

STATE OF NEW YORK

4900

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. TITUS, PAULIN, CAHILL -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to access to certain for-hire vehicles and shuttle services by persons with disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1220-d to read as follows:

3 § 1220-d. Accessibility in for-hire vehicles. 1. For the purposes of
4 this section, the following terms shall have the following meanings:

5 (a) "Pre-arranged for-hire vehicle" shall mean a motor vehicle,
6 designed to carry no more than nine passengers (excluding the driver),
7 that is used in the business of transporting passengers for compensation
8 on a pre-arranged basis, and operated in such business under a license
9 or permit issued by a licensing jurisdiction. The term "pre-arranged
10 for-hire vehicle" shall apply to vehicles as defined in this section
11 regardless of any other provision of local law or rule defining or
12 describing such vehicles by any other terms such as livery, black car,
13 or luxury limousine.

14 (b) "Pre-arranged for-hire vehicle operator" shall mean the registered
15 owner of a pre-arranged for-hire vehicle, or a duly licensed driver
16 designated by such registered owner to operate the registered owner's
17 pre-arranged for-hire vehicle as the registered owner's authorized
18 designee.

19 (c) "Shuttle service" shall mean any pre-arranged for-hire vehicle
20 transportation offered on a fixed route including, but not limited to,
21 ground transportation offered by hotels to and from airports and tourism
22 destinations.

23 (d) "Wheelchair accessible vehicle" shall mean a vehicle capable of
24 transporting individuals who use wheelchairs or other mobility aids and

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

LBD02809-01-7

1 who are unable to transfer from a wheelchair or other mobility aid to a
2 vehicle passenger seat. Nothing in this chapter shall diminish the
3 requirements of for-hire vehicles to comply with the non-discrimination
4 requirements of Title III of the Americans with Disabilities Act of 1990
5 (42 U.S.C. 12181 et seq.).

6 (e) "Equivalent service" shall mean the provision of services to indi-
7 viduals with disabilities, including individuals who use wheelchairs,
8 that when taken in totality is equivalent to the service provided to
9 persons without disabilities when measured by the following character-
10 istics:

11 (i) ability to accept reservations;

12 (ii) fares charged;

13 (iii) response time to requests for service;

14 (iv) hours and days of service availability;

15 (v) restrictions based upon trip purpose; and

16 (vi) other limitations on capacity or service availability.

17 2. (a) Every pre-arranged for-hire vehicle owner or shuttle service
18 provider with not more than ten for-hire vehicles shall (i) advertise
19 and provide accessible alternative transportation upon request of a
20 patron; and (ii) purchase at least one wheelchair accessible vehicle
21 upon its next purchase of a new or used vehicle.

22 (b) Every pre-arranged for-hire vehicle owner or shuttle service
23 provider with not less than eleven or more than one hundred for-hire
24 vehicles shall (i) advertise and provide accessible alternative trans-
25 portation upon request of a patron; and (ii) purchase wheelchair acces-
26 sible vehicles upon need to replace existing vehicles, or within three
27 years of the effective date of this subdivision, until not less than ten
28 percent of the fleet is wheelchair accessible.

29 (c) Every pre-arranged for-hire vehicle owner or shuttle service
30 provider with not less than one hundred one for-hire vehicles shall (i)
31 advertise and provide accessible alternative transportation upon request
32 of a patron; and (ii) purchase wheelchair accessible vehicles upon need
33 to replace existing vehicles, or within five years of the effective date
34 of this subdivision, until not less than twenty percent of the fleet is
35 wheelchair accessible.

36 3. Failure to comply with the provisions of subdivision two of this
37 section shall constitute a violation punishable by a fine of not less
38 than fifty dollars and not more than one hundred fifty dollars per day
39 from the date a violation occurred until the date such violation is
40 cured. A violation may also be grounds for revocation or denial of
41 licensing or registration, or renewal thereof, under section four
42 hundred one of this chapter. The local and state authorities charged
43 with issuing permits, licenses and registration of pre-arranged for-hire
44 vehicles and shuttle services shall require proof prior to issuance of
45 such permit, license and registration, or renewal thereof, of compliance
46 with the provisions of this section.

47 § 2. This act shall take effect on the three hundred sixty-fifth day
48 after it shall have become a law.