

6118--A

Cal. No. 78

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. GOLDEN, ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend chapter 602 of the laws of 2011 relating to livery permits in the city of New York, in relation to authorizing New York city to issue up to two thousand new taxicab licenses to vehicles that are accessible to individuals with disabilities, authorizing New York City to issue eighteen thousand hail vehicle licenses and authorizing up to four hundred fifty hail base permits to for-hire base stations; and to amend the tax law, the administrative code of the city of New York and the vehicle and traffic law, in relation to taxicabs and HAIL licenses in New York city; and to repeal certain sections of chapter 602 of the laws of 2011 relating to livery permits in the city of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature finds and declares
2 that the public health, safety and welfare of the residents of the state
3 of New York traveling to, from and within the city of New York is a
4 matter of substantial state concern, including access to safe and reli-
5 able mass transportation such as taxicabs. The majority of residents and
6 non-residents of the city of New York do not currently have sufficient
7 access to legal, licensed taxicabs available for street hails in the
8 city of New York. Additionally, the legislature finds and declares that
9 it is a matter of public health, safety and welfare to ensure adequate
10 and reliable transportation accessible to individuals with disabilities
11 in the city of New York. Currently, approximately 1.8 percent of the
12 city's approximately thirteen thousand yellow taxicabs is accessible to
13 individuals with disabilities, and an even smaller percentage of the
14 city's approximately twenty-three thousand livery vehicles is accessi-
15 ble. This supply of accessible vehicles is insufficient to provide

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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adequate and reliable transportation for the residents of and the commuters and visitors to New York city who have disabilities and therefore inhibits their basic daily activities. This lack of accessible vehicles also prevents individuals with disabilities from being able to rely on the street hail system to get to a destination quickly, particularly in an emergency, or to travel to a location not near a subway or bus stop. Improving access to mass transportation, including taxicabs, for the residents of and the commuters and visitors to New York city furthers these matters of substantial state concern.

S 2. Sections 2, 3 and 5 of chapter 602 of the laws of 2011 relating to livery permits in the city of New York are REPEALED.

S 3. Sections 4 and 6 of chapter 602 of the laws of 2011 relating to livery permits in the city of New York, are amended to read as follows:

S 4. HAIL BASE PERMIT ISSUANCE. The New York city taxi and limousine commission OR SUCCESSOR AGENCY is hereby authorized to issue non-transferable permits to for-hire vehicle base stations established pursuant to section 19-511 of the administrative code of the city of New York, allowing such base stations to be affiliated with holders of [permits] LICENSES issued pursuant to section [three] FIVE of [this act] THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION ("hail [privilege] base permit"), provided that no more than four hundred fifty permits shall be held at one time. Every holder of a hail [privilege] vehicle [permit] LICENSE issued pursuant to section [three of this act] FIVE OF THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION shall be affiliated with one such base station. Hail [privilege] base permits shall be issued to base stations pursuant to this section for a fee in the amount of three thousand dollars, and shall be valid for three years prior to renewal. [Such] THE right to renewal shall be automatic, upon payment of a renewal fee, if the base station is in good standing. Such RENEWAL fee amount may be increased by such taxi and limousine commission or successor agency to account for changes in the [United States] NEW YORK - NORTHERN NEW JERSEY - LONG ISLAND consumer price index, adjusted for inflation. The initial [sale] ISSUANCE of such hail [privilege] base permits will be limited to existing for-hire vehicle base stations established pursuant to section 19-511 of the administrative code of the city of New York, that have been in operation for at least three years AND ARE IN GOOD STANDING WITH SUCH TAXI AND LIMOUSINE COMMISSION OR SUCCESSOR AGENCY. Such hail [privilege] base permits shall be issued beginning no later than the public sale of the additional taxicab [medallions] LICENSES issued pursuant to section [two of this act] EIGHT OF THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION. The city of New York, acting through such taxi and limousine commission OR SUCCESSOR AGENCY, is hereby authorized and empowered to take such actions as are necessary and desirable to implement the provisions of this section, subject only to the procedures and limitations set forth in this section, and shall not be required to engage in any review provided for by any provision of law or make or obtain any determination not expressly required by this section.

S 6. This act shall take effect immediately. THIS ACT SHALL BE CONSTRUED AS A WHOLE, AND ALL PARTS OF IT ARE TO BE READ AND CONSTRUED TOGETHER. IF ANY PART OF THIS ACT OR ANY AMENDMENTS MADE THERETO BY THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE REMAINDER OF THIS ACT SHALL BE INVALIDATED AND SHALL BE DEEMED TO HAVE NOT TAKEN EFFECT, PROVIDED HOWEVER THAT THE VALIDITY OF ANY TAXICAB LICENSE ISSUED BEFORE THE DATE THAT THIS ACT IS DECLARED INVALID SHALL NOT BE AFFECTED.

1 S 4. Definitions. Notwithstanding any other law to the contrary, as
2 used in this act, the term:

3 (a) "Accessible vehicle" means a for-hire vehicle that is designed for
4 the purpose of transporting persons in wheelchairs or contains a phys-
5 ical device or alteration designed to permit access to and enable the
6 transportation of persons in wheelchairs in accordance with the Ameri-
7 cans with Disabilities Act.

8 (b) "Hail Accessible Inter-borough license" or "HAIL license" means a
9 license issued by the New York city taxi and limousine commission that
10 authorizes a designated vehicle to pick up passengers by street hail
11 outside of the HAIL exclusionary zone. Provided, however, that a HAIL
12 vehicle shall be permitted to accept passengers by prearranged call at
13 airports and outside the HAIL exclusionary zone.

14 (c) "HAIL exclusionary zone" means airports in the city of New York in
15 which a HAIL vehicle is prohibited from pick-up of passengers by street
16 hail and that area of the city of New York in Manhattan south of east
17 ninety-sixth street and south of west one hundred tenth street in which
18 a HAIL vehicle is prohibited from pick-up of passengers by street hail
19 or pre-arranged call and in such other areas as the TLC shall by rule
20 prohibit HAIL vehicles from accepting passengers by street hail consist-
21 ent with this act. Provided, however, that a HAIL vehicle shall be
22 permitted to accept passengers by prearranged call at airports and
23 outside the HAIL exclusionary zone.

24 (d) "For-hire vehicle" means a motor vehicle carrying passengers for-
25 hire in the city, with a seating capacity of twenty passengers or less,
26 not including the driver, other than a taxicab, coach, commuter van or
27 an authorized bus operating pursuant to applicable provisions of law.
28 For the purpose of this subdivision, "seating capacity" shall include
29 any plain view location which is capable of accommodating a normal adult
30 as part of an overall seat configuration and design and is likely to be
31 used as a seating position while the vehicle is in motion.

32 (e) "For-hire driver" means a driver licensed pursuant to paragraph
33 (iii) of subdivision a of section 19-505 of the administrative code of
34 the city of New York.

35 (f) "HAIL vehicle" means a for-hire vehicle having a taximeter and a
36 TLC-sanctioned trip record system and subject to a HAIL license.

37 (g) "TLC" means the New York city taxi and limousine commission or a
38 successor agency.

39 S 5. HAIL license issuance. (a) The TLC is hereby authorized to issue
40 hail accessible inter-borough licenses. No more than eighteen thousand
41 HAIL licenses shall be issued.

42 (b) Six thousand of such HAIL licenses shall be issued within twelve
43 months from the date on which the first HAIL license is issued ("first
44 issuance"). Any of the six thousand licenses authorized for such issu-
45 ance not issued within the first twelve months shall be authorized for
46 issuance in the second issuance in addition to those authorized in the
47 second issuance, as defined in this subdivision. Twenty percent of the
48 HAIL licenses issued in the first issuance will be restricted to acces-
49 sible vehicles, and for every block of one thousand HAIL licenses
50 issued, the twenty percent requirement must be met prior to the issuance
51 of any additional HAIL licenses. The TLC will study and report on the
52 accessibility of vehicles with HAIL licenses in the Disabled Accessibil-
53 ity Plan and may recommend that a different percentage of HAIL licenses
54 be restricted to accessible vehicles for the remaining twelve thousand
55 HAIL licenses. Without such approved modification, twenty percent of the
56 remaining twelve thousand licenses will be restricted to accessible

1 vehicles, and for every block of one thousand HAIL licenses issued, the
2 twenty percent requirement must be met prior to the issuance of any
3 additional HAIL licenses. Twelve months after the first issuance, the
4 TLC may issue up to six thousand additional HAIL licenses (the "second
5 issuance"). One year after the second issuance, the TLC may issue up to
6 six thousand additional HAIL licenses ("third issuance"). Any of the
7 HAIL licenses authorized for issuance during the first and second issu-
8 ances not issued within the first twenty-four months shall be authorized
9 for issuance in addition to those authorized in the third issuance. The
10 TLC may reissue pursuant to this act a HAIL license that is revoked or
11 has otherwise reverted to the TLC. Within the first three years of the
12 first issuance, HAIL licenses may be issued only to owners of for-hire
13 vehicles or for-hire drivers who have been licensed by the TLC for at
14 least one year and are in good standing with the TLC; provided that
15 three months after the first issuance any remaining HAIL licenses in the
16 first issuance restricted to accessible vehicles authorized for issuance
17 may be issued without regard to such restrictions in a manner to be
18 determined by the TLC.

19 (c) An individual or entity may only own one HAIL license except that
20 an individual or entity may own not more than five HAIL licenses
21 restricted to accessible vehicles. A HAIL license not restricted to
22 accessible vehicles may not be transferred or issued to an individual or
23 entity if such individual or entity has a fiduciary relationship with,
24 an ownership interest in or is otherwise a member of any other entity,
25 including without limitation a corporation, partnership, limited liabil-
26 ity corporation, limited liability partnership, joint venture or associ-
27 ation that owns a HAIL license issued or transferred pursuant to this
28 section and section seven of this act. A HAIL license restricted to
29 accessible vehicles may not be transferred or issued to an individual or
30 entity if such individual or entity has a fiduciary relationship with,
31 an ownership interest in or is otherwise a member of any other entity or
32 combination of entities, including without limitation a corporation,
33 partnership, limited liability corporation, limited liability partner-
34 ship, joint venture or association that in the aggregate owns five HAIL
35 licenses restricted to accessible vehicles issued or transferred pursu-
36 ant to this section and section seven of this act.

37 (d) HAIL licenses shall be issued for a fee in the amount of one thou-
38 sand five hundred dollars in the first issuance, three thousand dollars
39 in the second issuance and four thousand five hundred dollars in the
40 third issuance. A HAIL license shall be valid for three years prior to
41 renewal. The right to renewal shall be automatic, upon payment of a
42 renewal fee in an amount to be specified by the TLC, if the owner is in
43 good standing.

44 (e) The TLC may designate additional areas outside of Manhattan to be
45 included in the HAIL exclusionary zone, based upon the HAIL market anal-
46 ysis pursuant to section six of this act.

47 (f) Nothing in this section shall prohibit an owner of a for-hire
48 vehicle that is not a HAIL vehicle from accepting prearranged calls from
49 a for-hire vehicle base station established pursuant to section 19-511
50 of the administrative code of the city of New York from picking up
51 passengers by pre-arranged call inside the HAIL exclusionary zone,
52 provided that such owner is licensed to do so. Nothing in this section
53 shall prohibit the owner of a HAIL vehicle from accepting a pre-arranged
54 call from a for-hire base outside the HAIL exclusionary zone and at
55 airports.

1 (g) Nothing in this section shall prohibit an owner of a for-hire
2 vehicle who possesses a HAIL license from allowing a driver who meets
3 the TLC's designated standards to operate the vehicle and exercise the
4 privileges of the HAIL license. The TLC may by rule govern the equipment
5 of such vehicles, including but not limited to meters that calculate the
6 fares that may be charged for trips in such vehicles. The TLC may by
7 rule provide for the licensing of businesses which manufacture and
8 provide such equipment to the owners of HAIL vehicles and adopt penal-
9 ties for drivers who charge fares in excess of the approved rate of fare
10 or refuse to take passengers to any destination within the city of New
11 York provided that rules promulgated for the purposes of licensing shall
12 comply with chapter 45 of the charter of the city of New York and
13 provided further that the TLC shall, before revoking or suspending any
14 such license, provide such licensee notice and an opportunity for an
15 adjudication pursuant to section 1046 of the charter of the city of New
16 York.

17 (h) The city of New York, acting through the TLC, is hereby authorized
18 and empowered to take such actions as are necessary and desirable to
19 implement the provisions of this section and section nine of this act,
20 subject only to the procedures and limitations set forth in this act,
21 and shall not be required to engage in any review provided for by any
22 provision of law or make or obtain any determination not expressly
23 required by this act.

24 S 6. HAIL market analysis. Prior to the second issuance and third
25 issuance, the TLC shall prepare and submit (i) to the council of the
26 city of New York for its comments, (ii) for public comment, and (iii) to
27 the New York state department of transportation for its comments, a HAIL
28 market analysis examining HAIL vehicle rider demand, shortages, and the
29 need for adequate and affordable transportation, including an analysis
30 of (a) the need for additional HAIL licenses to meet rider demand, (b)
31 the adequacy of enforcement provisions governing HAIL licenses, (c) the
32 adequacy of the HAIL exclusionary zone, (d) the state of the market for
33 issuance or other transfer of such licenses, (e) the impact of such new
34 licensing on for-hire vehicle license owners, taxicab license owners and
35 other industry participants that have not obtained such license, (f) the
36 impact of additional license issuance on traffic safety and street
37 congestion within the city of New York, (g) the need for related statu-
38 tory or regulatory changes, (h) actions by the TLC on: (i) the promul-
39 gation of rules and regulations governing HAIL vehicles and the enforce-
40 ment of existing laws, rules and regulations governing for-hire
41 vehicles, taxicabs, HAIL vehicles and vehicles that operate without a
42 valid license issued by the TLC, (ii) the allocation of resources for
43 enforcement and (iii) deterring and punishing individuals who repeatedly
44 violate such laws, rules and regulations; and (i) implementation of the
45 HAIL license system and its integration into the New York city transit
46 system.

47 S 7. Transfer of the HAIL licenses. Subject to subdivision (c) of
48 section five of this act, each HAIL license issued by the TLC shall be
49 transferable to owners of for-hire vehicles licensed by the TLC or a
50 for-hire driver in good standing with the TLC.

51 S 8. Accessible taxicab license issuance. The city of New York may,
52 acting by the mayor alone, administratively authorize the TLC or its
53 successor agency to issue up to two thousand taxicab licenses in addi-
54 tion to those already issued, provided, however, that such taxicab
55 licenses shall be restricted to vehicles designated for the purpose of
56 transporting persons in wheelchairs or containing a physical device or

1 alteration designed to permit access to and enable the transportation of
2 persons in wheelchairs in accordance with the Americans with Disabili-
3 ties Act, provided further that such additional licenses shall be issued
4 by public sale and shall be fully transferable and provided further that
5 no more than four hundred of the taxicab licenses authorized to be
6 issued pursuant to this act may be issued until the Disabled Accessibil-
7 ity Plan is approved by the New York state department of transportation.
8 The TLC shall prescribe by regulation the procedures for the issuance
9 and public sale of such additional licenses, by public auction, sealed
10 bids or other competitive process. The authorization provided in this
11 section is conditioned upon the TLC making available for issuance the
12 licenses and permits authorized pursuant to section five of this act and
13 section 4 of chapter 602 of the laws of 2011 relating to livery permits
14 in the city of New York.

15 S 9. Promoting accessibility. (a) The TLC shall establish a program to
16 support the introduction of accessible vehicles into the HAIL vehicle
17 fleet by: (i) providing grants to purchasers of HAIL licenses
18 restricted to accessible vehicles as provided in subdivision (b) of this
19 section; or (ii) providing vehicles to purchasers of the HAIL licenses
20 restricted to accessible vehicles on affordable and financially feasible
21 terms.

22 (b) Purchasers of hail licenses restricted to accessible vehicles
23 issued pursuant to this act shall be eligible to apply for grants in an
24 amount up to fifteen thousand dollars, which shall be applied towards
25 the costs of: (i) purchasing an accessible vehicle for use as a HAIL
26 vehicle; or (ii) retrofitting a vehicle to be an accessible vehicle for
27 use as a HAIL vehicle. The total amount of such grants shall not exceed
28 fifty-four million dollars.

29 (c) The TLC may increase the amount of each grant by an amount it
30 deems necessary to encourage the availability of accessible vehicles.

31 (d) The TLC shall administer the program established pursuant to this
32 section and shall establish rules and regulations necessary to implement
33 the provisions of this section.

34 (e) All accessible vehicles shall be inspected at an inspection facil-
35 ity operated by the TLC not less than once every eight months, in
36 accordance with a procedure to be established by the TLC to ensure that
37 such vehicles are accessible vehicles. If any such vehicle fails to pass
38 its inspection for any reason relating to such standards, it shall be
39 reinspected. The TLC or any other agency authorized by law may conduct
40 on-street inspections of vehicles licensed pursuant to the provisions of
41 this act. The date of the inspection of such vehicle and the signature
42 of the persons making the inspection shall be recorded upon a certifi-
43 cate to be posted in each such vehicle. An owner shall be ordered by
44 the TLC to repair or replace his or her vehicle where it appears that it
45 is no longer an accessible vehicle. Upon failure of such owner to have
46 his or her vehicle inspected or to comply with any such order within ten
47 days after service thereof, the license shall be suspended; upon failure
48 of such owner to comply with any such order within one hundred twenty
49 days after service thereof, the license may, at the discretion of the
50 TLC, be deemed to have been abandoned by non-use.

51 S 10. Disabled accessibility plan. Not later than one year after the
52 initial issuance of HAIL vehicle licenses, the TLC shall prepare and
53 submit to the New York state department of transportation a comprehen-
54 sive plan (the "disabled accessibility plan") that:

55 (a) sets forth an accessibility plan that (i) will lead to meaningful
56 accessibility over a period of years for individuals with disabilities

1 to all taxicabs, for-hire vehicles and HAIL vehicles through a gradual
2 phase-in of accessible vehicles to the taxicab, for-hire vehicle and
3 HAIL vehicle transport system, (ii) makes accessible vehicles available
4 based on need within geographic areas of the city of New York by for-
5 hire vehicle base stations established pursuant to section 19-511 of the
6 administrative code of the city of New York and provides the method to
7 be used by the TLC to calculate such need and monitor availability and
8 (iii) may include alternate means of increasing marketability and
9 adequacy of incentives to purchase accessible licenses so that accessi-
10 bility requirements can be achieved;

11 (b) The disabled accessibility plan either shall contain a recommenda-
12 tion for the percentage of HAIL licenses issued in the second and third
13 issuances to be restricted to accessible vehicles, or if no recommenda-
14 tion is made, the required percentage of HAIL licenses restricted to
15 accessible vehicles set for the first issuance shall remain in effect
16 for the second and third issuances, and the TLC shall continue to
17 require that for every block of one thousand HAIL licenses issued, the
18 twenty percent requirement provided in subdivision (b) of section five
19 of this act must be met prior to the issuance of any additional HAIL
20 licenses.

21 (c) The disabled accessibility plan shall be prepared in consultation
22 and cooperation with disability rights advocates and other stakeholders
23 and shall be submitted to the council of the city of New York for its
24 comments, which comments shall be considered by the TLC prior to its
25 submission to the New York state department of transportation. The New
26 York state department of transportation may recommend changes or amend-
27 ments to the TLC as a condition of its approval and must approve or
28 reject the disabled accessibility plan within sixty days of submission
29 by the TLC. The city of New York, acting through the TLC, and the New
30 York state department of transportation are hereby authorized and
31 empowered to take such actions as are necessary and desirable to imple-
32 ment the provisions of this section, subject only to the procedures and
33 limitations set forth in this section, and shall not be required to
34 engage in any review provided for by any provision of law or make or
35 obtain any determination not expressly required by this act.

36 (d) The TLC shall not be permitted to issue more than four hundred of
37 the taxicab licenses authorized to be issued pursuant to this act until
38 this plan is approved by the New York state department of transporta-
39 tion. Upon such approval by such department, the issuance by the TLC of
40 more than four hundred taxicab licenses pursuant to this act shall not
41 be affected by the pendency, the final determination or other outcome of
42 any action or proceeding to which the New York state department of
43 transportation or its commissioner is a party that seeks to challenge or
44 invalidate the approved disabled accessibility plan or any portion ther-
45 eof.

46 S 11. Notwithstanding any of the foregoing it shall remain the exclu-
47 sive right of existing and future taxicabs licensed by the TLC as a
48 taxicab to pick up passengers via street hail in such areas of the city
49 of New York wherein HAIL license holders are prohibited from accepting
50 such passengers. All vehicles licensed by the TLC as taxicabs shall be
51 permitted to pick up passengers via street hail from any location within
52 the city of New York unless the pick-up of passengers is prohibited by
53 law. No driver of any for-hire vehicle shall accept a passenger within
54 the city of New York by means other than pre-arrangement with a base
55 unless said driver is operating either a (i) taxicab licensed by the TLC
56 with a medallion affixed thereto, or (ii) a vehicle with a valid HAIL

1 license and said passenger is hailing the vehicle from a location where
2 street hails of such vehicles are permitted.

3 S 12. Section 1280 of the tax law is amended by adding seven new
4 subdivisions (o), (p), (q), (r), (s), (t) and (u) to read as follows:

5 (O) "HAIL VEHICLE" MEANS A FOR-HIRE VEHICLE HAVING A TAXIMETER AND A
6 TLC-SANCTIONED TRIP RECORD SYSTEM, LICENSED BY THE TLC TO CARRY PASSEN-
7 GERS FOR HIRE AND AUTHORIZED TO ACCEPT HAILS FROM PROSPECTIVE PASSENGERS
8 IN THE STREETS OF THE CITY, PROVIDED THAT SUCH AUTHORIZATION SHALL
9 PROHIBIT THE PICK-UP OF PASSENGERS BY STREET HAIL AT AIRPORTS AND BY
10 STREET HAIL OR PRE-ARRANGED CALL IN MANHATTAN SOUTH OF EAST NINETY-SIXTH
11 STREET AND SOUTH OF WEST ONE HUNDRED TENTH STREET, OR IN SUCH AREA AS
12 THE TLC SHALL BY RULE PROHIBIT PURSUANT TO THE CHAPTER OF THE LAWS OF
13 TWO THOUSAND TWELVE WHICH ADDED THIS SUBDIVISION.

14 (P) "FOR-HIRE VEHICLE" MEANS A MOTOR VEHICLE CARRYING PASSENGERS FOR
15 HIRE IN THE CITY, WITH A SEATING CAPACITY OF TWENTY PASSENGERS OR LESS,
16 NOT INCLUDING THE DRIVER, OTHER THAN A TAXICAB, COACH, COMMUTER VAN OR
17 AN AUTHORIZED BUS OPERATING PURSUANT TO APPLICABLE PROVISIONS OF LAW.
18 FOR THE PURPOSE OF THIS SUBDIVISION, "SEATING CAPACITY" SHALL INCLUDE
19 ANY PLAIN VIEW LOCATION WHICH IS CAPABLE OF ACCOMMODATING A NORMAL
20 ADULT, IS PART OF AN OVERALL SEAT CONFIGURATION AND DESIGN, AND IS LIKE-
21 LY TO BE USED AS A SEATING POSITION WHILE THE VEHICLE IS IN MOTION.

22 (Q) "HAIL VEHICLE OWNER" MEANS A PERSON LICENSED BY THE TLC TO OWN AND
23 OPERATE, OR OPERATE, A HAIL VEHICLE FOR WHICH THE TLC HAS ISSUED A HAIL
24 LICENSE.

25 (R) "HAIL LICENSE" MEANS A LICENSE ISSUED BY THE TLC TO A PERSON WHO
26 IS THE OWNER OR LICENSED OPERATOR OF A FOR-HIRE VEHICLE THAT AUTHORIZES
27 THAT VEHICLE TO PICK UP PASSENGERS BY STREET HAIL IN THE CITY, PROVIDED
28 THAT SUCH AUTHORIZATION SHALL PROHIBIT THE PICK-UP OF PASSENGERS BY
29 STREET HAIL AT AIRPORTS AND BY STREET HAIL OR PRE-ARRANGED CALL IN
30 MANHATTAN SOUTH OF EAST NINETY-SIXTH STREET AND SOUTH OF WEST ONE
31 HUNDRED TENTH STREET, OR IN SUCH AREA AS THE TLC SHALL BY RULE PROHIBIT
32 PURSUANT TO THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH ADDED
33 THIS SUBDIVISION.

34 (S) "HAIL VEHICLE TRIP" MEANS A HAIL VEHICLE TRIP PROVIDED TO ONE OR
35 MORE PASSENGERS REGARDLESS OF THE NUMBER OF STOPS, THAT ORIGINATED BY
36 STREET HAIL, AND FOR WHICH THE TAXIMETER IS REQUIRED TO BE IN THE
37 RECORDING OR HIRED POSITION DESIGNATING A STREET HAIL TRIP SUBJECT TO
38 THE TAX IMPOSED BY THIS ARTICLE.

39 (T) "HAIL BASE" MEANS A PERSON WHO OR WHICH IS A FOR-HIRE VEHICLE BASE
40 STATION ESTABLISHED PURSUANT TO SECTION 19-511 OF THE ADMINISTRATIVE
41 CODE OF THE CITY OF NEW YORK AND PERMITTED BY THE TLC TO BE AFFILIATED
42 WITH HOLDERS OF HAIL LICENSES.

43 (U) "DISPATCH TRIP" MEANS A TRIP IN A HAIL VEHICLE THAT ORIGINATED BY
44 A CUSTOMER CALLING A HAIL BASE TO REQUEST SERVICE AND THE HAIL BASE
45 DISPATCHING THE CALL TO THE DRIVER OF THE HAIL VEHICLE, AND FOR WHICH
46 THE TAXIMETER IS REQUIRED TO BE IN THE RECORDING OR HIRED POSITION
47 DESIGNATING SUCH A TRIP.

48 S 13. Subdivisions (g), (h) and (m) of section 1280 of the tax law,
49 subdivision (g) as added by section 1 of part E of chapter 25 of the
50 laws of 2009 and subdivision (h) as amended and subdivision (m) as added
51 by section 2 of part V of chapter 57 of the laws of 2010, are amended to
52 read as follows:

53 (g) "Passenger" means an individual seated in a taxicab OR HAIL VEHI-
54 CLE for travel for hire to a given destination.

55 (h) "Taximeter" means an instrument or device approved by the TLC by
56 which the charge to a passenger for hire of a licensed taxicab FOR A

1 TAXICAB TRIP OR OF A HAIL VEHICLE FOR A HAIL VEHICLE TRIP is automat-
2 ically calculated and on which such charge is plainly indicated. THE
3 TAXIMETER OF A HAIL VEHICLE MAY ALSO BE USED TO RECORD INFORMATION OF A
4 DISPATCH TRIP.

5 (m) "Trip record," also known as a trip sheet or trip log, means the
6 written, computerized, automated or electronic accounting of a taxicab
7 [ride] TRIP, HAIL VEHICLE TRIP, OR DISPATCH TRIP. The trip data to be
8 transmitted or recorded shall include the taxicab license number (medal-
9 lion number) OR HAIL VEHICLE LICENSE NUMBER, ANY LICENSED OPERATOR'S TLC
10 LICENSE NUMBER, AND HAIL BASE PERMIT NUMBER; the taxicab driver's
11 license number OR HAIL VEHICLE DRIVER'S LICENSE NUMBER; the location of
12 trip initiation; the time of trip initiation; the number of passengers;
13 the location of trip termination; the time of trip termination; the
14 itemized metered fare for the trip (tolls, surcharge, and tip if paid by
15 credit or debit card); the distance of the trip, the trip number, the
16 method of payment, the total number of passengers, as well as such other
17 information as may be required by the TLC.

18 S 14. Section 1281 of the tax law, as amended by section 3 of part V
19 of chapter 57 of the laws of 2010, is amended to read as follows:

20 S 1281. Imposition of tax. In addition to any other tax imposed by
21 this chapter or other law, there is hereby imposed on every taxicab
22 owner a tax of fifty cents per taxicab trip AND ON EVERY HAIL BASE A TAX
23 OF FIFTY CENTS PER HAIL VEHICLE TRIP PROVIDED BY EVERY HAIL VEHICLE
24 AFFILIATED WITH THE BASE, on every trip that originates in the city and
25 terminates anywhere within the territorial boundaries of the MCTD.

26 S 15. Section 1282 of the tax law, as amended by section 4 of part V
27 of chapter 57 of the laws of 2010, is amended to read as follows:

28 S 1282. Presumption of taxability. For the purpose of the proper
29 administration of this article and to prevent evasion of the tax imposed
30 by this article, it shall be presumed that every taxicab trip AND EVERY
31 HAIL VEHICLE TRIP that originates in the city is subject to the tax
32 imposed by this article. This presumption shall prevail until the
33 contrary is proven, and the burden of proving the contrary shall be on
34 the person liable for tax.

35 S 16. Section 1283 of the tax law, as amended by section 5 of part V
36 of chapter 57 of the laws of 2010, is amended to read as follows:

37 S 1283. Liability for tax; special provisions. Notwithstanding any
38 provision of law to the contrary: (a) The taxicab owner OR HAIL BASE, AS
39 THE CASE MAY BE, shall be liable for the tax imposed by this article.

40 (B) If the TAXICAB owner has designated an agent, then the agent shall
41 be jointly liable with the TAXICAB owner for the tax on trips occurring
42 during the period that such designation is in effect. Even if the TLC
43 has specified that the TAXICAB owner's agent cannot operate as an agent,
44 that agent shall be jointly liable with the TAXICAB owner if the agent
45 has acted for the TAXICAB owner. During the period that [an] A TAXICAB
46 owner's designation of an agent is in effect, the agent shall file the
47 returns required by this article and pay any tax due with such return,
48 but the TAXICAB owner shall not be relieved of liability for tax, penal-
49 ty or interest due under this article, or for the filing of returns
50 required to be filed, unless the agent has timely filed accurate returns
51 and timely paid the tax required to be paid under this article. If [an]
52 A TAXICAB owner has designated an agent, then the agent must perform any
53 act this article requires [an] THE TAXICAB owner to perform, but the
54 failure of such agent to perform any such act shall not relieve the
55 TAXICAB owner from the obligation to perform such act or from any
56 liability that may arise from failure to perform the act.

1 [(b)] (C) (1) Although the tax is imposed on the taxicab owner OR THE
2 HAIL BASE, the city or the TLC shall adopt or amend ordinances or regu-
3 lations to ensure that the economic incidence of the tax is passed
4 through to passengers, such as by increasing taxicab OR HAIL VEHICLE
5 trip fares. The passing along of such economic incidence may not be
6 construed by any court or administrative body as imposing the tax on any
7 person other than the taxicab owner OR THE HAIL BASE. The city or the
8 TLC must adjust trip fares to include therein the pass-through of the
9 economic incidence of the tax imposed by this article, as the rate of
10 such tax may from time to time change, and must timely require that any
11 taximeter in a taxicab OR HAIL VEHICLE used to provide trips that origi-
12 nate in the city be adjusted to include the pass-through.

13 (2) A taxicab owner OR A HAIL BASE OR HAIL VEHICLE OWNER in such city
14 must timely adjust the taximeter in any of such person's taxicabs OR
15 HAIL VEHICLES so that it reflects such pass-through as such pass-through
16 amount may from time to time change.

17 (3) Neither the failure of such city or the TLC to adjust fares nor
18 the failure of a taxicab owner, HAIL BASE, HAIL VEHICLE OWNER, or other
19 person to adjust a taximeter will relieve any person liable for the tax
20 imposed by this article from the obligation to pay such tax timely, at
21 the correct rate.

22 S 17. Section 1283 of the tax law, as amended by section sixteen of
23 this act, is amended by adding a new subdivision (d) to read as follows:

24 (D) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS LIMITING THE IMPOSI-
25 TION OF ANY TAX IMPOSED BY ARTICLE TWENTY-EIGHT OF THIS CHAPTER ON
26 TRANSPORTATION SERVICE PROVIDED BY A HAIL BASE, HAIL VEHICLE, OR OWNER
27 OR OPERATOR OF A HAIL VEHICLE. NOR SHALL ANYTHING IN ARTICLE
28 TWENTY-EIGHT OF THIS CHAPTER BE CONSTRUED AS LIMITING THE IMPOSITION OF
29 ANY TAX IMPOSED BY THIS ARTICLE ON A HAIL VEHICLE TRIP OR AS LIMITING
30 THE OBLIGATION ON A HAIL BASE TO PAY SUCH TAX.

31 S 18. Subdivision (a) of section 1286 of the tax law, as amended by
32 section 8 of part V of chapter 57 of the laws of 2010, is amended to
33 read as follows:

34 (a) Every person liable for any tax imposed by this article shall
35 keep:

36 (1) records of every taxicab OR HAIL VEHICLE trip originating in the
37 city and of all amounts paid, charged or due thereon and of the tax
38 payable thereon, in such form as the commissioner may require;

39 (2) a true and complete copy of every contract, agreement, or arrange-
40 ment concerning the lease, rental, or license to use a taxicab for which
41 the person is required to remit the tax on trips imposed by this article
42 on such person;

43 (3) a true and complete copy of every contract, agreement, or arrange-
44 ment concerning the appointment of an agent;

45 (4) A TRUE AND COMPLETE COPY OF EVERY CONTRACT, AGREEMENT, OR ARRANGE-
46 MENT CONCERNING THE AFFILIATION OF A HAIL VEHICLE OR OF A HAIL VEHICLE
47 OWNER OR DRIVER WITH A HAIL BASE;

48 (5) true and complete copies of any records required to be kept by the
49 TLC; and

50 [(5)] (6) such other records and information as the commissioner may
51 require to perform his or her duties under this article.

52 S 19. Subdivision (b) of section 1286 of the tax law is relettered
53 subdivision (c) and a new subdivision (b) is added to read as follows:

54 (B) EVERY PERSON THAT HAS CONTRACTED WITH THE CITY OR TLC TO PROVIDE
55 SERVICES TO THE CITY, TO THE TLC, OR TO PERSONS LIABLE FOR TAX UNDER
56 THIS ARTICLE RELATING TO TAXIMETERS, TO ADMINISTERING TAXIMETERS OR TO

1 INFORMATION OBTAINED FROM TAXIMETERS AND EVERY PERSON THAT THE TLC HAS
2 AUTHORIZED TO OBTAIN OR POSSESS INFORMATION GENERATED BY TAXIMETERS
3 SHALL KEEP TRUE AND COMPLETE COPIES OF ALL METER INFORMATION.

4 S 20. Subdivision (b) of section 1287 of the tax law, as amended by
5 section 9 of part V of chapter 57 of the laws of 2010, is amended to
6 read as follows:

7 (b) Notwithstanding the provisions of subdivision (a) of this section,
8 the commissioner may, in his or her discretion, permit the proper offi-
9 cer of the city or the duly authorized representative of such officer,
10 to inspect any return filed under this article, or may furnish to such
11 officer or such officer's authorized representative an abstract of any
12 such return or supply such person with information concerning an item
13 contained in any such return, or disclosed by any investigation of tax
14 liability under this article; but such permission shall be granted or
15 such information furnished only if the city or the TLC shall have
16 furnished the commissioner with all information requested by the commis-
17 sioner pursuant to this article and shall have permitted the commission-
18 er or the commissioner's authorized representative to make any
19 inspection of any records or reports concerning taxicabs, taxicab
20 owners, [and] agents, HAIL VEHICLES, HAIL VEHICLE OWNERS, AND HAIL BASES
21 filed with or possessed by such city or the TLC which the commissioner
22 may have requested from such city or the TLC. Provided, further, that
23 the commissioner may disclose to the city or the TLC whether or not a
24 person liable for the tax imposed by this article has paid all of the
25 tax due under this article as of any given date.

26 S 21. Section 1289 of the tax law, as amended by section 10 of part V
27 of chapter 57 of the laws of 2010, is amended to read as follows:

28 S 1289. Cooperation by city. The city and the TLC shall cooperate with
29 and assist the commissioner to effect the purposes of this article and
30 the commissioner's responsibilities under this article. Such cooperation
31 shall include THE CITY OR TLC OBTAINING, furnishing [the], AND TIMELY
32 UPDATING CURRENT, COMPLETE AND ACCURATE names, addresses and all other
33 information concerning every (1) taxicab owner, operator, and driver of
34 taxicabs in the city, [and concerning every] (2) agent and vehicle
35 owner, AND (3) HAIL BASE, HAIL VEHICLE OWNER, HAIL VEHICLE, AND DRIVER
36 OF A HAIL VEHICLE, and the trip records and other records of any of
37 them, in the city's possession or in the possession of any of its agen-
38 cies [or], instrumentalities, AGENTS, CONTRACTORS, OR ANY OTHER PERSON
39 THE TLC HAS AUTHORIZED OR REQUIRED TO OBTAIN OR POSSESS SUCH RECORDS OR
40 INFORMATION, together with any other information the commissioner
41 requests, all IN A FORMAT PRESCRIBED BY, AND without cost to, the
42 commissioner. THE TLC SHALL ALSO FURNISH, OR CAUSE TO BE FURNISHED, IN A
43 FORMAT PRESCRIBED BY THE COMMISSIONER, ANY RECORDS OR INFORMATION IN THE
44 POSSESSION OF THE TLC, ANY AGENT OR CONTRACTOR OF THE CITY OR THE TLC,
45 OR ANY OTHER PERSON THE TLC HAS AUTHORIZED OR REQUIRED TO OBTAIN OR
46 POSSESS SUCH RECORDS OR INFORMATION, CONCERNING THE PERSONS LIABLE FOR
47 THE TAX IMPOSED BY THIS ARTICLE, INCLUDING, AMONG OTHER THINGS, DETAILED
48 TRIP RECORD INFORMATION. SUCH COOPERATION SHALL ALSO INCLUDE THE TLC
49 ASSIGNING IDENTIFYING NUMBERS AND OTHER IDENTIFYING INDICIA TO HAIL
50 BASES, HAIL VEHICLE OWNERS, HAIL VEHICLES, AND DRIVERS OF HAIL VEHICLES
51 IN A FORMAT PRESCRIBED BY THE COMMISSIONER, SO AS TO FACILITATE FILING
52 RETURNS, PAYING TAX, AND PERFORMING OTHER TASKS REQUIRED TO ADMINISTER
53 THE TAX IMPOSED BY THIS ARTICLE.

54 S 22. Section 1115 of the tax law is amended by adding a new subdivi-
55 sion (hh) to read as follows:

(HH) RECEIPTS FROM THE SALE OF TRANSPORTATION SERVICE CONSISTING OF A HAIL VEHICLE TRIP, AS THE TERM "HAIL VEHICLE TRIP" IS DEFINED IN ARTICLE TWENTY-NINE-A OF THIS CHAPTER, SHALL BE EXEMPT FROM THE TAX IMPOSED BY PARAGRAPH TEN OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE, IF SUCH TRIP ORIGINATES IN A CITY OF A MILLION OR MORE AND TERMINATES ANYWHERE WITHIN THE TERRITORIAL BOUNDARIES OF THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AND IS SUBJECT TO THE TAX ON HAIL VEHICLE TRIPS IMPOSED BY SUCH ARTICLE TWENTY-NINE-A.

S 23. Enforcement of penalties and collection of fees. Notwithstanding the provisions of any other law to the contrary, the New York state police may enforce any laws, rules or regulations related to vehicles with HAIL licenses and the Port Authority police department may enforce any laws, rules or regulations related to vehicles with HAIL licenses at facilities owned or leased by the Port Authority of New York and New Jersey. The commission or tribunal that adjudicates liability for a violation relating to HAIL vehicles, for-hire vehicles and vehicles that operate as a vehicle licensed by the New York City taxi and limousine commission shall pay the money owed and collected to the entity that issued the summons for the violation.

S 24. Subdivision 4 of section 1220-b of the vehicle and traffic law, as amended by chapter 481 of the laws of 2009, is amended to read as follows:

4. Any person who engages in the unlawful solicitation of ground transportation services at an airport shall be guilty of a class B misdemeanor punishable by a fine of not less than [five hundred] SEVEN HUNDRED FIFTY dollars nor more than one thousand [two] FIVE hundred [fifty] dollars, or by imprisonment of not more than ninety days or by both such fine and imprisonment. Notwithstanding any contrary provision of law, any charge alleging a violation of this section shall be returnable before a court having jurisdiction over misdemeanors.

S 25. Section 19-506 of the administrative code of the city of New York is amended by adding two new subdivisions k and l to read as follows:

K. NO DRIVER OF ANY VEHICLE WITH A VALID HAIL LICENSE SHALL ACCEPT A PASSENGER BY STREET HAIL WITHIN THE CITY OF NEW YORK FROM A LOCATION WHERE STREET HAILS BY SUCH VEHICLES ARE NOT PERMITTED.

(I) A VIOLATION OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION. A VIOLATION OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF SEVEN HUNDRED FIFTY DOLLARS WHEN A DRIVER HAS BEEN CONVICTED OF A VIOLATION OF THIS SUBDIVISION WITHIN THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS. A VIOLATION OF THIS SUBDIVISION SHALL RESULT IN REVOCATION OF THE DRIVER'S LICENSE ISSUED PURSUANT TO PARAGRAPHS (I) AND (III) OF SUBDIVISION A OF SECTION 19-505 OF THIS CHAPTER WHEN SUCH VIOLATION IS COMMITTED BY A DRIVER WHO HAS PREVIOUSLY BEEN CONVICTED OF TWO VIOLATIONS OF THIS SECTION WITHIN THE IMMEDIATELY PRECEDING ONE HUNDRED TWENTY MONTHS.

(II) A FINDING THAT A DRIVER HAS COMMITTED A VIOLATION OF THIS SUBDIVISION SHALL BE EVIDENCE THAT THE OWNER OR OPERATOR HOLDING THE HAIL LICENSE WITH RESPECT TO THE VEHICLE IN WHICH SUCH VIOLATION WAS COMMITTED FAILED TO MAKE A REASONABLE GOOD FAITH EFFORT TO DETER THE COMMISSION OF SUCH VIOLATION. A DRIVER'S THIRD CONVICTION OF THIS SUBDIVISION WITHIN ONE HUNDRED TWENTY MONTHS SHALL RESULT IN REVOCATION OF A HAIL LICENSE IF EACH SUCH VIOLATION OCCURRED IN A VEHICLE SUBJECT TO A HAIL LICENSE HELD BY SUCH OWNER OR OPERATOR OF ONE OR MORE OF SUCH HAIL LICENSES. THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION OR SUCCESSOR AGENCY SHALL ADVISE SUCH OWNER OR OPERATOR HOLDING THE HAIL LICENSE OF

HIS OR HER POTENTIAL LIABILITY PURSUANT TO THIS SECTION UPON A FINDING THAT A VIOLATION OF PARAGRAPH (I) OF THIS SUBDIVISION WAS COMMITTED IN A VEHICLE WITH A VALID HAIL LICENSE.

L. A PERSON IS GUILTY OF UNLAWFUL FLEEING A NEW YORK CITY TAXI AND LIMOUSINE ENFORCEMENT OFFICER OR POLICE OFFICER WHEN, KNOWING THAT HE OR SHE HAS BEEN DIRECTED TO REMAIN STOPPED BY A NEW YORK CITY TAXI AND LIMOUSINE ENFORCEMENT OFFICER OR POLICE OFFICER, THE DRIVER OF A VEHICLE OPERATING PURSUANT TO A HAIL LICENSE WHO IS STOPPED IN A ZONE WHERE HE OR SHE IS NOT PERMITTED TO PICK UP STREET HAILS THEREAFTER ATTEMPTS TO FLEE SUCH OFFICER BY SETTING THE VEHICLE IN MOTION AND EITHER TRAVELS OVER THREE HUNDRED FEET WITHOUT STOPPING OR ENGAGES IN CONDUCT CONSTITUTING RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAFFIC LAW. UNLAWFUL FLEEING A NEW YORK CITY TAXI AND LIMOUSINE ENFORCEMENT OFFICER OR POLICE OFFICER IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, OR BY IMPRISONMENT OF NOT MORE THAN NINETY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, ANY CHARGE ALLEGING A VIOLATION OF THIS SUBDIVISION SHALL BE RETURNABLE BEFORE A COURT HAVING JURISDICTION OVER MISDEMEANORS.

S 26. Paragraphs 1, 2 and 4 of subdivision h of section 19-506 of the administrative code of the city of New York, as added by local law number 90 of the city of New York for the year 1989 and such subdivision as relettered by local law number 13 of the city of New York for the year 1992, is amended to read as follows:

(1) Any officer or employee of the commission designated by the chairperson of the commission and any police officer may seize any vehicle which he or she has probable cause to believe is operated or offered to be operated without an appropriate vehicle license for such operation in violation of subdivision b [or], c OR K of this section. Therefore, either the commission or an administrative tribunal of the commission at a proceeding commenced in accordance with subdivision e of this section, or the criminal court, as provided in this section, shall determine whether a vehicle seized pursuant to this subdivision was operated or offered to be operated in violation of either such subdivision. The commission shall have the power to promulgate regulations concerning the seizure and release of vehicles and may provide in such regulations for reasonable fees for the removal and storage of such vehicles. Unless the charge of violating subdivision b [or], c OR K of this section is dismissed, no vehicle seized pursuant to this subdivision shall be released until all fees for removal and storage and the applicable fine or civil penalty have been paid or a bond has been posted in a form and amount satisfactory to the commission, except as is otherwise provided for vehicles subject to forfeiture pursuant to paragraph two of this subdivision.

(2) In addition to any other penalties provided in this section, if the owner is convicted in the criminal court of, or found liable in accordance with subdivision e of this section for, a violation of either subdivision b [or], c OR K of this section three or more times, and all of such violations were committed on or after the effective date of this section and within a thirty-six month period, the interest of such owner in any vehicle used in the commission of any such third or subsequent violation shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules.

1 (4) Notwithstanding the provisions of paragraph three of this subdivi-
2 sion, establishment of a right of ownership shall not entitle a person
3 to delivery of a vehicle if the city establishes in the forfeiture
4 proceeding or in a separate administrative adjudication of a claim
5 asserted pursuant to subparagraph [C] (C) of paragraph three of this
6 subdivision that the violations of subdivision b [or], c OR K of this
7 section upon which the forfeiture is predicated were expressly or
8 impliedly permitted by such person. The commission OR SUCCESSOR AGENCY
9 shall promulgate rules and regulations setting forth the procedure for
10 such an administrative adjudication, which shall include provision for a
11 hearing.

12 S 27. Section 19-512.1 of the administrative code of the city of New
13 York, as added by local law number 20 of the city of New York for the
14 year 1999 and subdivision a as amended by local law number 16 of the
15 city of New York for the year 2008, is amended to read as follows:

16 S 19-512.1 Revocation of taxicab, FOR-HIRE OR HAIL LICENSE OR
17 licenses. a. The commission OR SUCCESSOR AGENCY may, for good cause
18 shown relating to a direct and substantial threat to the public health
19 or safety and prior to giving notice and an opportunity for a hearing,
20 suspend a taxicab [or], for-hire vehicle license OR A HAIL LICENSE
21 issued pursuant to this chapter and, after notice and an opportunity for
22 a hearing, suspend or revoke such license. The commission OR SUCCESSOR
23 AGENCY may also, without having suspended a taxicab [or], for-hire vehi-
24 cle license OR A HAIL LICENSE, issue a determination to seek suspension
25 or revocation of such license and after notice and an opportunity for a
26 hearing, suspend or revoke such license. Notice of such suspension or
27 of a determination by the commission OR SUCCESSOR AGENCY to seek suspen-
28 sion or revocation of a taxicab [or], for-hire vehicle license OR A HAIL
29 LICENSE shall be served on the licensee by personal delivery or by
30 certified and regular mail within five calendar days of the pre-hearing
31 suspension or of such determination. The licensee shall have an opportu-
32 nity to request a hearing before an administrative tribunal of competent
33 jurisdiction within ten calendar days after receipt of any such notifi-
34 cation. Upon request such hearing shall be scheduled within ten calendar
35 days, unless the commission OR SUCCESSOR AGENCY or other administrative
36 tribunal of competent jurisdiction determines that such hearing would be
37 prejudicial to an ongoing criminal or civil investigation. If the tenth
38 day falls on a Saturday, Sunday or holiday, the hearing may be held on
39 the next business day. A decision shall be made with respect to any such
40 proceeding within sixty calendar days after the close of the hearing. In
41 the event such decision is not made within that time period, the license
42 or medallion which is the subject of the proceeding shall be returned by
43 the commission OR SUCCESSOR AGENCY to the licensee and deemed to be in
44 full force and effect until such determination is made, unless the
45 commission OR SUCCESSOR AGENCY or other administrative tribunal of
46 competent jurisdiction determines that the issuance of such determi-
47 nation would be prejudicial to an ongoing criminal or civil investi-
48 gation.

49 b. It shall be an affirmative defense that the holder of the taxicab
50 [or], for-hire vehicle license OR A HAIL LICENSE or the owner of the
51 taxicab [or], for-hire vehicle OR HAIL VEHICLE has (1) exercised due
52 diligence in the inspection, management and/or operation of the taxicab
53 [or], for-hire vehicle OR HAIL VEHICLE and (2) did not know or have
54 reason to know of the acts of any other person with respect to that
55 taxicab [or] LICENSE, for-hire vehicle license OR A HAIL LICENSE or
56 taxicab [or], for-hire vehicle OR HAIL VEHICLE upon which a suspension,

1 proposed suspension or proposed revocation is based. With respect to
2 any violation arising from taximeter tampering, an owner's due diligence
3 shall include, but not be limited to, those actions set forth in subdi-
4 vision h of section 19-507.1 of this chapter. Any pre-hearing suspen-
5 sion period shall be counted towards any suspension period made in any
6 final determination.

7 S 28. Subdivision a of section 19-507 of the administrative code of
8 the city of New York, as amended by local law number 88 of the city of
9 New York for the year 1989, is amended to read as follows:

10 a. The commission OR SUCCESSOR AGENCY shall fine any driver, or
11 suspend or revoke the driver's license of any driver, as provided in
12 subdivision b of this section, who shall have been found in violation of
13 any of the following:

14 1. No driver of a taxicab shall seek to ascertain, without justifiable
15 grounds, the destination of a passenger before such passenger shall be
16 seated in the vehicle.

17 2. No driver of a taxicab shall refuse, without justifiable grounds,
18 to take any passenger or prospective passenger to any destination within
19 the city.

20 3. No driver of a vehicle the fares of which are set by the commission
21 OR SUCCESSOR AGENCY shall charge or attempt to charge a fare above the
22 fare set by the commission OR SUCCESSOR AGENCY.

23 4. No driver of a for-hire vehicle, OTHER THAN A DRIVER OPERATING A
24 FOR-HIRE VEHICLE WITH A VALID HAIL LICENSE, shall accept passengers
25 unless the passengers have engaged the use of the for-hire vehicle on
26 the basis of telephone contract or prearrangement.

27 S 29. Subdivision a of section 19-516 of the administrative code of
28 the city of New York, as amended by local law number 115 of the city of
29 New York for the year 1993, is amended to read as follows:

30 a. For-hire vehicles THAT DO NOT POSSESS A VALID HAIL LICENSE may
31 accept passengers only on the basis of telephone contract or prearrange-
32 ment. The commission OR SUCCESSOR AGENCY may establish such disciplinary
33 actions as it deems appropriate for failure to abide by the provisions
34 of this chapter.

35 S 30. If any of the provisions of chapter 602 of the laws of 2011
36 relating to livery permits in the city of New York shall conflict with
37 provisions of this act, the provisions set forth in this act shall
38 control.

39 S 31. This act shall take effect immediately; provided, however, that
40 sections two and three of this act shall take effect on the same date
41 and in the same manner as chapter 602 of the laws of 2011 relating to
42 livery permits in the city of New York, took effect, and provided
43 further that sections twelve through twenty-two of this act shall take
44 effect February 15, 2012, but only if the commissioner of taxation and
45 finance has received written notice by January 15, 2012, sent by certi-
46 fied or registered mail to the office of the commissioner of taxation
47 and finance in Albany, from the chair/commissioner or counsel of the New
48 York city taxi and limousine commission (TLC) or successor agency that,
49 effective February 15, 2012, the TLC has authorized for-hire vehicles to
50 operate as HAIL vehicles to accept hails in the street, or, if the
51 commissioner of taxation and finance has not received such notice,
52 mailed in accordance with this section, from the TLC or successor agency
53 by January 15, 2012, then sections twelve through twenty-two of this act
54 shall take effect on the first day of the first month next commencing at
55 least 20 days after the commissioner of taxation and finance has
56 received written notice, sent by certified or registered mail to the

1 office of the commissioner of taxation and finance in Albany, from the
2 chair/commissioner or counsel of the TLC or successor agency that the
3 TLC or successor agency has authorized for-hire vehicles to operate as
4 HAIL vehicles to accept hails in the street; provided that the commis-
5 sioner of taxation and finance shall notify the legislative bill draft-
6 ing commission upon receipt of written notification from the
7 chair/commissioner or counsel of the TLC or successor agency that the
8 TLC or successor agency has authorized for-hire vehicles permitted as
9 HAIL vehicles to accept hails on the street in order that the legisla-
10 tive bill drafting commission may maintain an accurate and timely data
11 base of the official text of the laws of the state of New York in furth-
12 erance of effecting the provisions of section 44 of the legislative law
13 and section 70-b of the public officers law; and sections twelve through
14 twenty-two of this act shall apply to HAIL vehicle trips originating on
15 or after such effective date of such sections twelve through twenty-two.