

Paragraph (1) of subdivision (a) of section 309.3 of Title 12 NYCRR is hereby amended to read as follows:

(a) Independent livery drivers.

- (1) A livery driver is an independent livery driver when he or she is licensed to drive a livery by the appropriate governing taxi and limousine commission and is dispatched by an independent livery base with which he or she is affiliated. An independent livery driver also includes a person who is operating a vehicle that is affiliated with a member of the Black Car Operators' Injury Compensation Fund when that person is dispatched by an independent livery base.

A new section 309.4 of Title 12 NYCRR is hereby added to read as follows:

**309.4 Annual contributions to the Fund.**

- (a) Annual contributions to the Fund by independent livery bases calculated using the number of liveries affiliated with each livery base pursuant to section 160-ccc of the Executive Law shall include independent livery drivers as defined in subdivision (a) of section 309.3 of this Title. Such calculation may be done at the discretion of the Fund using a per ride surcharge.