

3472

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 23, 2015

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the  
practice of surge pricing by rideshare service companies

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

1     Section 1. The general business law is amended by adding a new section  
2     396-pp to read as follows:  
3     S 396-PP. RIDESHARE SERVICE; SURGE PRICING PROHIBITED. 1. FOR PURPOSES  
4     OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     A. "RIDESHARE SERVICE" SHALL MEAN A TRANSPORTATION SERVICE THAT USES  
6     AN ONLINE-ENABLED PLATFORM TO CONNECT PASSENGERS WITH DRIVERS WHO USE  
7     THEIR PERSONAL, NON-COMMERCIAL VEHICLES TO DRIVE PASSENGERS FOR A FEE.  
8     B. "ONLINE-ENABLED PLATFORM" SHALL MEAN AN APP, PROGRAM, TEXT MESSAGE  
9     SERVICE, EMAIL SERVICE OR ANY OTHER COMMUNICATIONS TECHNOLOGY CAPABLE OF  
10    CONNECTING USERS OF SUCH TECHNOLOGY BY MEANS OF A SMART PHONE, TABLET,  
11    COMPUTER OR ANY OTHER SIMILAR DEVICE.  
12    (C) "SURGE PRICING" SHALL MEAN THE PRACTICE OF RAISING PRICES WHEN  
13    DEMAND FOR A SERVICE IS STRONG AND LOWERING PRICES WHEN DEMAND FOR A  
14    SERVICE IS WEAK.  
15    2. NO PERSON, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR  
16    ANY OTHER COMPANY, BUSINESS OR FIRM HOWEVER ORGANIZED THAT OPERATES A  
17    RIDESHARE SERVICE SHALL ENGAGE IN THE PRACTICE OF SURGE PRICING. A  
18    VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF TWO  
19    HUNDRED FIFTY DOLLARS FOR EACH SUCH OCCURRENCE.  
20    S 2. This act shall take effect on the thirtieth day after it shall  
21    have become a law.

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

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