

STATE OF NEW YORK

5537

2017-2018 Regular Sessions

IN ASSEMBLY

February 10, 2017

Introduced by M. of A. WEPRIN, CUSICK, SEPULVEDA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to pre-arranged for-hire vehicle transportation services and the maximization of energy efficiency, universal design and accessibility by persons with disabilities

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Energy Efficiency Accessible Livery Act".

3 § 2. The vehicle and traffic law is amended by adding a new section
4 1220-d to read as follows:

5 § 1220-d. Universal accessibility and energy efficiency in for-hire
6 vehicles. 1. For the purposes of this section, the following terms shall
7 have the following meanings:

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

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

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

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1 (c) "Universal design" or "universally designed" shall mean the design
2 of products and environments to be usable by all people, to the greatest
3 extent possible, without the need for adaptation or specialized design.

4 (d) "Energy efficient vehicle" shall mean vehicles that are petrole-
5 um-alternative vehicles using petroleum-alternative fuels; hybrid elec-
6 tric vehicles; or conventional gasoline vehicles achieving an average
7 fuel economy of at least thirty-five miles per gallon.

8 (e) "Accessible vehicle" shall mean a vehicle that:

9 (i) complies with the accessibility requirements of the Americans with
10 Disabilities Act of 1990, as amended, and the regulations promulgated
11 thereunder;

12 (ii) is equipped with a lift, ramp or any other device, arrangement or
13 alteration, so it is capable of transporting individuals who use wheel-
14 chairs, scooters, or other mobility aids while they remain seated in
15 their wheelchairs, scooters, or other mobility aids;

16 (iii) is equipped with an assistive listening system for persons with
17 hearing impairments that is connected with any intercom, video or audio
18 system, when such a system is installed;

19 (iv) is equipped with standardized signs printed in:(A) braille; and
20 (B) large-print text so that such signs are visible to persons with low
21 vision;

22 (v) provides sufficient floor space to accommodate a service animal;
23 and

24 (vi) if powered by a hybrid-electric motor, is equipped with an appro-
25 priate device to enable persons who are blind to hear the approach of
26 the vehicle as readily as they can hear a conventional gasoline-powered
27 vehicle.

28 2. (a) Every pre-arranged for-hire vehicle owner or operator with not
29 more than ten for-hire vehicles shall:

30 (i) purchase or lease at least one energy efficient, universally
31 designed and accessible vehicle upon its next acquisition of a vehicle
32 after the fifth year from the effective date of the chapter of the laws
33 of 2017 that added this section; and

34 (ii) ensure that when advertising their services subsequent to such
35 purchase, the availability of energy efficient, universally designed and
36 accessible vehicles is also advertised.

37 (b) Every pre-arranged for-hire vehicle owner or operator with not
38 less than eleven or more than one hundred for-hire vehicles shall:

39 (i) purchase or lease energy efficient, universally designed and
40 accessible vehicles when acquiring vehicles until not less than twenty
41 percent of the fleet is energy efficient, universally designed and
42 accessible. In no event shall such fleet have less than twenty percent
43 energy efficient, universally designed and accessible vehicles five
44 years after the effective date of the chapter of the laws of 2017 that
45 added this section; and

46 (ii) ensure that when advertising their services subsequent to such
47 purchase that the availability of energy efficient, universally designed
48 and accessible vehicles is also advertised.

49 (c) Every pre-arranged for-hire vehicle owner or operator provider
50 with not less than one hundred for-hire vehicles shall:

51 (i) purchase or lease energy efficient, universally designed and
52 accessible vehicles when acquiring vehicles until not less than twenty-
53 five percent of the fleet is energy efficient, universally designed or
54 accessible. In no event shall their fleet have less than twenty-five
55 percent energy efficient, universally designed and accessible vehicles

1 three years after the effective date of the chapter of the laws of 2017
2 that added this section;

3 (ii) increase their percentage of energy efficient, universally
4 designed and accessible vehicles to a minimum of fifty percent of the
5 fleet within five years to the effective date of the chapter of the laws
6 of 2017 that added this section; and

7 (iii) ensure that when advertising their services subsequent to such
8 purchase that the availability of energy efficient, universally designed
9 and accessible vehicles is also advertised.

10 (d) All pre-arranged for-hire vehicle owners and operators shall main-
11 tain the percentages of energy efficient, universally designed and
12 accessible vehicles in their service which, according to their size at
13 any given time, they would have been required to purchase by the speci-
14 fied deadlines under subparagraphs (a), (b) and (c) of this subdivision.

15 3. Failure to comply with the provisions of subdivision two of this
16 section shall constitute a violation punishable by a fine of not less
17 than fifty dollars and not more than one hundred fifty dollars per day
18 from the date a violation occurred until the date such violation is
19 cured. A violation may also be grounds for revocation or denial of
20 licensing or registration, or renewal thereof, under section four
21 hundred one of this chapter. The local and state authorities charged
22 with issuing permits, licenses and registration of pre-arranged for-hire
23 vehicles and shuttle services shall require proof prior to issuance of
24 such permit, license or registration, or renewal thereof, of compliance
25 with the provisions of this section.

26 § 3. This act shall take effect one year after it shall have become a
27 law.