S T A T E O F N E W Y O R K

4011

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

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

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

S 1220-D. ACCESSIBILITY IN FOR-HIRE VEHICLES. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "PRE-ARRANGED FOR-HIRE VEHICLE" SHALL MEAN A MOTOR VEHICLE, DESIGNED TO CARRY NO MORE THAN NINE PASSENGERS (EXCLUDING THE DRIVER), THAT IS USED IN THE BUSINESS OF TRANSPORTING PASSENGERS FOR COMPENSATION ON A PRE-ARRANGED BASIS, AND OPERATED IN SUCH BUSINESS UNDER A LICENSE OR PERMIT ISSUED BY A LICENSING JURISDICTION. THE TERM "PRE-ARRANGED FOR-HIRE VEHICLE" SHALL APPLY TO VEHICLES AS DEFINED HEREIN REGARDLESS OF ANY OTHER PROVISION OF LOCAL LAW OR RULE DEFINING OR DESCRIBING SUCH VEHICLES BY ANY OTHER TERMS SUCH AS LIVERY, BLACK CAR, OR LUXURY LIMOUSINE.

(B) "PRE-ARRANGED FOR-HIRE VEHICLE OPERATOR" SHALL MEAN THE REGISTERED OWNER OF A PRE-ARRANGED FOR-HIRE VEHICLE, OR A DULY LICENSED DRIVER DESIGNATED BY SUCH REGISTERED OWNER TO OPERATE THE REGISTERED OWNER'S PRE-ARRANGED FOR-HIRE VEHICLE AS THE REGISTERED OWNER'S AUTHORIZED DESIGNEE.

(C) "SHUTTLE SERVICE" SHALL MEAN ANY PRE-ARRANGED FOR-HIRE VEHICLE TRANSPORTATION OFFERED ON A FIXED ROUTE INCLUDING, BUT NOT LIMITED TO, GROUND TRANSPORTATION OFFERED BY HOTELS TO AND FROM AIRPORTS AND TOURISM DESTINATIONS.

(D) "WHEELCHAIR ACCESSIBLE VEHICLE" SHALL MEAN A VEHICLE CAPABLE OF TRANSPORTING INDIVIDUALS WHO USE WHEELCHAIRS OR OTHER MOBILITY AIDS AND

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

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WHO ARE UNABLE TO TRANSFER FROM A WHEELCHAIR OR OTHER MOBILITY AID TO A VEHICLE PASSENGER SEAT. NOTHING IN THIS CHAPTER SHALL DIMINISH THE REQUIREMENTS OF FOR-HIRE VEHICLES TO COMPLY WITH THE NON-DISCRIMINATION REQUIREMENTS OF TITLE III OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (42 U.S.C. 12181 ET SEQ.).

(E) "EQUIVALENT SERVICE" SHALL MEAN THE PROVISION OF SERVICES TO INDIVIDUALS WITH DISABILITIES, INCLUDING INDIVIDUALS WHO USE WHEELCHAIRS, THAT WHEN TAKEN IN TOTALITY IS EQUIVALENT TO THE SERVICE PROVIDED TO PERSONS WITHOUT DISABILITIES WHEN MEASURED BY THE FOLLOWING CHARACTERISTICS:

(I) ABILITY TO ACCEPT RESERVATIONS;

(II) FARES CHARGED;

(III) RESPONSE TIME TO REQUESTS FOR SERVICE;

(IV) HOURS AND DAYS OF SERVICE AVAILABILITY;

(V) RESTRICTIONS BASED UPON TRIP PURPOSE; AND

(VI) OTHER LIMITATIONS ON CAPACITY OR SERVICE AVAILABILITY.

2. (A) EVERY PRE-ARRANGED FOR-HIRE VEHICLE OWNER OR SHUTTLE SERVICE PROVIDER WITH NOT MORE THAN TEN FOR-HIRE VEHICLES SHALL (I) ADVERTISE AND PROVIDE ACCESSIBLE ALTERNATIVE TRANSPORTATION UPON REQUEST OF A PATRON; AND (II) PURCHASE AT LEAST ONE WHEELCHAIR ACCESSIBLE VEHICLE UPON ITS NEXT PURCHASE OF A NEW OR USED VEHICLE.

(B) EVERY PRE-ARRANGED FOR-HIRE VEHICLE OWNER OR SHUTTLE SERVICE PROVIDER WITH NOT LESS THAN ELEVEN OR MORE THAN ONE HUNDRED FOR-HIRE VEHICLES SHALL (I) ADVERTISE AND PROVIDE ACCESSIBLE ALTERNATIVE TRANSPORTATION UPON REQUEST OF A PATRON; AND (II) PURCHASE WHEELCHAIR ACCESSIBLE VEHICLES UPON NEED TO REPLACE EXISTING VEHICLES, OR WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, UNTIL NOT LESS THAN TEN PERCENT OF THE FLEET IS WHEELCHAIR ACCESSIBLE.

(C) EVERY PRE-ARRANGED FOR-HIRE VEHICLE OWNER OR SHUTTLE SERVICE PROVIDER WITH NOT LESS THAN ONE HUNDRED ONE FOR-HIRE VEHICLES SHALL (I) ADVERTISE AND PROVIDE ACCESSIBLE ALTERNATIVE TRANSPORTATION UPON REQUEST OF A PATRON; AND (II) PURCHASE WHEELCHAIR ACCESSIBLE VEHICLES UPON NEED TO REPLACE EXISTING VEHICLES, OR WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, UNTIL NOT LESS THAN TWENTY PERCENT OF THE FLEET IS WHEELCHAIR ACCESSIBLE.

3. FAILURE TO COMPLY WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL CONSTITUTE A VIOLATION PUNISHABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN ONE HUNDRED FIFTY DOLLARS PER DAY FROM THE DATE A VIOLATION OCCURRED UNTIL THE DATE SUCH VIOLATION IS CURED. A VIOLATION MAY ALSO BE GROUNDS FOR REVOCATION OR DENIAL OF LICENSING OR REGISTRATION, OR RENEWAL THEREOF, UNDER SECTION FOUR HUNDRED ONE OF THIS CHAPTER. THE LOCAL AND STATE AUTHORITIES CHARGED WITH ISSUING PERMITS, LICENSES AND REGISTRATION OF PRE-ARRANGED FOR-HIRE VEHICLES AND SHUTTLE SERVICES SHALL REQUIRE PROOF PRIOR TO ISSUANCE OF SUCH PERMIT, LICENSE AND REGISTRATION, OR RENEWAL THEREOF, OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

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