules of the City of New York to add a new subdivision (h) to read as follows:

(h) *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.

Section 18. It is proposed to amend subdivision (c) of Section 8-06 of Title 35 of the Rules of the City of New York, renumber subdivision (d) as subdivision (e) and add a new subdivision (d), to read as follows:

(c) *Filing for Renewal.*

(1) [Unless the time to renew the License has been extended by the Chairman, a renewal] A renewing Applicant must file a completed application [must be filed] by no later than April 30th of each year in which a License is scheduled to expire.

(2) A renewing Applicant can file a completed application after April 30 as a “late application,” if the Applicant pays a late fee of \$25. This fee is in addition to any penalties specified for a violation of this Rule.

(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) A License for which a renewal application has not been filed by April 30 is not Valid and cannot be used until the renewal is approved. This is in addition to any penalties specified for a violation of this Rule.

[(2)]5) It is the Owner’s responsibility to obtain a renewal application in order to comply with the filing deadline.

§8-06(c)	Fine: \$[50-\$350] <u>1,000</u> and[/or] suspension up to 30 days <u>for failure to file by April 30.</u>	Appearance <u>NOT REQUIRED</u>
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(d) 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 will be subject to the penalties provided for in (c).

(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.

[(d)](e) *Advertising Permits.* A permit to display exterior advertising runs for one year or less and each permit will expire on the 31st day of August.

Section 19. It is proposed to amend Section 8-07 of Title 35 of the Rules of the City of New York to add a new subdivision (i) to read as follows:

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

Section 20. It is proposed to amend Section 8-08 of Title 35 of the Rules of the City of New York to add new subdivisions (g) and (h) to read as follows:

(g) Failure to Complete Application Requirements.

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

(h) 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.

Section 21. It is proposed to amend subdivisions (1)-(5) of Section 9A-04(f) of Title 35 of the City of New York to read as follows:

(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 [thirty]60 days after the date of the first scheduled inspection.

(2) The maximum number of inspections allowed in this [30]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 [30]60-day period will result in denial of the renewal application.

Section 22. It is proposed to amend Section 9A-04 of Title 35 of the Rules of the City of New York to add a new subdivision (l) to read as follows:

(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.

Section 23. It is proposed to amend Section 9A-06(c) of Title 35 of the Rules of the City of New York to read as follows:

(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) [The Commission will allow a] A renewing Applicant [to] can file a completed application less than 30 days before the expiration date as a “late application,” [provided] if the Applicant pays a late fee of \$25.

(3) [No renewal application will be accepted and the License cannot be renewed after the expiration date of the For-Hire Vehicle License.] 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.

Section 24. It is proposed to amend Section 9A-06 of Title 35 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(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.

Section 25. It is proposed to amend Section 9A-07(b) of Title 35 of the Rules of the City of New York to read as follows:

(b) *Late Filing Fee.* [There will be an additional fee of \$25 for a “late filing” of a License renewal application.] The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.

Section 26. It is proposed to amend Section 9A-08 of Title 35 of the Rules of the City of New York to add a new subdivision (e) to read as follows:

(e) *Failure to Complete Application Requirements.*

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 120 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 120 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 27. It is proposed to amend Section 9B-04 of Title 35 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(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.

Section 28. It is proposed to amend Section 9B-06(c) of Title 35 of the Rules of the City of New York to read as follows:

(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) [The Commission will allow a] A renewing Applicant [to] can file a completed application less than 60 days before the expiration date as a “late application,” [provided] if the Applicant pays a late fee of \$25.

(3) [No renewal application will be accepted and the License cannot be renewed after the expiration date of the For-Hire Base License.] 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.

Section 29. It is proposed to amend Section 9B-06 of Title 35 of the Rules of the City of New York to add a new subdivision (e) to read as follows:

(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.

Section 30. It is proposed to amend Section 9B-07(b) of Title 35 of the Rules of the City of New York to read as follows:

(b) *Late Filing Fee.* [There will be an additional fee of \$25 for a “late filing” of a License renewal application.] The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.

Section 31. It is proposed to amend Section 9B-08 of Title 35 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(f) *Failure to Complete Application Requirements.*

(1) The Commission 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 120 days of the date the application is filed.

(2) The Commission 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 within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 32. It is proposed to amend Section 10A-04 of Title 35 of the Rules of the City of New York to add a new subdivision (l) to read as follows:

(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.

Section 33. It is proposed to amend subdivision (d) of Section 10A-05 of Title 35 of the Rules of the City of New York and to add a new subdivision (e) to read as follows:

(d) *When to File Application for Renewal.* [A renewing Applicant must file on or before the expiration date of the current License.]

(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.

(e) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (d) 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.

Section 34. It is proposed to amend Section 10A-06(c) of the Title 35 of the Rules of the City of New York to read as follows:

(c) The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.

Section 35. It is proposed to amend Section 10A-07 of Title 35 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(f) *Failure to Complete Application Requirements.*

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 120 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 120 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 36. It is proposed to amend Section 10B-04 of Title 35 of the Rules of the City of New York to add a new subdivision (g) to read as follows:

(g) *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.

Section 37. It is proposed to amend subdivision (c) of Section 10B-05 of Title 35 of the Rules of the City of New York and to add a new subdivision (d) to read as follows:

(c) *When to Application File for Renewal.* [A renewing Applicant must file a complete application on or before the expiration date of the current License.]

(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 completed 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) *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.

Section 38. It is proposed to amend Section 10B-06(d) of the Rules of the City of New York to read as follows:

(d) The Commission will charge an additional fee of \$25 for a late filing of a renewal application, if it allows the filing at all.

Section 39. It is proposed to amend Section 10B-07 of Title 35 of the Rules of the City of New York to add a new subdivision (d) to read as follows:

(d) *Failure to Complete Application Requirements*

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 120 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 40. It is proposed to amend Section 11A-04 of Title 35 of the Rules of the City of New York to add a new subdivision (h) to read as follows:

(h) 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.

Section 41. It is proposed to amend Section 11A-05 of Title 35 of the Rules of the City of New York to add new subdivisions (c) and (d) to read as follows:

(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) 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.

Section 42. It is proposed to amend Section 11A-06 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(f) *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.

Section 43. It is proposed to amend Section 11A-07 (c) of Title 35 of the Rules of the City of New York to read as follows:

(c) [*Commission's*] *Failure to[Approve]Complete Application Requirements.* [Any application that the Commission does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.]

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 180 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 44. It is proposed to amend Section 11B-04 of Title 35 of the Rules of the City of New York to add a new subdivision (j) to read as follows:

(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'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.

Section 45. It is proposed to amend Section 11B-05 of Title 35 of the Rules of the City of New York to add new subdivisions (d) and (e) to read as follows:

(d) When to File for Renewal.

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

(2) A renewing Applicant can file a completed 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 Authorization. If the application is not filed before the expiration date, the Authorization cannot be renewed.

(e) Suspended Licenses.

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

(2) An Authorization 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.

Section 46. It is proposed to amend Section 11B-06 of the Rules of the City of New York to read as follows:

§ 11B-06 Authorization Fees

(a) [**Reserved** (Commuter Service Authorization Fee)]Fee for Authorization. The fee for a Commuter Van Service Authorization will be \$275 annually.

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

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

([b]d) Authorization Replacement Fee. The fee to replace any lost, damaged or destroyed Authorization is \$25.

(e) 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.

Section 47. It is proposed to amend Section 11B-07(d) of Title 35 of the Rules of the City of New York to read as follows:

(d) Failure to [Approve.]Complete Application Requirements. [Any application that the Commission, after consultation with the NYS Department of Transportation, does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.]

(1) The Commission will deny an application for a new Authorization if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.

(2) The Commission will deny an application for a renewal Authorization if the Applicant has not completed all the requirements of an application within 180 days after the expiration of the prior Authorization.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 48. It is proposed to amend Section 12-04 of Title 35 of the Rules of the City of New York to add a new subdivision (g) to read as follows:

(g) *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.

Section 49. It is proposed to amend Section 12-06 of Title 35 of the Rules of the City of New York to add subdivisions (c), (d) and (e) to read as follows:

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

Section 50. It is proposed to amend Section 12-09 of Title 35 of the Rules of the City of New York to read as follows:

(a) *Term of License.* Taxicab Broker's Licenses will be issued as of January 1st and will expire on the next December 31st unless suspended or revoked before then by the Commission.

(b) *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 completed 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 applications 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.

(c) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (b) 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.

Section 51. It is proposed to amend Section 12-10 of Title 35 of the Rules of the City of New York to add a new subdivision (d) to read as follows:

(d) *Failure to Complete Application Requirements*

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 120 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 52. It is proposed to amend Section 13-04 of Title 35 of the Rules of the City of New York to add a new subdivision (g) to read as follows:

(g) *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.

Section 53. It is proposed to amend Section 13-05 of Title 35 of the Rules of the City of New York to add new subdivisions (c) and (d) to read as follows:

(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 completed 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) *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.

Section 54. It is proposed to amend Section 13-06 of Title 35 of the Rules of the City of New York to add new subdivisions (d), (e) and (f) to read as follows:

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

(e) License Replacement Fee. The fee to replace any lost, damaged or destroyed License is \$25.

(f) 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.

Section 55. It is proposed to amend Section 13-07 of Title 35 of the Rules of the City of New York to add a new subdivision (f) to read as follows:

(f) Failure to Complete Application Requirements.

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 120 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Section 56. It is proposed to amend Section 14-04 of Title 35 of the Rules of the City of New York to add a new subdivision (k) to read as follows:

(k) 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.

Section 57. It is proposed to amend Section 14-07 of Title 35 of the Rules of the City of New York to read as follows:

(a) *Annual Fee.* Every application for a Taximeter License must be accompanied by a non-refundable application fee of \$500 for each location to be Licensed.

(b) *Half-Year Fee.* The application fee for any Taximeter License to be issued for a period of six months or less will be one-half of the annual fee.

(c) *Form of Payment.* The application fee must be paid by credit card, money order, or certified check.

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

(e) *License Replacement Fee.* The fee to replace any lost, damaged or destroyed License is \$25.

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

[(d)](g) *Term of License.* The term of a Taximeter License will be one year or less and each License will expire on the 31st day of March.

(h) *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 completed 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.

(i) *Suspended Licenses.*

(1) If a License is suspended, the Licensee must apply for renewal as required in (h) 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.

Section 58. It is proposed to amend Section 14-08 of Title 35 of the Rules of the City of New York to add a new subdivision (c) to read as follows:

(c) *Failure to Complete Application Requirements*

(1) The Commission will deny an application for a new License if the Applicant has not completed all the requirements of an application within 120 days of the date the application is filed.

(2) The Commission will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within 30 days after the expiration of the prior License.

(3) The Commission will not deny an application under this Rule if completion is delayed because the Commission has not issued a final decision in any fitness Hearing it requires.

Statement of Basis and Purpose

These proposed rules make several changes to the Commission's rules regarding the license application and renewal process and requirements. The principal changes are:

- The rules set deadlines by which licensees must file renewal applications. Ordinarily, a renewal application must be submitted by no later than 30 days before expiration of a license. However, applications will be accepted after that date, until the license expiration date upon payment of a \$25 late fee. No application will be accepted after the license expiration date and (except for taxicab medallions), the license will expire and cannot thereafter be renewed.
- The rules provide that licensees on suspension who wish to renew their licenses must do so within the time periods that govern all other licensees.
- The rules provide deadlines by which applications must be completed or they will be denied.
- The rules provide that holders of commuter van authorizations must pay a license fee.
- The rules change the 30 day period in which FHV's must pass renewal inspections to a 60 day period, which is the same period permitted for passing inspections on new applications.
- The rules provide that any applicant for a license, including a renewal license, must, as a condition of licensure, pay any outstanding fees and fines owed to any of the Commission, the NYC Department of Finance Parking Violations Bureau, the NYC Department of Finance Red Light Camera Unit, or the NYS DMV Traffic Violations Bureau.
- The rules provide, as permitted by the New York City Administrative Code and where not already included in TLC Rules, that the TLC will impose a \$25 late fee on renewal license applicants who seek to file a renewal application after the deadline specified in TLC rules.
- The rules provide, again consistent with the New York City Administrative Code and where not already included in the TLC Rules, that any fees (and that includes late fees where applicable) paid to the TLC are not refundable in the event that a license application is denied or disapproved.

These rules are proposed to simplify and standardize the application and renewal process and requirements across license classes and to give applicants and the TLC staff clear deadlines by which actions must occur. In addition, these rules will assist the Commission in collecting fines that may be owed by a former licensee who applies for a new license. The Commission believes that requiring license applicants to pay fines owed to the Commission and fines owed to other agencies as a result of traffic or parking violations is an important component of its regulatory mission to assure that its licensees comply with Commission and traffic rules and regulations.

This rule amends the version of the Commission's rules that becomes effective April 1, 2011.