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

959--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KELLNER, WEISENBERG, DINOWITZ, BARRON, MILLMAN, HOOPER, WEPRIN -- Multi-Sponsored by -- M. of A. FARRELL, GLICK, GOTTFRIED -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to providing for improved access to taxicabs for persons with disabilities

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

Section 1. Section 181 of the general municipal law, as amended by chapter 579 of the laws of 1993, subdivision 1 as separately amended by chapters 382 and 385 of the laws of 2012, is amended to read as follows:

S 181. Ordinances to regulate taxicabs and limousines. 1. The municipal officers and boards in the several cities, towns and villages of this state now having the authority to enact ordinances, may adopt ordinances regulating:

[1.] (A) The registration and licensing of taxicabs and may limit the number of taxicabs to be licensed and the county of Westchester may adopt ordinances regulating the registration and licensing of taxicabs and limousines and may limit the number to be licensed; the county of Nassau may adopt ordinances regulating the registration of taxicabs and limousines; and the county of Suffolk may adopt ordinances regulating the registration of taxicabs, limousines, and livery vehicles; and the county of Rockland may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles and may limit the number to be licensed.

[2.] (B) Parking and passenger pick-up and discharge by taxicabs, limousines and livery vehicles. Establishment of such ordinances and regulations regulating parking and passenger pick-up and discharges may be based upon recommendations from municipal planning officials or other

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

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public entities and may address and take into consideration such factors, including, but not limited to, geographic areas, vehicle type, limiting the number of parked vehicles and activities undertaken while parked, and periods of idling.

2. THE MUNICIPAL OFFICERS AND BOARDS IN ANY CITY HAVING A POPULATION OF MORE THAN ONE MILLION SHALL NO LATER THAN APRIL THIRTIETH, TWO THOUSAND FIFTEEN ADOPT ORDINANCES PROVIDING:

(A) THAT "ACCESSIBLE TAXICAB" SHALL MEAN ANY VEHICLE THAT

(1) IS EQUIPPED WITH A LIFT, RAMP, OR ANY OTHER DEVICE, ARRANGEMENT OR ALTERATION, SO IT IS CAPABLE OF TRANSPORTING PERSONS WITH PHYSICAL DISABILITIES, INCLUDING THOSE WHO USE WHEELCHAIRS, SCOOTERS AND SIMILAR DEVICES WHILE THEY REMAIN SEATED IN THEIR WHEELCHAIRS, SCOOTERS OR SIMILAR DEVICES;

(2) COMPLIES WITH THE SPECIFICATIONS SET FORTH IN REGULATIONS PROMULGATED UNDER THE AMERICANS WITH DISABILITIES ACT AND CODIFIED AT 49 C.F.R. SECTIONS 38.23, 38.25 AND 38.31, AS AMENDED, WHETHER OR NOT THOSE REGULATIONS WOULD APPLY UNDER FEDERAL LAW;

(3) IS EQUIPPED WITH AN ASSISTIVE LISTENING SYSTEM FOR PERSONS WITH HEARING IMPAIRMENT THAT IS CONNECTED WITH ANY INTERCOM, VIDEO OR AUDIO SYSTEM, WHEN SUCH A SYSTEM IS INSTALLED;

(4) ASSURES THAT THE TECHNOLOGY UTILIZED BY TAXICABS IS COMPLIANT WITH THE STANDARDS PROMULGATED BY THE COMMISSIONER OF TRANSPORTATION; PROVIDED THAT A LOCAL AUTHORITY WITH OVERSIGHT OVER TAXICABS, LIMOUSINES AND LIVERY VEHICLES MAY CONDUCT PILOT PROGRAMS TESTING NEW SYSTEMS;

(5) IS EQUIPPED WITH STANDARDIZED SIGNS PRINTED IN: (A) BRAILLE; AND (B) LARGE-PRINT TEXT SO THAT SUCH SIGNS ARE VISIBLE TO PERSONS WITH LOW VISION;

(6) PROVIDES SUFFICIENT FLOOR SPACE TO ACCOMMODATE A SERVICE ANIMAL; AND

(7) IF POWERED BY A HYBRID-ELECTRIC POWER PLANT, IS EQUIPPED WITH AN APPROPRIATE DEVICE TO ENABLE PERSONS WHO ARE BLIND TO HEAR THE APPROACH OF THE VEHICLE AS READILY AS THEY CAN HEAR A CONVENTIONAL GASOLINE-POWERED TAXICAB.

(B) THAT NO OWNER OF A TAXICAB SHALL PLACE ANY TAXICAB INTO SERVICE SUBSEQUENT TO OCTOBER FIRST, TWO THOUSAND SIXTEEN WHICH TAXICAB IS NOT AN ACCESSIBLE TAXICAB.

3. FOR PURPOSES OF THIS SECTION, THE TERM "ASSISTIVE LISTENING SYSTEM" SHALL MEAN SITUATIONAL-PERSONAL ACOUSTIC COMMUNICATION EQUIPMENT DESIGNED TO IMPROVE THE TRANSMISSION AND AUDITORY RECEPTION OF SOUND. SUCH SYSTEM SHALL INCLUDE BUT NOT BE LIMITED TO THE USE OF STANDARD AMPLITUDE MODULATION (AM), FREQUENCY MODULATION (FM), AUDIO INDUCTION LOOP, INFRARED LIGHT SOUND, OR HARD WIRE SYSTEMS.

S 2. (a) Accessible taxicab license issuance. The city of New York may, by local law, authorize the New York city taxi and limousine commission (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.

(b) 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. For the purposes of this subdivision, the term "wheelchair accessible taxicab" shall refer to a

vehicle that complies with federal regulations promulgated pursuant to the Americans with Disabilities Act applicable to taxicabs under twenty-two feet in length, by the federal Department of Transportation, in Code of Federal Regulations, title 49, parts 37 and 38, and by the federal Architecture and Transportation Barriers Compliance Board, in Code of Federal Regulations, title 36, section 1192.23, and the Federal Motor Vehicle Safety Standards, Code of Federal Regulations, title 29, part 57.

(c) From the sale of such additional 2,000 wheelchair accessible taxicab licenses pursuant to subdivision (a) of this section, the TLC shall set aside up to $100,000,000, but not less than $75,000,000, for the modification and upkeep of all medallion taxicabs and to offset any additional costs of medallion owners. The TLC shall determine the subsidy based on the type of medallion issued.

S 3. The commissioner of transportation shall promulgate any rules, regulations and standards necessary to give effect of the provisions of this act, including, but not limited to rules, regulations and standards concerning the standardization of assistive listening technology available in taxicabs and the content of signs available in taxicabs to visually impaired persons.

S 4. This act shall take effect immediately.