§ 1692. General provisions. 1. A TNC or a TNC driver shall not be deemed a common carrier, as defined in subdivision six of section two of the transportation law; a contract carrier of passengers by motor vehicle, as defined in subdivision nine of section two of the transportation law; or a motor carrier, as defined in subdivision seventeen of section two of the transportation law. Neither a TNC nor a TNC driver shall be deemed to provide taxicab or for-hire vehicle service while operating as a TNC or TNC driver pursuant to this article. Moreover, a TNC driver shall not be required to register the TNC vehicle such TNC driver uses for TNC prearranged trips as a commercial or for-hire vehicle, as set forth in article fourteen of this chapter.

2. (a) A TNC may not operate in the state of New York without first having obtained a license issued by the department in a form and manner and with applicable fees as provided for by regulations promulgated by the commissioner. As a condition of obtaining a license, a TNC shall be required to submit to the department proof of a group policy issued pursuant to section three thousand four hundred fifty-five of the insurance law. Failure of a TNC to comply with the provisions of this article may result in applicable penalties, which may include, but are not limited to fines, suspension or revocation of license or a combination thereof as otherwise provided by law. No license shall be suspended or revoked except upon notice to the TNC and after an opportunity to be heard.

(b) Failure of a TNC to obtain a license before operation, pursuant to this subdivision shall constitute a misdemeanor.

3. A TNC must maintain an agent for service of process in the state of New York.

4. On behalf of a TNC driver, a TNC may charge a fare for the services rendered to passengers; provided that, if a fare is collected from a passenger, the TNC shall disclose to such passenger the fare within the TNC's digital network. The TNC shall also provide passengers, before such passengers enter a TNC vehicle, the actual fare or an estimated fare for such TNC prearranged trip through the TNC's digital network. The TNC shall also post the fair calculation method on its website.

5. A TNC's digital network shall display a picture of the TNC driver, and provide the make, model, color and license plate number of the TNC vehicle utilized for providing the TNC prearranged trip before the passenger enters the TNC vehicle.

6. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger on behalf of the TNC driver that lists:

(a) The origin and destination of the trip;

(b) The total time and distance of the trip;

(c) An itemization of the total fare paid, if any;

(d) A separate statement of the applicable assessment fee and surcharge; and

(e) The TNC name and operating license number.

7. A TNC driver shall not solicit or accept street hails.

8. A TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments for the fares charged to passengers for TNC prearranged trips and notify TNC drivers of such policy. TNC drivers shall not solicit or accept cash payments from passengers.

9. A TNC shall prevent a TNC driver from accepting TNC prearranged trips within a city of a population of one million or more and any county or city that has enacted a local law or ordinance pursuant to section one hundred eighty-two of the general municipal law and has not repealed such local law or ordinance, except where the acceptance of a prearranged trip is authorized pursuant to an existing reciprocity agreement.

10. Nothing in this article shall apply to cities with a population of one million or more.