

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

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

**What are we proposing?** The New York City Taxi and Limousine Commission (TLC) is proposing to amend its rules governing the technology systems required to be in taxicabs and street hail liveries. TLC is proposing to combine the requirements for the two systems into one chapter and realign the requirements to focus on service standards instead of hardware standards.

**When and where is the hearing?** TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on March 29, 2018. The hearing will be in the TLC hearing room at 33 Beaver Street, 19<sup>th</sup> Floor, New York, NY 10004.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Mail.** You can mail comments to New York City Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street, 22<sup>nd</sup> Floor, New York, NY 10004
- **Fax.** You can fax comments to the TLC at 212-676-1102.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on March 29, 2018. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit written comments by March 29, 2018.

**What if I need assistance to participate in the hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1055. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by March 23, 2018.

This location has the following accessibility option(s) available: The hearing room is wheelchair accessible and CART will be provided in the hearing room.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Office of Legal Affairs.

**What authorizes TLC to make this rule?** Sections 1043 and 2303 of the City Charter and Section 19-511 of the New York City Administrative Code authorize TLC to make this proposed rule.

**Where can I find the TLC's rules?** The TLC's rules are in title 35 of the Rules of the City of New York.

**What laws govern the rulemaking process?** TLC must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

## **Statement of Basis and Purpose**

The New York City Taxi and Limousine Commission's (TLC) mission is to ensure that New Yorkers and visitors to the City have access to taxicabs, car services, and commuter van services that are safe, efficient, available throughout the City, and provide a good passenger experience. The purpose of the proposed rules is to update in-vehicle technology requirements that currently apply to yellow and green taxis so that they reflect advances since 2009, when they were first issued. As technology and consumer preferences evolve, the TLC will remain neutral on the specific technology employed and will focus on service outcomes rather than the mechanics of how services are provided. This approach will allow the industry to adopt the newest advances in technologies. Accordingly, the proposed rules reflect a shift from equipment mandates to functional requirements that provide the flexibility necessary for the development of modern, cost-effective solutions.

The TLC requires all Taxicabs and Street Hail Liveries to be equipped with technology that allows passengers to pay for the fare using a credit card, automatically records trips, enables the TLC to communicate with drivers, and provides a monitor in the back seat to display information and content to passengers. Currently, these requirements are contained in two separate rule chapters: Chapter 75 governing Taxicab Technology Systems (TPEPs) and Chapter 83 governing Street Hail Livery Technology Systems (LPEPs). Additionally, the bulk of the technical requirements that these systems must meet are hardware specifications, which have been in place for over a decade.

In May 2016 the TLC began the Alternative Technology Pilot, a pilot program that waived certain rules, allowing taxis to be outfitted with new TPEPs that did not conform exactly to the specifications in Chapter 75, as well as digital GPS taximeters which, prior to the pilot, had not previously been approved in New York State. The pilot ran for one year. The pilot's two participants were able to provide core service functions and consumer protections using newer technologies without all of the hardware required by TLC Rules.

Informed by this experience, and in order to simplify and update the requirements surrounding Taxicab and Street Hail Livery Technology Systems, the TLC is proposing to merge the two existing TPEP and LPEP chapters into one chapter governing Technology Systems. The proposed new chapter would reframe the requirements, mandating that each technology system be capable of providing specific functions rather than, as is the current model, dictating specific hardware.

**One License.** Under the proposed rules, a Technology Service Provider must obtain only one license to provide Technology Systems in both Taxicabs and Street Hail Liveries, making the application review process faster and more efficient.

### **Functionality Requirements.**

In order to give developers and providers more flexibility in what they offer customers, TLC is proposing to eliminate the hardware requirements for Technology Systems and

instead require specific functionality. For example, under these proposed rules a Driver Information Monitor and a Passenger Information Monitor will no longer be specifically required. Instead, a Technology System Provider is free to design any system as long as it provides the required core functions. If, for example, a Technology Service Provider opts to put a screen in the back, the functionality requirement will be that the screen must be off unless a passenger chooses to turn it on. Additionally, these proposed rules would require that systems provide the following core functions:

- Collect and transmit trip data, authenticate drivers, and accept credit card payment
- Accept and display E-Hail requests from licensed E-Hail Providers
- Accessibility to all approved E-Hail Providers via an open application programming interface (“API”)

**Taximeter Updates.** In addition to updating the Technology System requirements, these proposed rules also update the taximeter requirements to allow for taximeters that are not hardwired to the vehicle.

In order for software-based taximeters (“soft meters”) to be used during TLC’s Alternative Technology Pilot, they first had to be approved by the New York State Department of Agriculture. Working with TLC, the Department of Agriculture initially gave temporary approval for soft meters to be used in the pilot only. However the Department of Agriculture has since begun issuing certificates of approval to allow soft meters to be used throughout the state.

TLC proposes to update its rules to remove requirements that would otherwise prohibit software-based taximeters in taxicabs and to require notification to the TLC whenever a taximeter’s metrological system or software is updated.

The Commission’s authority for these rules is found in section 2303 of the New York City Charter and sections 19-503 and 19-511 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definitions of the terms “E-Hail Application or E-Hail App,” “E-Payment,” “Fit to Hold a License or Fit to be an Authorized TPEP Provider,” “Hardware,” and “Trip Data,” as set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, the definitions of the terms “Automatic Vehicle Location System or AVL,” “Authorized TPEP Provider,” “Core Services,” “Passenger Information Monitor or PIM,” “Street Hail Livery Technology System or LPEP,” “Street Hail Livery Technology System Provider or LPEP Provider,” “Taxicab Technology Service Provider (or TPEP Provider),” and “Taxicab Technology System (or TPEP)” are DELETED, and new definitions of the terms “Technology System,” and “Technology System Provider” are added, in alphabetical order, to read as follows:

[**Automatic Vehicle Location System or AVL** refers to an electronic device incorporated into a Taxicab Technology System (TPEP) Street Hail Livery Technology System (LPEP) that accurately determines the geographic location, direction and positioning of a Taxicab or Street Hail Livery and records and transmits such information. An AVL may include, but is not limited to, a global positioning system (GPS). An AVL shall not be capable of being used as an Electronic Communications Device.]

[**Authorized TPEP Provider** is an individual or Business Entity authorized by the Commission, pursuant to Chapter 75 of these Rules, to sell, lease, make available for use, install, service, and repair Taxicab Technology Systems in Medallion Taxicabs.]

[**Core Services.** The core services provided by a Taxicab Technology System (TPEP) or Street Hail Livery Technology System (LPEP) as set forth in the definition thereof and as more fully described in §75-25 and §83-31 of these Rules.]

**E-Hail Application or E-Hail App.** A Software program licensed by the TLC under Chapter 78 residing on a smartphone or other electronic device and integrated with the [TPEP or LPEP] Technology System which performs one or more of the following functions:

- 1) allows a passenger to identify the location(s) of available Taxicabs or Street Hail Liveries in a given area and allows a Taxicab or Street Hail Livery Driver to identify the location of a passenger who is currently ready to travel;
- 2) allows a passenger to hail a Taxicab or Street Hail Livery via the electronic device;
- 3) allows a Taxicab or Street Hail Livery Driver to receive a hail request from such a passenger if the application provides for connecting a passenger to a Taxicab or Street Hail Livery Driver; or
- 4) E-Payment.

**E-Payment.** A feature of a licensed E-Hail App that

- 1) Allows passengers to pay for Taxicab or Street Hail Livery fares through the E-Hail App;
- 2) Is limited to fare, tip, tolls, and any fee charged to the passenger by the E-Hail App; and
- 3) Integrates with the [TPEP or LPEP] Technology System and meets all security standards as established in [§75-25,] §66-24 and §78-21[, and §83-31] of these Rules.

E-Payment does not include payments through Digital Wallet Applications which pass payment data to [TPEP or LPEP] the Technology System, do not receive fare information from [TPEP or LPEP] the Technology System, and do not modify or edit the amount to be paid.

**Fit to Hold a License [or Fit to be an Authorized TPEP Provider]** means

- The Applicant[, Authorized TPEP Provider,] or Licensee meets and will continue to meet all of the qualifications for the License [or Authorization] sought or held as established by applicable Rules and laws.
- The Applicant[, Authorized TPEP Provider,] or Licensee is of good moral character.
- The Applicant[, Authorized TPEP Provider,] or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant[, Authorized TPEP Provider,] or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License [or Authorization].
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of a TLC License [or Authorization], the Applicant shows that he or she will not engage in similar conduct in the future.

**Hardware.** Equipment or machinery, together with all associated components, media, firmware and other embedded software and instructions provided, operated or maintained in connection with the functioning of a [Taxicab] Technology System [(TPEP) or Street Hail Livery Technology System (LPEP)].

**[Passenger Information Monitor or PIM.** The interactive, audio-visual device that is a component of the Taxicab Technology System (TPEP) and Street Hail Livery Technology System (LPEP) and that has the features described in §75-25(d) or §83-31 (d)(3) of these Rules.]

**[Street Hail Livery Technology System or LPEP** is an integrated system of Hardware and Software that complies with the technical requirements set forth in §83-31 of these Rules, and provides the following five Core Services in Street Hail Liveries:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip Data collection and transmission;
- (4) Passenger Information Monitor, screen, or other credit/debit card device; and
- (5) Automatic Vehicle Location System and location services.]

**[Street Hail Livery Technology System Provider or LPEP Provider.** An individual or Business Entity licensed by the Commission pursuant to Chapter 83 to sell, lease, make available for use, install, service and repair Street Hail Livery Technology Systems.]

**[Taxicab Technology Service Provider (or TPEP Provider)** means a vendor who has been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs.]

**[Taxicab Technology System (or TPEP)]** is an integrated system of Hardware and Software that complies with the technical requirements set forth in §75-25 of these Rules and provides the following core services to Taxicabs:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip data collection and transmission;
- (4) Data transmission by means of the passenger information monitor; and
- (5) Automatic Vehicle Location System and location services.]

**Technology System** is an integrated system of Hardware and Software installed in a Taxicab or Street Hail Livery that complies with the technical requirements set forth in §66-24 of these Rules.

**Technology System Provider** means a vendor who has been licensed by the Commission to install and maintain Technology Systems in Taxicabs and Street Hail Liveries.

**Trip Data** is the data that is required to be collected and transmitted by a [(1) Taxicab] Technology System including those items described in [§75-25(c)] §66-24(f) of these Rules[; and (2) Street Hail Livery Technology System including those items described in §83-31 (c)(2) of these Rules].

Section 2. Subdivision (d) of section 53-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Dispatch Equipment.* The “Dispatch Equipment” is the communications equipment provided by the Accessible Taxi Dispatcher or an acceptable interface with the [Taxicab] Technology System [and the Street Hail Livery Technology System,] that allows Approved Drivers operating Accessible Vehicles to receive dispatches from the Accessible Taxi Dispatcher.

Section 3. Paragraph (4) of subdivision (c) of section 53-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) Log onto the Dispatch Equipment any time either or both of the taximeter and the [Taxicab] Technology System [or the Street Hail Livery Technology System are] is on or engaged.

Section 4. Paragraph (2) of subdivision (d) of section 58-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) *Exceptions.* An Owner can permit a person who does not possess a TLC Driver License to drive the vehicle only when all of the following limited circumstances are met:

- (i) The vehicle is being driven to or from the Commission’s centralized Taxicab inspection facility or a repair facility;
- (ii) The driver has entered the appropriate off duty code in [TPEP] the Technology System;
- (iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is “Off-Duty” and why;
- (iv) The rear doors are locked;
- (v) The person driving the vehicle is licensed to drive a motor vehicle.

§58-12(d)(2)	Fine: \$400 and/or suspension up to 30 days	Appearance REQUIRED
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Section 5. Paragraph (2) of subdivision (a) of section 58-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) *Commercial Advertising and Commercial Sponsorships on the Back of Taximeter Receipts.*
  - (i) Commercial advertising and commercial sponsorships may be printed on the back of receipts produced by a taximeter.
  - (ii) Any such advertising and sponsorships appearing on a receipt must comply with the commercial advertising and commercial sponsorship standards that apply to Passenger-facing content [on the Passenger Information Monitor of a Taxicab Technology System] as set forth in [§75-25(d)(4)] §66-24(g)(3) of these Rules.
  - (iii) Any such advertising and sponsorships appearing on a receipt must not interfere with the readability of the fare information on the face of the receipt.

Section 6. Subparagraphs (viii) and (xi) of paragraph (5) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (viii) In addition to these charges, an Owner can deduct from credit card receipts payable to the Driver amounts collected by the [TPEP] Technology System Provider, pursuant to the [TPEP] Technology System Provider’s authorization by the Commission, provided that
  - A. such amounts are provided by rule of the Commission; and



- B. such amounts are timely remitted to the Owner's [TPEP] Technology System Provider or other recipient as approved by the TLC.

§58-21(c)(5)(viii)(B)	Fine: \$1,000 and suspension until compliance	Appearance REQUIRED
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- (xi) Credit Card Processing Surcharge for Leases entered into pursuant to 58-21(c)(1), 58-21(c)(2), 58-21(c)(3), or 58-21(c)(4) of these Rules:

- A. For daily leases under 58-21(c)(1) and 58-21(c)(2), an Owner of a Taxicab can charge a \$11 surcharge per shift for credit card processing.
- B. For weekly leases under 58-21(c)(1) and 58-21(c)(2), an Owner of a Taxicab can charge a \$66 surcharge per week for credit card processing.
- C. For leases under 58-21(c)(3) and 58-21(c)(4), an Owner of a Taxicab can charge a \$132 surcharge per week for credit card processing.
- D. Beginning on January 1, 2013, each June and December, the TLC will review the [TPEP systems'] Technology System's data to determine average credit card usage per shift. The TLC will review only the data for shifts at least seven hours long. Payments made by credit card shall be the entire amount paid by the passenger, as determined from the [TPEP] Technology System records reviewed. If, under this review, the amount of the average credit card usage per daily shift exceeds \$200, the TLC will propose and support:

a rule seeking an adjustment to the Credit Card Surcharge for daily leases under 58-21(c)(1), 58-21(c)(2), 58-21(c)(3) and 58-21(c)(4) so that it is equivalent to 5% of the average credit card usage per shift for the preceding four months, rounded to the nearest whole dollar;

a rule seeking a similar adjustment to the Credit Card Surcharge for weekly leases under 58-21(c)(1) and 58-21(c)(2) by multiplying the per shift surcharge by six; and

a rule seeking a similar adjustment to the Credit Card Surcharge for Medallion-only and Medallion and Vehicle

leases under 58-21(c)(3) and 58-21(c)(4) by multiplying the shift rate surcharge by twelve.

For example, if the average credit card usage per shift, using the criteria set forth above, is \$200, the per shift surcharge shall be \$10 (\$60 per week, \$120 per week for a lease under 58-21(c)(3) and (4)). If the average credit card usage per shift is \$240, the per shift surcharge shall be \$12 (\$72 per week, \$144 per week for a lease under 58-21(c)(3) and (4)).

E. Upon enactment of any rule that changes the Credit Card Surcharge, the TLC will issue an industry notice setting forth the new Credit Card Surcharge.

F. Notwithstanding the results of the review(s) above, the TLC will not adjust, propose, or seek an adjustment to Credit Card Surcharges to any amount less than \$10 for any daily lease entered into pursuant to 58-21(c)(1), 58-21(c)(2), or less than \$60 for any weekly lease entered into pursuant to 58-21(c)(1), 58-21(c)(2), or less than \$120 for any lease entered into pursuant 58-21(c)(3) and 58-21(c)(4), irrespective of the average credit card usage per shift.

Section 7. Paragraphs (1), (2), and (5) of subdivision (f) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

(f) *Non-Cash Payments.*

- (1) For any lease of a Taxicab (vehicle and Medallion) under paragraph 58-21(c)(1) or 58-21(c)(2), an Owner (or Owner's Agent) must pay a Driver, on a daily basis, the total amount of all non-cash payments, including E-Payments through [TPEP] the Technology System (if any), made during the Driver's shift, less the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 58-16. Drivers leasing a Taxicab on a weekly basis under 58-21(c)(1)(i)E, 58-21(c)(1)(i)F, 58-21(c)(2)(i)E or 58-21(c)(2)(i)F may, at the Driver's discretion, be paid on a weekly basis. Payments to a Driver and access to these funds must be provided at no cost to the Driver.
- (2) For any lease not described in paragraph (1), an Owner (or Owner's Agent) must pay the Driver, on no less than a weekly basis, the total amount of all non-cash payments, including E-Payments through [TPEP] the Technology System (if any), made during that period, less the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set

forth in Section 58-16. Payments to a Driver and access to these funds must be provided at no cost to the Driver.

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- (5) An Owner can deduct from credit card receipts payable to the Driver amounts retained by or payable to the [TPEP] Technology System Provider, [pursuant to the TPEP Provider's contract with the Commission,] provided that such amounts are provided for by [contract between the [TPEP] Technology System Provider and the Commission or by] rule of the Commission.

Section 8. Subdivision (b) of section 58-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Form of Trip Record.*

- (1) Trip Records must be collected and stored electronically, through the use of the [Taxicab] Technology System [(TPEP)].
- (2) If the [TPEP] Technology System is inoperable, a written Trip Record must be kept during the 48-hour period the Taxicab is permitted to operate after timely notification of the malfunction. *(See §58-41 of this Chapter)*

Section 9. Paragraph (3) of subdivision (h) of section 58-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) An Owner or Agent who or which is collecting the credit card surcharge authorized by 58-21(c)(5)(xi) must ensure that a Driver is not charged any additional credit card charges, or must reimburse the driver for any such additional charges, including any credit card charges imposed on the driver by the [TPEP] Technology System Provider.

§58-26(h) (3)	Fine: \$500	Appearance NOT REQUIRED
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Section 10. Paragraph (3) of subdivision (j) of section 58-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the [TPEP] Technology System or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the [TPEP] Technology System. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.

Section 11. Paragraphs (1) and (2) of subdivision (f) of section 58-32 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) Industry signage/logos of all credit/debit cards accepted by the [Taxicab] Technology System, all of equal size[, shown in the information content on the passenger information monitor screen]; and
- (2) Advertising [in the information content] on the [passenger information monitor screen] Technology System as set forth below in the Taxicab Marking Specifications table (§58-32(i)) and in §67-15(d) of these Rules.

Section 12. Row (k) in the information box contained in subdivision (i) of section 58-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

(k) Brand name of [passenger information monitor manufacturer or Taxicab] Technology Service Provider	On the bezel of the frame of the [passenger information monitor] <u>Technology System</u>	Not to exceed 1 1/4" in height and 4" in length
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Section 13. Subdivision (g) of section 58-34 of Title 35 of the Rules of the City of New York is amended to read as follows:

(g) *E-Hail Application Devices.*

- (1) A Taxicab may be equipped with or the Driver may utilize a device with an E-Hail Application installed. A Driver's use of an E-Hail Application is subject to the requirements of subdivision 80-14(g) of these Rules except that a Driver may accept an E-Hail request with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. Use of such device by a Driver is optional and an Owner cannot require a Driver to use an E-Hail Application. A Driver may use no more than one electronic device with an E-Hail Application, separate from [the Driver Information Monitor supplied as part of] the [TPEP] Technology System and/or a device provided for the Accessible Dispatch program.
- (2) An Owner must not permit a Taxicab to be equipped with a device that allows a Driver to accept payment electronically other than:
  - (i) [TPEP] the Technology System, or
  - (ii) A device with a licensed E-Hail Application installed, which may only be used to process payment through the licensed E-Hail Application.
- (3) The installation or mounting of any device with an E-Hail Application installed is subject to Commission approval. The installation or mounting of such device must not obstruct the Driver's view of the road, or the Driver or Passenger's view of the Taximeter. [If an owner permanently

installs or mounts a device with an E-Hail Application installed, that device must be capable of running every E-Hail Application licensed by the Commission.]

§58-34(g)	Fine: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 14. Paragraphs (2), (3), and (6) of subdivision (a) of section 58-37 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (2) [It] The Taximeter’s fare indicating mechanism must be affixed to the vehicle’s dashboard so that it is clearly readable and visible to all passengers in the vehicle.

§58-37(a)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (3) The Taximeter’s serial number or software version number must be the same as that shown on the Rate Card assigned to the Taxicab; or entered on the Rate Card by a Licensed Taximeter shop.

§58-37(a)(3)	Fine: \$500	Appearance NOT REQUIRED
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- (6) The wiring harness leading from the Taximeter to the speed sensor must [be of one piece construction with] have no unapproved intervening connectors, splices, “Y” connections, or direct or indirect interruptions or connections of any kind whatsoever.

§58-37(a)(6)	Fine: \$500	Appearance REQUIRED
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Section 15. Subdivisions (a), (c), and (e) of section 58-39 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (a) *Unauthorized Tampering.* Unless authorized by the Commission, no person will tamper with, alter, repair or attempt to repair any portion of the Taximeter system that would affect the operation of the Taximeter or the [Taxicab] Technology System, including, but not limited to:

- (1) The Taximeter
- (2) The [Taxicab] Technology System
- (3) Any seal affixed to the Taxicab by a licensed Taximeter repair shop or other authorized facility

- (4) Any cable connection, [or] cable system electrical wiring, or wireless connections
- (5) The vehicle's mechanism or its tires

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(c) *Owner's Defense.* It will be an affirmative defense to a violation of this section that the Owner:

- (1) Did not know of or participate in the alleged tampering of the Taximeter or [TPEP] Technology System; and
- (2) Exercised due diligence to ensure that tampering with the Taximeter or [TPEP] Technology System does not occur. Examples of an Owner's due diligence include, but are not limited to:
  - (i) Clearly warning Drivers that if they violate the Taximeter or [TPEP] Technology System tampering rules, Owner will:
    - A. Immediately terminate any lease agreement Owner has with the Driver; and
    - B. Report the tampering violation to the Commission, which will result in the probable revocation of their TLC Driver License;
  - (ii) Including the warning against violating the Taximeter and [TPEP] Technology System tampering rules as a provision in any written lease agreement;
  - (iii) Stamping the warning against violating the Taximeter and [TPEP] Technology System tampering rules on any written Trip Records whenever paper Trip Records must be issued to one or more Taxicab Drivers;
  - (iv) Conducting periodic random comparisons of the odometer and the Taximeter mileage readings of a Taxicab to check for any inappropriate disparities;

- (v) Conducting periodic random inspections of the Taximeter and the [TPEP system] Technology System in all the Owner's Taxicabs to detect any evidence of tampering; and
- (vi) Having all of the Owner's Taxicabs inspected by a licensed Taximeter shop once every inspection cycle.

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(e) *Inspections by Authorized Person.*

- (1) A Taxicab's Taximeter must be tested for accuracy over a measured mile course and its installation must be tested for compliance with the rules of the Commission.
- (2) Only personnel authorized by the Commission can perform these tests.
- (3) These two inspections must be completed and the results of the tests indicated on the Rate Card in each of the following circumstances:
  - (i) At least once every 12 months.

§58-39(e) (3)(i)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (ii) Whenever a Taximeter is installed in a vehicle or a Taximeter's metrological system is updated.

§58-39(e) (3)(ii)	Fine: \$100	Appearance NOT REQUIRED
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- (iii) When the transmission or differential is altered, repaired or replaced

§58-39(e) (3)(iii)	Fine: \$50	Appearance NOT REQUIRED
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- (iv) When a change is made in any other part of the Taxicab that can affect the Taximeter reading

§58-39(e) (3)(iv)	Fine: \$50	Appearance NOT REQUIRED
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- (v) At any other time required by the Commission

§58-39(e)(3)(v)	Fine: \$100	Appearance NOT REQUIRED
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Section 16. Sections 58-40 and 58-41 of Title 35 of the Rules of the City of New York are DELETED in their entirety and replaced with new sections 58-40 and 58-41, to read as follows:

**§58-40     Vehicle Equipment – Technology System Installation**

- (a)     Required Installation. Owners must ensure that all of their Taxicabs are equipped with a Technology System provided by a licensed Technology System Provider, and otherwise meet the requirements of these provisions.

<u>§58-40(a)</u>	<u>Fine: \$1,000 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (b)     E-Hail Application. Any licensed E-Hail Application that provides for E-Payment used in a Taxicab must integrate with the Technology System or Taximeter. Owner must not allow any E-Hail Application to be used to process payment that is not a licensed E-Hail Application.

<u>§58-40(b)</u>	<u>Fine: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.</u>	<u>Appearance NOT REQUIRED</u>
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**§58-41     Vehicle Equipment –Technology System [(TPEP)] Operation**

- (a)     Good Working Order. Owners must ensure that the Technology System equipment is constantly maintained and is in good working order.

<u>§58-41(a)</u>	<u>Fine: \$150 if plead guilty before a hearing and supply a condition corrected form issued by TLC’s Safety and Emissions Division; \$200 if found guilty following a hearing. Suspension until the condition is corrected.</u>	<u>Appearance NOT REQUIRED</u>
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- (b)     Failure to Operate.

- (1)     If the Technology System malfunctions or fails to operate, an incident report must be filed with the licensed Technology System Provider within two hours following the discovery of the malfunction.
  - (2)     If the Driver or Owner’s Agent filed the incident report, the Owner will not be required to file a separate incident report but must verify the filing by obtaining the incident report number.
  - (3)     The Owner or Owner’s Agent must meet the appointment for repair scheduled by the Technology System Provider following the incident report.
- (c)     48-Hour Repair Deadline. A Taxicab in which any material feature of the Technology System is not functioning must not operate more than 48 hours following the timely filing of an incident report.

<u>§58-41(c)</u>	<u>Fine: \$250 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (d) Inspection upon Multiple Technology System Malfunctions. The Owner of any Taxicab requiring six or more repairs of the Technology System in any 30 day period must promptly take the vehicle for inspection to, or schedule an inspection with, the Commission's Safety and Emissions Facility. This requirement will not apply to the Owner if compliance is made by the Driver or Agent of the vehicle.

<u>§58-41(d)</u>	<u>Fine: \$250</u>	<u>Appearance REQUIRED</u>
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Section 17. Subdivision (q) of section 58-45 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (q) Transferring [TPEP] the Technology System. The application must include the following information regarding [TPEP] the Technology System:
- (1) Proof of Notice to [TPEP] the Technology System Provider
- (i) The Transferor must provide proof that notice of the transfer has been sent to the [TPEP provider] Technology System Provider that holds the contract to provide the [TPEP] Technology System for the Medallion being transferred.
- (ii) The notice must be:
- A. Sent at least 30 days prior to the proposed date of transfer (NOTE: The [TPEP] Technology System Provider can waive the 30-day requirement by signing the form)
- B. Sent by certified mail, return receipt requested, and
- C. Sent to the address specified in the contract
- (iii) Proof of notice will be:
- A. A copy of the Notice
- B. A copy of the certified mail receipt, and
- C. An affidavit or affirmation under penalty of perjury verifying the mailing
- (2) Transferor's Statement of Intent. The Transferor must use a form approved by the Chairperson to:
- (i) Provide a statement of Transferor's intent to

- A. Cancel the contract with the [TPEP] Technology System Provider or
    - B. Assign the contract to the Transferee
  - (ii) Provide a statement of Transferor's intent to:
    - A. Return the [TPEP equipment] Technology System to the [TPEP] Technology System Provider,
    - B. Retain the [TPEP equipment] Technology System, or
    - C. Transfer the [equipment] Technology System to the Transferee
- (3) *Transferee's Statement of Intent.* The Transferee must use a form approved by the Chairperson to provide a statement of Transferee's intent to:
  - (i) Assume the Transferor's contract with the [TPEP] Technology System Provider, or
  - (ii) Identify the [approved TPEP] licensed Technology System Provider [with] which the Transferee intends to use to provide TPEP.

Section 18. Subdivisions (g) and (h) of section 63-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (g) [Taxicab] *Technology* [Service] System *Provider* [(“TPEP Provider”) means a vendor who has been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs] shall have the same meaning given such term in §51-03 of these Rules.
- (h) [Taxicab] *Technology System* [(“TPEP”) means the hardware and software that provides the following four core services:
  - (1) Credit, debit and prepaid card payment
  - (2) Text messaging
  - (3) Trip data collection and transmission

- (4) Data transmission with the passenger information monitor] shall have the same meaning given such term in §51-03 of these Rules.

Section 19. Subdivision (a) of section 63-13 of Title 35 of the Rules of the City of New York is modified to read as follows:

- (a) An electronic or hand written trip record (also known as a “trip sheet”) or an operable [Taxicab] Technology System.

Section 20. Section 63-14 of Title 35 of the Rules of the City of New York is modified to read as follows:

**63-14 Vehicle Equipment – Taxicab Technology System**

- (a) *Equip Taxicabs with [TPEP] Technology System.* An Agent must ensure that each of Agent’s Taxicabs is equipped with the [Taxicab] Technology System by the compliance date established in §58-40(b), unless exempt from the requirement under §58-40(c). The [TPEP] Technology System must comply with the specifications established in §67-15.

§63-14(a)	Fine: \$1,000 and suspension until compliance	Appearance REQUIRED
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- (b) *Good Working Order.* For any Taxicab that is required to be equipped with the [Taxicab] Technology System, the equipment must be in good working order at all times [and each of the four core services must be functioning at all times].

§63-14(b)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (c) *Malfunction or Failure to Operate.*

- (1) If the [TPEP] Technology System malfunctions or fails to operate, the Agent must file an incident report with the [authorized TPEP] licensed Technology System Provider within two hours following the discovery of the malfunction or as soon as the Agent reasonably should have known of such malfunction.
- (2) If the Driver or Taxicab owner previously filed an incident report, the Agent will not be required to file a separate incident report. The Agent must verify that the report has been filed by obtaining the incident report number from the Driver, owner or [TPEP] Technology System Provider.
- (3) Upon instruction from the owner the Agent must meet the appointment for repair scheduled by the [TPEP] Technology System Provider following the incident report.

§63-14(c)(1)-(3)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (d) *48-Hour Repair Deadline.* An Agent must not allow a Taxicab in which [any of the four core services of] the [Taxicab] Technology System (or any material feature of [a core service] the Technology System) is not functioning to be operated more than 48 hours following the timely filing of an incident report.

§63-14(d)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (e) *Inspection upon Multiple [TPEP] Technology System Malfunctions.* An Agent for any Taxicab requiring six or more repairs of a vehicle's [Taxicab] Technology System in any 30-day period must promptly take that vehicle for inspection or schedule an inspection with the Commission's Safety and Emissions Facility. This requirement will not apply to the Agent if compliance is made by the owner or Driver of the vehicle.

§63-14(e)	Fine: \$250	Appearance NOT Required
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Section 21. Subdivisions (d), (g), (h), (j), and (k) of section 64-03 of Title 35 of the Rules of the City of New York, containing the definitions "LPEP Provider License," "Street Hail Livery Technology System or LPEP," "Street Hail Livery Technology System Provider or LPEP Provider," "Taxicab Technology Service Provider (or TPEP Provider)," and "Taxicab Technology System (or TPEP)" are DELETED, all remaining definitions are relettered subdivisions (a) through (j), in alphabetical order, and a new subdivision (k), containing the definition of "Technology System", is added, to read as follows:

- (k) *Technology System shall have the same meaning given such term in §51-03 of these Rules.*

Section 22. Subdivision (j) of section 64-04 of Title 35 of the Rules of the City of New York, relating to a taximeter manufacturer's agreement to cooperate with TPEP and LPEP providers, is DELETED and subdivisions (k) and (l) are relettered (j) and (k).

Section 23. Subdivision (c) of section 64-09 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *[Authorized Taxicab] Licensed Technology [Service] System Provider Required.* An individual, partnership, corporation, or other business entity cannot manufacture, sell, install, repair, adjust, calibrate, or maintain a [Taxicab] Technology System that is not provided by [an authorized TPEP] a licensed Technology System Provider.

Section 24. Subdivision (a) of section 64-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) A Taximeter Business [and a Taximeter Manufacturer (but not an appointed Manufacturer's Representative)] must ensure that its business premises meet the following conditions at all times:

Section 25. Paragraph (2) of subdivision (a) of section 64-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) A [TPEP] Technology System has been presented for installation, repair, adjustment or calibration that the Taximeter Business knows or has reason to know has not been provided by a [TPEP] Technology System Provider. [An LPEP has been presented for installation, repair, adjustment or calibration that the Taximeter Business knows or has reason to know has not been provided by an LPEP Provider.]

Section 26. Subdivision (a) of section 64-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Installation.* The installation of a Taximeter that is not capable of being updated remotely includes affixing security seals to the Taximeter as required by the Commission. A Taximeter Business must use seals authorized and approved by the Commission. The security seals must be installed in the manner prescribed by the Commission so that the security seals self-destruct when the Taximeter or sealed part of the vehicle is disassembled.

Section 27. Subdivisions (b) and (c) of section 64-26 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) The Taximeter serial number or software version number is deleted, defaced, or otherwise altered.
- (c) The Taximeter [(or the Taximeter Manufacturer)] has not been approved for use by the Commission.

Section 28. Section 64-31 of Title 35 of the Rules of the City of New York, relating to requirements for taximeter manufacturers, is DELETED, and sections 64-32 and 64-33 are renumbered sections 64-31 and 64-32.

Section 29. Paragraph (1) of subdivision (c) of new section 64-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The Manufacturer's Representative must have the ability to fulfill the requirements and obligations of a Taximeter Manufacturer under this chapter[, including the ability to cooperate with TPEP Providers, as required in §64-31(a) and (b), and the ability to cooperate with an

individual or Business Entity that is seeking to apply for or has been granted an LPEP Provider License as required in §64-31(c),] and will be held jointly responsible with the Taximeter Manufacturer for fulfilling these duties and responsibilities. The Taximeter Manufacturer’s appointment of a Manufacturer’s Representative will not relieve it of responsibility for compliance.

Section 30. Subdivision (e) of new section 64-32 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Fraud, Misrepresentation & Larceny.* A Taximeter Licensee, while performing his or her duties and responsibilities as a Taximeter Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny, or misrepresentation include, but are not limited to, calibration of a fare other than that set by the Commission; adjustment of the tire size, driving axle, transducer, wiring, or other equipment for the purpose of generating an inaccurate signal of time or distance into the Taximeter[, ] or the [Taxicab] Technology System [or the Street Hail Livery Technology System]; the manufacture, sale or installation of any device that is either designed to or does generate a false or inaccurate signal into the Taximeter[, ] or the [Taxicab] Technology System [or the Street Hail Livery System]; or falsification of [Taxicab] Technology System [or Street Hail Livery System] records.

Section 31. A new chapter 66 is added to Title 35 of the Rules of the City of New York, to read as follows:

<h2 style="margin: 0;"><u>Chapter 66</u></h2>	<h2 style="margin: 0;"><u>Licensing &amp; Rules for Technology System Providers</u></h2>
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## **§66-01 Scope of the Chapter**

- (a) To establish a formal procedure for the licensing and supervision of businesses that sell, lease, make available for use, install, service, and repair Technology Systems.
- (b) To establish technical requirements for Technology Systems and provide for the issuance of licenses to Technology System Providers whose systems meet such requirements.
- (c) To establish services to be provided by Technology System Providers.
- (d) To establish appropriate penalties for the violation of these rules.

## **§66-02 Penalties**

- (a) Unlicensed Activity.
  - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated service by:
    - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
    - (ii) Any person who does not hold a Valid License from the Commission for the Technology System.
  - (2) Unlicensed Activity specifically includes the activities listed in §66-08 of these Rules and can result in License suspension, revocation, and other penalties.
- (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 the Hearing.
- (c) Payment of Fines.
  - (1) Fines are due within thirty (30) days of the day the Respondent is found guilty of the violation, unless:
    - (i) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.



- (2) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.
- (d) Non-renewal of License; Suspension; Revocation.
- (1) Non-renewal of License.
- (i) If a Technology System Provider License is not timely renewed, the Technology System Provider must immediately notify:
- (A) the Commission of the date of License expiration; and
- (B) each Taxicab or Street Hail Livery Licensee who is using the Technology System approved under the expired License that the Taxicab or Street Hail Livery Licensee has ninety (90) days from the date of License expiration to obtain a Technology System and related services from another Technology System Provider.
- (ii) Upon expiration of the Technology System Provider License, the Technology System Provider must not enter into any new contracts with Licensees for sale, lease or use of the Technology System approved under the expired License, and must not renew existing contracts with Taxicab or Street Hail Livery Licensees who are using the Technology System approved under the expired License.
- (iii) Upon expiration of the Technology System Provider License, the Technology System Provider must continue to provide to each such Taxicab or Street Hail Livery Licensee all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if its Technology System Provider License were not expired for ninety (90) days after License expiration or until all such Taxicab or Street Hail Livery Licensees have obtained Technology Systems and related services from other Technology System Providers, whichever is earlier.
- (iv) A Technology System Provider whose License has expired must provide to each Taxicab or Street Hail Livery Licensee who used the Technology System approved under the expired License the following:
- (A) De-installation of the Technology System at no charge; and

(B) If the Taxicab or Street Hail Livery Licensee purchased the Technology System for ownership, a refund of the purchase price of the Technology System based on the net book value of such Technology System, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value.

(2) Suspension.

- (i) If a Technology System Provider's License has been suspended by the Commission for a period of at least thirty (30) days, the Technology System Provider must immediately notify each Taxicab or Street Hail Livery Licensee who is using the Technology System approved under the suspended License:
  - (A) the dates during which the License is suspended,
  - (B) that the Taxicab or Street Hail Livery Licensee has the option to terminate its contract with the Technology System Provider Licensee, or if its contract will expire during the period of suspension that the Taxicab or Street Hail Livery Licensee has the option not to renew its contract, and,
  - (C) that the Taxicab or Street Hail Livery Licensee, if it wishes to terminate or not to renew its contract with the Technology System Provider whose License has been suspended, has ninety (90) days from the end date of the suspension period to obtain a Technology System and related services from another Technology System Provider.
- (ii) While the Technology System Provider's License is suspended, the Provider must not enter into any new contracts with Taxicab or Street Hail Livery Licensees for sale, lease or use of the Technology System approved under the suspended License, but may renew, at the option of the Taxicab or Street Hail Livery Licensee, existing contracts with Taxicab or Street Hail Livery Licensees who are using the Technology System approved under the suspended License.
- (iii) While the Technology System Provider's License is suspended, the Technology System Provider must continue to provide to such Taxicab or Street Hail Livery Licensees all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if its Technology System Provider License were not suspended. If a Taxicab or Street Hail Livery Licensee opts to terminate its contract with the Technology System Provider or to not renew its contract while the Technology System Provider License is suspended, the Technology System Provider must provide such services for:

- A. ninety (90) days after the end date of the suspension period,  
or
- B. until all such Taxicab or Street Hail Livery Licensees have  
obtained Technology Systems and related services from  
other Technology System Providers,  
whichever is earlier.

(3) Revocation.

- (i) If a Technology System Provider's License has been revoked by  
the Commission, the Technology System Provider must  
immediately notify each Taxicab or Street Hail Livery Licensee  
who is using the Technology System approved under the revoked  
License that:
  - (A) its contract with the Technology System Provider will be  
deemed terminated ninety (90) days following the date of  
License revocation, or
  - (B) may be terminated earlier by the Taxicab or Street Hail  
Livery Licensee by giving written notice of termination,  
and,
  - (C) that the Taxicab or Street Hail Livery Licensee has up to  
ninety (90) days from the date of License revocation to  
obtain a Technology System and related services from  
another Technology System Provider.
- (ii) Upon revocation of the Technology System Provider's License, the  
Provider must not:
  - (A) enter into any new contracts with Taxicab or Street Hail  
Livery Licensees for sale, lease or use of the Technology  
System approved under the revoked License, or
  - (B) renew existing contracts with Taxicab or Street Hail Livery  
Licensees who are using the Technology System approved  
under the revoked License.
- (iii) Upon revocation of the Technology System Provider License, if  
the Technology System approved under the revoked License is  
functioning properly, the Technology System Provider must  
continue to provide to such Taxicab or Street Hail Livery  
Licensees all services required by this Chapter, including but not  
limited to Maintenance Service, and will be subject to all monetary  
finances that apply as if their Technology Provider License were not  
revoked, for:
  - A. ninety (90) days after License revocation, or

- B. until all such Taxicab or Street Hail Livery Licensees have obtained Technology Systems and related services from other Technology System Providers, whichever is earlier.
- (iv) If the Technology System is not functioning properly, the Technology System Provider must cease its operations with respect to such Technology System.
- (v) A Technology System Provider whose License has been revoked must provide de-installation at no charge to each Taxicab or Street Hail Livery Licensee who used the Technology System approved under the revoked License.

§66-02(d)	Penalty: \$500-\$1,000 fine	Appearance REQUIRED
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### **§66-03 Definitions Specific to this Chapter**

- (a) Applicant in this Chapter means an Applicant for an original or renewal Technology System Provider License.
- (b) Credit, Debit, and Prepaid Card Services means the portion of the Technology System used to process Passenger payment of fare in a Taxicab or Street Hail Livery by credit, debit, or prepaid card as described in §66-24(a) of these Rules.
- (c) License. When the term “License” is used by itself in this Chapter—and in this Chapter ONLY—it refers to a Technology System Provider License.
- (d) Licensee. When the term “Licensee” is used by itself, in this Chapter-- and in this Chapter ONLY-- it refers to a Technology System Provider Licensee.
- (e) Maintenance Service means all of the services required to be provided by the Technology System Provider pursuant to §66-18 of these Rules.
- (f) Modification of Technology System means any modification to the Technology System or related services after the Commission has issued a License for such Technology System that would materially alter the functionality, performance characteristics, security measures, or technical environment of the Technology System or related services.

A Modification of Technology System excludes:

- (1) fixes and/or maintenance patches necessary to conform the Technology System or any of its components or related services to the requirements set forth in §66-24 of these Rules; and
- (2) security patches to the extent such fixes or patches are necessary in the Technology System Provider's good faith judgment to maintain the continuity of the Technology System or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the Technology System or related services.
- (g) *On-duty Hail Exclusionary Zone Positioning* means the date, time and geographic position of an on-duty Street Hail Livery (with or without Passengers) upon the point of entering and leaving the Hail Exclusionary Zone, and at each point in the vehicle's route within the Hail Exclusionary Zone in near real time at an interval no less frequent than every thirty (30) seconds.
- (h) *On-duty Location Positioning.* The date, time and geographic position of an on-duty Taxicab or Street Hail Livery (with Passengers) at the commencement and end of each Passenger fare, and (with or without Passengers or with the on-duty unavailable code described in §66-24(b)(1) of these Rules) at each point in the vehicle's route in near real time at an interval no less frequent than every thirty (30) seconds.
- (i) *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)
- (j) *Personal Information.* Any information that can specifically identify an individual, such as name, address, social security number, unmasked or non-truncated credit, debit, or prepaid card numbers, together with any other information that relates to an individual who has been so identified, and any other information that is otherwise subject to privacy or confidentiality laws and associated rules and regulations. The display or disclosure of only the last four digits of a credit, debit, or prepaid card number is not Personal Information. The name of a Driver and the Driver's Commission license number is not Personal Information.
- (k) *Technical Standards* means performance-based or design-specific technical specifications and related management systems practices.

- (l) TLC Driver License means the authority granted by the Commission to an individual to drive a Taxicab, For-Hire Vehicle or Street Hail Livery in the City of New York.
- (m) 24 x 7 x 365 Basis means a level of effort provided by the Technology System Provider that makes the applicable service relating to the Technology System available 24 hours per day, 7 days per week, 365 days per year without regard to local, national, international holidays or other events.
- (n) Update means all revisions, updates, modifications, corrections, releases, versions, fixes and enhancements to Software or Hardware that is a component of the Technology System.

#### **§66-04            Licensing – General Requirements**

- (a) Licensees. An Applicant for a Technology System Provider License or its renewal may be an individual or a Business Entity.
- (b) Approval for each Technology System. Each Technology System offered under a Technology System Provider's License must be approved by the Chairperson prior to making it available for sale, lease, or use by Taxicab or Street Hail Livery Licensees. A Technology System intended for use in Street Hail Liveries, pursuant to §66-24(h), must be approved for use by the Chairperson separately and apart from a Technology System intended for use in Taxicabs.
- (c) Certification. Any new or renewal application for a Technology System 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 Technology System Provider License must provide to the Commission:
  - (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
  - (2) A valid social security number
- (e) Age. The individual or Business Entity Person applying for a Technology System Provider License or its renewal must be at least 18 years of age.
- (f) Fit to Hold a License. The individual or Business Entity Person applying for a Technology System 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. In addition, each partner must satisfy the requirements of identity and age, as specified in subdivisions (d) and (e), above.
- (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(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state(s) in which the Applicant is incorporated 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
    - (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) A list of its officers and shareholders that own at least a 10% share of the company, including names, residence addresses, telephone numbers, and percentage of ownership interest of each such shareholder
  - (3) Limited Liability Companies (LLCs). When the Applicant is a limited liability company, it must file with its application all of the following:
    - (i) A copy of its articles of organization
    - (ii) A list of the members who have at least a 10% ownership stake in the LLC, with the percentages of the Applicant owned by each.
- (i) Uniqueness of Name. The Commission has the right to reject the proposed name of any Technology System Provider that the Commission finds to be substantially similar to any name in use by another Technology System Provider Licensee.
- (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 §66-13 of these Rules.

#### **§66-05      Licensing – Specific Requirements**

- (a) Approval for New License. The Commission will not issue a Technology System Provider License to any Applicant unless the Commission approves the Technology System proposed for sale, lease or use by the Applicant. In determining whether to approve the Technology System, the Commission will consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to §66-05(b) below adequately demonstrates that the Technology System complies with all of the requirements set forth in §66-24 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section.
- (b) Documentation for Technology System Approval. The Applicant must submit with its License application the following documentation for each Technology System for which Commission approval is sought. All documentation pertaining to an independent third party must be accompanied by a signed authorization from the Applicant authorizing the Commission to contact the independent third party directly and authorizing the independent third party to respond to inquiries from the Commission regarding the Application.



- (1) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating that an independent third party that is a Qualified Security Assessor (“QSA”) company, has performed security testing of the Technology System and related services to determine compliance with the security standards set forth in §66-24(i)(1) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and the successful results of the security testing;
- (2) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating that an independent third party that is a QSA company has performed security testing of the Technology System and related services to determine compliance with the security standards set forth in §66-24(i)(3) and (4) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and the successful results of the security testing;
- (3) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, issued by EMVCo demonstrating that the Technology System is compliant with the security standards set for in §66-24(i)(2) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and the successful results of the security testing; and
- (4) A detailed system design document, functional system description, and a procedures manual / user guide that describes the features and operations of the Technology System.
- (5) Demonstration Models
  - (i) One working demonstration model of the Technology System integrated with a Taximeter, inclusive of all components required for complete functionality of the Technology System.
  - (ii) A second demonstration model installed into a vehicle for demonstration purposes and to allow approval by the Commission of the installation method and location of the Technology System. In its decision to approve the location and installation of the Technology System, the TLC will consider the safety of the Passenger, Passenger ergonomics, the impact of modifications on the proper functioning of the vehicle or other required taxicab equipment, and any comments provided by Technology System Providers and industry, passenger, or safety organizations.

- (6) Technology System Training. Applicants must provide to the personnel of the Commission or its designee, at no cost to the Commission, training sessions on the functionality of the Technology System.
- (c) Modification of Technology System. If after the Technology System Provider License is issued pursuant to this Chapter, the Technology System Provider wants to implement a Modification of the Technology System, the Licensee must submit an application for approval of a Modification of the Technology System, including all documentation required by subdivision (b) of this section.
- (d) Technology System Approval Upon Renewal. If upon renewal of the Technology System Provider License,
  - (1) the Licensee seeks approval of a Modification of the Technology System, the Licensee must meet all of the requirements applicable to a Modification of the Technology System pursuant to subdivision (c) of this section; or
  - (2) the Licensee does not seek approval of a Modification of the Technology System and there has been no Modification of the Technology System since the prior Commission approval of the License or prior Commission approval of a Modification of the Technology System, the Licensee must submit to the Commission a certification to that effect and also certify that all prior certifications by independent third parties submitted to the Commission are still valid.
- (e) Required Insurance. After submission of an application for a new Technology System Provider License, an Applicant must certify that it maintains, and provide to the Commission proof upon demand, the insurance required in this subdivision. Upon submission of an application to renew a Technology System Provider License, the Licensee must certify that the Licensee maintains the following insurance:

- (1) Workers' Compensation, Disability Benefits, and Employer's Liability Insurance. The Applicant must maintain, and ensure that its subcontractor(s) who is/are performing or will perform services in connection with any of the activities licensed under this Chapter maintain, Workers' Compensation Insurance, Disability Benefits Insurance, and Employer's Liability Insurance in accordance with the laws of the State of New York on behalf of, or with regard to, all employees performing services to the Applicant in connection with any of the activities licensed under this Chapter. This paragraph does not apply to Taxicab or Street Hail Livery Drivers, or to individuals or business entities employed by any Technology System Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.
- (2) Unemployment Insurance. To the extent required by law, the Applicant must provide Unemployment Insurance for its employees.
- (3) Proof of Insurance Upon Request.
  - (i) For Workers' Compensation Insurance, Disability Benefits Insurance, and Employer's Liability Insurance, the Applicant must possess one of the following:
    - (A) C-105.2 Certificate of Workers' Compensation Insurance;
    - (B) U-26.3 -- State Insurance Fund Certificate of Workers' Compensation Insurance;
    - (C) Request for WC/DB Exemption (Form CE-200);
    - (D) Equivalent or successor forms to any or all of the forms above used by the New York State Workers' Compensation Board; or
    - (E) Other proof of insurance in a form acceptable to the Commission
  - (ii) For Disability Benefits Insurance, the Applicant must possess one of the following:

- (A) DB-120.1 Certificate of Insurance Coverage under the NYS Disability Benefits Law;
- (B) Request for WC/DB Exemption (Form CE-200)
- (C) Equivalent of successor forms to any of all of the forms above used by the New York State Workers' Compensation Board; or
- (D) Other proof of insurance in a form acceptable to the Commission.

(4) 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.

(5) If the Licensee receives notice that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the Applicant must immediately forward a copy of the notice to the Commission and the New York City Comptroller.

- (f) *Waivers or Modifications.* Except where expressly prohibited by law, the Commission may, in its 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 Commission.

- (g) 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 parties, 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.

**§66-06 Licensing – Fees and Term of License**

- (a) Annual Fee. Every application for a new or renewal Technology System Provider License must be accompanied by a non-refundable application fee of \$500 for each License to be issued or renewed for the term as provided in subdivision (e) of this section. If the License term is for less than six months, the fee will be prorated.
- (b) Form of Payment. All application fees must be paid by credit card, money order, or certified check.

- (c) License Replacement Fee. The fee to replace any lost, damaged or destroyed License is \$25.
- (d) Late Filing Fee. If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.
- (e) Term of License. The term of a Technology System Provider License will be one year or less and each License will expire on October 31st.
- (f) When to File for Renewal.
  - (1) A renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.
  - (2) If an application for renewal of a License has been made prior to the expiration date of the License, the Chairperson will extend the effectiveness of the License until review of the renewal application is completed. The effectiveness of the License during this extended period applies even if the application is ultimately denied. If an extended License renewal application is approved, the renewal License expiration date will be based on the original expiration date of the License and not the extended date.
  - (3) A renewing Applicant can file a completed application up to 90 days after the expiration date as a "late application," if the Applicant pays a late fee of \$25. When a late application is submitted, the License will remain expired until the application for renewal is approved by the Commission.
  - (4) 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.
- (g) Suspended Licenses. If a License is suspended and it is also due to be renewed, the Licensee must apply for renewal as required in subdivision (f) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.

#### **§66-07            Licensing – Cause for Denial**

- (a) Failure to Continuously Comply. Whenever the Commission determines that the Technology System Provider Licensee no longer meets the requirements for the 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 Technology System Provider License when 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 current 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, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

**§66-08 General Requirements – Unlicensed Activity**

Technology System Provider License Required. An individual or Business Entity must not sell, lease, make available for use, install, maintain, service or repair a Technology System in any Taxicab or Street Hail Livery, or enter into or renew a contract with a Taxicab or Street Hail Livery Licensee for the sale, lease, use, installation, maintenance, service or repair of an System without a Valid Technology System Provider License.

<u>§66-08</u>	<u>Penalty: \$10,000</u>	<u>Appearance REQUIRED</u>
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**§66-09 General Requirements – Compliance with Applicable Law**

- (a) Licenses and Permits. A Technology System Provider Licensee must obtain licenses and permits required by applicable local, state or federal law.
- (b) Occupational Safety and Health Administration. A Technology System Provider Licensee must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the 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 Technology System Provider Licensee 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. A Technology System Provider Licensee 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.

<u>§66-09(a)-(d)</u>	<u>Penalty: \$500-\$1,000 fine and/or suspension until compliance</u>	<u>Appearance REQUIRED</u>
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## **§66-10 General Requirements – Indemnification**

- (a) General Indemnification. A Technology System Provider Licensee must defend, indemnify and hold the City, its officers and employees harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of any operations of the Technology System Provider Licensee and/or its employees, agents or subcontractors in connection with any of the activities licensed under this Chapter to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this Chapter. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the Technology System Provider Licensee, the City shall be partially indemnified by the Technology System Provider Licensee to the fullest extent permitted by law.
- (b) Infringement Indemnification. A Technology System 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 Technology System Provider Licensee, its 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 Technology System Provider Licensee, the City shall be partially indemnified by the Technology System Provider Licensee to the fullest extent permitted by law.
- (c) Not Limited by Insurance. The indemnification obligations set forth in this section shall not be limited in any way by the Technology System Provider Licensee's obligations to obtain and maintain insurance as provided in §66-05(e) of these Rules.

<u>§66-10(a)-(b)</u>	<u>Penalty: \$500-\$1,000 fine and/or suspension until compliance</u>	<u>Appearance REQUIRED</u>
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**§66-11 General Requirements – Unlawful Activities Prohibited**

- (a) A Technology System Provider Licensee must not use or permit any other person to use its business premises or office of record for any unlawful purpose.

<u>§66-11(a)</u>	<u>Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (b) A Technology System Provider Licensee must not conceal any evidence of a crime connected with its business premises or office of record.

<u>§66-11(b)</u>	<u>Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (c) A Technology System Provider Licensee must immediately report to the Commission and the police any attempt to use its business premises to commit a crime.

<u>§66-11(c)</u>	<u>Penalty: \$100-\$350 fine and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (d) A Technology System Provider Licensee must not file with the Commission any statement that it knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

<u>§66-11 (d)</u>	<u>Penalty: \$10,000 fine and revocation</u>	<u>Appearance REQUIRED</u>
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**§66-12 General Requirements – Notice to TLC**

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

<u>§66-12(a)</u>	<u>Penalty: \$500-\$1,000 fine and/or suspension up to 30 days</u>	<u>Appearance REQUIRED</u>
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- (b) *Suspension or Revocation of License.* A Technology System Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the Licensee, or any other person acting on its behalf, by any agency of the City or State of New York, or the government of the United States.

<u>§66-12(b)</u>	<u>Penalty: \$500-\$1,000 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (c) Security Breach: A Technology System Provider Licensee must inform the Commission if it 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).

<u>§66-12(c)</u>	<u>Penalty: \$1,000</u>	<u>Appearance REQUIRED</u>
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**§66-13 Business Requirements – Mailing and Email Address**

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

<u>§66-13(a)-(c)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Technology System 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 Technology System Provider.

**§66-14 Business Requirements – Change in Business Ownership or Application Information**

- (a) Approval for Transfer of Ownership. A Technology System Provider Licensee must not make any change in the officers, directors, members, partners or general partners or transfer any ownership interest in the Technology System Provider, if such transfer would result in a new principal shareholder, without the prior consent of the Commission. This prohibition includes the transfer of any ownership interest and any agreement to transfer an ownership interest in the future.

<u>§66-14(a)</u>	<u>Penalty: \$1,000-\$5,000 fine and suspension until consent of Commission is obtained or change in business ownership</u>	<u>Appearance REQUIRED</u>
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	is withdrawn, or revocation	
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- (b) Approval for Change to Application Information. A Technology System Provider Licensee must obtain the Commission's approval before making any change in the location of its business premises where it interacts with customers, the location of its facility where installation and/or repairs of Systems are performed, mailing address, corporate name, trade name, or any other material deviation from the description of the Technology System Provider as stated in the original or renewal application.

§66-14(b)	Penalty: \$500-\$1,000 fine	Appearance <b>REQUIRED</b>
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### **§66-15 Business Requirements – Fees Charged by Licensees**

- (a) Filing of Fee Schedule with TLC. A Technology System Provider Licensee must file with the Commission a current schedule of fees for:
- (1) Services related to the sale, lease, use, installation, maintenance, service or repair of the Technology System approved under this Chapter;
  - (2) Credit, debit, and prepaid card processing charges imposed by the Technology System Provider and by the credit/debit/prepaid card services provider;
  - (3) Training provided by the Technology System Provider over and above the training required by §66-16(c) of these Rules;
  - (4) Late payment charges, if any, for invoiced amounts that are not paid by the Taxicab or Street Hail Livery Licensee on or before thirty (30) days from the due date;
  - (5) De-installation of a Technology System, not to exceed \$100 per hour; and
  - (6) Moving a Technology System from one vehicle to another.

§66-15(a)	Penalty: \$50 fine	Appearance <b>NOT REQUIRED</b>
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- (b) Filing of Fee Changes with TLC. A Technology System Provider Licensee must file any change in fees with the Commission at least ten (10) days before the fees are scheduled to change.

§66-15(b)	Penalty: \$50 fine	Appearance <b>NOT REQUIRED</b>
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- (c) Credit Card Processing Fees. Any fees withheld by the Technology System Provider for processing the credit/debit/prepaid card, E-Hail App that provides for E-Payment, or Digital Wallet Application must not exceed five percent (5%) of the total fare.

<u>§66-15(c)</u>	<u>Penalty: \$50 fine</u>	<u>Appearance NOT REQUIRED</u>
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#### **§66-16 Business Requirements – Sale, Lease or Use of Technology System**

All of the following conditions apply with regard to a Technology System Provider's sale, lease, making available for use, and installation of a Technology System for use in a Taxicab or Street Hail Livery:

- (a) The Technology System Provider must not sell, lease, make available for use, or install a Technology System for use in a Taxicab or Street Hail Livery unless the Technology System has been approved by the Commission pursuant to this Chapter and the Technology System installed in the Taxicab or Street Hail Livery is identical to the Technology System that was approved;
- (b) Prior to the sale, lease, making available for use, or installation of a Technology System, a Technology System Provider must present to the Taxicab or Street Hail Livery Licensee a contract for execution by the Technology System Provider and the Taxicab or Street Hail Livery Licensee that meets the requirements set forth in §66-17 of these Rules;
- (c) Prior to installation of a Technology System, or prior to making a Technology System operational, the Technology System Provider must offer to the Taxicab or Street Hail Livery Licensee or an Authorized Representative, at no additional charge, at least one training session on the proper use and operation of the Technology System. The content of the training shall be sufficient to enable the Taxicab or Street Hail Livery Licensee and Driver(s) to properly operate the technology system.

<u>§66-16 (a)-(c)</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated</u>	<u>Appearance REQUIRED</u>
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#### **§66-17 Business Requirements – Contract with Taxicab Owner or Street Hail Livery Licensee**

The contract between the Technology System Provider and the Taxicab or Street Hail Livery Licensee for the sale, lease, or use of a Technology System must contain provisions specifying that:

- (a) The Technology System Provider agrees to provide the Medallion or Street Hail Livery Owner monthly invoices with all costs itemized.
- (b) Each party agrees that any limitation of liability in the contract shall not apply to any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from direct claims between the parties based on damage to real or tangible personal property, death or bodily injury caused by the negligent or willful conduct of a party.
- (c) The term of the contract may be for periods of time up to three (3) years including renewals, but such contract renewals shall be subject to the renewal of the Technology System Provider's License.
- (d) Termination of the contract is permitted as follows:
  - (1) If either party defaults in the performance of any of its material obligations under the contract, and does not cure the default within thirty (30) days of receipt of a reasonably detailed notice of default from the other party, then the non-defaulting party may terminate the contract for cause by giving a written notice of termination;
  - (2) The Taxicab or Street Hail Livery Licensee may terminate the contract by giving written notice of termination if:
    - (i) a Taxicab or Street Hail Livery is taken out of service because the Technology System and/or the Technology System Provider is not in compliance with the Technology System requirements, and
    - (ii) the Technology System Provider fails to cure the noncompliance within ten (10) days after receiving written notice of such noncompliance by the Taxicab or Street Hail Livery Licensee.
  - (3) If the Technology System Provider's License is not renewed, the Technology System Provider must immediately notify the Taxicab or Street Hail Livery Licensee of the expiration date of the License, and the contract will be deemed terminated by the Taxicab or Street Hail Livery Licensee on the ninetieth (90th) day after the expiration date or may be terminated earlier by the Taxicab or Street Hail Livery Licensee by giving written notice of termination.

- (ii) When the Technology System Provider's License expires, the Technology System Provider must continue to provide to the Taxicab or Street Hail Livery Licensee all services required by Chapter 66 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §66-18 of those Rules, to the extent provided in this subparagraph. The contract provisions shall survive termination for one hundred fifty (150) days after the date of expiration of the Technology System Provider's License or until the Taxicab or Street Hail Livery Licensee has obtained a Technology System and related services from another Technology System Provider, whichever is earlier.
- (4)
  - (i) If the Technology System Provider's License has been suspended by the Taxi and Limousine Commission for a period of thirty (30) days or more, the Technology System Provider must immediately notify the Taxicab or Street Hail Livery Licensee of the dates during which the License is suspended. Upon notification, but prior to the end of the suspension, the Taxicab or Street Hail Livery Licensee may opt to terminate the contract by giving written notice to the Technology System Provider.
  - (ii) During the period of suspension of the Technology System Provider's License and after termination of the contract if the Taxicab or Street Hail Livery Licensee opts for termination, the Technology System Provider must continue to provide to the Taxicab or Street Hail Livery Licensee all services required by Chapter 66 of these Rules, including but not limited to Maintenance Service in accordance with §66-18 of these Rules. The contract provisions survive during the suspension period and, if the contract is terminated, for one hundred twenty (120) days after the end date of the suspension period or until the Taxicab or Street Hail Livery Licensee has obtained a Technology System and related services from another Technology System Provider, whichever is earlier.
- (5)
  - (i) If the Technology System Provider's License has been revoked by the Taxi and Limousine Commission, the Technology System Provider must immediately notify the Taxicab or Street Hail Livery Licensee of the revocation date. The contract will be deemed terminated by the Taxicab or Street Hail Livery Licensee on the ninetieth (90th) day after the revocation date or may be terminated earlier by the Taxicab or Street Hail Livery Licensee giving written notice of termination.

- (ii) Upon the revocation of the Technology System Provider's License, if the Technology System is functioning properly, the Technology System Provider must continue to provide to the Taxicab or Street Hail Livery Licensee all services required by Chapter 66 of these Rules, including but not limited to Maintenance Service in accordance with §66-18 of these Rules. The contract provisions shall survive revocation for one hundred fifty (150) days after the date of revocation of the Technology System Provider's License or until the Taxicab or Street Hail Livery Licensee has obtained a Technology System and related services from another Technology System Provider, whichever is earlier. If the Technology System is not functioning properly, the Technology System Provider must cease its operations with respect to the Technology System.
- (6) If the Taxicab or Street Hail Livery Licensee terminates the contract for the reasons provided in paragraphs one through five and subparagraph (i) of paragraph eight of this subdivision, the Technology System Provider must provide to the Taxicab or Street Hail Livery Licensee:
- (i) De-installation of the Technology System at no charge; and
- (ii) If the Taxicab or Street Hail Livery Licensee purchased the Technology System for ownership, a refund of the purchase price of the Technology System based on the net book value of such Technology System, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value.
- (7) The Taxicab or Street Hail Livery Licensee may terminate the contract at any time and for any reason if:
- at least thirty (30) days written notice is given to the Technology System Provider and
  - if the Taxicab or Street Hail Livery Licensee pays a termination charge specified in the contract.
- (8) The termination charge must not be more than twenty-five percent (25%) of all remaining monthly charges applicable to the Technology System, not including any fees waived by the Technology Service Provider in the three (3) months prior to termination, multiplied by the number of months remaining in the term of the contract, not to exceed twelve (12) months, plus the de-installation charge listed in the Technology System Provider's fee schedule on file with the Commission. The termination charge will not apply to any termination of the contract where the Taxicab or Street Hail Livery Licensee is:
- (i) permitted to terminate the contract without incurring liability or

- (ii) where at the Taxicab or Street Hail Livery Licensee's request the Technology System is removed from one vehicle and installed in another vehicle to be operated under the same Taxicab or Street Hail Livery License.
- (9) The Technology System Provider or the Taxicab or Street Hail Livery Licensee may terminate the contract upon ten (10) days written notice to the other party:
  - (i) if such other party ceases to do business; or
  - (ii) in the case of the insolvency of, or commencement of any proceeding by or against, the other party, either voluntary or involuntary, under the Bankruptcy Code, or relating to the insolvency, receivership, liquidation, or composition of the other party for the benefit of creditors.
- (e) Upon the expiration or earlier termination of the contract, the Technology System Provider must remove the Technology System on the date reasonably agreed upon by the parties. Except where the Taxicab or Street Hail Livery Licensee terminates the contract pursuant to paragraphs one through five or subparagraph (ii) of paragraph eight of subdivision (d) of this section, or where the contract expires, the Technology System Provider may charge the Taxicab or Street Hail Livery Licensee a de-installation charge for each Technology System removed.
- (f) The Technology System Provider must reimburse the Taxicab or Street Hail Livery Licensee for any and all Fines caused by a failure of the Technology System or any of its components to perform in accordance with the Technology System requirements as required by §66-19 of these Rules where such failure is not attributable to the acts or omissions of the Taxicab or Street Hail Livery Licensee or Taxicab or Street Hail Livery Driver, the abuse or misuse of the Technology System or other circumstances beyond the control of the Technology System Provider. For purposes of this provision, the term "Fine" means any and all fees, fines, or financial penalties imposed on a Taxicab or Street Hail Livery Licensee or Taxicab or Street Hail Livery Driver by the Commission or other any City agency.
- (g) In the case of a Fine covered by subdivision (f) of this section, the Taxicab or Street Hail Livery Licensee must make reasonable efforts to mitigate the amount of the Fine, including not operating the Taxicab or Street Hail Livery if the Taxicab or Street Hail Livery Licensee knows or has reason to know the Technology System is malfunctioning.
- (h) The Technology System Provider must provide to a Taxicab or Street Hail Livery Licensee all intellectual property licenses needed to operate and use the Technology System. If the Taxicab or Street Hail Livery Licensee assigns its



rights in any Technology System to an assignee approved by the Technology System Provider, the intellectual property licenses are transferable to the assignee without payment of any additional charge.

- (i) If the Technology System Provider subcontracts any services related to the Technology System, the Technology System Provider will be fully responsible to the Taxicab or Street Hail Livery Licensee for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by such subcontractors.
- (j) The Technology System Provider and the Taxicab or Street Hail Livery Licensee will agree that the contract is deemed to be executed in the City and State of New York, regardless of the domicile of the parties, and is governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States, where applicable.
- (k) The Technology System Provider and the Taxicab or Street Hail Livery Licensee agree that any and all claims asserted by or against either party arising under or related to the contract will be heard and determined either in the courts of the United States located in the City of New York or in the courts of New York State located in the City of New York.

**§66-18 Business Requirements – Maintenance of Technology System**

- (a) Maintenance Service. The Technology System Provider must provide to a Taxicab or Street Hail Livery Licensee such maintenance services as are necessary to maintain the Technology System in good working order and in accordance with the requirements in §66-24 of these Rules. Such maintenance services must include but not be limited to:
  - (1) Providing preventive and remedial maintenance of the Technology System at a maintenance facility;
  - (2) Providing and installing replacement parts, and Hardware and Software Updates; and
  - (3) Maintaining a maintenance log for each Technology System installed by the Technology System Provider that states in detail all preventive maintenance, remedial maintenance and other actions performed on such Technology System. The Technology System Provider must provide a copy of the maintenance log when a Taxicab or Street Hail Livery Licensee or the Commission request one.

<u>§66-18(a)(1)-</u>	<u>Penalty: \$500-\$1,500 fine and/or</u>	<u>Appearance REQUIRED</u>
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(3)	<u>suspension up to 60 days or revocation for each paragraph violated</u>	
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**§66-19 Business Requirements – Compliance with Technology System Requirements**

(a) Credit, Debit, and Prepaid Card Payment.

- (1) A Technology System Provider must ensure that a System that has been installed in a Taxicab or Street Hail Livery provides Credit, Debit, and Prepaid Card Services in compliance with the requirements of subdivision (a) of §66-24 of these Rules.
- (2) A Technology System Provider must ensure that, when Passengers pay by credit, debit, or prepaid card, the Merchant or the Merchant's authorized payee receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the System, except when there is a fraud investigation.

<u>§66-19 (a)(1)-(2)</u>	<u>Penalty: \$500 per day payment is late and/or suspension up to 60 days or revocation for each paragraph violated</u>	<u>Appearance REQUIRED</u>
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(b) Trip Data Collection and Transmission.

- (1) A Technology System Provider must ensure that a System that has been installed in a Taxicab or Street Hail Livery provides Trip Data collection and transmission in compliance with the requirements of subdivision (f) of §66-24 of these Rules.
- (2) A Technology System Provider must transmit Trip Data to the Commission using the frequency, method, and naming convention defined by the Commission.

<u>§66-19(b)</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (c) Vehicle Positioning. A Technology System Provider must ensure that a Technology System that has been installed in a Taxicab or Street Hail Livery provides On-duty Location Positioning and On-Duty Hail Exclusionary Location Positioning.

<u>§66-19(c)</u>	<u>Penalty: \$500-\$1,500 fine and/or</u>	<u>Appearance REQUIRED</u>
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	<u>suspension up to 60 days or revocation</u>	
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- (d) Security. A Technology System Provider must ensure that every Technology System that has been installed in a Taxicab or Street Hail Livery is in compliance with the security requirements of subdivision (i) of §66-24 of these Rules.

<u>§66-19(d)</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (e) Data Retention. A Technology System Provider must ensure that, for every Technology System that has been installed in a Taxicab or Street Hail Livery, all data required to be maintained pursuant to §66-24 of these Rules is maintained for the period required in subdivision (j) of §66-24.

<u>§66-19(e)</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (f) Cooperation with E-Hail Providers. A Technology System Provider must cooperate with TLC licensed E-Hail Providers by making available an API as described in subdivision (e) of §68-25 of these Rules.

<u>§66-19(f)</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (g) Inspection by TLC. A Technology System Provider must ensure that every Technology System that has been installed in a Taxicab or Street Hail Livery can be inspected by Commission personnel as required in subdivision (k) of §66-24 of these Rules.

<u>§66-19(g)</u>	<u>Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (h) Commission Ordered Testing. In any proceeding where the Technology System Provider has been found guilty of a violation of subdivisions (a) through (g) of this section, the Commission may order the Technology System Provider to provide, within sixty (60) days of the final decision on the violation

- (1) documentation demonstrating that, subsequent to the violation, an independent third party with relevant expertise, acceptable to the Commission, has performed testing of the Technology System and related services to determine that the condition giving rise to the violation has been corrected, and
- (2) certification by such third party of the successful results of such testing.

**§66-20 Business Requirements – Record-Keeping and Reporting Requirements**

- (a) Trip Data and its component elements must be stored, maintained and accessible to the Commission and any designee.
- (b) Upon request by the Commission, Technology System Providers must create, modify, and maintain web services as prescribed by the Commission that facilitate the querying and downloading of Trip Data, as well as hardware model numbers and software version numbers of each System operating in a Taxicab or Street Hail Livery.
- (c) Trip Data must be available and accessible to the Commission at all times.
- (d) Except in accordance with law, no third party other than the Commission may access data for transactions in which such third party was not involved and for which it had no responsibility;
- (e) The Trip Data relating to a particular Taxicab must be accessible to the Medallion Owner or appointed licensed Agent servicing that Taxicab;
- (f) In the event of a failure or interruption in transmission of Trip Data, the Technology System must be capable of saving and restoring transmission of the data without any degradation of data integrity or loss of data;
- (g) All data required to be collected and transmitted pursuant to this section must be transmitted according to a schedule prescribed by the Commission.

<u>§66-20(h)</u>	<u>Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (i) *Record Retention Period.* A Technology System Provider must maintain the records required by this section for three (3) years.

<u>§66-20(i)</u>	<u>Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (j) *Examination of Records.* A Technology System Provider must allow any agent of the Commission or any law enforcement official to examine at any time all of the records the Technology System Provider is required to maintain under this Chapter.

<u>§66-20(j)</u>	<u>Penalty: \$500 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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- (k) Inspection of Premises. A Technology System Provider must allow any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time, as permitted by law.

<u>§66-20(k)</u>	<u>Penalty: \$500-\$1,000 fine and suspension</u>	<u>Appearance REQUIRED</u>
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**§66-21 Business Requirements – Use of Personal Information and Certain Location-Based Data**

The Technology System Provider must collect, use, and process Personal Information in accordance with the information security and use of personal information policy it has on file with the TLC pursuant to subdivision (g) of §66-05.

<u>§66-21</u>	<u>Penalty: \$500-\$1,000 fine and suspension</u>	<u>Appearance REQUIRED</u>
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**§66-22 Business Requirements – Cooperation with the Commission**

- (a) The Technology System Provider must make commercially reasonable efforts, as described in this section, to cooperate with the Commission, its designees and any contractor(s) of the Commission, including the Accessible Taxi Dispatcher as defined in section 51-03 of these rules:

- (1) in the development and support of any application(s) developed by the Commission or the Commission’s designees, where such applications are developed specifically for the purpose of interoperating with the Technology System (including but not limited to smartphone applications); and

<u>§66-22(a)</u>	<u>Penalty: \$5,000 and suspension until compliance</u>	<u>Appearance Required</u>
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- (b) The Technology System Provider must provide a data connection for TLC’s Accessible Dispatch Program. The data connection will, at a minimum, provide the following functionality in the manner specified by the Accessible Taxi Dispatcher:

- (1) Automatically indicate the on/off-duty status of the Vehicle to the contractor’s systems;  
(2) Automatically switch to the appropriate on/off-duty status in response to the Driver’s use of the contractor’s system;

- (3) Notify the Driver of a Dispatch using the Technology System’s driver interface in a manner that identifies such dispatch as coming from the Accessible Taxi Dispatcher; and
- (4) Transmit all Trip Data to the Accessible Taxi Dispatcher’s system as it is collected.

<u>§66-22(b)</u>	<u>Penalty: \$5,000 and suspension until compliance</u>	<u>Appearance Required</u>
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- (c) The Technology System Provider may only charge the Accessible Taxi Dispatcher for the costs of labor, equipment, data, data connections, or any other expense resulting from the data connection to the Accessible Dispatch Program. All expenses charged to the Accessible Taxi Dispatcher must be clearly documented.

<u>§66-22(c)</u>	<u>Penalty: Suspension until compliance</u>	<u>Appearance Required</u>
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### **§66-23 Comply with Laws – Conduct Rules**

- (a) Acceptance of Gift or Gratuity. A Technology System Provider Licensee or any person acting on the Technology System Licensee’s behalf or any of the Technology System Provider Licensee’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 Technology System Provider Licensee, any person acting on the Technology System Provider Licensee’s behalf, or any of the Technology System Provider Licensee’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 Technology System Provider Licensee or any person acting on the Technology System Provider Licensee’s behalf or any of the Technology System Provider Licensee’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.

<u>§66-23(a)-(c)</u>	<u>Penalty: \$10,000 fine and revocation</u>	<u>Appearance REQUIRED</u>
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- (d) Reporting Offers of Gift or Gratuity. A Technology System 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) of this section.

- (e) *Fraud, Misrepresentation & Larceny.* A Technology System Provider Licensee, while performing his or her duties and responsibilities as a Technology System Provider Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, misrepresentation or larceny include, but are not limited to:
- calibration of a fare other than that set by the Commission;
  - adjustment of the tire size, driving axle, transducer, wiring, or other equipment for the purpose of generating an inaccurate signal of time or distance into the Taximeter or the Technology System;
  - the manufacture, sale or installation of any device that is either designed to or does generate a false or inaccurate signal into the Taximeter or the Technology System; or
  - falsification of Trip Data.

<u>§66-23(e)</u>	<u>Penalty: \$10,000 fine and revocation</u>	<u>Appearance REQUIRED</u>
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- (f) *Willful Acts of Omission and Commission.*

- (1) *Omission.* While performing the duties and responsibilities of a Technology System Provider Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act whose failure to perform 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 Technology System Provider Licensee, a 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.

<u>§66-23(f)</u>	<u>Penalty: \$150-\$350 and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (g) *Notice of Criminal Conviction.*

- (1) A Technology System Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the Licensee or any of the 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.

<u>§66-23(g)</u>	<u>Penalty: \$500-\$1,000 and/or suspension</u>	<u>Appearance REQUIRED</u>
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	<u>up to 30 days</u>	
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- (h) Threats, Harassment, Abuse. A Technology System Provider Licensee must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing his or her duties and responsibilities as a Licensee.

<u>§66-23(h)</u>	<u>Penalty: \$350-\$1,000 and/or suspension up to 30 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (i) Use or Threat of Physical Force. A Technology System Provider Licensee must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing his or her duties and responsibilities as a Licensee.

<u>§66-23(i)</u>	<u>Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation</u>	<u>Appearance REQUIRED</u>
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- (j) Failure to Cooperate with Law Enforcement. A Technology System Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

<u>§66-23(j)</u>	<u>Penalty: \$250 fine</u>	<u>Appearance NOT REQUIRED</u>
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- (k) Failure to Cooperate with the Commission. A Technology System Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. A Licensee must produce his or her Commission License and other documents whenever the Commission requires.

<u>§66-23(k)</u>	<u>Penalty: \$250 fine and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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## **§66-24 Technical Requirements –Technology System**

No Technology System will be approved by the Commission pursuant to this Chapter unless it complies with the all of the requirements set forth in this section, unless such requirements are waived or modified by the Commission pursuant to subdivision (f) of §66-05 of these Rules.

- (a) Driver, vehicle, and software authentication



- (1) Upon boot-up, the Technology System must automatically check for and install any software updates prior to allowing the Driver to engage the Technology System.
  - (2) The Technology System must only allow the Driver to engage the Technology System and Taximeter upon log-in using either biometrics or username and PIN, validated against a system-initiated search of Valid TLC Licenses.
  - (3) If the data recording element of the Technology System is not hard-mounted to the vehicle, the Technology System must allow the Driver to engage the Technology System and Taximeter only after capturing the Vehicle's license number and validating that the Vehicle's license is active.
    - (i) The Technology System may not allow the Driver to enter the Vehicle's license number manually.
  - (4) If any required functionality or hardware is disconnected or inoperable, the Technology System must notify the Driver that the Technology System needs to be serviced and must not allow any Driver to engage the Taximeter until the Technology System is repaired to the extent practicable.
  - (5) The Technology System must automatically log a Driver out of the Technology System after a 15 minute period of inactivity when the Vehicle's engine is off.
  - (6) The Technology System must automatically log a Driver out of the Technology System if another Driver logs into the Technology System.
  - (7) The Technology System must prevent a Driver from logging into more than one Technology System at the same time.
- (b) *Driver functionality and interaction*
- (1) The Technology System must enable the Driver to choose between three types of duty status: off-duty, on-duty, and on-duty but unavailable for street-hail. All duty status changes must be captured as a part of the Trip Data described in subdivision (f) of this section.
  - (2) While off-duty or on-duty but unavailable for street-hail, the Vehicle's roof-light must automatically turn off, and the Taximeter must be disengaged until the Driver changes duty status to on-duty.

- (3) The Technology System must prevent Drivers from selecting Taximeter rates outside of the areas where they may legally be charged pursuant to the following specifications:
  - (i) JFK – Manhattan Rate –Taxicab Drivers must be allowed to select Rate 2 inside of Manhattan or JFK Airport but be prevented from selecting Rate 2 otherwise. Street Hail Livery Drivers must be prevented from selecting Rate 2.
  - (ii) Nassau and Westchester Counties - rivers must not be allowed to select Rate 4 outside of Nassau and Westchester Counties.
- (4) The Technology System must allow the Driver to enter a toll in all of the following ways:
  - (i) Either accept or decline a toll automatically triggered by the Technology System when within the five boroughs of New York City;
  - (ii) Select a toll from a predetermined list that includes all tolls within the five boroughs of New York City.
  - (iii) Enter a custom toll amount that is added to the total fare when outside the five boroughs of New York City.
- (5) When adding tolls to the Taximeter, the Technology System must automatically add the correct toll amount to the fare based on the EZ-Pass rate for that toll and time of day.
- (6) If a Passenger pays using a method other than cash, the Technology System must notify the Driver when payment for the total fare has been completed.
- (7) The Technology System must be capable of generating End-of-Shift Data for the Driver that can be printed from the Taximeter or accessed electronically, at the Driver's preference. End-of-Shift Data must contain the following information:
  - (i) Medallion or SHL permit number;
  - (ii) Driver's License number;
  - (iii) shift start date and time;
  - (iv) shift end date and time;
  - (v) distance traveled over the duration of the shift;
  - (vi) number of cash trips;

- (vii) total cash fares collected;
- (viii) total MTA tax collected;
- (ix) total Taxicab Improvement Surcharge or Street Hail Livery Improvement Surcharge collected;
- (x) total credit/debit/prepaid fares collected; and
- (xi) total credit/debit/prepaid tips collected.
- (8) The Technology System must be able to receive and allow Drivers to accept or reject E-Hails from any TLC-licensed E-Hail Application that opts to interface with the Technology System in accordance with the Public API provided pursuant to §66-24(e)(1).
- (9) The Technology System must allow a Driver to interact with the Technology System ONLY when the Vehicle is standing or stopped, except that the Technology System may permit a Driver to accept or reject an E-Hail request, engage the Taximeter, or disengage the Taximeter with a single touch using pre-programmed buttons or using voice activation while the vehicle is in motion. All other use of the Technology System by the Driver must be velocity gated to prevent its use while the vehicle is in motion.

(c) *Passenger functionality and interaction*

- (1) Any Passenger-facing devices and screens must be blank and muted until turned on by the Passenger, unless otherwise approved by the Chair, with the following exceptions:
  - (i) Passenger-facing screens may display minimal operational instructions. Brightness must be at a reasonable level given ambient light.
  - (ii) the Technology System must notify the Passenger that the mechanism for acceptance of credit/debit/prepaid cards is not operational, as applicable;
  - (iii) the Technology System must instruct the Passenger how to engage visual accessibility features without requiring the assistance of a Taxicab Driver;
  - (iv) the Technology System must notify the Passenger of any changes to the Taximeter rate or any additions of tolls, surcharges, extras, or other charges in a reasonable manner and length of time for a Passenger to be alerted to the addition; and
  - (v) all payment devices must turn on when the Taximeter disengages, to allow payment processing.

- (2) The Passenger must be able to turn off any Passenger-facing screen (i.e. render the screen blank and muted) except that all payment devices must turn back on when the Taximeter disengages, to allow payment processing.
- (3) The volume of any Passenger-facing device must be mutable and must be controlled by the Passenger.
- (4) Any Passenger-facing device that displays third-party content must display content provided by the TLC, subject to the following limitations:
  - (i) The content provided by the TLC will be in the same format as the third-party content displayed by the Passenger-facing device, and
  - (ii) No more than fifteen percent (15%) of the Passenger-facing device's content will be comprised of TLC-provided content.
- (5) Accessibility. Technology System Provider Licensees must provide the following accommodations for Passengers with visual disabilities:
  - (i) The credit card reader must be installed in the Passenger compartment in each Taxicab.
  - (ii) Speakers must be installed in the Passenger compartment in each Taxicab. The speakers must provide:
    - (A) audio fare updates on-demand and at the end of the trip to facilitate payment,
    - (B) automatic audio notifications of all tolls and rates,
    - (C) audio instructions enabling a Passenger to successfully complete fare payment, including discretionary tipping, without requiring the assistance of a Taxicab Driver,
  - (ii) the ability for a Passenger to engage visual accessibility features without requiring the assistance of a Taxicab Driver and
  - (iii) a verbal and hardcopy receipt.
- (6) After payment is processed, all Passenger-facing devices must clear all information about the trip and reset to the default screen. Passengers must not be able to access information about trips other than their own.
- (7) The Technology System must make available to the Passenger the rate code currently in effect, the current running total fare, and the itemization of the total fare at the Passenger's request and at the end of the trip.

- (8) The Technology System must allow the Passenger to pay fares with cash, credit, debit, and prepaid cards, and must allow for E-Hail Apps that provide for E-Payment, and Digital Wallet Application.
- (9) The Technology System must allow the Passenger to pay fares with cash, credit, debit, and prepaid cards, and must allow for E-Hail Apps that provide for E-Payment, and Digital Wallet Application.
- (10) The Technology System must make available all information reasonably required for the Passenger to understand and complete electronic payment of the total fare in English, Spanish, and any other language the Commission requires.
- (11) For non-cash payments the Technology System must allow but not require the Passenger to add a custom tip.
- (12) The Technology System must be able to generate an accurate receipt for payment of fare and such receipt must be able to be generated for each Passenger making a payment. Upon the Passenger's request, a receipt must be transmitted to the Passenger. The receipt must contain the following information:
  - (i) Medallion or SHL Permit number;
  - (ii) Driver's License number;
  - (iii) trip number;
  - (iv) pick-up date and time;
  - (v) drop-off date and time;
  - (vi) trip distance;
  - (vii) toll (if applicable) amount(s);
  - (viii) surcharge(s), including the Taxicab Improvement Surcharge or Street Hail Livery Improvement Surcharge (if applicable) amount (s);
  - (ix) extra charges (if applicable) amount(s), including the E-Hail Fee, if any;
  - (x) taxes (if applicable) for the entire trip;
  - (xi) itemized listing of each rate code used, and the total amount of time-and-distance-calculated fare for each rate code;
  - (xii) total amount due;
  - (xiii) the amount that the Passenger paid, if split fare;
  - (xiv) the amount that the Passenger tipped, if paid by method other than cash;
  - (xv) last four digits of credit, debit or prepaid card account number used by the Passenger, if applicable. All receipts for transactions by credit, debit, or prepaid card, or by E-Hail App that provides for E-

- Payment or Digital Wallet Application, must mask account numbers except for the last four digits; and  
(xvi) the “311” Commission complaint telephone number.

(d) *Taximeter interoperability*

- (1) The Technology System must be capable of updating the Taximeter to include rate changes, surcharges, extras, and any other fees mandated by the Commission based on date, time, and/or location if such surcharges and extras are not already assessed by the Taximeter.
- (2) The Technology System must be able to receive any Commission mandated change to the Taximeter via wireless communication initiated by the Technology System Provider.

(e) *Public API. All Technology System Providers must maintain an application programming interface (API) that is available to any licensed E-Hail Provider and the Accessible Taxi Dispatcher.*

- (1) The API must include but is not limited to the following functionalities:
- (A) Allow the E-Hail Provider or Accessible Taxi Dispatcher to query and obtain a list of a specified number (at least 5) and type (e.g., WAV, SUV, etc.) of Vehicles that are available for hire and closest to a designated pickup location, and, for each Vehicle listed in the response to such query, access real-time meter status, GPS coordinates and direction for no less than 1 minute following such query. The Vehicle or list of Vehicles provided in response to any such query must include the medallion or SHL permit number, vehicle make and model, car type (e.g., SUV, minivan, etc.), wheelchair accessibility, and Driver name and TLC license number;
- (B) Allow the E-Hail Provider or Accessible Taxi Dispatcher to send an E-Hail or dispatch via the Technology System to the Driver of any or all of the Vehicles included in the list of Vehicles provided in response to a query, including the pickup time and location, and, if applicable, the pre-arranged fare and drop-off location;
- (C) Return the Driver’s acceptance or rejection of the E-Hail or dispatch, or, if the driver takes no action within 30 seconds, return a timeout;
- (D) Allow the E-Hail Provider or Accessible Taxi Dispatcher to cancel any E-Hail or dispatch regardless of whether a Driver has responded;
- (E) For any Driver that has accepted an E-Hail or dispatch from an E-Hail Provider or the Accessible Taxi Dispatcher, for the duration of the trip from

acceptance through meter off or cancellation, provide the E-Hail Provider or Accessible Taxi Dispatcher with a data feed of real-time GPS location and ride/meter events, and allow the E-Hail Provider or Accessible Taxi Dispatcher to communicate with such Driver via the Technology System, including:

- i. allowing the E-Hail Provider or the Accessible Taxi Dispatcher to provide the Driver with the passenger's name and phone number and drop-off location, as well as other relevant trip information (e.g., "passenger waiting at south entrance," "passenger is wheelchair bound," etc.), and
  - ii. allowing the Driver to report trip events to the E-Hail Provider or the Accessible Taxi Dispatcher (e.g., "passenger in vehicle," "passenger no-show," etc.).
- (F) Provide onsite event when Driver reports being onsite, provide a no-show event if the Driver indicates a passenger no-show, and provide a cancel event if the Driver cancels or retracts his or her acceptance of an E-Hail or dispatch;
- (G) Provide access to itemized fare data including time-and-distance fare, tolls, surcharges, extras, and taxes from the Technology System and Taximeter, in real time, when the trip has been completed and the Driver has disengaged the Taximeter;
- (H) Receive from the E-Hail Provider or Accessible Taxi Dispatcher a confirmation that electronic credit card payment for the total fare amount has been successfully processed; and
- (I) Receive relevant payment information from the E-Hail Provider or Accessible Taxi Dispatcher to the extent necessary to display the total charges, including E-Hail service fee and tip (if applicable) on the receipt and collect and transmit Trip Data.
- (2) The Technology System Provider may charge the E-Hail App Provider or Accessible Taxi Dispatcher a fee not to exceed twenty-five cents (\$0.25) per query for use of the API. The Technology System Provider may not charge the E-Hail App Provider or Accessible Taxi Dispatcher credit card processing fees greater than the wholesale fees collected by the credit card issuer and credit card network for that transaction.
- (3) The Technology System Provider may require E-Hail App Providers sending E-Hails to Drivers via the Technology System to charge a uniform Passenger cancellation and/or no-show fee.
- (4) Separate Violations. Each failure on the part of a Technology System Provider to cooperate with a licensed E-Hail Application or Accessible

Dispatcher for the purpose of maintaining an API as provided in paragraph (1) of this subdivision will constitute a separate violation of this rule.

- (f) *Trip data collection and transmission* A Technology System must be capable of collecting and transmitting to the Commission Trip Data as described below. The Technology System must conform to the following specifications:
- (1) The Technology System must be capable of collecting and transmitting Trip Data for all fare trips for each Taxicab or Street Hail Livery in which the Technology System is installed.
  - (2) The Trip Data must not contain any Passenger Personal Information.
  - (3) The Trip Data must include the information set forth below. For purposes of this subdivision, all times are required to be measured to the hour and minute in Eastern Standard Time:
    - (i) date, time, and location (latitude, longitude, and human-readable street address) of the pick-up and drop off, based on the reading from the Technology System;
    - (ii) date, time, and mileage of the pick-up and drop off, based on the reading from the Taximeter
    - (iii) trip number from the Technology System;
    - (iv) the number of Passengers splitting payment of the fare (if no split fare, default to one Passenger), based on the reading from the Technology System;
    - (v) itemized charges for the trip (itemized by time-and-distance fare, tolls, surcharges, extras, the Taxicab or Street Hail Livery Improvement Surcharge, and taxes) from the Taximeter, E-Hail App service fee (if the Passenger is charged such a service fee by the E-Hail App and the fare is also paid using that App's E-Payment feature), and tip amount if paid by credit/debit/prepaid card, E-Hail Apps that provides for E-Payment, or Digital Wallet Application;
    - (vi) payment type (cash, credit/debit/prepaid card or E-Hail App that provides for E-Payment), pre-tip amount, and tip amount (if captured) for each Passenger, based on the reading from the Technology System;
    - (vii) transaction status, card type, and time of transaction for transactions by credit/debit/prepaid card, E-Hail App that provides



for E-Payment, or Digital Wallet Application, processed via the Technology System;

- (viii) Medallion or SHL permit number from the Technology System;
  - (ix) Driver's License number from the Technology System;
  - (x) all changes to the Driver's on or off-duty status and the date, time, location (latitude, longitude, and human-readable street address), and meter mileage when a change occurs;
  - (xi) the Driver's shift number from the Technology System;
  - (xii) the name of the credit card processor and the first two and last four digits of each credit, debit, or prepaid card used by each passenger for paying fares, either directly or through an E-Hail App that provides for E-Payment or Digital Wallet Application, based on the reading from the Technology System;
  - (xiii) All rate codes in effect during a trip from the Taximeter, and the rate of fare, the times and locations (latitude, longitude, and human-readable street address), and meter mileage when such rate of fare was in effect, including but not limited to the time and location when Rate Code 4 went into effect and the fare at the time Rate Code 4 was initiated from the Taximeter and/or Technology System; and
  - (xiv) On-duty Location Positioning, based on the reading from the Technology System. On-duty Location Positioning data must be made available in Trip Data to within fifteen (15) meters for Taxicabs and Street Hail Liveries while they are in an on-duty or on-duty but unavailable status.
- (3) Trip Data and its component elements must be stored, maintained and accessible to the Commission and any designee of the Commission through a web service specified by the Commission. Until such web service is specified the Technology System Provider must make the Trip Data accessible via:
- (i) a near real time web-based portal with functionality and user interface defined by the Commission; and
  - (ii) downloading and transferring data to the Commission on a weekly basis using technical specifications defined by the Commission.

- (g) Advertisements and other passenger-facing content. All Technology Systems must conform to the following specifications:
- (1) All Passenger-facing content must comply with TV-Y through TV-G ratings in accordance with the standards established by the TV Parental Guidelines rating system from 8AM – 8PM daily or a similar rating in industries where such rating systems exist, e.g. the Entertainment Software Rating Board’s rating system for video games.
  - (2) No Passenger-facing content may contain, imply, or declare endorsement by the City, the Commission, or any other agency of the City without the prior written consent of the Commission;
  - (3) No Passenger-facing content may contain any content that falls within the following categories:
    - (i) Advertisements or any other material or information promoting unlawful or illegal goods, services, or activities;
    - (ii) Advertisements or any other images, material or information containing obscene images or material (see New York Penal Law 235.00, as such provision may be amended, modified, or supplemented from time to time);
    - (iii) Advertisements or any other material, images, or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character or content, would give rise to a violation of New York Penal Law 235.21 (see also New York Penal Law 235.20) as such provisions may be amended, modified, or supplemented from time to time;
    - (iv) Advertisements or any other images, material or information that are libelous, defamatory, infringe intellectual property rights, including but not limited to trademark, copyright or patent rights, of a third party, or violate New York Civil Rights Law Section 50, as such provisions may be amended, modified, or supplemented from time to time;
    - (v) Advertisements or any other images, material or information that demean or disparage an individual or group of individuals. For purposes of determining whether any such advertisements or other images, material or information demean or disparage an individual or group of individuals, the Technology System Provider will determine whether a reasonably prudent person, knowledgeable of the Taxicab ridership and using prevailing community standards, would believe that such advertisements or other images, material

or information ridicule or mock, are abusive or hostile to, or  
debase the dignity or stature of, an individual or group of  
individuals;

- (vi) Advertisements or any other material or information that propose a commercial transaction where the material or information contained in it is false, misleading, or deceptive; and
- (vii) Advertisements or any other material or information that propose a commercial transaction pertaining to or promote tobacco or tobacco-related products;

(h) *Additional requirements for Technology Systems installed in Street Hail Liveries*

- (1) The Technology System must prevent the Street Hail Livery Driver from engaging the Taximeter while in the Pre-Arranged Exclusionary Zone;
- (2) The Technology System must be capable of capturing and transmitting to the Commission a flag indicating whether each trip is a Hail Trip or was commenced by Dispatch; and,
- (3) The Technology System must turn off the roof light while the Street Hail Livery vehicle is in the Hail Exclusionary Zone and the Taximeter is disabled.

(i) *Security.* All features of the Technology System required by this section, including the collection, transmission and maintenance of data by the Technology System Provider, must conform to the most up-to-date versions of following security standards:

- (1) PCI Standards for Merchant Level 1;
- (2) Level 1 and Level 2 EMV standards;
- (3) Department of Information Technology and Telecommunications Citywide Information Security Policy for Service Providers and Encryption Standards (“DOITT Standards”) at <http://www.nyc.gov/html/doitt/html/business/security.shtml>; and
- (4) The information security and use of personal information policy the Technology System Provider has on file with the TLC pursuant to subdivision (g) of §66-05.

(j) *Data Retention.* All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

- (k) Inspection by TLC. The Technology System Provider must enable the Commission to inspect all components and inner workings of the Technology System by providing Commission inspection personnel with access to the Technology System by magnetic swipe card and through the use of a self-diagnostic tool. The self-diagnostic tool must automatically check and display the status of:
- (1) the connection and operability of all in-vehicle components of the Technology System;
  - (2) the Technology System's connection to the credit card processor;
  - (3) the Technology System's connection to the Accessible Dispatch vendor;  
and
  - (4) the Technology System's connection to the Technology System Provider's Trip Data database.

Section 32. Paragraph (3) of subdivision (c) of section 67-09 of Title 35 of the Rules of the City of New York, relating to requirements for taximeters, is DELETED, and paragraph (4) of subdivision (c) of section 67-09 is renumbered paragraph (3).

Section 33. Section 67-15 of Title 35 of the Rules of the City of New York is DELETED and a new section 67-15 is added, to read as follows:

**§67-15 Requirements for Hack-up –Technology System**

- (a) Technology System. Every Taxicab must be equipped with Technology System from a licensed Technology System Provider.

Section 34. Chapter 75 of Title 35 of the Rules of the City of New York, relating to authorization of taxicab technology service providers, is DELETED.

Section 35. Subdivision (m) of section 78-03 of Title 35 of the Rules of the City of New York, relating to the definition of LPEP Data, is DELETED, subdivisions (n) through (t) are relettered (m) through (s), and subdivisions (e), (m) and (s), subdivisions (m) and (s) as relettered by this section, are amended to read as follows:

- (e) E-Hail App Data. All data required to be collected, transmitted and maintained pursuant to this Agreement. E-Hail App Data includes, but is not limited to, Trip Data as described in §78-21 of Commission Rules, data related to credit, debit, and prepaid card transactions, and data relating to E-Hail App usage. Any data that is transferred to the E-Hail App by [TPEPs or LPEPs] Technology Systems become E-Hail App Data once received by the E-Hail App.

\* \* \*

- (m) *Modification of E-Hail Application.* Any modification to the E-Hail Application or related services after the Commission has issued a License for such E-Hail Application that would materially alter any of the following:
- (1) functionality, performance characteristics, security measures, or technical environment of the E-Hail Application or related services;
  - (2) interfaces to [TPEP or LPEP] the Technology System, or to the Software, Hardware, network, or other E-Hail Application components;
  - (3) the manner in which the E-Hail Application or related services are provided.

The addition or modification of a component allowing payment through the E-Hail Application constitutes a Modification.

A Modification of E-Hail Application does not include:

- (4) fixes and/or maintenance patches necessary to conform the E-Hail Application or any of its components or related services to the requirements set forth in §78-21 of these Rules; and
- (5) security patches to the extent such fixes or patches are necessary in the E-Hail Application Provider's good faith judgment to maintain the continuity of the E-Hail Application or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the E-Hail Application or related services.

\* \* \*

- (s) [TPEP] Technology System Data. All data required to be collected, transmitted and maintained pursuant to §[75-25]66-24 of Commission Rules and other information assets related to the [TPEP] Technology System Data. [TPEP] Technology System Data includes, but is not limited to, Trip Data, data related to credit, debit and prepaid card transactions, and text messages and the date and time such messages were sent and received. Any data that is transferred to the [TPEP] Technology System by E-Hail Apps that provide E-Payment become TPEP Data once received by the [TPEP] Technology System.

Section 36. Subdivision (b) of section 78-09 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) An E-Hail Application Provider must not permit the use of a [non-TPEP or non-LPEP] non-Technology System electronic credit card payment system unless that system uses:

(i) E-Payment that is contained within a licensed E-Hail Application and that meets all the requirements of this Chapter, or

(ii) E-Payment that is linked to a licensed E-Hail Application, whether or not provided by the E-Hail Application Provider, that meets all requirements of this Chapter.

§78-09	Penalty: \$10,000	Appearance REQUIRED
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Section 37. Subdivision (b) of section 78-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Fares.* An E-Hail Application and an E-Hail Application Provider must NOT charge any Passenger a fare for a trip that exceeds the fare as calculated by the Taximeter, permitted in §58-26 and §82-26 of these Rules. The E-Hail App and the E-Hail App Provider may however charge additional fees to a Passenger above the fare for the trip in accordance with subdivision (c) below so long as such fees are clearly delineated and not called a fare or tip or gratuity.

NOTE: If an E-Hail App Provider charges a per-trip fee for use of the E-Hail App and if the fee is assessed on a per-trip basis and bundled into the same credit card transaction as the payment of the fare, the Provider is required to have an agreement with either the merchant of record, or if processed through the [TPEP or LPEP] Technology System, the [TPEP or LPEP] Technology System Provider, as to how the fee will be remitted to the E-Hail App Provider. The agreement must be outlined in the E-Hail App Provider's application documentation and must ensure that the per-trip fee is remitted in its entirety to the E-Hail App Provider and is not retained by the Driver.

§78-15(b)	Penalty: \$1000 fine	Appearance NOT REQUIRED
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Section 38. Subdivision (b) of section 78-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Trip Data Collection and Transmission.* An E-Hail Application Provider must ensure that an E-Hail Application collects and stores relevant trip information to obtain a complete trip record, and transmits such data to [TPEP, LPEP,] the Technology System or the Commission in compliance with the requirements in §78-21(c) of these Rules.

§78-17(b)	Penalty: \$500 fine and/or suspension up to	Appearance REQUIRED
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	60 days or revocation	
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Section 39. Subdivision (c) of section 78-17 of Title 35 of the Rules of the City of New York, relating to the payment of fees to T-PEP, is DELETED, and subdivisions (d) through (h) are relettered subdivisions (c) through (g).

Section 40. Subdivision (a) of section 78-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Payment*

- (1) *Credit, Debit, and Prepaid Card Payment.* An E-Hail Application can be capable of accepting credit, debit, and prepaid cards for payment of fares through E-Payment. An E-Hail Application that is capable of accepting credit, debit, and prepaid cards for payment of fares [must conform to the following specifications:
  - (i) The E-Hail Application must offer the Passenger a receipt in accordance with paragraph (2) of this subdivision; the receipt can be an electronic receipt.
  - (ii) Payment can be initiated at the beginning or made at the end of the trip, in accordance with §75-25(a)(2)(iv) of these Rules.
  - (iii) An E-Hail Application can offer pre-set payment options, including tip percentages, provided that the Passenger is permitted 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.
  - (iv) An E-Hail Application] cannot require a Passenger to pay a tip to the Driver.
- (2) The E-Hail Application must be able to generate an accurate receipt for payment of fare for fares paid using E-Payment, and the receipt must be offered to the Passenger. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain all the following information:
  - (i) All items required by §[75-25(a)(2)(v)] 66-24(c)(9) of these Rules; and

- (ii) Any fee paid by the Passenger to the E-Hail Application Provider if paid directly to such Provider, clearly identified. NOTE: §78-15(a) of these Rules governs the payment of tips or gratuities
- (3) Any E-Payment technology used with any E-Hail Application must be integrated into the [TPEP or LPEP] Technology System used by any Driver using the E-Hail Application.
- (4) An E-Hail Application which includes E-Payment must comply with all applicable PCI Standards. Credit, debit, and prepaid card information for electronic payments made through an E-Hail Application must not be stored locally on the electronic device on which the E-Hail Application being used resides, or locally on the [TPEP or LPEP] Technology System (if applicable) after the E-Payment utilizing such credit, debit, or pre-paid card has been authorized or declined.
- (5) An E-Hail Application which includes E-Payment must be capable of generating the following data, regardless of the means of payment:
  - (i) reasonably detailed data of individual and cumulative payment transactions (including sufficient detail to support daily and monthly reconciliations and to perform problem resolution);
  - (ii) if the payment is by credit, debit, or prepaid card, in addition to the information in subparagraph (i) above, the name of the credit, debit, or prepaid card, and the name of the credit card merchant engaged by the E-Hail Application Provider; and
  - (iii) data summarizing the number of fares, the total fare amount, and as applicable, the number of credit, debit and prepaid card transactions and the total fares of such transactions;
- (6) The data described in paragraph (5) of this subdivision and its component elements must be stored, maintained and accessible to the Commission and any designee as follows:
  - (i) in a standardized format and layout prescribed by the Commission that is open and non-proprietary; and
  - (ii) by secure file transfer protocol, transfer according to a format, layout, procedure, and frequency prescribed by the Commission.



Section 41. Subdivision (b) of section 78-21 of Title 35 of the Rules of the City of New York, relating to TPEP and LPEP integration, is DELETED, and a new subdivision (b) is added, to read as follows:

- (b) Technology System Integration. An E-Hail Application which includes E-Payment must be integrated with the Technology System.
  - (1) The E-Hail Application, or its third party designee, must receive the fare and Trip Data automatically from the Technology System or Taximeter and must not permit a Driver or anybody else to enter any fare information manually. The E-Hail App also must provide the Technology System Provider with the following:
    - (i) The credit card information necessary to process the transaction through the Technology System Provider's payment gateway and the amount to be charged for the transaction, including any tip and E-Hail service fee, if included in the amount to be charged; and
    - (ii) Credit, debit, or prepaid card and payment information necessary to allow Technology System Providers to display total charges, including time-and-distance fares, tips, extras, surcharges, taxes, and any fees charged by the E-Hail Provider for use of the E-Hail Application on printed receipts, and allow submission to the Chair of a complete electronic trip record for the fare as further described in subdivision (c) of this section.
    - (iii) Any other functionality, but only if agreed to by the Commission, the E-Hail App Provider, and the Technology System Provider.
  - (2) All fares must be calculated by the Taximeter and in accordance with the Rules of the Commission.

Section 42. The introductory paragraph of paragraph (2) of subdivision (c) of section 78-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The E-Hail Application and its third party designee, if any, must be capable of automatically collecting and transmitting to [TPEP or LPEP] the Technology System the Trip Data required below for all trips using E-Payment made during a shift.

Section 43. Subdivision (e) of section 80-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *No Unauthorized Use of TLC Driver License.* A Driver must not permit any other person to use the Driver's TLC Driver License or [TPEP or LPEP] Technology System login credentials while operating any vehicle. A Driver must not use any

other Driver's TLC License or [TPEP or LPEP] Technology System login credentials while operating any Vehicle.

Section 44. Paragraphs (1) and (2) of subdivision (d) of section 80-16 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) At the end of a trip in a Taxicab or a hail trip in a Street Hail Livery, a Driver, personally or via the [passenger information monitor (PIM)] Technology System or other electronic means, must offer a Passenger a receipt for payment of fare,
- (2) When a Passenger requests a receipt, personally or via the [PIM] Technology System or other electronic means, a Driver must give a Passenger a receipt for payment of the fare.

Section 45. Subdivisions (b), (d), (e) and (k) of section 80-17 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (b) *Non-Paying Customers.* If a Taxicab or Street Hail Livery Passenger refuses to pay the metered fare, the Driver of the Taxicab or Street Hail Livery must place the meter in the off or "Vacant" position, record the amount of fare on the Taximeter onto the Trip Record through the [TPEP or LPEP] Technology System, or onto the written Trip Record if the [TPEP or LPEP] Technology System is not working, and proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

\* \* \*

- (d) *Making Change.*

- (1) A Driver of a Taxicab or Street Hail Livery must always be capable of making change for a \$20 bill during his or her work shift.
- (2) If the Driver of a Taxicab or Street Hail Livery is not able to change a \$20 bill, the Driver will, with the Passenger's consent, take the following steps:
  - (i) Key the appropriate off duty code into [TPEP or LPEP] Technology System.
  - (ii) Transmit the relevant information to an electronic database for entry on the electronic trip record or make an appropriate written trip record entry.

- (iii) Proceed to the nearest location where he or she may reasonably expect to obtain change.

§80-17(d)	Fine: \$25	Appearance NOT REQUIRED
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(e) *Must Accept Credit/Debit Card Payment.*

(1) Taxicabs and Street Hail Livery Credit/Debit Card Payment

- (i) All Taxicabs are required to be equipped with [TPEP] a Technology System and Drivers must accept a Passenger's choice to pay by credit/debit card.
- (ii) All Street Hail Liveries are required to be equipped with [LPEP] a Technology System and Drivers must accept a Passenger's choice to pay by credit/debit card for Hail Trips.
- (iii) A Driver of a Taxicab or Street Hail Livery must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging the Taximeter, the Driver advises the Passenger that he/she will not be able to use a credit or debit card for payment.
- (iv) A Driver of a Taxicab or Street Hail Livery must not accept credit/debit card payments through any device other than the [Taxicab's TPEP or Street Hail Livery's LPEP] Vehicle's Technology System or an approved E-Hail App.
- (v) If a Taxicab or Street Hail Livery customer's effort to pay by debit/credit card at the end of the trip is prevented not by the [Taxicab's TPEP (or the Street Hail Livery's LPEP system) system] Vehicle's Technology System, but because the communication network is unable to process debit/credit card payments at that time, the Driver must offer the customer the option of either paying cash or having the Driver continue to a location where the wireless payment system can communicate with its network.

§80-17(e)(1)(i)-(vi)	Fine: \$100	Appearance NOT REQUIRED
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- (vi) *No Mark-up for Credit Payment.* A Driver of a Taxicab or Street Hail Livery must not charge any additional fee (mark-up) to any

Passenger for credit/debit card transactions for any Trip in a Taxicab or for any Hail Trip in a Street Hail Livery.

§80-17(e)(1)(vii)	Fine: First violation: \$200 Second violation: \$300 Third violation: \$500 In addition to the penalty payable to the Commission, the administrative law judge may order the Driver to pay restitution to the Passenger, equal to the excess amount that was charged to the Passenger.	Appearance REQUIRED
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(k) *Taxicab and Street Hail Livery E-Payments.*

- (1) A Taxicab or Street Hail Livery Driver must allow the Passenger to pay by E-Payment as long as the E-Payment method complies with Commission rules.

§80-17(k)(1)	Fine: \$100	Appearance NOT REQUIRED
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- (2) The payment must not exceed Commission-approved rates plus any optional tip.

§80-17(k)(2)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT REQUIRED
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- (3) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Payment. Any fare paid for by E-Payment must be calculated by the Taximeter and not by any other method.
- (4) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the [TPEP, the LPEP] Technology System, or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the [TPEP or LPEP] Technology System. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.
- (5) A Driver must not accept credit card payment from a Passenger by any E-Hail Application or any other device that does not integrate with the [TPEP or LPEP] Technology System.

§80-17(k)(5)	Fine: \$200	Appearance NOT REQUIRED
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Section 46. Paragraph (5) of subdivision (a) of section 80-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) A Driver who has entered the appropriate off duty code into [TPEP] the Technology System must not solicit or accept a Passenger unless ALL of the following are true:
- (i) The Driver is returning the Taxicab to his or her garage or home;
  - (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)"; and
  - (iii) The Passenger's destination is directly on the route to the Driver's home or garage.

§80-19(a)(5)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 47. Paragraphs (5) and (6) of subdivision (b) of section 80-19 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (5) A Driver of a Street Hail Livery who has indicated through the [LPEP] Technology System that he or she is on-duty unavailable for the purposes of accepting a Pre-Arranged trip must not solicit or accept a Passenger for a Hail Trip.

§80-19(b)(5)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (6) A Driver of a Street Hail Livery who has indicated in the meter or through the [LPEP] Technology System that he or she is off duty must not solicit or accept a Passenger unless ALL of the following are true:
- (i) The Driver is in the Hail Zone;
  - (ii) The Driver is returning the Street Hail Livery to his or her Base or home;
  - (iii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry; and
  - (iv) The Passenger's destination is directly on the route to the Driver's home or garage.

§80-19(b)(6)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 48. Paragraphs (4), (5), (6), (13), and (15) of subdivision (b) of section 80-20 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (4) The Taxicab or Street Hail Livery Driver is discharging his or her last Passenger or Passengers prior to going off duty, and has already entered the appropriate off duty code in [TPEP or LPEP] the Technology System.
- (5) The Taxicab or Street Hail Livery Driver is ending his or her work shift, and has already entered the appropriate off duty code in [TPEP or LPEP] the Technology System and locked both rear doors.
- (6) The Taxicab or Street Hail Livery Driver must take the Vehicle out of service for required repairs and has already entered the appropriate off duty code in [TPEP or LPEP] the Technology System and locked both rear doors.

\* \* \*

- (13) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip and has entered the appropriate on-duty unavailable code into the [LPEP] Technology System.

\* \* \*

- (15) The Vehicle is a Taxicab or Street Hail Livery and the Driver has accepted a trip from the accessible dispatch program pursuant to section 53-08 of these Rules or an approved E-Hail App and has entered the appropriate on-duty unavailable code into the [TPEP or LPEP] Technology System.

Section 49. Subdivisions (f) and (g) of section 80-22 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (f) *Use of Electronic Devices in Taxicabs.* A Driver may use no more than one electronic device with an E-Hail Application, separate from the [Driver Information Monitor supplied as part of the TPEP] Technology System and/or a device provided for the Accessible Dispatch Program.

§80-22(f)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (g) *Use of Electronic Devices in Street Hail Liveries.* In addition to the [Driver Information Monitor] Technology System and/or a device provided for the Accessible Dispatch Program, a Street Hail Livery is permitted to have:

- (1) the dispatch equipment required by its Street Hail Livery Base; and

- (2) one electronic device that is used to accept E-Hails from a licensed E-Hail Application and/or dispatches from a Base or Dispatch Service Provider, provided that the device is mounted in a fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Vehicle is in motion.

§80-22(g)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 50. Paragraph (1) of subdivision (a) of section 80-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The [Taxicab] Technology System [(TPEP)] (or a written Trip Record, when required and permitted) [if the Vehicle is a Taxicab or the Street Hail Livery Technology System (LPEP) (or a written Trip Record, when required and permitted) if the Vehicle is a Street Hail Livery].

§80-23(a)(1)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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Section 51. Paragraph (1) of subdivision (b) of section 80-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) A Driver must not block a Passenger's view of the Taximeter, his or her TLC Driver License, or the Rate Card[, or the Passenger Information Monitor of the TPEP System,] and must not block in any way a Passenger's access to the medallion number or Street Hail Livery License number on the Raised Lettering Plaque and the Identification Braille Plaque.

Section 52. Section 80-25 of Title 30 of the Rules of the City of New York is amended to read as follows:

**§80-25 Vehicles – [TPEP and LPEP] Technology System Operation**

- (a) A Driver is required to log in and operate [TPEP] the Technology System for each trip in a Taxicab, including those trips that begin with the use of an E-Hail Application.

§80-25(a)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.	Appearance REQUIRED
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- (b) A Driver is required to log in and operate [LPEP] the Technology System for each trip in a Street Hail Livery, including Pre-Arranged Trips and those trips that begin with the use of an E-Hail Application.

§80-25(b)	Fine: \$250 and/or minimum 5 day to maximum 30 day suspension.	Appearance REQUIRED
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- (c) *Off Duty Procedures for a Taxicab and Street Hail Livery.*

- (1) A Driver must enter the appropriate off duty code into [T-PEP or LPEP] the Technology System.

[(2) When the Taxicab is operated for personal use, "Personal Use--Off Duty" must be keyed into TPEP or LPEP(or made on the written Trip Record).]

§80-25(c)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (d) *Unavailable Procedures for a Taxicab and Street Hail Livery.* Upon accepting a trip from the Accessible Dispatch Program pursuant to section 53-08 of these Rules or a Licensed E-Hail Application or a Pre-Arranged Trip, a Driver must enter the appropriate on-duty unavailable code into the [TPEP or LPEP] Technology System.

§80-25(d)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (e) If necessary, the Driver will transmit any corrections electronically, using [TPEP if driving a Taxicab or LPEP if driving a Street Hail Livery] the Technology System.

§80-25(e)	Fine: \$25	Appearance NOT REQUIRED
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- (f) [TPEP and LPEP] Technology System(s) Malfunction. In the event the [TPEP or LPEP] Technology System malfunctions or fails to operate:

- (1) The Driver must file an incident report with the [authorized TPEP or LPEP provider] licensed Technology System Provider within one (1) hour after Driver knows (or should have known) of the system failure, or the end of the Driver's shift, whichever occurs first.

§80-25(f)(1)	Fine: \$75	Appearance REQUIRED
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- (2) A Driver must not knowingly operate a Taxicab or Street Hail Livery in which the [TPEP or LPEP are] Technology System is inoperative for more than 48 hours following the timely filing of an incident report.



§80-25(f)(2)	Fine: \$250	Appearance REQUIRED
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(3) If the [TPEP or LPEP] Technology System is inoperable, the Driver must keep written Trip Records for all Hail trips he or she operates. Drivers must submit all written Trip Sheets to the Taxicab Owner or Street Hail Livery Base at the conclusion of the Driver's shift or lease period. Written Trip Records shall consist of the following information:

- (i) The Taxicab Medallion number or Street Hail Livery license number
- (ii) The Driver's License number
- (iii) The location(s) where each Passenger was picked up
- (iv) The time(s) each Passenger was picked up
- (v) The number of Passengers
- (vi) The location(s) where each Passenger was dropped off
- (vii) The time(s) each Passenger was dropped off
- (viii) The total trip mileage
- (ix) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- (x) Method of payment
- (xi) The Taximeter readings
- (xii) The concluding time of Driver's work shift
- (xiii) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger
- (xiv) The trip number
- (xv) All other entries required by these rules

§80-25(f)(3)	Fine: \$250 if Driver fails to submit written trip records or, in the event the Driver keeps incomplete written trip records, \$15 per missing entry not to exceed \$30 per written trip record.	Appearance REQUIRED
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- (4) When correcting a written Trip Record, a Driver:
- (i) Must not erase any entry or make it completely unreadable.
  - (ii) Must correct a wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change.
  - (iii) Must not leave blank lines between entries on any written Trip Record.

§80-25(f)(4)	Fine: \$25	Appearance NOT REQUIRED
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- (5) A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission.

§80-25(f)(5)	Fine: \$250	Appearance NOT REQUIRED
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(g) *Unauthorized Devices or Repairs.*

- (1) A Driver must not connect any unauthorized device to the [TPEP or LPEP] Technology System.
- (2) The Driver must not tamper with, repair or attempt to repair the [TPEP or LPEP] Technology System seals, cable connections or electrical wiring,
- (3) The Driver must not make any change in the Taxicab's or Street Hail Livery's mechanism or its tires which would affect the operation of the [TPEP or LPEP system] Technology System.

§80-25(g)	Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing.	Appearance REQUIRED
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Section 53. Paragraph (3) of subdivision (a) of section 80-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) *Procedures for Terminating Use of Vehicle with Defective Taximeter.*  
Upon terminating a trip because of a defective Taximeter the Driver must:
- (i) Enter the appropriate off duty code in [TPEP or LPEP] the Technology System
  - (ii) Lock the rear doors
  - (iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if [TPEP or LPEP system] the Technology System is inoperative)

- (iv) Return the Vehicle immediately to the garage or base of record or a licensed Taximeter repair shop

§80-26(a)(3)	Fine: \$75 if plead guilty before a hearing; \$100 if found guilty following a hearing.	Appearance REQUIRED
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Section 54. Paragraph (4) of subdivision (b) of section 80-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) *Flat Fare Trip.* When the Taxicab or Street Hail Livery is engaged in a flat fare trip [from] between Kennedy Airport and Manhattan, the Driver must key the information into [TPEP or LPEP] the Technology System, as applicable (or enter on a written Trip Record) that this is a flat fare trip to or from Kennedy Airport and include the time and distance of the trip.

§80-26(b)(4)	Fine: \$100	Appearance NOT REQUIRED
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Section 55. Paragraph (2) of subdivision (e) of section 80-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (2) The Roof Light must be off when any of the following occurs:
- (i) The Taximeter is in use.
  - (ii) The Driver has entered the Off Duty or unavailable code into the [TPEP or LPEP] Technology System.
  - (iii) The Driver is a Street Hail Livery Driver traveling to pick up a Passenger for a Pre-Arranged Trip.

Section 56. Subdivisions (k) and (l) of section 82-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (k) [*Street Hail Livery*] *Technology System* [*or LPEP*] shall have the same meaning given such term in § 51-03 of these Rules.
- (l) [*Street Hail Livery*] *Technology System Provider* [*or LPEP Provider*] shall have the same meaning given such term in § 51-03 of these Rules.

Section 57. Paragraph (5) of subdivision (f) of section 82-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (5) Upon surrender, revocation or non-renewal of a Street Hail Livery License, the last For-Hire Vehicle affiliated with the Street Hail Livery License, if owned by the Street Hail Livery licensee, must be presented to the Commission's inspection facility to confirm removal of the license decal, the [LPEP system] Technology System and taximeter within ten

days from the date of the surrender, revocation or non-renewal of the Street Hail Livery License. *NOTE: A vehicle which will continue in use with another TLC-issued license (such as a For-Hire Vehicle License) will also be inspected to make sure the [LPEP system] Technology System and taximeter have been removed and the vehicle repainted.*

Section 58. Paragraphs (1) and (2) of subdivision (a) of section 82-22 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) Trip Data must be collected and stored electronically, through the use of the [Street Hail Livery] Technology System [(LPEP)]. (*Note: Nothing in this Chapter alters or replaces the trip data requirements imposed on Paratransit Vehicles under Chapter 60 of these Rules when a Paratransit Vehicle is providing Paratransit service under those Rules*)
- (2) If the [LPEP] Technology System is inoperable, a written Trip Record must be kept during the 48-hour period the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §82-42 of this Chapter*)

Section 59. Paragraph (1) of subdivision (e) of section 82-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) The holder of a Street Hail Livery vehicle license must not allow the Street Hail Livery vehicle to be driven for hire if the driver is not logged into the [LPEP system] Technology System. If the [LPEP] Technology System is inoperable, a written Trip Record must be kept during the 48-hour period that the Street Hail Livery is permitted to operate after timely notification of the malfunction. (*See §82-42 of this Chapter*)

Section 60. Paragraph (3) of subdivision (j) of section 82-26 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) The itemized fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the [LPEP] Technology System or the Taximeter, and relevant payment data necessary to obtain a complete trip record must be transmitted from the E-Hail Application to the [LPEP] Technology System. Manual input of the fare by the Driver or any other person into the E-Hail Application is not permitted.

Section 61. Subdivision (f) of section 82-33 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *Approved Interior Markings.* A Licensee must not display inside a Street Hail Livery any advertising or other notice not specifically authorized by these rules or the Commission's Marking Specifications for Street Hail Liveries unless

approved by the Commission, except for the following:

- (1) Industry signage/logos of all credit/debit cards accepted by the [LPEP] Technology System, all of equal size, shown [in the information content] on the [PIM, or shown on the screen, or device that reads credit/debit cards in LPEPs without a PIM] Technology System; and
- (2) Advertising [in the information content] on the [PIM] Technology System or as set forth in the Street Hail Livery Marking Specifications table (§82-33(l)) of these Rules.

§82-33(f)	Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing	Appearance NOT REQUIRED
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Section 62. Box (h) in subdivision (l) of section 82-33 of Title 35 of the Rules of the City of New York is amended to read as follows:

(h) Brand name of manufacturer of [PIM, screen, or device that reads credit/debit cards or Street Hail Livery] <u>Technology System</u> [(LPEP)]	On the [bezel of the frame of the PIM or screen, or on the device that reads credit/debit cards] <u>Technology System</u>	Not to exceed 1 1/4" in height and 4" in length
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Section 63. Paragraphs (7), (8), (9) and (10) of subdivision (a) of section 82-34 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (7) A means of collecting and recording all of the Trip Sheet data which shall be the [LPEP] Technology System, or an alternate means of collecting Trip Sheet data in the case of a [LPEP] Technology System malfunction.
- (8) Passengers' Bill of Rights [if not on the PIM]
- (9) NYC Map [if not on the PIM]
- (10) A NYC Street Map [or Automatic Vehicle Location System] for the Driver.

Section 64. Subdivision (e) of section 82-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Electronic Dispatching and E-Hail Device.* In addition to the required [LPEP equipment] Technology System and the dispatch equipment required by the Licensee's affiliated Base pursuant to §59B-15(d)(1) of these Rules, a Licensee may equip a Street Hail Livery with one electronic device that is used to accept[ed] dispatches from a Base or Dispatch Service Provider and/or E-Hails from a licensed E-Hail application, provided that that the device is mounted in a

fixed position and not hand-held and use of the electronic device is limited to either voice or one-touch preprogrammed buttons or keys while the Street Hail Livery is in motion.

Section 65. Paragraphs (2), (3), and (6) of subdivision (a) of section 82-38 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (2) [It] The Taximeter's fare indicating mechanism must be affixed to the vehicle's dashboard so that it is clearly readable and visible to all passengers in the vehicle.

§82-38(a)(2)	Fine: \$50	Appearance NOT REQUIRED
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- (3) The Taximeter's serial number or software version number must be the same as that shown on the Rate Card assigned to the Street Hail Livery; or entered on the Rate Card by a Licensed Taximeter shop.

§82-38(a)(3)	Fine: \$500	Appearance NOT REQUIRED
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\* \* \*

- (6) The wiring harness leading from the Taximeter to the speed sensor must [be of one piece construction with] have no unapproved intervening connectors, splices, "Y" connections, or direct or indirect interruptions or connections of any kind whatsoever.

§82-38(a)(6)	Fine: \$500	Appearance REQUIRED
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Section 66. Subdivisions (a) and (c) of section 82-40 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (a) *Unauthorized Tampering.* Unless authorized by the Commission, no person may tamper with, alter, repair or attempt to repair any portion of the Taximeter system that would affect the operation of the Taximeter or the [LPEP] Technology System, including, but not limited to:

- (1) The Taximeter
- (2) The [LPEP] Technology System
- (3) Any seal affixed to the Street Hail Livery by a licensed Taximeter repair shop or other authorized facility

- (4) Any cable connection, [or] cable system electrical wiring, or wireless connections of a Taximeter or [LPEP] Technology System
- (5) The vehicle's mechanism or its tires that would affect the operation of the Taximeter or of the [LPEP] Technology System.

\* \* \*

(c) *Licensee's Defense.* It will be an affirmative defense to a violation of this section that the Licensee:

- (1) Did not know of or participate in the alleged tampering of the Taximeter or [LPEP] Technology System; and
- (2) Exercised due diligence to ensure that tampering with the Taximeter or [LPEP] Technology System would not occur. Examples of a Licensee's due diligence include, but are not limited to:
  - (i) Clearly warning Drivers that if they violate the Taximeter or [LPEP] Technology System tampering rules, Licensee will:
    - A. Immediately terminate any lease agreement the Street Hail Livery Licensee has with the Driver; and
    - B. Report the tampering violation to the Commission, which will result in the probable revocation of their TLC Driver License;
  - (ii) Including the warning against violating the Taximeter and [LPEP] Technology System tampering rules as a provision in any written lease agreement;
  - (iii) Stamping the warning against violating the Taximeter and [LPEP] Technology System tampering rules on any written Trip Records whenever paper Trip Records must be issued to one or more Street Hail Livery Drivers;
  - (iv) Conducting periodic random comparisons of the odometer and the Taximeter mileage readings of a Street Hail Livery to check for any inappropriate disparities;
  - (v) Conducting periodic random inspections of the Taximeter and the [LPEP] Technology System to detect any evidence of tampering; and

- (vi) Having all of the Street Hail Livery inspected by a licensed Taximeter shop once every inspection cycle.

\* \* \*

(e) *Inspections by Authorized Person.*

- (4) A Street Hail Livery's Taximeter must be tested for accuracy over a measured mile course and its installation must be tested for compliance with the rules of the Commission.
- (5) Only personnel authorized by the Commission can perform these tests.
- (6) The inspections specified in paragraph one of this subdivision must be completed and the results of the tests indicated on the Rate Card in each of the following circumstances:

- (vi) At least once every 12 months.

§82-40(e) (3)(i)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT REQUIRED
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- (vii) Whenever a Taximeter is installed in a vehicle or a Taximeter's metrological system is updated or when a Taximeter's metrological system is updated.

§82-40(e) (3)(ii)	Fine: \$100	Appearance NOT REQUIRED
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- (viii) When the transmission or differential is altered, repaired or replaced.

§82-40(e) (3)(iii)	Fine: \$50	Appearance NOT REQUIRED
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- (ix) When a change is made in any other part of the Street Hail Livery that can affect the Taximeter reading.

§82-40(e) (3)(iv)	Fine: \$50	Appearance NOT REQUIRED
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- (x) At any other time required by the Commission.

§82-40(e)(3)(v)	Fine: \$100	Appearance NOT REQUIRED
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Section 67. Section 82-41 of Title 35 of the Rules of the City of New York is amended to read as follows:



**§82-41 Vehicle Equipment – [Street Hail Livery] Technology System [(LPEP)]  
Installation**

- (a) *[Street Hail Livery Technology System (LPEP)]*. The LPEP is an integrated system of Hardware and Software that provides the Core Services in a Street Hail Livery as more fully described in § 83-31 of these Rules.
- (b)] *Required Installation*. A Licensee must ensure that the Street Hail Livery operating under a Street Hail Livery License is equipped with [an LPEP] a Technology System approved by the Commission pursuant to Chapter [83] 66.

§82-41([b] <u>a</u> )	Fine: \$ 1,000 and suspension until compliance	Appearance REQUIRED
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- ([c] b) *E-Hail Application*. [Any licensed E-Hail Application that provides for E-Payment must integrate with the LPEP or Taximeter.] No E-Hail Application shall be used to process any payment that is not a licensed E-Hail Application.

Section 68. Section 82-42 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§82-42 Vehicle Equipment – [Street Hail Livery] Technology System [(LPEP)]  
Operation**

- (a) *Good Working Order*. Licensees must ensure that the [Street Hail Livery] Technology System [(LPEP)] equipment is constantly maintained[, and is in good working order[, and that each of the Core Services functions properly].

§82-42(a)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (b) *Failure to Operate*.
- (1) If the [LPEP] Technology System malfunctions or fails to operate, an incident report must be filed with the [LPEP] Technology System Provider within two (2) hours following the discovery of the malfunction or at such time as the Licensee reasonably should have known of the malfunction.
  - (2) If the Street Hail Livery Driver filed the incident report, the Licensee will not be required to file a separate incident report but must verify the filing by obtaining the incident report number.
  - (3) The Licensee must meet the appointment for repair scheduled by the [LPEP] Technology System Provider following the incident report.

- (c) *48-Hour Repair Deadline.* A Street Hail Livery in which [any of the Core Services of the LPEP or] any material feature of [a Core Service] the Technology System is not functioning must not operate more than 48 hours for Hail Trips following the timely filing of an incident report (Pre-Arranged Trips are not subject to this requirement).

§82-42(c)	Fine: \$250 and suspension until compliance	Appearance REQUIRED
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- (d) *Inspection upon Multiple [LPEP] Technology System Malfunctions.* The Licensee of any Street Hail Livery requiring six (6) or more repairs of the [LPEP] Technology System in any thirty (30) day period must promptly take the vehicle for inspection to, or schedule an inspection with, the Commission's Safety and Emissions Facility. This requirement will not apply to the Licensee if compliance is made by the Driver of the vehicle.

§82-42(d)	Fine: \$ 250	Appearance REQUIRED
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Section 69. Paragraph (4) of subdivision (b) of section 82-44 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) *Transferring [LPEP] Technology System.* The application for the transfer must include the following information regarding [LPEP] Technology Systems on forms approved by the Chairperson.
- (i) *Proof of Notice to [LPEP] Technology System Provider*
- A. The transferor must provide proof that notice of the transfer has been sent to the [LPEP] Technology System Provider that holds the contract to provide the [LPEP] Technology System for the Street Hail Livery License being transferred.
  - B. The notice must be:
    1. Sent at least 30 days prior to the proposed date of the transfer (NOTE: The [LPEP] Technology System Provider may waive the 30 day requirement by signing the form),
    2. Sent by certified mail, return receipt requested, and
    3. Sent to the address specified in the contract.
  - C. Proof of notice will be:
    1. A copy of the notice,
    2. A copy of the certified mail receipt, and
    3. An affidavit or affirmation under penalty of perjury verifying the mailing.
- (ii) *Transferor's Statement of Intent.* The Transferor must provide a statement of intent on forms approved by the Chairperson to:
- A. Cancel the contract with the [LPEP] Technology System Provider and [Return] return the [LPEP] Technology

- System equipment to the [LPEP] Technology System Provider, or
    - B. Assign the contract to the Transferee and transfer the equipment to the Transferee, or
    - C. Retain the [LPEP] Technology System equipment, if the Transferee owns the [LPEP] Technology System equipment.
  - (iii) *Transferee's Statement of Intent.* The Transferee must provide a statement of transferee's intent on forms approved by the Chairperson to:
    - A. Assume the Transferor's contract with the [LPEP] Technology System Provider, or
    - B. Identify the approved [LPEP] Technology System Provider which the Transferee intends to use to provide [LPEP] the Technology System.

Section 70. Paragraph (3) of subdivision (c) of section 82-54 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) The Taximeter must be capable of transferring data to the [LPEP] Technology System manufactured by any Commission-licensed [LPEP] Technology System Provider which has chosen to use the Taximeter.

Section 71. Section 82-55 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§82-55 Requirements for Hack-up – [Street Hail Livery] Technology System [(LPEP)]**

- (a) *Requirement.* The vehicle must be equipped with [an LPEP] a Technology System approved by the Commission pursuant to Chapter [83] 66 and installed by [an LPEP] a Technology System Provider in accordance with Chapter [83] 66.
- (b) Reserved.

Section 72. Paragraph (1) of subdivision (a) of section 82-68 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Accessible Vehicles.* The maximum Grant amount is \$30,000. This consists of a single payment of \$14,000 to be paid following the successful Hack-up of the Qualified Vehicle, and a maximum of eight (8) subsequent payments of \$2,000 to be paid following each successful bi-annual vehicle inspection during the four-year period after Hack-up. This amount will be approved only for Qualified Vehicles which, at the time the Grant application is submitted, meet all of the following:

- (i) Be of the most recent model year or the next two most recent model years and,
- (ii) Have fewer than 1,000 miles on the odometer.
- (iii) For subsequent payments to be paid to the Grantee, the Qualified Vehicle must have, between the most recent successful bi-annual vehicle inspection and the successful bi-annual inspection previous to the most recent successful bi-annual inspection:
  - A. completed at least 250 Passenger trips registered through the [LPEP] Technology System, and
  - B. during this period, has been logged onto the Accessible Taxi Dispatch system through the Dispatch Equipment while in operation.

Section 73. Chapter 83 of Title 35 of the Rules of the City of New York, relating to licensing and rules for street hail livery technology system providers, is DELETED.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Licensing of Technology System Providers

**REFERENCE NUMBER:** 2017 RG 085

**RULEMAKING AGENCY:** Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: February 9, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Licensing of Technology System Providers**

**REFERENCE NUMBER: TLC-101**

**RULEMAKING AGENCY: Taxi & Limousine Commission**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

February 9, 2018  
Date