

STATE OF NEW YORK

10101

IN ASSEMBLY

January 30, 2026

Introduced by M. of A. RAJKUMAR -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York and the general business law, in relation to prohibiting high-volume for-hire vehicle services from deactivating high-volume for-hire vehicle drivers, unless due to just cause, a bona fide economic reason, or if required to by law

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

1 Section 1. Subdivision a of section 20-1204 of the administrative code
2 of the city of New York, as added by local law number 107 of the city of
3 New York for the year 2017, is amended to read as follows:

4 a. No person shall take any adverse action against an employee or
5 high-volume for-hire vehicle driver that penalizes such employee or
6 high-volume for-hire vehicle driver for, or is reasonably likely to
7 deter such employee or high-volume for-hire vehicle driver from, exer-
8 cising or attempting to exercise any right protected under this chapter.
9 Taking an adverse action includes threatening, intimidating, disciplin-
10 ing, discharging, demoting, suspending or harassing an employee or high-
11 volume for-hire vehicle driver, reducing the hours or pay of an employee
12 or high-volume for-hire vehicle driver, informing another employer or
13 high-volume for-hire vehicle service that an employee or high-volume
14 for-hire vehicle driver has engaged in activities protected by this
15 chapter, and discriminating against the employee or high-volume for-hire
16 vehicle driver, including actions related to perceived immigration
17 status or work authorization. An employee or high-volume for-hire vehi-
18 cle driver need not explicitly refer to this chapter or the rights
19 enumerated herein to be protected from retaliation.

20 § 2. Paragraphs 1 and 2 of subdivision b of section 20-1207 of the
21 administrative code of the city of New York, as amended by local law
22 number 80 of the city of New York for the year 2020, are amended to read
23 as follows:

24 1. Any person, including any organization, alleging a violation of
25 this chapter may file a complaint with the department within two years

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

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1 of the date the person knew or should have known of the alleged
2 violation, except that (i) a complaint alleging a violation of section
3 20-1282 or 20-1283 of this chapter may be filed only by the deactivated
4 high-volume for-hire vehicle driver or by a representative of such high-
5 volume for-hire vehicle driver, provided that the high-volume for-hire
6 vehicle driver has agreed to such representation and (ii) a complaint
7 alleging a violation of section 20-1283 of this chapter may be filed
8 within one year after the effective date of the local law that added
9 subchapter eight of this chapter.

10 2. Upon receiving such a complaint, the department shall investigate
11 it, except that upon receiving a complaint alleging a violation of any
12 provision of subchapter eight of this chapter, the department shall, if
13 resources permit, investigate the complaint.

14 § 3. Paragraph 5 of subdivision b of section 20-1207 of the adminis-
15 trative code of the city of New York, as amended by local law number 80
16 of the city of New York for the year 2020, is amended to read as
17 follows:

18 5. The department shall keep the identity of any complainant confiden-
19 tial unless disclosure is necessary to resolve the investigation or is
20 otherwise required by law, except that for complaints alleging
21 violations of section 20-1282 or 20-1283 of this chapter, the department
22 shall provide notice of the complaint and the identity of the complain-
23 ant to the high-volume for-hire vehicle service as soon as practicable.
24 The department shall, to the extent practicable, notify such complainant
25 that the department will be disclosing the complainant's identity before
26 such disclosure.

27 § 4. The section heading of section 20-1208 of the administrative code
28 of the city of New York, as added by local law number 107 of the city of
29 New York for the year 2017, is amended to read as follows:

30 Specific administrative remedies [~~for employees or former employees~~].

31 § 5. Subdivision c of section 20-1208 of the administrative code of
32 the city of New York as added by local law number 107 of the city of New
33 York for the year 2017, as relettered by local law number 2 of the city
34 of New York for the year 2021, is amended and relettered subdivision e
35 and two new subdivisions c and d are added to read as follows:

36 c. 1. For each violation by a high-volume for-hire vehicle service of
37 section 20-1282 or 20-1283 of this chapter, the department shall order
38 reinstatement or restoration of access to the driver platform of such
39 high-volume for-hire vehicle service by such high-volume for-hire vehi-
40 cle driver, unless waived by such high-volume for-hire vehicle driver.

41 2. For each violation by a high-volume for-hire vehicle service of
42 section 20-1282 of this chapter the department shall order the payment
43 of back pay to the wrongfully deactivated high-volume for-hire vehicle
44 driver, and such back pay shall be equal to the amount such high-volume
45 for-hire vehicle driver would have normally earned or received from such
46 high-volume for-hire vehicle service during the period of a wrongful
47 deactivation if such wrongful deactivation had not occurred, provided
48 that:

49 (a) the department may subtract any additional amounts earned or
50 received by such high-volume for-hire vehicle driver from other work
51 during such period in excess of what such high-volume for-hire vehicle
52 driver would have normally earned or received from other work if such
53 deactivation had not occurred;

54 (b) for purposes of this paragraph, the amount a high-volume for-hire
55 vehicle driver would have normally earned or received from a high-volume
56 for-hire vehicle service or other work over a period of deactivation

1 shall be determined based on the average daily amount such high-volume
2 for-hire vehicle driver earned or received from such high-volume for-
3 hire vehicle service or such other work over a reasonably comparable
4 period;

5 (c) notwithstanding any provision of this subdivision to the contrary,
6 where a violation of section 20-1282 of this chapter arises from an
7 allegation of egregious misconduct that was not substantiated, back pay
8 shall not accrue until fifteen days after the date of deactivation of a
9 high-volume for-hire vehicle driver; and

10 (d) the department may adjust the amount of back pay owed to a high-
11 volume for-hire vehicle driver, as appropriate, based on a failure by
12 such high-volume for-hire vehicle driver to make a reasonable effort to
13 mitigate any loss of income, provided that a high-volume for-hire vehi-
14 cle service shall have the burden of proving by a preponderance of the
15 evidence that a driver failed to make a reasonable effort to mitigate.

16 d. For violations of this chapter, the department may grant the
17 following relief to a high-volume for-hire vehicle driver or former
18 high-volume for-hire vehicle driver:

19 1. all compensatory damages and other relief required to make such
20 high-volume for-hire vehicle driver or former high-volume for-hire vehi-
21 cle driver whole;

22 2. an order directing a high-volume for-hire vehicle service to comply
23 with the requirements set forth in subchapter eight of this chapter;

24 3. for each violation of section 20-1204 of this chapter:

25 (a) any equitable relief appropriate under the circumstances, includ-
26 ing rescission of any discipline issued, reinstatement of any deacti-
27 vated high-volume for-hire vehicle driver, and payment of back pay for
28 any loss of pay or benefits resulting from discipline or other action
29 taken in violation of section 20-1204 of this chapter;

30 (b) five hundred dollars for each violation not involving deacti-
31 vation, as such term is defined in section 20-1281 of this chapter; and

32 (c) two thousand five hundred dollars for each violation involving
33 deactivation, as such term is defined in section 20-1281 of this chap-
34 ter;

35 4. five hundred dollars for each violation of section 20-1282 of this
36 chapter and rescission of any discipline issued, and any other equitable
37 relief as may be appropriate;

38 5. five hundred dollars for each violation of subdivision three of
39 section 20-1284 of this chapter;

40 6. five hundred dollars for each violation of section 20-1286 of this
41 chapter; and

42 7. five hundred dollars for each violation of section 20-1289 of this
43 chapter.

44 e. The relief authorized by this section shall be imposed on a per
45 employee or high-volume for-hire vehicle driver and per instance basis
46 for each violation.

47 § 6. Section 20-1209 of the administrative code of the city of New
48 York, as added by local law number 107 of the city of New York for the
49 year 2017, is amended to read as follows:

50 § 20-1209 Specific civil penalties payable to the city. a. For each
51 violation of this chapter, except for any violation of section 20-1283
52 of this chapter, an employer or high-volume for-hire vehicle service is
53 liable for a penalty of \$500 for the first violation and, for subsequent
54 violations that occur within two years of any previous violation of this
55 chapter, up to \$750 for the second violation and up to \$1,000 for each
56 succeeding violation.

1 b. The penalties imposed pursuant to this section shall be imposed on
2 a per employee or high-volume for-hire vehicle driver and per instance
3 basis for each violation.

4 § 7. Section 20-1211 of the administrative code of the city of New
5 York, as added by local law number 107 of the city of New York for the
6 year 2017, subdivision a as amended, subdivision c as added, and subdivi-
7 sions d and e as relettered by local law number 2 of the city of New
8 York for the year 2021 and subdivision e as amended by local law number
9 80 of the city of New York for the year 2020, is amended to read as
10 follows:

11 § 20-1211 Private cause of action. a. Claims. Any person, including
12 any organization, alleging a violation of the following provisions of
13 this chapter may bring a civil action, in accordance with applicable
14 law, in any court of competent jurisdiction:

- 15 1. Section 20-1204;
- 16 2. Section 20-1221;
- 17 3. Subdivisions a and b of section 20-1222;
- 18 4. Section 20-1231;
- 19 5. Subdivisions a, b, d, f and g of section 20-1241;
- 20 6. Section 20-1251;
- 21 7. Subdivisions a and b of section 20-1252; [~~and~~]
- 22 8. Section 20-1272;
- 23 9. Section 20-1282;
- 24 10. Section 20-1283;
- 25 11. Section 20-1284;
- 26 12. Section 20-1286; and
- 27 13. Section 20-1289.

28 b. Remedies. Such court may order compensatory, injunctive and declar-
29 atory relief, including the following remedies for violations of this
30 chapter:

- 31 1. Payment of schedule change premiums withheld in violation of
32 section 20-1222;
- 33 2. An order directing compliance with the recordkeeping, information,
34 posting and consent requirements set forth in sections 20-1205, 20-1206
35 and 20-1221;
- 36 3. Rescission of any discipline issued in violation of section
37 20-1204;
- 38 4. Reinstatement of any employee or high-volume for-hire vehicle driv-
39 er terminated in violation of section 20-1204;
- 40 5. Payment of back pay for any loss of pay or benefits resulting from
41 discipline or other action taken in violation of section 20-1204;
- 42 6. Other compensatory damages and any other relief required to make
43 the employee or high-volume for-hire vehicle driver whole; and
- 44 7. Reasonable [~~attorney's~~] attorneys' fees and costs.

45 c. For each violation of section 20-1272, 20-1282, or 20-1283 of this
46 chapter, the court shall order reinstatement or restoration of hours of
47 the fast food employee or reinstatement or restoration of the driver
48 platform access of the high-volume for-hire vehicle driver, unless
49 waived by the fast food employee or high-volume for-hire vehicle driver,
50 and shall order the fast food employer or high-volume for-hire vehicle
51 service to pay the reasonable attorneys' fees and costs of the fast food
52 employee or high-volume for-hire vehicle driver. [~~The~~] For each
53 violation of section 20-1272 or 20-1282 of this chapter, the court may,
54 in addition, grant the following relief: \$500 [~~for each violation~~], an
55 order directing compliance with section 20-1272 or 20-1282 of this chap-
56 ter, rescission of any discipline issued, payment of back pay for any

1 loss of pay or benefits resulting from the wrongful discharge or deacti-
2 vation, punitive damages, and any other equitable relief as may be
3 appropriate. For each violation of section 20-1282 of this chapter, the
4 court shall order back pay to be determined as set out in paragraph two
5 of subdivision c of section 20-1208 of this chapter.

6 d. Statute of limitations. A civil action under this section shall be
7 commenced within two years of the date the person knew or should have
8 known of the alleged violation, except that for a violation of section
9 20-1283 of this chapter, a civil action shall be commenced within one
10 year after the effective date of a chapter of the laws of two thousand
11 twenty-six that added subchapter eight of this chapter.

12 e. Relationship to department action.

13 1. Any person filing a civil action shall simultaneously serve notice
14 of such action and a copy of the complaint upon the department. Failure
15 to so serve a notice does not adversely affect any plaintiff's cause of
16 action.

17 2. An employee or high-volume for-hire vehicle driver need not file a
18 complaint with the department pursuant to subdivision b of section
19 20-1207 of this chapter before bringing a civil action; however, no
20 person shall file a civil action after filing a complaint with the
21 department based on the same facts unless such complaint has been with-
22 drawn or dismissed without prejudice to further action.

23 3. No person shall file a complaint with the department after filing a
24 civil action based on the same facts unless such action has been with-
25 drawn or dismissed without prejudice to further action.

26 4. The commencement or pendency of a civil action by an employee or a
27 high-volume for-hire vehicle driver does not preclude the department
28 from investigating the employer or the high-volume for-hire vehicle
29 service, or commencing, prosecuting or settling a case against the
30 employer or the high-volume for-hire vehicle service based on some or
31 all of the same violations.

32 § 8. Paragraphs 1, 2 and 3 of subdivision a and subdivision c of
33 section 20-1212 of the administrative code of the city of New York,
34 paragraphs 1, 2 and 3 of subdivision a as amended by local law number 2
35 of the city of New York for the year 2021 and subdivision c as added by
36 local law number 107 of the city of New York for the year 2017, are
37 amended to read as follows:

38 1. Where reasonable cause exists to believe that an employer or high-
39 volume for-hire vehicle service is engaged in a pattern or practice of
40 violations of this chapter, the corporation counsel may commence a civil
41 action on behalf of the city in a court of competent jurisdiction.

42 2. The corporation counsel shall commence such action by filing a
43 complaint setting forth facts relating to such pattern or practice and
44 requesting relief, which may include injunctive relief, relief [~~for~~
45 ~~employees~~] set forth in section 20-1208 of this chapter, civil penalties
46 set forth in section 20-1209 of this chapter, and any other appropriate
47 relief.

48 3. Such action may be commenced only by the corporation counsel or
49 such other persons designated by the corporation counsel.

50 c. Civil penalty. In any civil action commenced pursuant to subdivi-
51 sion a of this section, the trier of fact may impose [~~a~~] an additional
52 civil penalty of not more than \$15,000 for a finding that an employer or
53 high-volume for-hire vehicle service has engaged in a pattern or prac-
54 tice of violations of this chapter. Any civil penalty so recovered shall
55 be paid into the general fund of the city.

1 § 9. Chapter 12 of title 20 of the administrative code of the city of
2 New York is amended by adding a new subchapter 8 to read as follows:

3 SUBCHAPTER 8

4 WRONGFUL DEACTIVATION OF HIGH-VOLUME FOR-HIRE VEHICLE

5 DRIVERS

6 § 20-1281 Definitions. As used in this subchapter, the following terms
7 have the following meanings:

8 1. "Account sharing" means permitting another person to use the high-
9 volume for-hire vehicle driver's taxi and limousine commission driver's
10 license, technology system login credentials, or driver platform login
11 credentials, while performing driving services for a high-volume for-
12 hire vehicle service.

13 2. "Deactivation" means: (a) an indefinite or permanent discharge,
14 termination, or layoff of a high-volume for-hire vehicle driver; or (b)
15 a revocation or restriction of a high-volume for-hire vehicle driver's
16 authorization to accept trips on a driver platform that is either
17 continuously in effect for at least seventy-two hours or consists of
18 multiple periods of revocation or restriction that total at least one
19 hundred sixty-eight hours within a one-year period.

20 3. "Driver platform" means the driver-facing application or other
21 application, service, website, or system used by a high-volume for-hire
22 vehicle driver by which a high-volume for-hire vehicle service
23 dispatches or facilitates the dispatching of passenger trips to such
24 driver for compensation.

25 4. "Driving performance data" means any data regarding a high-volume
26 for-hire vehicle driver's operation of a for-hire vehicle, including,
27 but not limited to, data recording a high-volume for-hire vehicle driv-
28 er's rates of acceleration, deceleration, braking, speed, road move-
29 ments, or any other electronic monitoring of driving performance.

30 5. "Egregious misconduct" means (a) conduct that poses an imminent
31 danger to other persons, including but not limited to violence, threats
32 to engage in violence, sexual harassment, or sexual assault or (b)
33 discrimination in violation of federal, state, or local law.

34 6. "High-volume for-hire vehicle driver" means a driver who performs
35 driving services for a high-volume for-hire vehicle service, or who
36 performs driving services for a third-party as a result of receiving a
37 dispatch or referral from a high-volume for-hire vehicle service.

38 7. "High-volume for-hire vehicle service" has the same meaning as set
39 forth in subdivision qq of section 19-502 of this code.

40 8. "Just cause" means that the high-volume for-hire vehicle driver
41 engaged in egregious misconduct, failed to satisfactorily perform their
42 job duties, or engaged in any other misconduct that is demonstrably and
43 materially harmful to the high-volume for-hire vehicle service's legiti-
44 mate business interests.

45 9. "Prior deactivation" means a deactivation that occurred during the
46 seven years prior to the effective date of this subchapter.

47 10. "Probation period" means a period of thirty calendar days begin-
48 ning on the first date that a high-volume for-hire vehicle driver
49 performs driving services for a high-volume for-hire vehicle service.

50 11. "Progressive discipline" means a disciplinary system that provides
51 for a graduated range of reasonable disciplinary measures, including but
52 not limited to warnings and further training requirements, in response
53 to a high-volume for-hire vehicle driver's misconduct or failure to
54 satisfactorily perform job duties for a high-volume for-hire vehicle
55 service, with the type of disciplinary measure varying based on the
56 frequency and degree of such misconduct or failure.

1 § 20-1282 Prohibition on wrongful deactivation. 1. A high-volume for-
2 hire vehicle service shall not deactivate a high-volume for-hire vehicle
3 driver after such high-volume for-hire vehicle driver's probation period
4 with such service except for just cause, for a bona fide economic
5 reason, as described in section 20-1284 of this subchapter, or where
6 federal, state, or local law or rule requires such high-volume for-hire
7 vehicle service to deactivate such high-volume for-hire vehicle driver.

8 2. In determining whether a high-volume for-hire vehicle service has
9 deactivated a high-volume for-hire vehicle driver for just cause, a
10 fact-finder shall consider, in addition to any other relevant factors,
11 whether:

12 (a) such high-volume for-hire vehicle driver knew or should have known
13 of such high-volume for-hire vehicle service's policy, rule, or practice
14 that forms a basis for progressive discipline or such deactivation and
15 knew or should have known of the potential consequences for violation of
16 such policy, rule, or practice;

17 (b) such high-volume for-hire vehicle service's policy, rule, or prac-
18 tice that forms a basis for progressive discipline or such deactivation
19 is reasonably related to safe and efficient high-volume for-hire vehicle
20 service operations;

21 (c) such high-volume for-hire vehicle service provided relevant and
22 adequate training to such high-volume for-hire vehicle driver;

23 (d) such high-volume for-hire vehicle service's policy, rule or prac-
24 tice that forms a basis for such deactivation, including the utilization
25 of progressive discipline, was reasonable and applied consistently;

26 (e) such high-volume for-hire vehicle service undertook a fair and
27 objective investigation into the high-volume for-hire vehicle driver's
28 job performance as well as their misconduct or failure to satisfactorily
29 perform job duties;

30 (f) such deactivation is a reasonable response to such high-volume
31 for-hire vehicle driver's job performance as well as their misconduct or
32 failure to satisfactorily perform job duties and accounts for any miti-
33 gating circumstances, including but not limited to such high-volume
34 for-hire vehicle driver's past work history; and

35 (g) such high-volume for-hire vehicle driver violated the policy, rule
36 or practice or engaged in any misconduct or failure to satisfactorily
37 perform job duties that forms a basis for progressive discipline or such
38 deactivation.

39 3. Except where deactivation is for alleged egregious misconduct, a
40 deactivation of a high-volume for-hire vehicle driver shall not be
41 considered based on just cause unless a high-volume for-hire vehicle
42 service demonstrates that:

43 (a) such high-volume for-hire vehicle service has utilized progressive
44 discipline; provided, however, that such high-volume for-hire vehicle
45 service may not rely on progressive discipline issued more than one year
46 before such deactivation; and

47 (b) such high-volume for-hire vehicle service had a written policy on
48 progressive discipline that was in effect and was provided to such high-
49 volume for-hire vehicle driver.

50 4. A high-volume for-hire vehicle service shall provide the high-vo-
51 lume for-hire vehicle driver with notice of an impending deactivation
52 fourteen days in advance of the impending deactivation, except that (a)
53 where a deactivation of a high-volume for-hire vehicle driver is for a
54 bona fide economic reason, as described in section 20-1284 of this
55 subchapter, a high-volume for-hire vehicle service shall provide, in a
56 form and manner designated by the department, an advance notice of

1 layoff to such high-volume for-hire vehicle driver at least one hundred
2 twenty days prior to such deactivation, and (b) advance notice is not
3 required where a deactivation is for egregious misconduct, account shar-
4 ing, or if there is a pattern of repeated fraudulent behavior. Such
5 advance notice shall state all the precise and detailed reasons for and
6 the effective date of such deactivation.

7 5. Such advance notice shall include information about: (a) such high-
8 volume for-hire vehicle driver's right to challenge such deactivation as
9 unlawful pursuant to this subchapter; (b) how such high-volume for-hire
10 vehicle driver may initiate an informal resolution process with such
11 high-volume for-hire vehicle service pursuant to section 20-1287 of this
12 subchapter; (c) the opportunity for such high-volume for-hire vehicle
13 driver to submit evidence to substantiate a challenge to such deacti-
14 vation; (d) such high-volume for-hire vehicle driver's right to file a
15 complaint with the department, or initiate a private action; and (e)
16 eligible high-volume for-hire vehicle drivers' rights to access unem-
17 ployment insurance.

18 6. Within five days after deactivating a high-volume for-hire vehicle
19 driver for egregious misconduct, account sharing, or if there is a
20 pattern of repeated fraudulent behavior, a high-volume for-hire vehicle
21 service shall provide, in a form and manner designated by the depart-
22 ment, a notice of deactivation to such high-volume for-hire vehicle
23 driver which contains a written explanation of all the precise and
24 detailed reasons for such deactivation and the effective date of such
25 deactivation. Such notice shall include information about: (a) such
26 high-volume for-hire vehicle driver's right to challenge such deacti-
27 vation as unlawful pursuant to this subchapter; (b) how such high-volume
28 for-hire vehicle driver may initiate an informal resolution process with
29 such high-volume for-hire vehicle service pursuant to section 20-1287 of
30 this subchapter; (c) the opportunity for such high-volume for-hire vehi-
31 cle driver to submit evidence to substantiate a challenge to such deac-
32 tivation; (d) such high-volume for-hire vehicle driver's right to file a
33 complaint with the department, or initiate a private action; and (e)
34 eligible high-volume for-hire vehicle drivers' rights to access unem-
35 ployment insurance.

36 7. This section shall not apply to any deactivation that occurred
37 prior to the effective date of this subchapter.

38 § 20-1283 Prior deactivations. 1. Within one year after the effective
39 date of this subchapter, a high-volume for-hire vehicle driver who was
40 subject to a prior deactivation by a high-volume for-hire vehicle
41 service may petition such high-volume for-hire vehicle service for rein-
42 statement or restoration of access to such high-volume for-hire vehicle
43 service's driver platform. Within thirty days after receipt of such
44 petition, such high-volume for-hire vehicle service shall reinstate or
45 restore such high-volume for-hire vehicle driver's access to such driver
46 platform, unless such prior deactivation occurred during the probation
47 period or was for just cause, for a bona fide economic reason, as
48 described in section 20-1284 of this subchapter, or required by federal,
49 state, or local law or rule.

50 2. In determining whether a prior deactivation of a high-volume for-
51 hire vehicle driver by a high-volume for-hire vehicle service was for
52 just cause, a fact-finder shall consider, in addition to any other rele-
53 vant factors, whether:

54 (a) such high-volume for-hire vehicle driver knew or should have known
55 of such high-volume for-hire vehicle service's policy, rule, or practice
56 that formed a basis for such prior deactivation and knew or should have

1 known of the potential consequences for violation of such policy, rule
2 or practice;

3 (b) such high-volume for-hire vehicle service's policy, rule, or prac-
4 tice that formed a basis for such prior deactivation was reasonably
5 related to safe and efficient high-volume for-hire vehicle service oper-
6 ations;

7 (c) such high-volume for-hire vehicle service's policy, rule or prac-
8 tice that formed a basis for such prior deactivation was reasonable and
9 applied consistently;

10 (d) such prior deactivation was a reasonable response to such high-vo-
11 lume for-hire vehicle driver's job performance as well as their miscon-
12 duct or failure to satisfactorily perform job duties and accounted for
13 any mitigating circumstances, including, but not limited to, such high-
14 volume for-hire vehicle driver's past work history;

15 (e) such high-volume for-hire vehicle driver violated the policy,
16 rule, or practice or committed the misconduct or failure to satisfac-
17 torily perform job duties that formed a basis for such prior deacti-
18 vation; and

19 (f) such high-volume for-hire vehicle service considered any exculpa-
20 tory evidence or other facts indicating that such high-volume for-hire
21 vehicle driver did not violate such high-volume for-hire vehicle
22 service's policy, rule or practice.

23 3. If a high-volume for-hire vehicle service does not reinstate or
24 restore access of a high-volume for-hire vehicle driver who was subject
25 to a prior deactivation to such high-volume for-hire vehicle service's
26 driver platform within thirty days after receipt of a petition pursuant
27 to subdivision one of this section, such high-volume for-hire vehicle
28 service shall provide a written explanation, in a form and manner desig-
29 nated by the department, to such high-volume for-hire vehicle driver of
30 all the precise and detailed reasons for such prior deactivation. Such
31 written explanation shall include information about: (a) such high-vo-
32 lume for-hire vehicle driver's right to challenge such prior deacti-
33 vation as unlawful pursuant to this subchapter; (b) how such high-volume
34 for-hire vehicle driver may initiate an informal resolution process with
35 the high-volume for-hire vehicle service pursuant to section 20-1287 of
36 this subchapter; (c) the opportunity of such high-volume for-hire vehi-
37 cle driver to submit evidence to substantiate a challenge to such prior
38 deactivation; (d) such high-volume for-hire vehicle driver's right to
39 file a complaint with the department, or initiate a private action; and
40 (e) how a high-volume for-hire vehicle driver may apply for unemployment
41 benefits.

42 4. Notwithstanding any other provision of this section, a high-volume
43 for-hire vehicle service may decline to immediately reinstate or restore
44 access to such high-volume for-hire vehicle service's driver platform to
45 a high-volume for-hire vehicle driver whose access is required to be
46 reinstated or restored pursuant to subdivision one of this section if
47 such high-volume for-hire vehicle service is not providing access to
48 such driver platform to any new high-volume for-hire vehicle driver, and
49 has not provided such access during the three months prior to the effec-
50 tive date of this subchapter. Where such high-volume for-hire vehicle
51 service declines to immediately reinstate or restore access to such
52 driver platform pursuant to this subdivision, such high-volume for-hire
53 vehicle service shall maintain a waitlist of high-volume for-hire vehi-
54 cle drivers whose access to such driver platform is required to be rein-
55 stated or restored pursuant to subdivision one of this section and rein-
56 state or restore such high-volume for-hire vehicle drivers' access to

1 such driver platform, in the order in which such high-volume for-hire
2 vehicle drivers were placed on such waitlist, provided that any such
3 driver meets the minimum requirements that apply to all current high-vo-
4 lume for-hire vehicle drivers for such high-volume for-hire vehicle
5 service, prior to providing any other new high-volume for-hire vehicle
6 driver access to such driver platform.

7 § 20-1284 Bona fide economic reasons. 1. A deactivation, including a
8 prior deactivation, shall not be considered based on a bona fide econom-
9 ic reason unless supported by a high-volume for-hire vehicle service's
10 business records demonstrating that such deactivation is in response to:
11 (a) a proportionate reduction in volume of sales or profit within the
12 fiscal quarter prior to the issuance of a notice of layoff required by
13 subdivision four of section 20-1282 of this subchapter; or (b) a high-
14 volume for-hire vehicle service discontinuing its driving services in
15 the city.

16 2. (a) Deactivations of high-volume for-hire vehicle drivers based on
17 a bona fide economic reason shall be done in reverse order of seniority,
18 so that high-volume for-hire vehicle drivers with the greatest seniority
19 shall be retained the longest and reinstated or restored access to the
20 driver platform first.

21 (b) A high-volume for-hire vehicle service shall make reasonable
22 efforts to offer reinstatement or restoration of access to such high-vo-
23 lume for-hire vehicle service's driver platform to any high-volume for-
24 hire vehicle driver deactivated by such high-volume for-hire vehicle
25 service based on a bona fide economic reason within the previous three
26 years, if any, before such high-volume for-hire vehicle service may
27 provide any other new high-volume for-hire vehicle driver access to such
28 driver platform.

29 (c) This subdivision shall apply only to deactivations that occur on
30 or after the effective date of this subchapter.

31 § 20-1285 Burden of proof; evidence. 1. In any proceeding alleging a
32 violation by a high-volume for-hire vehicle service of section 20-1282
33 or section 20-1283 of this subchapter, such high-volume for-hire vehicle
34 service shall bear the burden of proving just cause and a bona fide
35 economic reason pursuant to section 20-1282 or 20-1283 of this subchap-
36 ter by a preponderance of the evidence, subject to the rules of evidence
37 as set forth in the civil practice law and rules or, where applicable,
38 the common law.

39 2. In determining whether a high-volume for-hire vehicle service had
40 just cause for a deactivation, a fact-finder may not consider any
41 reasons proffered by the high-volume for-hire vehicle service not
42 included in the notice of deactivation provided to the high-volume for-
43 hire vehicle driver pursuant to subdivision five of section 20-1282 of
44 this subchapter or the written explanation provided to the high-volume
45 for-hire vehicle driver pursuant to subdivision three of section 20-1283
46 of this subchapter.

47 3. When determining damages, the fact-finder may take into account any
48 evidence the high-volume for-hire vehicle driver submitted pursuant to
49 subdivision four or five of section 20-1282, subdivision three of
50 section 20-1283, or section 20-1287 of this subchapter, that was not
51 timely or duly considered by the high-volume for-hire vehicle service.

52 4. A high-volume for-hire vehicle driver may submit evidence in any
53 proceeding alleging a violation of this subchapter that was not provided
54 to the high-volume for-hire vehicle service pursuant to subdivision four
55 or five of section 20-1282, subdivision three of section 20-1283, or
56 section 20-1287 of this subchapter and no negative inference or conse-

1 quence shall apply to a high-volume for-hire vehicle driver's decision
2 not to submit evidence pursuant to these provisions.

3 § 20-1286 Provision of data. 1. Upon the issuance of a notice of deac-
4 tivation required pursuant to subdivision five of section 20-1282 of
5 this subchapter, a high-volume for-hire vehicle service shall provide a
6 deactivated high-volume for-hire vehicle driver with information and
7 data relevant to such high-volume for-hire driver's deactivation. Such
8 information shall include, but need not be limited to:

9 (a) driving performance data specific to such high-volume for-hire
10 vehicle driver;

11 (b) all customer comments, ratings, and complaints received regarding
12 the high-volume for-hire vehicle driver; and

13 (c) anonymized and aggregated reports, covering the twelve months
14 prior to such high-volume for-hire vehicle driver's deactivation,
15 regarding discipline, including deactivation, imposed by such high-vo-
16 lume for-hire vehicle service on any other high-volume for-hire vehicle
17 drivers who engaged in the same or similar misconduct or failure to
18 satisfactorily perform job duties forming a basis for the deactivation
19 of the high-volume for-hire vehicle driver subject to such notice.

20 2. The information or data required by subdivision one of this section
21 shall be redacted to remove the personally identifiable information of
22 passengers. This requirement does not apply to any independent obli-
23 gation to produce information, including but not limited to any
24 production of information required as part of an adjudicatory hearing.

25 3. Upon the issuance of the notice required pursuant to subdivision
26 three of section 20-1283 of this subchapter, a high-volume for-hire
27 vehicle service shall provide a deactivated high-volume for-hire vehicle
28 driver with information and data relevant to such high-volume for-hire
29 driver's deactivation, including all information required under subdivi-
30 sion one of this section, to the extent that such information is avail-
31 able to such high-volume for-hire vehicle service.

32 4. For at least six years after deactivating a high-volume for-hire
33 vehicle driver, a high-volume for-hire vehicle service shall continue to
34 provide such high-volume for-hire vehicle driver with access to all
35 information and data concerning such high-volume for-hire vehicle driver
36 that such high-volume for-hire vehicle driver had access to prior to
37 deactivation, including but not limited to such high-volume for-hire
38 vehicle driver's tax and payment records.

39 § 20-1287 Informal resolution process. 1. A high-volume for-hire vehi-
40 cle service shall maintain an email address, website, or other form of
41 electronic communication through which a high-volume for-hire vehicle
42 driver or their representative may challenge such high-volume for-hire
43 vehicle driver's deactivation, prior deactivation, or impending deacti-
44 vation for which such high-volume for-hire vehicle driver received a
45 notice of layoff pursuant to subdivision four of section 20-1282, as
46 unlawful pursuant to this subchapter. Such high-volume for-hire vehicle
47 service shall provide such high-volume for-hire vehicle driver an oppor-
48 tunity to submit evidence to substantiate any such challenge and accept
49 written communications pursuant to this section in the language in which
50 they are written.

51 2. A high-volume for-hire vehicle driver may seek informal resolution
52 of a deactivation of such high-volume for-hire vehicle driver, or an
53 impending deactivation for which such high-volume for-hire vehicle driv-
54 er receives a notice of layoff pursuant to subdivision four of section
55 20-1282 of this subchapter, by a high-volume for-hire vehicle service by
56 initiating, an informal resolution process through the email address,

1 website, or other form of electronic communication maintained by such
2 high-volume for-hire vehicle service pursuant to subdivision one of this
3 section, or through any other means that such high-volume for-hire vehi-
4 cle driver and such high-volume for-hire vehicle service agree to. The
5 parties shall have fifteen days after commencing such informal resol-
6 ution process to reach a resolution, unless such high-volume for-hire
7 vehicle driver and such high-volume for-hire vehicle service mutually
8 agree to a longer timeframe. If the parties resolve a challenge pursuant
9 to this subdivision, they shall memorialize such resolution in a written
10 agreement, on a form provided by the department.

11 3. The high-volume for-hire vehicle service's failure to engage in
12 good faith with the informal resolution process shall be a violation
13 subject to a civil penalty under section 20-1209 of this chapter, but
14 such violation shall not be subject to enforcement pursuant to sections
15 20-1207, 20-1208, 20-1210, 20-1211 and 20-1212 of this chapter.

16 4. After receiving a complaint pursuant to section 20-1207 of this
17 chapter alleging a violation of section 20-1282 or 20-1283 of this
18 subchapter, the department shall notify the high-volume for-hire vehicle
19 driver or such high-volume for-hire vehicle driver's representative and
20 the high-volume for-hire vehicle service that they may resolve the
21 complaint through an informal resolution process pursuant to this
22 section.

23 5. Notwithstanding any other provision of this chapter to the contra-
24 ry, the department shall not proceed with its investigation of a
25 complaint filed pursuant to section 20-1207 of this chapter alleging a
26 violation of section 20-1282 or 20-1283 of this subchapter unless (a)
27 the high-volume for-hire vehicle driver or such high-volume for-hire
28 vehicle driver's representative and the high-volume for-hire vehicle
29 service fail to reach a resolution within fifteen days after commence-
30 ment of an informal resolution process pursuant to this section, or (b)
31 the high-volume for-hire vehicle driver has opted out of the informal
32 resolution process pursuant to this section, in a form and manner speci-
33 fied by the department.

34 § 20-1288 Reporting; records; information. 1. No less than annually,
35 the department shall make available on the city's website a report on
36 deactivations and alleged violations of sections 20-1282 and 20-1283 of
37 this subchapter during the preceding calendar year. The department shall
38 promulgate rules requiring that high-volume for-hire vehicle services
39 produce anonymized, aggregated data necessary to prepare such report.
40 Such report shall include, with respect to the year preceding the
41 release of such report: (a) the number of high-volume for-hire vehicle
42 drivers each high-volume for-hire vehicle service deactivated for just
43 cause, egregious misconduct, and bona fide economic reasons; (b) the
44 number of high-volume for-hire vehicle drivers who filed complaints with
45 the department alleging violations of sections 20-1282 and 20-1283 of
46 this subchapter and the outcomes of such complaints; (c) the number of
47 high-volume for-hire vehicle drivers who initiated an informal resol-
48 ution process; (d) the number of high-volume for-hire vehicle drivers
49 who reached an informal resolution with a high-volume for-hire vehicle
50 service; (e) the number of high-volume for-hire vehicle drivers who
51 commenced arbitrations or private actions that include claims alleging
52 violations of section 20-1282 or 20-1283 of this subchapter and the
53 outcomes of such proceedings; and (f) any other information the depart-
54 ment deems relevant. Until all high-volume for-hire vehicle drivers
55 placed on a waitlist pursuant to section 20-1283 of this subchapter have
56 had their driver platform access restored, such report shall also

1 include the number of high-volume for-hire vehicle drivers with prior
2 deactivations who petitioned a high-volume for-hire vehicle service for
3 reinstatement or restoration of their access to such high-volume for-
4 hire vehicle service's driver platform and the number of high-volume
5 for-hire vehicle drivers who were placed on a waitlist pursuant to
6 section 20-1283 of this subchapter.

7 2. A high-volume for-hire vehicle service shall retain records docu-
8 menting its compliance with the applicable requirements of this subchap-
9 ter for a period of three years and shall allow the department to access
10 such records and other information, consistent with applicable law and
11 in accordance with rules of the department and with appropriate notice,
12 in furtherance of an investigation conducted pursuant to this chapter. A
13 high-volume for-hire vehicle service shall maintain records in their
14 original format and provide such records to the department in their
15 original format or a machine-readable electronic format as set forth in
16 rules of the department. The department may promulgate rules concerning
17 the maintenance, retention, and provision by a high-volume for-hire
18 vehicle service of data necessary to the implementation and enforcement
19 of this subchapter, which may include a requirement that a high-volume
20 for-hire vehicle service adhere to a uniform system of records and
21 submit such records and other reports as the department may determine,
22 in accordance with applicable law and rules and with appropriate notice.

23 3. The failure of a high-volume for-hire vehicle service to maintain,
24 retain, or produce a record or other information required to be main-
25 tained by this chapter and requested by the department in furtherance of
26 an investigation conducted pursuant to this chapter that is relevant to
27 a material fact alleged by the department in a notice of violation
28 issued pursuant to this chapter creates a rebuttable presumption that
29 such fact is true.

30 4. To implement or enforce the provisions of this chapter, the depart-
31 ment may issue an order or subpoena for the production of data, docu-
32 ments, testimony, or other information from a high-volume for-hire vehi-
33 cle service. Such data, documents, testimony, or other information may
34 include, but are not limited to, information about the data that a high-
35 volume for-hire vehicle service monitors, collects, or stores about or
36 from a high-volume for-hire vehicle driver or passenger; information
37 about discipline imposed on a high-volume for-hire vehicle driver; and
38 any other information deemed relevant by the department. In accordance
39 with applicable law and rules and upon reasonable notice of no less than
40 fourteen days, a person who receives a request or subpoena for data,
41 documents, or other information pursuant to this section shall produce
42 such data, documents or information to the department in its original
43 format or a machine-readable electronic format as set forth in rules of
44 the department.

45 5. The department shall establish a program that provides information
46 and assistance to high-volume for-hire vehicle drivers relating to the
47 provisions of this subchapter. Such program shall include assistance by
48 a natural person by phone and email and outreach and education to the
49 public relating to the provisions of this subchapter. Such program shall
50 not provide legal advice but may provide general information and refer-
51 als to legal service providers. The city may provide access to legal
52 services to assist a high-volume for-hire vehicle driver in challenging
53 a deactivation, or impending deactivation for which a high-volume for-
54 hire vehicle driver received a notice of layoff pursuant to subdivision
55 four of section 20-1282, as unlawful pursuant to this subchapter. The
56 mayor may designate an appropriate agency or other entity of the city to

1 contract for such legal services with one or more qualified non-profit
2 legal services organizations.

3 § 20-1289 Progressive discipline policy. 1. A high-volume for-hire
4 vehicle service shall maintain a written progressive discipline policy
5 in a single writing and adhere to such policy.

6 2. The written policy required pursuant to subdivision one of this
7 section shall satisfy all requirements of this subchapter and, at a
8 minimum, address the following:

9 (a) types of misconduct by a high-volume for-hire vehicle driver that
10 may warrant discipline;

11 (b) any performance standards used to assess failure to satisfactorily
12 perform job duties by a high-volume for-hire driver;

13 (c) disciplinary measures that may be applied to a high-volume for-
14 hire vehicle driver, including but not limited to deactivation;

15 (d) procedures for notifying a high-volume for-hire vehicle driver of
16 disciplinary measures that a high-volume for-hire vehicle service
17 intends to take against such high-volume for-hire vehicle driver and
18 providing an opportunity to respond; and

19 (e) procedures for applying discipline against a high-volume for-hire
20 vehicle driver.

21 3. The written policy required pursuant to subdivision one of this
22 section shall be clear and specific such that a reasonable person can
23 understand the acts and omissions that may result in deactivation or
24 other disciplinary measures.

25 4. The written policy required pursuant to subdivision one of this
26 section shall include a notice of rights of high-volume for-hire vehicle
27 drivers that the commissioner shall publish and make available on the
28 city's website.

29 5. A high-volume for-hire vehicle service shall provide the written
30 policy required pursuant to subdivision one of this section to each
31 high-volume for-hire vehicle driver hired, retained, or engaged by such
32 high-volume for-hire vehicle service in English and in any other
33 language as the department may determine by rule. A high-volume for-hire
34 vehicle service shall provide such policy to each high-volume for-hire
35 vehicle driver no later than the effective date of this subchapter, or
36 prior to such high-volume for-hire vehicle driver's first trip, whichev-
37 er is later, in a form and manner that the department may determine by
38 rule.

39 6. A high-volume for-hire vehicle service shall notify each high-vo-
40 lume for-hire vehicle driver of any change to the written policy
41 required pursuant to subdivision one of this section at least fourteen
42 days before such change takes effect.

43 § 20-1290 Exceptions. This subchapter shall not:

44 1. Apply to the deactivation of any high-volume for-hire vehicle driv-
45 er by a high-volume for-hire vehicle service during such driver's
46 probation period with such service;

47 2. Limit or otherwise affect the applicability of any right or benefit
48 conferred upon or afforded to a high-volume for-hire vehicle driver by
49 the provisions of any other law, regulation, rule, requirement, policy,
50 or standard including but not limited to any federal, state, or local
51 law providing for protections against retaliation or discrimination;

52 3. Limit or otherwise affect the authority of the taxi and limousine
53 commission to issue, revoke, or suspend the licenses of high-volume
54 for-hire vehicle drivers; or

55 4. Limit or otherwise prevent a high-volume for-hire vehicle service
56 from deactivating a high-volume for-hire vehicle driver whose license

has been revoked or from deactivating a high-volume for-hire vehicle driver whose license has been suspended for the duration of the suspension.

§ 10. The general business law is amended by adding a new article 48 to read as follows:

ARTICLE 48

WRONGFUL DEACTIVATION OF HIGH-VOLUME FOR-HIRE VEHICLE DRIVERS

Section 1710. Jurisdiction.

1711. Definitions.

1712. Retaliation.

1713. Enforcement; jurisdiction and complaint procedures.

1714. Administrative remedies.

1715. Fines payable to the state.

1716. Private cause of action.

1717. Attorney general powers.

1718. Prohibition on wrongful deactivation.

1719. Prior deactivations.

1720. Bona fide economic reasons.

1721. Burden of proof; evidence.

1722. Provision of data.

1723. Informal resolution process.

1724. Reporting; records; information.

1725. Progressive discipline policy.

1726. Exceptions.

§ 1710. Jurisdiction. This article shall not apply to a city with a population of one million or more.

§ 1711. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Account sharing" shall mean permitting another person to use the high-volume for-hire vehicle driver's taxi and limousine commission driver's license, technology system login credentials, or driver platform login credentials, while performing driving services for a high-volume for-hire vehicle service.

2. "Deactivation" shall mean (a) an indefinite or permanent discharge, termination, or layoff of a high-volume for-hire vehicle driver; or (b) a revocation or restriction of a high-volume for-hire vehicle driver's authorization to accept trips on a driver platform that is either continuously in effect for at least seventy-two hours or consists of multiple periods of revocation or restriction that total at least one hundred sixty-eight hours within a one-year period.

3. "Office" shall mean the office of the attorney general.

4. "Driver platform" shall mean the driver-facing application or other application, service, website, or system used by a high-volume for-hire vehicle driver by which a high-volume for-hire vehicle service dispatches or facilitates the dispatching of passenger trips to such driver for compensation.

5. "Driving performance data" shall mean any data regarding a high-volume for-hire vehicle driver's operation of a for-hire vehicle, including, but not limited to, data recording a high-volume for-hire vehicle driver's rates of acceleration, deceleration, braking, speed, road movements, or any other electronic monitoring of driving performance.

6. "Egregious misconduct" shall mean (a) conduct that poses an imminent danger to other persons, including but not limited to violence, threats to engage in violence, sexual harassment, or sexual assault or (b) discrimination in violation of federal, state, or local law.

1 7. "High-volume for-hire vehicle driver" shall mean a driver who
2 performs driving services for a high-volume for-hire vehicle service, or
3 who performs driving services for a third-party as a result of receiving
4 a dispatch or referral from a high-volume for-hire vehicle service.

5 8. "High-volume for-hire vehicle service" shall have the same meaning
6 as such term is defined in section 19-502 of the administrative code of
7 the city of New York.

8 9. "Just cause" shall mean the high-volume for-hire vehicle driver
9 engaged in egregious misconduct, failed to satisfactorily perform their
10 job duties, or engaged in any other misconduct that is demonstrably and
11 materially harmful to the high-volume for-hire vehicle service's legiti-
12 mate business interests.

13 10. "Prior deactivation" shall mean a deactivation that occurred
14 during the seven years prior to the effective date of this article.

15 11. "Probation period" shall mean a period of thirty calendar days
16 beginning on the first date that a high-volume for-hire vehicle driver
17 performs driving services for a high-volume for-hire vehicle service.

18 12. "Progressive discipline" shall mean a disciplinary system that
19 provides for a graduated range of reasonable disciplinary measures,
20 including but not limited to warnings and further training requirements,
21 in response to a high-volume for-hire vehicle driver's misconduct or
22 failure to satisfactorily perform job duties for a high-volume for-hire
23 vehicle service, with the type of disciplinary measure varying based on
24 the frequency and degree of such misconduct or failure.

25 § 1712. Retaliation. No person shall take any adverse action against a
26 high-volume for-hire vehicle driver that penalizes such high-volume
27 for-hire vehicle driver, or is reasonably likely to deter such high-vo-
28 lume for-hire vehicle driver from, exercising or attempting to exercise
29 any right protected under this article. Taking an adverse action
30 includes threatening, intimidating, disciplining, discharging, demoting,
31 suspending or harassing such high-volume for-hire vehicle driver, reduc-
32 ing the hours or pay of such high-volume for-hire vehicle driver,
33 informing another high-volume for-hire vehicle service that such high-
34 volume for-hire vehicle driver has engaged in activities protected by
35 this article, and discriminating against such high-volume for-hire vehi-
36 cle driver, including actions related to perceived immigration status or
37 work authorization. A high-volume for-hire vehicle driver need not
38 explicitly refer to this article or the rights enumerated herein to be
39 protected from retaliation.

40 § 1713. Enforcement; jurisdiction and complaint procedures. 1. The
41 attorney general shall enforce the provisions of this article.

42 2. Any person, including any organization, alleging a violation of
43 this chapter may file a complaint with the office within two years of
44 the date the person knew or should have known of the alleged violation,
45 except that (a) a complaint alleging a violation of section seventeen
46 hundred eighteen or seventeen hundred nineteen of this article may be
47 filed only by the deactivated high-volume for-hire vehicle driver or by
48 a representative of such high-volume for-hire vehicle driver, provided
49 that the high-volume for-hire vehicle driver has agreed to such repre-
50 sentation and (b) a complaint alleging a violation of section seventeen
51 hundred nineteen of this article may be filed within one year after the
52 effective date of this article. Upon receiving such a complaint, the
53 office shall investigate it. The office may open an investigation on its
54 own initiative, if resources permit.

55 3. A person or entity under investigation shall, in accordance with
56 applicable law, provide the office with information or evidence that the

1 office requests pursuant to the investigation. If, as a result of an
2 investigation of a complaint or an investigation conducted upon its own
3 initiative, the office believes that a violation of this article has
4 occurred, the office may attempt to resolve it through any action
5 authorized by law.

6 4. The office shall keep the identity of any complainant confidential
7 unless disclosure is necessary to resolve the investigation or is other-
8 wise required by law, except that for complaints alleging violations of
9 section seventeen hundred eighteen or seventeen hundred nineteen of this
10 article, the office shall provide notice of the complaint and the iden-
11 tity of the complainant to the high-volume for-hire vehicle service as
12 soon as practicable. The office shall, to the extent practicable, notify
13 such complainant that the office will be disclosing the complainant's
14 identity before such disclosure.

15 § 1714. Administrative remedies. 1. (a) For each violation by a high-
16 volume for-hire vehicle service of section seventeen hundred eighteen or
17 seventeen hundred nineteen of this article, the office shall order rein-
18 statement or restoration of access to the driver platform of such high-
19 volume for-hire vehicle service by such high-volume for-hire vehicle
20 driver, unless waived by such high-volume for-hire vehicle driver.

21 (b) For each violation by a high-volume for-hire vehicle service of
22 section seventeen hundred eighteen of this article the office shall
23 order the payment of back pay to the wrongfully deactivated high-volume
24 for-hire vehicle driver, and such back pay shall be equal to the amount
25 such high-volume for-hire vehicle driver would have normally earned or
26 received from such high-volume for-hire vehicle service during the peri-
27 od of a wrongful deactivation if such wrongful deactivation had not
28 occurred, provided that:

29 (i) the office may subtract any additional amounts earned or received
30 by such high-volume for-hire vehicle driver from other work during such
31 period in excess of what such high-volume for-hire vehicle driver would
32 have normally earned or received from other work if such deactivation
33 had not occurred;

34 (ii) for purposes of this paragraph, the amount a high-volume for-hire
35 vehicle driver would have normally earned or received from a high-volume
36 for-hire vehicle service or other work over a period of deactivation
37 shall be determined based on the average daily amount such high-volume
38 for-hire vehicle driver earned or received from such high-volume for-
39 hire vehicle service or such other work over a reasonably comparable
40 period;

41 (iii) notwithstanding any provision of this subdivision to the contra-
42 ry, where a violation of section seventeen hundred eighteen of this
43 article arises from an allegation of egregious misconduct that was not
44 substantiated, back pay shall not accrue until fifteen days after the
45 date of deactivation of a high-volume for-hire vehicle driver; and

46 (iv) the office may adjust the amount of back pay owed to a high-vo-
47 lume for-hire vehicle driver, as appropriate, based on a failure by such
48 high-volume for-hire vehicle driver to make a reasonable effort to miti-
49 gate any loss of income, provided that a high-volume for-hire vehicle
50 service shall have the burden of proving by a preponderance of the
51 evidence that a driver failed to make a reasonable effort to mitigate.

52 2. For violations of this article, the office may grant the following
53 relief to a high-volume for-hire vehicle driver or former high-volume
54 for-hire vehicle driver:

1 (a) all compensatory damages and other relief required to make such
2 high-volume for-hire vehicle driver or former high-volume for-hire vehi-
3 cle driver whole;

4 (b) an order directing a high-volume for-hire vehicle service to
5 comply with the requirements set forth in this article;

6 (c) for each violation of section seventeen hundred twelve of this
7 article;

8 (i) any equitable relief appropriate under the circumstances, includ-
9 ing rescission of any discipline issued, reinstatement of any deacti-
10 ated high-volume for-hire vehicle driver, and payment of back pay for
11 any loss of pay or benefits resulting from discipline or other action
12 taken in violation of section seventeen hundred twelve of this article;

13 (ii) five hundred dollars for each violation not involving deacti-
14 vation, as such term is defined in section seventeen hundred eleven of
15 this article; and

16 (iii) two thousand five hundred dollars for each violation involving
17 deactivation, as such term is defined in section seventeen hundred elev-
18 en of this article;

19 (iv) five hundred dollars for each violation of section seventeen
20 hundred eighteen of this article, rescission of any discipline issued,
21 and any other equitable relief as may be appropriate;

22 (v) five hundred dollars for each violation of section seventeen
23 hundred twenty of this article;

24 (vi) five hundred dollars for each violation of section seventeen
25 hundred twenty-two of this article; and

26 (vii) five hundred dollars for each violation of section seventeen
27 hundred twenty-five of this article.

28 3. The relief authorized by this section shall be imposed on a per
29 employee or high-volume for-hire vehicle driver and per instance basis
30 for each violation.

31 § 1715. Fines payable to the state. 1. For each violation of this
32 article, except for any violation of section seventeen hundred nineteen
33 of this article, a high-volume for-hire vehicle service is liable for a
34 penalty of five hundred dollars for the first violation and, for subse-
35 quent violations that occur within two years of any previous violation
36 of this article, up to seven hundred fifty dollars for the second
37 violation and up to one thousand dollars for each succeeding violation.

38 2. The penalties imposed pursuant to this section shall be imposed on
39 a per high-volume for-hire vehicle driver and per instance basis for
40 each violation.

41 § 1716. Private cause of action. 1. Any person, including any organ-
42 ization, alleging a violation of the following provisions of this arti-
43 cle may bring a civil action, in accordance with applicable law, in any
44 court of competent jurisdiction for the following sections:

45 (a) seventeen hundred eighteen;

46 (b) seventeen hundred nineteen;

47 (c) seventeen hundred twenty;

48 (d) seventeen hundred twenty-two; and

49 (e) seventeen hundred twenty-five.

50 2. Such court may order compensatory, injunctive and declaratory
51 relief, including the following remedies for violations of this article:

52 (a) reinstatement of any employee or high-volume for-hire vehicle
53 driver terminated in violation of section seventeen hundred twelve;

54 (b) other compensatory damages and any other relief required to make
55 the high-volume for-hire vehicle driver whole; and

56 (c) reasonable attorneys' fees and costs.

1 3. For each violation of section seventeen hundred eighteen or seven-
2 teen hundred nineteen of this article, the court shall order rein-
3 statement or restoration of the driver platform access of the high-vo-
4 lume for-hire vehicle driver, unless waived by the high-volume for-hire
5 vehicle driver, and shall order the high-volume for-hire vehicle service
6 to pay the reasonable attorneys' fees and costs of the high-volume for-
7 hire vehicle driver. For each violation of section seventeen hundred
8 eighteen of this article, the court may, in addition, grant the follow-
9 ing relief:

10 (a) five hundred dollars for such high-volume for-hire vehicle driver
11 and an order directing compliance with section seventeen hundred eigh-
12 teen of this article, rescission of any discipline issued, payment of
13 back pay for any loss of pay or benefits resulting from the wrongful
14 discharge or deactivation, punitive damages, and any other equitable
15 relief as may be appropriate; and

16 (b) for each violation of section seventeen hundred eighteen of this
17 article, the court shall order back pay to be determined as set out in
18 subparagraph (ii) of paragraph (b) of subdivision two of section seven-
19 teen hundred fourteen of this article.

20 4. A civil action under this section shall be commenced within two
21 years of the date the person knew or should have known of the alleged
22 violation, except that for a violation of section seventeen hundred
23 nineteen of this article, a civil action shall be commenced within one
24 year after the effective date of this article.

25 5. (a) Any person filing a civil action shall simultaneously serve
26 notice of such action and a copy of the complaint upon the office. Fail-
27 ure to so serve a notice does not adversely affect any plaintiff's cause
28 of action.

29 (b) A high-volume for-hire vehicle driver need not file a complaint
30 with the office pursuant to subdivision two of section seventeen hundred
31 thirteen of this article before bringing a civil action; however, no
32 person shall file a civil action after filing a complaint with the
33 office based on the same facts unless such complaint has been withdrawn
34 or dismissed without prejudice to further action.

35 (c) No person shall file a complaint with the office after filing a
36 civil action based on the same facts unless such action has been with-
37 drawn or dismissed without prejudice to further action.

38 (d) The commencement or pendency of a civil action by a high-volume
39 for-hire vehicle driver does not preclude the office from investigating
40 the high-volume for-hire vehicle service, or commencing, prosecuting or
41 settling a case against the high-volume for-hire vehicle service based
42 on some or all of the same violations.

43 § 1717. Attorney general powers. 1. Where reasonable cause exists to
44 believe that a high-volume for-hire vehicle service is engaged in a
45 pattern or practice of violations of this article, the office may
46 commence a civil action on behalf of the city in a court of competent
47 jurisdiction.

48 2. The office shall commence such action by filing a complaint setting
49 forth facts relating to such pattern or practice and requesting relief,
50 which may include injunctive relief, relief set forth in section seven-
51 teen hundred fourteen of this article, civil penalties set forth in
52 section seventeen hundred fifteen of this article, and any other appro-
53 priate relief.

54 3. Such action may be commenced only by the office or such other
55 persons designated by the attorney general.

1 4. In any civil action commenced pursuant to subdivision one of this
2 section, the trier of fact may impose an additional civil penalty of not
3 more than fifteen thousand dollars for a finding that a high-volume
4 for-hire vehicle service has engaged in a pattern or practice of
5 violations of this article. Any civil penalty so recovered shall be paid
6 into the general fund of the state.

7 § 1718. Prohibition on wrongful deactivation. 1. A high-volume for-
8 hire vehicle service shall not deactivate a high-volume for-hire vehicle
9 driver after such high-volume for-hire vehicle driver's probation period
10 with such service except for just cause, for a bona fide economic
11 reason, as described in section seventeen hundred twenty of this arti-
12 cle, or where federal, state, or local law or rule requires such high-
13 volume for-hire vehicle service to deactivate such high-volume for-hire
14 vehicle driver.

15 2. In determining whether a high-volume for-hire vehicle service has
16 deactivated a high-volume for-hire vehicle driver for just cause, a
17 fact-finder shall consider, in addition to any other relevant factors,
18 whether:

19 (a) such high-volume for-hire vehicle driver knew or should have known
20 of such high-volume for-hire vehicle service's policy, rule, or practice
21 that forms a basis for progressive discipline or such deactivation and
22 knew or should have known of the potential consequences for violation of
23 such policy, rule, or practice;

24 (b) such high-volume for-hire vehicle service's policy, rule, or prac-
25 tice that forms a basis for progressive discipline or such deactivation
26 is reasonably related to safe and efficient high-volume for-hire vehicle
27 service operations;

28 (c) such high-volume for-hire vehicle service provided relevant and
29 adequate training to such high-volume for-hire vehicle driver;

30 (d) such high-volume for-hire vehicle service's policy, rule or prac-
31 tice that forms a basis for such deactivation, including the utilization
32 of progressive discipline, was reasonable and applied consistently;

33 (e) such high-volume for-hire vehicle service undertook a fair and
34 objective investigation into the high-volume for-hire vehicle driver's
35 job performance as well as their misconduct or failure to satisfactorily
36 perform job duties;

37 (f) such deactivation is a reasonable response to such high-volume
38 for-hire vehicle driver's job performance as well as their misconduct or
39 failure to satisfactorily perform job duties and accounts for any miti-
40 gating circumstances, including but not limited to such high-volume
41 for-hire vehicle driver's past work history; and

42 (g) such high-volume for-hire vehicle driver violated the policy, rule
43 or practice or engaged in any misconduct or failure to satisfactorily
44 perform job duties that forms a basis for progressive discipline or such
45 deactivation.

46 3. Except where deactivation is for alleged egregious misconduct, a
47 deactivation of a high-volume for-hire vehicle driver shall not be
48 considered based on just cause unless a high-volume for-hire vehicle
49 service demonstrates that:

50 (a) such high-volume for-hire vehicle service has utilized progressive
51 discipline; provided, however, that such high-volume for-hire vehicle
52 service may not rely on progressive discipline issued more than one year
53 before such deactivation; and

54 (b) such high-volume for-hire vehicle service had a written policy on
55 progressive discipline that was in effect and was provided to such high-
56 volume for-hire vehicle driver.

1 4. A high-volume for-hire vehicle service shall provide the high-volume
2 for-hire vehicle driver with notice of an impending deactivation
3 fourteen days in advance of the impending deactivation, except that (a)
4 where a deactivation of a high-volume for-hire vehicle driver is for a
5 bona fide economic reason, as described in section seventeen hundred
6 twenty of this article, a high-volume for-hire vehicle service shall
7 provide, in a form and manner designated by the office, an advance
8 notice of layoff to such high-volume for-hire vehicle driver at least
9 one hundred twenty days prior to such deactivation, and (b) advance
10 notice is not required where a deactivation is for egregious misconduct,
11 account sharing, or if there is a pattern of repeated fraudulent behav-
12 ior.

13 5. Such advance notice shall state all the precise and detailed
14 reasons for and the effective date of such deactivation. Such advance
15 notice shall include information about: (a) such high-volume for-hire
16 vehicle driver's right to challenge such deactivation as unlawful pursu-
17 ant to this article; (b) how such high-volume for-hire vehicle driver
18 may initiate an informal resolution process with such high-volume for-
19 hire vehicle service pursuant to section seventeen hundred twenty-three
20 of this article; (c) the opportunity for such high-volume for-hire vehi-
21 cle driver to submit evidence to substantiate a challenge to such deac-
22 tivation; (d) such high-volume for-hire vehicle driver's right to file a
23 complaint with the office, or initiate a private action; and (e) eligi-
24 ble high-volume for-hire vehicle drivers' rights to access unemployment
25 insurance.

26 6. Within five days after deactivating a high-volume for-hire vehicle
27 driver for egregious misconduct, account sharing, or if there is a
28 pattern of repeated fraudulent behavior, a high-volume for-hire vehicle
29 service shall provide, in a form and manner designated by the office, a
30 notice of deactivation to such high-volume for-hire vehicle driver which
31 contains a written explanation of all the precise and detailed reasons
32 for such deactivation and the effective date of such deactivation. Such
33 notice shall include information about: (a) such high-volume for-hire
34 vehicle driver's right to challenge such deactivation as unlawful pursu-
35 ant to this article; (b) how such high-volume for-hire vehicle driver
36 may initiate an informal resolution process with such high-volume for-
37 hire vehicle service pursuant to section seventeen hundred twenty-three
38 of this article; (c) the opportunity for such high-volume for-hire vehi-
39 cle driver to submit evidence to substantiate a challenge to such deac-
40 tivation; (d) such high-volume for-hire vehicle driver's right to file a
41 complaint with the office, or initiate a private action; and (e) eligi-
42 ble high-volume for-hire vehicle drivers' rights to access unemployment
43 insurance.

44 7. This section shall not apply to any deactivation that occurred
45 prior to the effective date of this article.

46 § 1719. Prior deactivations. 1. Within one year after the effective
47 date of this article, a high-volume for-hire vehicle driver who was
48 subject to a prior deactivation by a high-volume for-hire vehicle
49 service may petition such high-volume for-hire vehicle service for rein-
50 statement or restoration of access to such high-volume for-hire vehicle
51 service's driver platform. Within thirty days after receipt of such
52 petition, such high-volume for-hire vehicle service shall reinstate or
53 restore such high-volume for-hire vehicle driver's access to such driver
54 platform, unless such prior deactivation occurred during the probation
55 period or was for just cause, for a bona fide economic reason, as

1 described in section seventeen hundred twenty of this article, or
2 required by federal, state, or local law or rule.

3 2. In determining whether a prior deactivation of a high-volume for-
4 hire vehicle driver by a high-volume for-hire vehicle service was for
5 just cause, a fact-finder shall consider, in addition to any other rele-
6 vant factors, whether:

7 (a) such high-volume for-hire vehicle driver knew or should have known
8 of such high-volume for-hire vehicle service's policy, rule, or practice
9 that formed a basis for such prior deactivation and knew or should have
10 known of the potential consequences for violation of such policy, rule
11 or practice;

12 (b) such high-volume for-hire vehicle service's policy, rule, or prac-
13 tice that formed a basis for such prior deactivation was reasonably
14 related to safe and efficient high-volume for-hire vehicle service oper-
15 ations;

16 (c) such high-volume for-hire vehicle service's policy, rule or prac-
17 tice that formed a basis for such prior deactivation was reasonable and
18 applied consistently;

19 (d) such prior deactivation was a reasonable response to such high-vo-
20 lume for-hire vehicle driver's job performance as well as their miscon-
21 duct or failure to satisfactorily perform job duties and accounted for
22 any mitigating circumstances, including, but not limited to, such high-
23 volume for-hire vehicle driver's past work history;

24 (e) such high-volume for-hire vehicle driver violated the policy,
25 rule, or practice or committed the misconduct or failure to satisfac-
26 torily perform job duties that formed a basis for such prior deacti-
27 vation; and

28 (f) such high-volume for-hire vehicle service considered any exculpa-
29 tory evidence or other facts indicating that such high-volume for-hire
30 vehicle driver did not violate such high-volume for-hire vehicle
31 service's policy, rule or practice.

32 3. If a high-volume for-hire vehicle service does not reinstate or
33 restore access of a high-volume for-hire vehicle driver who was subject
34 to a prior deactivation to such high-volume for-hire vehicle service's
35 driver platform within thirty days after receipt of a petition pursuant
36 to subdivision one of this section, such high-volume for-hire vehicle
37 service shall provide a written explanation, in a form and manner desig-
38 nated by the office, to such high-volume for-hire vehicle driver of all
39 the precise and detailed reasons for such prior deactivation. Such writ-
40 ten explanation shall include information about: (a) such high-volume
41 for-hire vehicle driver's right to challenge such prior deactivation as
42 unlawful pursuant to this article; (b) how such high-volume for-hire
43 vehicle driver may initiate an informal resolution process with the
44 high-volume for-hire vehicle service pursuant to section seventeen
45 hundred twenty-three of this article; (c) the opportunity of such high-
46 volume for-hire vehicle driver to submit evidence to substantiate a
47 challenge to such prior deactivation; (d) such high-volume for-hire
48 vehicle driver's right to file a complaint with the office, or initiate
49 a private action; and (e) how a high-volume for-hire vehicle driver may
50 apply for unemployment benefits.

51 4. Notwithstanding any other provision of this section, a high-volume
52 for-hire vehicle service may decline to immediately reinstate or restore
53 access to such high-volume for-hire vehicle service's driver platform to
54 a high-volume for-hire vehicle driver whose access is required to be
55 reinstated or restored pursuant to subdivision one of this section if
56 such high-volume for-hire vehicle service is not providing access to

1 such driver platform to any new high-volume for-hire vehicle driver, and
2 has not provided such access during the three months prior to the effec-
3 tive date of the this section. Where such high-volume for-hire vehicle
4 service declines to immediately reinstate or restore access to such
5 driver platform pursuant to this subdivision, such high-volume for-hire
6 vehicle service shall maintain a waitlist of high-volume for-hire vehi-
7 cle drivers whose access to such driver platform is required to be rein-
8 stated or restored pursuant to subdivision one of this section and rein-
9 state or restore such high-volume for-hire vehicle drivers' access to
10 such driver platform, in the order in which such high-volume for-hire
11 vehicle drivers were placed on such waitlist, provided that any such
12 driver meets the minimum requirements that apply to all current high-vo-
13 lume for-hire vehicle drivers for such high-volume for-hire vehicle
14 service, prior to providing any other new high-volume for-hire vehicle
15 driver access to such driver platform.

16 § 1720. Bona fide economic reasons. 1. A deactivation, including a
17 prior deactivation, shall not be considered based on a bona fide econom-
18 ic reason unless supported by a high-volume for-hire vehicle service's
19 business records demonstrating that such deactivation is in response to:
20 (a) a proportionate reduction in volume of sales or profit within the
21 fiscal quarter prior to the issuance of a notice of layoff required by
22 subdivision four of section seventeen hundred eighteen of this article;
23 or (b) a high-volume for-hire vehicle service discontinuing its driving
24 services in the city.

25 2. (a) Deactivations of high-volume for-hire vehicle drivers based on
26 a bona fide economic reason shall be done in reverse order of seniority,
27 so that high-volume for-hire vehicle drivers with the greatest seniority
28 shall be retained the longest and reinstated or restored access to the
29 driver platform first.

30 (b) A high-volume for-hire vehicle service shall make reasonable
31 efforts to offer reinstatement or restoration of access to such high-vo-
32 lume for-hire vehicle service's driver platform to any high-volume for-
33 hire vehicle driver deactivated by such high-volume for-hire vehicle
34 service based on a bona fide economic reason within the previous three
35 years, if any, before such high-volume for-hire vehicle service may
36 provide any other new high-volume for-hire vehicle driver access to such
37 driver platform.

38 (c) This subdivision shall apply only to deactivations that occur on
39 or after the effective date of this section.

40 § 1721. Burden of proof; evidence. 1. In any proceeding alleging a
41 violation by a high-volume for-hire vehicle service of section seventeen
42 hundred eighteen or seventeen hundred nineteen of this article, such
43 high-volume for-hire vehicle service shall bear the burden of proving
44 just cause and a bona fide economic reason pursuant to section seventeen
45 hundred eighteen or seventeen hundred nineteen of this article, by a
46 preponderance of the evidence, subject to the rules of evidence as set
47 forth in the civil practice law and rules or, where applicable, the
48 common law.

49 2. In determining whether a high-volume for-hire vehicle service had
50 just cause for a deactivation, a fact-finder may not consider any
51 reasons proffered by the high-volume for-hire vehicle service not
52 included in the notice of deactivation provided to the high-volume for-
53 hire vehicle driver pursuant to subdivision five of section seventeen
54 hundred eighteen of this article or the written explanation provided to
55 the high-volume for-hire vehicle driver pursuant to subdivision three of
56 section seventeen hundred nineteen of this article.

1 3. When determining damages, the fact-finder may take into account any
2 evidence the high-volume for-hire vehicle driver submitted pursuant to
3 subdivision four or five of section seventeen hundred eighteen, subdivi-
4 sion three of section seventeen hundred nineteen, or section seventeen
5 hundred twenty-three of this article, that was not timely or duly
6 considered by the high-volume for-hire vehicle service.

7 4. A high-volume for-hire vehicle driver may submit evidence in any
8 proceeding alleging a violation of this article that was not provided to
9 the high-volume for-hire vehicle service pursuant to subdivision four or
10 five of section seventeen hundred eighteen, subdivision three of section
11 seventeen hundred nineteen, or section seventeen hundred twenty-three of
12 this article and no negative inference or consequence shall apply to a
13 high-volume for-hire vehicle driver's decision not to submit evidence
14 pursuant to these provisions.

15 § 1722. Provision of data. 1. Upon the issuance of a notice of deacti-
16 vation required pursuant to subdivision five of section seventeen
17 hundred eighteen of this article, a high-volume for-hire vehicle service
18 shall provide a deactivated high-volume for-hire vehicle driver with
19 information and data relevant to such high-volume for-hire driver's
20 deactivation. Such information shall include, but need not be limited
21 to:

22 (a) driving performance data specific to such high-volume for-hire
23 vehicle driver;

24 (b) all customer comments, ratings, and complaints received regarding
25 the high-volume for-hire vehicle driver; and

26 (c) anonymized and aggregated reports, covering the twelve months
27 prior to such high-volume for-hire vehicle driver's deactivation,
28 regarding discipline, including deactivation, imposed by such high-vo-
29 lume for-hire vehicle service on any other high-volume for-hire vehicle
30 drivers who engaged in the same or similar misconduct or failure to
31 satisfactorily perform job duties forming a basis for the deactivation
32 of the high-volume for-hire vehicle driver subject to such notice.

33 2. The information or data required by subdivision one of this section
34 shall be redacted to remove the personally identifiable information of
35 passengers. This requirement does not apply to any independent obli-
36 gation to produce information, including but not limited to any
37 production of information required as part of an adjudicatory hearing.

38 3. Upon the issuance of the notice required pursuant to subdivision
39 three of section seventeen hundred nineteen of this article, a high-vo-
40 lume for-hire vehicle service shall provide a deactivated high-volume
41 for-hire vehicle driver with information and data relevant to such high-
42 volume for-hire driver's deactivation, including all information
43 required under subdivision one of this section, to the extent that such
44 information is available to such high-volume for-hire vehicle service.

45 4. For at least six years after deactivating a high-volume for-hire
46 vehicle driver, a high-volume for-hire vehicle service shall continue to
47 provide such high-volume for-hire vehicle driver with access to all
48 information and data concerning such high-volume for-hire vehicle driver
49 that such high-volume for-hire vehicle driver had access to prior to
50 deactivation, including but not limited to such high-volume for-hire
51 vehicle driver's tax and payment records.

52 § 1723. Informal resolution process. 1. A high-volume for-hire vehicle
53 service shall maintain an email address, website, or other form of elec-
54 tronic communication through which a high-volume for-hire vehicle driver
55 or their representative may challenge such high-volume for-hire vehicle
56 driver's deactivation, prior deactivation, or impending deactivation for

1 which such high-volume for-hire vehicle driver received a notice of
2 layoff pursuant to subdivision four of section seventeen hundred eigh-
3 teen of this article, as unlawful pursuant to this article. Such high-
4 volume for-hire vehicle service shall provide such high-volume for-hire
5 vehicle driver an opportunity to submit evidence to substantiate any
6 such challenge and accept written communications pursuant to this
7 section in the language in which they are written.

8 2. A high-volume for-hire vehicle driver may seek informal resolution
9 of a deactivation of such high-volume for-hire vehicle driver, or an
10 impending deactivation for which such high-volume for-hire vehicle driv-
11 er receives a notice of layoff pursuant to subdivision four of section
12 seventeen hundred eighteen of this article, by a high-volume for-hire
13 vehicle service by initiating, an informal resolution process through
14 the email address, website, or other form of electronic communication
15 maintained by such high-volume for-hire vehicle service pursuant to
16 subdivision one of this section, or through any other means that such
17 high-volume for-hire vehicle driver and such high-volume for-hire vehi-
18 cle service agree to. The parties shall have fifteen days after
19 commencing such informal resolution process to reach a resolution,
20 unless such high-volume for-hire vehicle driver and such high-volume
21 for-hire vehicle service mutually agree to a longer timeframe. If the
22 parties resolve a challenge pursuant to this subdivision, they shall
23 memorialize such resolution in a written agreement, on a form provided
24 by the office.

25 3. The high-volume for-hire vehicle service's failure to engage in
26 good faith with the informal resolution process shall be a violation
27 subject to a civil penalty under section seventeen hundred fifteen of
28 this article, but such violation shall not be subject to enforcement
29 pursuant to sections seventeen hundred thirteen, seventeen hundred four-
30 teen, seventeen hundred sixteen and seventeen hundred seventeen of this
31 article.

32 4. After receiving a complaint pursuant to section seventeen hundred
33 thirteen of this article alleging a violation of section seventeen
34 hundred eighteen or seventeen hundred nineteen of this article, the
35 office shall notify the high-volume for-hire vehicle driver or such
36 high-volume for-hire vehicle driver's representative and the high-volume
37 for-hire vehicle service that they may resolve the complaint through an
38 informal resolution process pursuant to this section.

39 5. Notwithstanding any other provision of this chapter to the contra-
40 ry, the office shall not proceed with its investigation of a complaint
41 filed pursuant to section seventeen hundred thirteen of this article
42 alleging a violation of section seventeen hundred eighteen or seventeen
43 hundred nineteen of this article unless (i) the high-volume for-hire
44 vehicle driver or such high-volume for-hire vehicle driver's represen-
45 tative and the high-volume for-hire vehicle service fail to reach a
46 resolution within fifteen days after commencement of an informal resol-
47 ution process pursuant to this section, or (ii) the high-volume for-hire
48 vehicle driver has opted out of the informal resolution process pursuant
49 to this section, in a form and manner specified by the office.

50 § 1724. Reporting; records; information. 1. No less than annually, the
51 office shall make available on the office's website a report on deacti-
52 vations and alleged violations of section seventeen hundred eighteen or
53 seventeen hundred nineteen of this article during the preceding calendar
54 year. The office shall promulgate rules requiring that high-volume for-
55 hire vehicle services produce anonymized, aggregated data necessary to
56 prepare such report. Such report shall include, with respect to the year

1 preceding the release of such report: (a) the number of high-volume
2 for-hire vehicle drivers each high-volume for-hire vehicle service deac-
3 tivated for just cause, egregious misconduct, and bona fide economic
4 reasons; (b) the number of high-volume for-hire vehicle drivers who
5 filed complaints with the office alleging violations of section seven-
6 teen hundred eighteen or seventeen hundred nineteen of this article and
7 the outcomes of such complaints; (c) the number of high-volume for-hire
8 vehicle drivers who initiated an informal resolution process; (d) the
9 number of high-volume for-hire vehicle drivers who reached an informal
10 resolution with a high-volume for-hire vehicle service; (e) the number
11 of high-volume for-hire vehicle drivers who commenced arbitrations or
12 private actions that include claims alleging violations of section
13 seventeen hundred eighteen or seventeen hundred nineteen of this article
14 and the outcomes of such proceedings; and (f) any other information the
15 office deems relevant. Until all high-volume for-hire vehicle drivers
16 placed on a waitlist pursuant to section seventeen hundred nineteen of
17 this article have had their driver platform access restored, such report
18 shall also include the number of high-volume for-hire vehicle drivers
19 with prior deactivations who petitioned a high-volume for-hire vehicle
20 service for reinstatement or restoration of their access to such high-
21 volume for-hire vehicle service's driver platform and the number of
22 high-volume for-hire vehicle drivers who were placed on a waitlist
23 pursuant to section seventeen hundred nineteen of this article.

24 2. (a) A high-volume for-hire vehicle service shall retain records
25 documenting its compliance with the applicable requirements of this
26 article for a period of three years and shall allow the office to access
27 such records and other information, consistent with applicable law and
28 in accordance with rules of the office and with appropriate notice, in
29 furtherance of an investigation conducted pursuant to this article. A
30 high-volume for-hire vehicle service shall maintain records in their
31 original format and provide such records to the office in their original
32 format or a machine-readable electronic format as set forth in rules of
33 the office. The office may promulgate rules concerning the maintenance,
34 retention, and provision by a high-volume for-hire vehicle service of
35 data necessary to the implementation and enforcement of this article,
36 which may include a requirement that a high-volume for-hire vehicle
37 service adhere to a uniform system of records and submit such records
38 and other reports as the office may determine, in accordance with appli-
39 cable law and rules and with appropriate notice.

40 (b) The failure of a high-volume for-hire vehicle service to maintain,
41 retain, or produce a record or other information required to be main-
42 tained by this article and requested by the office in furtherance of an
43 investigation conducted pursuant to this article that is relevant to a
44 material fact alleged by the office in a notice of violation issued
45 pursuant to this article creates a rebuttable presumption that such fact
46 is true.

47 (c) To implement or enforce the provisions of this article, the office
48 may issue an order or subpoena for the production of data, documents,
49 testimony, or other information from a high-volume for-hire vehicle
50 service. Such data, documents, testimony, or other information may
51 include, but are not limited to, information about the data that a high-
52 volume for-hire vehicle service monitors, collects, or stores about or
53 from a high-volume for-hire vehicle driver or passenger; information
54 about discipline imposed on a high-volume for-hire vehicle driver; and
55 any other information deemed relevant by the office. In accordance with
56 applicable law and rules and upon reasonable notice of no less than

1 fourteen days, a person who receives a request or subpoena for data,
2 documents, or other information pursuant to this section shall produce
3 such data, documents or information to the office in its original format
4 or a machine-readable electronic format as set forth in rules of the
5 office.

6 3. The office shall establish a program that provides information and
7 assistance to high-volume for-hire vehicle drivers relating to the
8 provisions of this article. Such program shall include assistance by a
9 natural person by phone and email and outreach and education to the
10 public relating to the provisions of this article. Such program shall
11 not provide legal advice but may provide general information and refer-
12 als to legal service providers. The state may provide access to legal
13 services to assist a high-volume for-hire vehicle driver in challenging
14 a deactivation, or impending deactivation for which a high-volume for-
15 hire vehicle driver received a notice of layoff pursuant to subdivision
16 four of section seventeen hundred eighteen, as unlawful pursuant to this
17 article. The attorney general may designate an appropriate agency or
18 other entity of the city to contract for such legal services with one or
19 more qualified non-profit legal services organizations.

20 § 1725. Progressive discipline policy. 1. A high-volume for-hire vehi-
21 cle service shall maintain a written progressive discipline policy in a
22 single writing and adhere to such policy.

23 2. The written policy required pursuant to subdivision one of this
24 section shall satisfy all requirements of this article and, at a mini-
25 imum, address the following:

26 (a) types of misconduct by a high-volume for-hire vehicle driver that
27 may warrant discipline;

28 (b) any performance standards used to assess failure to satisfactorily
29 perform job duties by a high-volume for-hire driver;

30 (c) disciplinary measures that may be applied to a high-volume for-
31 hire vehicle driver, including but not limited to deactivation;

32 (d) procedures for notifying a high-volume for-hire vehicle driver of
33 disciplinary measures that a high-volume for-hire vehicle service
34 intends to take against such high-volume for-hire vehicle driver and
35 providing an opportunity to respond; and

36 (e) procedures for applying discipline against a high-volume for-hire
37 vehicle driver.

38 3. The written policy required pursuant to subdivision one of this
39 section shall be clear and specific such that a reasonable person can
40 understand the acts and omissions that may result in deactivation or
41 other disciplinary measures.

42 4. The written policy required pursuant to subdivision one of this
43 section shall include a notice of rights of high-volume for-hire vehicle
44 drivers that the office shall publish and make available on the office's
45 website.

46 5. A high-volume for-hire vehicle service shall provide the written
47 policy required pursuant to subdivision one of this section to each
48 high-volume for-hire vehicle driver hired, retained, or engaged by such
49 high-volume for-hire vehicle service in English and in any other
50 language as the office may determine by rule. A high-volume for-hire
51 vehicle service shall provide such policy to each high-volume for-hire
52 vehicle driver no later than the effective date of this subdivision, or
53 prior to such high-volume for-hire vehicle driver's first trip, whichev-
54 er is later, in a form and manner that the office may determine by rule.

55 6. A high-volume for-hire vehicle service shall notify each high-vo-
56 lume for-hire vehicle driver of any change to the written policy

1 required pursuant to subdivision one of this section at least fourteen
2 days before such change takes effect.

3 § 1726. Exceptions. This subchapter shall not:

4 1. Apply to the deactivation of any high-volume for-hire vehicle driv-
5 er by a high-volume for-hire vehicle service during such driver's
6 probation period with such service;

7 2. Limit or otherwise affect the applicability of any right or benefit
8 conferred upon or afforded to a high-volume for-hire vehicle driver by
9 the provisions of any other law, regulation, rule, requirement, policy,
10 or standard including but not limited to any federal, state, or local
11 law providing for protections against retaliation or discrimination;

12 3. Limit or otherwise affect the authority of the taxi and limousine
13 commission to issue, revoke, or suspend the licenses of high-volume
14 for-hire vehicle drivers; or

15 4. Limit or otherwise prevent a high-volume for-hire vehicle service
16 from deactivating a high-volume for-hire vehicle driver whose license
17 has been revoked or deactivating a high-volume for-hire vehicle driver
18 whose license has been suspended for the duration of the suspension.

19 § 11. This act shall take effect on the one hundred eightieth day
20 after it shall have become a law. Effective immediately, the addition,
21 amendment and/or repeal of any rule or regulation necessary for the
22 implementation of this act on its effective date are authorized to be
23 made and completed on or before such effective date.