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

8691

2011-2012 Regular Sessions

I N A S S E M B L Y

December 28, 2011

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

AN ACT to amend a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S. 5825 and A. 8496, in relation to authorizing New York city to issue up to two thousand new taxicab licenses to vehicles that are accessible to individuals with disabilities, authorizing New York City to issue eighteen thousand hail vehicle licenses and authorizing up to four hundred fifty hail base permits to for-hire base stations; and to amend the tax law, the administrative code of the city of New York and the vehicle and traffic law, in relation to taxicabs and HAIL licenses in New York city; and to repeal certain sections of a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S.5825 and A.8496

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

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

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

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

S 2. Sections 2, 3 and 5 of a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S.5825 and A.8496, are REPEALED.

S 3. Sections 4 and 6 of a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S.5825 and A.8496, are amended to read as follows:

S 4. HAIL BASE PERMIT ISSUANCE. The New York city taxi and limousine commission OR SUCCESSOR AGENCY is hereby authorized to issue non-transferable permits to for-hire vehicle base stations established pursuant to section 19-511 of the administrative code of the city of New York, allowing such base stations to be affiliated with holders of [permits] LICENSES issued pursuant to section [three] FIVE of [this act] A CHAPTER OF THE LAWS OF 2012 ENTITLED "AN ACT TO AMEND A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S. 5825 AND A. 8496, IN RELATION TO AUTHORIZING NEW YORK CITY TO ISSUE UP TO TWO THOUSAND NEW TAXICAB LICENSES TO VEHICLES THAT ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES, AUTHORIZING NEW YORK CITY TO ISSUE EIGHTEEN THOUSAND HAIL VEHICLE LICENSES AND AUTHORIZING UP TO FOUR HUNDRED FIFTY HAIL BASE PERMITS TO FOR-HIRE BASE STATIONS; AND TO AMEND THE TAX LAW, THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND THE VEHICLE AND TRAFFIC LAW, IN RELATION TO TAXICABS AND HAIL LICENSES IN NEW YORK CITY; AND TO REPEAL CERTAIN SECTIONS OF A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S.5825 AND A.8496" ("hail [privilege] base permit"), provided that no more than four hundred fifty permits shall be held at one time. Every holder of a hail [privilege] vehicle [permit] LICENSE issued pursuant to section [three of this act] FIVE OF A CHAPTER OF THE LAWS OF 2012 ENTITLED "AN ACT TO AMEND A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S. 5825 AND A. 8496, IN RELATION TO AUTHORIZING NEW YORK CITY TO ISSUE UP TO TWO THOUSAND NEW TAXICAB LICENSES TO VEHICLES THAT ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES, AUTHORIZING NEW YORK CITY TO ISSUE EIGHTEEN THOUSAND HAIL VEHICLE LICENSES AND AUTHORIZING UP TO FOUR HUNDRED FIFTY HAIL BASE PERMITS TO FOR-HIRE BASE STATIONS FOR SUCH VEHICLES; AND TO AMEND THE TAX LAW, THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND THE VEHICLE AND TRAFFIC LAW, IN RELATION TO TAXICABS AND HAIL LICENSES IN NEW YORK CITY; AND TO REPEAL CERTAIN SECTIONS OF A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S.5825 AND A.8496" shall be affiliated with one such base station. Hail [privilege] base permits shall be issued to base stations pursuant to this section for a fee in the amount of three thousand dollars, and shall be valid for three years prior to renewal. [Such] THE right to renewal shall be automatic, upon payment of a renewal fee, if the base station is in good standing. Such RENEWAL fee amount may be increased by such taxi and limousine commission or successor agency to account for changes in the [United States] NEW YORK

- NORTHERN NEW JERSEY - LONG ISLAND consumer price index, adjusted for inflation. The initial [sale] ISSUANCE of such hail [privilege] base permits will be limited to existing for-hire vehicle base stations established pursuant to section 19-511 of the administrative code of the city of New York, that have been in operation for at least three years AND ARE IN GOOD STANDING WITH SUCH TAXI AND LIMOUSINE COMMISSION OR SUCCESSOR AGENCY. Such hail [privilege] base permits shall be issued beginning no later than the public sale of the additional taxicab [medallions] LICENSES issued pursuant to section [two of this act] EIGHT OF A CHAPTER OF THE LAWS OF 2012 ENTITLED "AN ACT TO AMEND A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S. 5825 AND A. 8496, IN RELATION TO AUTHORIZING NEW YORK CITY TO ISSUE UP TO TWO THOUSAND NEW TAXICAB LICENSES TO VEHICLES THAT ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES, AUTHORIZING NEW YORK CITY TO ISSUE EIGHTEEN THOUSAND HAIL VEHICLE LICENSES AND AUTHORIZING UP TO FOUR HUNDRED FIFTY HAIL BASE PERMITS TO FOR-HIRE BASE STATIONS; AND TO AMEND THE TAX LAW, THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND THE VEHICLE AND TRAFFIC LAW, IN RELATION TO TAXICABS AND HAIL LICENSES IN NEW YORK CITY; AND TO REPEAL CERTAIN SECTIONS OF A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S.5825 AND A.8496". The city of New York, acting through such taxi and limousine commission OR SUCCESSOR AGENCY, is hereby authorized and empowered to take such actions as are necessary and desirable to implement the provisions of this section, subject only to the procedures and limitations set forth in this section, and shall not be required to engage in any review provided for by any provision of law or make or obtain any determination not expressly required by this section.

S 6. This act shall take effect immediately. THIS ACT SHALL BE CONSTRUED AS A WHOLE, AND ALL PARTS OF IT ARE TO BE READ AND CONSTRUED TOGETHER. IF ANY PART OF THIS ACT OR ANY AMENDMENTS MADE THERETO BY A CHAPTER OF THE LAWS OF 2012 ENTITLED "AN ACT TO AMEND A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S. 5825 AND A. 8496, IN RELATION TO AUTHORIZING NEW YORK CITY TO ISSUE UP TO TWO THOUSAND NEW TAXICAB LICENSES TO VEHICLES THAT ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES, AUTHORIZING NEW YORK CITY TO ISSUE EIGHTEEN THOUSAND HAIL VEHICLE LICENSES AND AUTHORIZING UP TO FOUR HUNDRED FIFTY HAIL BASE PERMITS TO FOR-HIRE BASE STATIONS; AND TO AMEND THE TAX LAW, THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND THE VEHICLE AND TRAFFIC LAW, IN RELATION TO TAXICABS AND HAIL LICENSES IN NEW YORK CITY; AND TO REPEAL CERTAIN SECTIONS OF A CHAPTER OF THE LAWS OF 2011 RELATING TO LIVERY PERMITS IN THE CITY OF NEW YORK, AS PROPOSED IN LEGISLATIVE BILLS NUMBERS S.5825 AND A.8496" SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE REMAINDER OF THIS ACT SHALL BE INVALIDATED AND SHALL BE DEEMED TO HAVE NOT TAKEN EFFECT, PROVIDED HOWEVER THAT THE VALIDITY OF ANY TAXICAB LICENSE ISSUED BEFORE THE DATE THAT THIS ACT IS DECLARED INVALID SHALL NOT BE AFFECTED.

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

(a) "Accessible vehicle" means a for-hire vehicle that is designed for the purpose of transporting persons in wheelchairs or contains a physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs in accordance with the Americans with Disabilities Act.

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

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

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

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

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

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

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

(b) Six thousand of such HAIL licenses shall be issued within twelve months from the date on which the first HAIL license is issued ("first issuance"). Any of the six thousand licenses authorized for such issuance not issued within the first twelve months shall be authorized for issuance in the second issuance in addition to those authorized in the second issuance, as defined in this subdivision. Twenty percent of the HAIL licenses issued in the first issuance will be restricted to accessible vehicles, and for every block of one thousand HAIL licenses issued, the twenty percent requirement must be met prior to the issuance of any additional HAIL licenses. The TLC will study and report on the accessibility of vehicles with HAIL licenses in the Disabled Accessibility Plan and may recommend that a different percentage of HAIL licenses be restricted to accessible vehicles for the remaining twelve thousand HAIL licenses. Without such approved modification, twenty percent of the remaining twelve thousand licenses will be restricted to accessible vehicles, and for every block of one thousand HAIL licenses issued, the twenty percent requirement must be met prior to the issuance of any additional HAIL licenses. Twelve months after the first issuance, the TLC may issue up to six thousand additional HAIL licenses (the "second issuance"). One year after the second issuance, the TLC may issue up to six thousand additional HAIL licenses ("third issuance"). Any of the HAIL licenses authorized for issuance during the first and second issu-

ances not issued within the first twenty-four months shall be authorized for issuance in addition to those authorized in the third issuance. The TLC may reissue pursuant to this act a HAIL license that is revoked or has otherwise reverted to the TLC. Within the first three years of the first issuance, HAIL licenses may be issued only to owners of for-hire vehicles or for-hire drivers who have been licensed by the TLC for at least one year and are in good standing with the TLC; provided that three months after the first issuance any remaining HAIL licenses in the first issuance restricted to accessible vehicles authorized for issuance may be issued without regard to such restrictions in a manner to be determined by the TLC.

(c) An individual or entity may only own one HAIL license. A HAIL license may not be transferred or issued to an individual or entity if such individual or entity has a fiduciary relationship with, an ownership interest in or is otherwise a member of any other entity, including without limitation a corporation, partnership, limited liability corporation, limited liability partnership, joint venture or association that owns a HAIL license issued or transferred pursuant to this section and section seven of this act.

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

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

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

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

(h) The city of New York, acting through the TLC, is hereby authorized and empowered to take such actions as are necessary and desirable to

implement the provisions of this section and section nine of this act, subject only to the procedures and limitations set forth in this act, and shall not be required to engage in any review provided for by any provision of law or make or obtain any determination not expressly required by this act.

S 6. HAIL market analysis. Prior to the second issuance and third issuance, the TLC shall prepare and submit (i) to the council of the city of New York for its comments, (ii) for public comment, and (iii) to the New York state department of transportation for its comments, a HAIL market analysis examining HAIL vehicle rider demand, shortages, and the need for adequate and affordable transportation, including an analysis of (a) the need for additional HAIL licenses to meet rider demand, (b) the adequacy of enforcement provisions governing HAIL licenses, (c) the adequacy of the HAIL exclusionary zone, (d) the state of the market for issuance or other transfer of such licenses, (e) the impact of such new licensing on for-hire vehicle license owners, taxicab license owners and other industry participants that have not obtained such license, (f) the impact of additional license issuance on traffic safety and street congestion within the city of New York, (g) the need for related statutory or regulatory changes, (h) actions by the TLC on: (i) the promulgation of rules and regulations governing HAIL vehicles and the enforcement of existing laws, rules and regulations governing for-hire vehicles, taxicabs, HAIL vehicles and vehicles that operate without a valid license issued by the TLC, (ii) the allocation of resources for enforcement and (iii) deterring and punishing individuals who repeatedly violate such laws, rules and regulations; and (i) implementation of the HAIL license system and its integration into the New York city transit system.

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

S 8. Accessible taxicab license issuance. The city of New York may, acting by the mayor alone, administratively authorize the TLC or its successor agency to issue up to two thousand taxicab licenses in addition to those already issued, provided, however, that such taxicab licenses shall be restricted to vehicles designated for the purpose of transporting persons in wheelchairs or containing a physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs in accordance with the Americans with Disabilities Act, provided further that such additional licenses shall be issued by public sale and shall be fully transferable and provided further that no more than four hundred of the taxicab licenses authorized to be issued pursuant to this act may be issued until the Disabled Accessibility Plan is approved by the New York state department of transportation. The TLC shall prescribe by regulation the procedures for the issuance and public sale of such additional licenses, by public auction, sealed bids or other competitive process. The authorization provided in this section is conditioned upon the TLC making available for issuance the licenses and permits authorized pursuant to section five of this act and section 4 of a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S.5825 and A.8496.

S 9. Promoting accessibility. (a) The TLC shall establish a program to support the introduction of accessible vehicles into the HAIL vehicle fleet by: (i) providing grants to purchasers of HAIL licenses

restricted to accessible vehicles as provided in subdivision (b) of this section; or (ii) providing vehicles to purchasers of the HAIL licenses restricted to accessible vehicles on affordable and financially feasible terms.

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

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

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

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

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

(a) sets forth an accessibility plan that (i) will lead to meaningful accessibility over a period of years for individuals with disabilities to all taxicabs, for-hire vehicles and HAIL vehicles through a gradual phase-in of accessible vehicles to the taxicab, for-hire vehicle and HAIL vehicle transport system, (ii) makes accessible vehicles available based on need within geographic areas of the city of New York by for-hire vehicle base stations established pursuant to section 19-511 of the administrative code of the city of New York and provides the method to be used by the TLC to calculate such need and monitor availability and (iii) may include alternate means of increasing marketability and adequacy of incentives to purchase accessible licenses so that accessibility requirements can be achieved;

(b) The disabled accessibility plan either shall contain a recommendation for the percentage of HAIL licenses issued in the second and third issuances to be restricted to accessible vehicles, or if no recommendation is made, the required percentage of HAIL licenses restricted to accessible vehicles set for the first issuance shall remain in effect for the second and third issuances, and the TLC shall continue to require that for every block of one thousand HAIL licenses issued, the

twenty percent requirement provided in subdivision (b) of section five of this act must be met prior to the issuance of any additional HAIL licenses.

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

(d) The TLC shall not be permitted to issue more than four hundred of the taxicab licenses authorized to be issued pursuant to this act until this plan is approved by the New York state department of transportation. Upon such approval by such department, the issuance by the TLC of more than four hundred taxicab licenses pursuant to this act shall not be affected by the pendency, the final determination or other outcome of any action or proceeding to which the New York state department of transportation or its commissioner is a party that seeks to challenge or invalidate the approved disabled accessibility plan or any portion thereof.

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

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

(O) "HAIL VEHICLE" MEANS A FOR-HIRE VEHICLE HAVING A TAXIMETER AND A TLC-SANCTIONED TRIP RECORD SYSTEM, LICENSED BY THE TLC TO CARRY PASSENGERS FOR HIRE AND AUTHORIZED TO ACCEPT HAILS FROM PROSPECTIVE PASSENGERS IN THE STREETS OF THE CITY, PROVIDED THAT SUCH AUTHORIZATION SHALL PROHIBIT THE PICK-UP OF PASSENGERS BY STREET HAIL AT AIRPORTS AND BY STREET HAIL OR PRE-ARRANGED CALL IN MANHATTAN SOUTH OF EAST NINETY-SIXTH STREET AND SOUTH OF WEST ONE HUNDRED TENTH STREET, OR IN SUCH AREA AS THE TLC SHALL BY RULE PROHIBIT PURSUANT TO THE CHAPTER OF THE LAWS OF 2012 WHICH ADDED THIS SUBDIVISION.

(P) "FOR-HIRE VEHICLE" MEANS A MOTOR VEHICLE CARRYING PASSENGERS FOR HIRE IN THE CITY, WITH A SEATING CAPACITY OF TWENTY PASSENGERS OR LESS, NOT INCLUDING THE DRIVER, OTHER THAN A TAXICAB, COACH, COMMUTER VAN OR AN AUTHORIZED BUS OPERATING PURSUANT TO APPLICABLE PROVISIONS OF LAW.

FOR THE PURPOSE OF THIS SUBDIVISION, "SEATING CAPACITY" SHALL INCLUDE ANY PLAIN VIEW LOCATION WHICH IS CAPABLE OF ACCOMMODATING A NORMAL ADULT, IS PART OF AN OVERALL SEAT CONFIGURATION AND DESIGN, AND IS LIKELY TO BE USED AS A SEATING POSITION WHILE THE VEHICLE IS IN MOTION.

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

(R) "HAIL LICENSE" MEANS A LICENSE ISSUED BY THE TLC TO A PERSON WHO IS THE OWNER OR LICENSED OPERATOR OF A FOR-HIRE VEHICLE THAT AUTHORIZES THAT VEHICLE TO PICK UP PASSENGERS BY STREET HAIL IN THE CITY, PROVIDED THAT SUCH AUTHORIZATION SHALL PROHIBIT THE PICK-UP OF PASSENGERS BY STREET HAIL AT AIRPORTS AND BY STREET HAIL OR PRE-ARRANGED CALL IN MANHATTAN SOUTH OF EAST NINETY-SIXTH STREET AND SOUTH OF WEST ONE HUNDRED TENTH STREET, OR IN SUCH AREA AS THE TLC SHALL BY RULE PROHIBIT PURSUANT TO THE CHAPTER OF THE LAWS OF 2012 WHICH ADDED THIS SUBDIVISION.

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

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

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

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

(g) "Passenger" means an individual seated in a taxicab OR HAIL VEHICLE for travel for hire to a given destination.

(h) "Taximeter" means an instrument or device approved by the TLC by which the charge to a passenger for hire of a licensed taxicab FOR A TAXICAB TRIP OR OF A HAIL VEHICLE FOR A HAIL VEHICLE TRIP is automatically calculated and on which such charge is plainly indicated. THE TAXIMETER OF A HAIL VEHICLE MAY ALSO BE USED TO RECORD INFORMATION OF A DISPATCH TRIP.

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

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

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

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

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

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

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

(B) If the TAXICAB owner has designated an agent, then the agent shall be jointly liable with the TAXICAB owner for the tax on trips occurring during the period that such designation is in effect. Even if the TLC has specified that the TAXICAB owner's agent cannot operate as an agent, that agent shall be jointly liable with the TAXICAB owner if the agent has acted for the TAXICAB owner. During the period that [an] A TAXICAB owner's designation of an agent is in effect, the agent shall file the returns required by this article and pay any tax due with such return, but the TAXICAB owner shall not be relieved of liability for tax, penalty or interest due under this article, or for the filing of returns required to be filed, unless the agent has timely filed accurate returns and timely paid the tax required to be paid under this article. If [an] A TAXICAB owner has designated an agent, then the agent must perform any act this article requires [an] THE TAXICAB owner to perform, but the failure of such agent to perform any such act shall not relieve the TAXICAB owner from the obligation to perform such act or from any liability that may arise from failure to perform the act.

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

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

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

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

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

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

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

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

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

(3) a true and complete copy of every contract, agreement, or arrangement concerning the appointment of an agent;

(4) A TRUE AND COMPLETE COPY OF EVERY CONTRACT, AGREEMENT, OR ARRANGEMENT CONCERNING THE AFFILIATION OF A HAIL VEHICLE OR OF A HAIL VEHICLE OWNER OR DRIVER WITH A HAIL BASE;

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

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

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

(B) EVERY PERSON THAT HAS CONTRACTED WITH THE CITY OR TLC TO PROVIDE SERVICES TO THE CITY, TO THE TLC, OR TO PERSONS LIABLE FOR TAX UNDER THIS ARTICLE RELATING TO TAXIMETERS, TO ADMINISTERING TAXIMETERS OR TO INFORMATION OBTAINED FROM TAXIMETERS AND EVERY PERSON THAT THE TLC HAS AUTHORIZED TO OBTAIN OR POSSESS INFORMATION GENERATED BY TAXIMETERS SHALL KEEP TRUE AND COMPLETE COPIES OF ALL METER INFORMATION.

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

(b) Notwithstanding the provisions of subdivision (a) of this section, the commissioner may, in his or her discretion, permit the proper officer of the city or the duly authorized representative of such officer, to inspect any return filed under this article, or may furnish to such officer or such officer's authorized representative an abstract of any such return or supply such person with information concerning an item contained in any such return, or disclosed by any investigation of tax liability under this article; but such permission shall be granted or such information furnished only if the city or the TLC shall have furnished the commissioner with all information requested by the commis-

sioner pursuant to this article and shall have permitted the commissioner or the commissioner's authorized representative to make any inspection of any records or reports concerning taxicabs, taxicab owners, [and] agents, HAIL VEHICLES, HAIL VEHICLE OWNERS, AND HAIL BASES filed with or possessed by such city or the TLC which the commissioner may have requested from such city or the TLC. Provided, further, that the commissioner may disclose to the city or the TLC whether or not a person liable for the tax imposed by this article has paid all of the tax due under this article as of any given date.

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

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

S 22. Section 1115 of the tax law is amended by adding a new subdivision (hh) to read as follows:

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

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

commission shall pay the money owed and collected to the entity that issued the summons for the violation.

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

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

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

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

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

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

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

PROVISION OF LAW, ANY CHARGE ALLEGING A VIOLATION OF THIS SUBDIVISION SHALL BE RETURNABLE BEFORE A COURT HAVING JURISDICTION OVER MISDEMEANORS.

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

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

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

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

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

S 19-512.1 Revocation of taxicab, FOR-HIRE OR HAIL LICENSE OR licenses. a. The commission OR SUCCESSOR AGENCY may, for good cause

shown relating to a direct and substantial threat to the public health or safety and prior to giving notice and an opportunity for a hearing, suspend a taxicab [or], for-hire vehicle license OR A HAIL LICENSE issued pursuant to this chapter and, after notice and an opportunity for a hearing, suspend or revoke such license. The commission OR SUCCESSOR AGENCY may also, without having suspended a taxicab [or], for-hire vehicle license OR A HAIL LICENSE, issue a determination to seek suspension or revocation of such license and after notice and an opportunity for a hearing, suspend or revoke such license. Notice of such suspension or of a determination by the commission OR SUCCESSOR AGENCY to seek suspension or revocation of a taxicab [or], for-hire vehicle license OR A HAIL LICENSE shall be served on the licensee by personal delivery or by certified and regular mail within five calendar days of the pre-hearing suspension or of such determination. The licensee shall have an opportunity to request a hearing before an administrative tribunal of competent jurisdiction within ten calendar days after receipt of any such notification. Upon request such hearing shall be scheduled within ten calendar days, unless the commission OR SUCCESSOR AGENCY or other administrative tribunal of competent jurisdiction determines that such hearing would be prejudicial to an ongoing criminal or civil investigation. If the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day. A decision shall be made with respect to any such proceeding within sixty calendar days after the close of the hearing. In the event such decision is not made within that time period, the license or medallion which is the subject of the proceeding shall be returned by the commission OR SUCCESSOR AGENCY to the licensee and deemed to be in full force and effect until such determination is made, unless the commission OR SUCCESSOR AGENCY or other administrative tribunal of competent jurisdiction determines that the issuance of such determination would be prejudicial to an ongoing criminal or civil investigation.

b. It shall be an affirmative defense that the holder of the taxicab [or], for-hire vehicle license OR A HAIL LICENSE or the owner of the taxicab [or], for-hire vehicle OR HAIL VEHICLE has (1) exercised due diligence in the inspection, management and/or operation of the taxicab [or], for-hire vehicle OR HAIL VEHICLE and (2) did not know or have reason to know of the acts of any other person with respect to that taxicab [or] LICENSE, for-hire vehicle license OR A HAIL LICENSE or taxicab [or], for-hire vehicle OR HAIL VEHICLE upon which a suspension, proposed suspension or proposed revocation is based. With respect to any violation arising from taximeter tampering, an owner's due diligence shall include, but not be limited to, those actions set forth in subdivision h of section 19-507.1 of this chapter. Any pre-hearing suspension period shall be counted towards any suspension period made in any final determination.

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

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

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

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

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

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

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

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

S 30. If any of the provisions of a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S.5825 and A.8496 shall conflict with provisions of this act, the provisions set forth in this act shall control.

S 31. This act shall take effect immediately; provided, however, that sections two and three of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2011 relating to livery permits in the city of New York, as proposed in legislative bills numbers S.5825 and A.8496, takes effect, and provided further that sections twelve through twenty-two of this act shall take effect February 15, 2012, but only if the commissioner of taxation and finance has received written notice by January 15, 2012, sent by certified or registered mail to the office of the commissioner of taxation and finance in Albany, from the chair/commissioner or counsel of the New York city taxi and limousine commission (TLC) or successor agency that, effective February 15, 2012, the TLC has authorized for-hire vehicles to operate as HAIL vehicles to accept hails in the street, or, if the commissioner of taxation and finance has not received such notice, mailed in accordance with this section, from the TLC or successor agency by January 15, 2012, then sections twelve through twenty-two of this act shall take effect on the first day of the first month next commencing at least 20 days after the commissioner of taxation and finance has received written notice, sent by certified or registered mail to the office of the commissioner of taxation and finance in Albany, from the chair/commissioner or counsel of the TLC or successor agency that the TLC or successor agency has authorized for-hire vehicles to operate as HAIL vehicles to accept hails in the street; provided that the commissioner of taxation and finance shall notify the legislative bill drafting commission upon receipt of written notification from the chair/commissioner or counsel of the TLC or successor agency that the TLC or successor agency has authorized for-hire vehicles permitted as HAIL vehicles to accept hails on the street in order that the legislative bill drafting commission may maintain an accurate and timely data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law; and sections twelve through twenty-two of this act shall apply to HAIL vehicle trips originating on or after such effective date of such sections twelve through twenty-two.