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

S. 7359 A. 9878

S E N A T E - A S S E M B L Y

April 20, 2016

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

IN ASSEMBLY -- Introduced by M. of A. McDONALD, FAHY, STECK, McLAUGHLIN, SANTABARBARA -- read once and referred to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to authorizing the Capital District transportation authority to enter into an agreement with any city, town or village located within the Capital District transportation district which has adopted an ordinance regulating the registration and licensing of taxicab vehicles; and to authorize any city, town or village located within the Capital District transportation district to contract with the Capital District transportation authority for certain purposes

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

Section 1. The public authorities law is amended by adding a new section 1307-a to read as follows:

S 1307-A. ADDITIONAL SPECIAL POWERS OF THE AUTHORITY. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ADMINISTER" SHALL MEAN AN ACTION CARRIED OUT IN A PRESCRIBED MANNER NOT ALLOWING FOR SUBSTANTIAL PERSONAL DISCRETION FOR THE PURPOSE OF PROCESSING TAXICAB DRIVER PERMITS AND TAXICAB REGISTRATIONS AND LICENSES, CONSISTING OF MAKING CITY, TOWN OR VILLAGE TAXICAB DRIVER PERMIT AND TAXICAB VEHICLE REGISTRATION AND LICENSE APPLICATIONS AVAILABLE TO APPLICANTS; REFERRING TAXICAB DRIVER APPLICANTS TO MEDICAL AND/OR DRUG AND ALCOHOL TESTING PERSONNEL FOR ANY EXAM OR TESTING AS MAY BE REQUIRED TO SUBMIT A TAXICAB DRIVER APPLICATION; ACTING AS THE DESIGNATED ENTITY FOR THE SUBMISSION OF SUCH APPLICATIONS INCLUDING FORMS FOR ANY REQUIRED MEDICAL EXAMS AND/OR DRUG AND ALCOHOL TESTING; CONDUCTING CRIMINAL BACKGROUND AND/OR DEPARTMENT OF MOTOR VEHICLES LICENSE CHECKS AS MAY BE REQUIRED FOR A TAXICAB DRIVER APPLICATION; FORWARDING APPLICA-

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

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TIONS, COMPLETED TO THE EXTENT AUTHORIZED, ANY REQUIRED MEDICAL AND/OR DRUG AND ALCOHOL TEST FORMS AND ANY REQUIRED CRIMINAL BACKGROUND AND/OR DEPARTMENT OF MOTOR VEHICLES LICENSE CHECKS TO THE APPLICABLE CITY, TOWN OR VILLAGE; AND, ISSUING TAXICAB DRIVER PERMITS AND TAXICAB VEHICLE REGISTRATIONS AND LICENSES UPON RECEIVING NOTIFICATION FROM SUCH CITY, TOWN OR VILLAGE THAT SUCH MUNICIPALITY HAS APPROVED SUCH APPLICATIONS. SUCH TERM SHALL ALSO INCLUDE THE COLLECTION AND FORWARDING OF TAXICAB COMPLAINTS TO THE RELEVANT MUNICIPALITY;

(B) "TAXICAB VEHICLE REGISTRATION AND LICENSE" SHALL MEAN THE AUTHORITY GRANTED BY THE RELEVANT MUNICIPALITY, IN THE FORM OF A TAXICAB MEDALLION, FOR AN APPLICANT TO OWN A VEHICLE DESIGNATED AS A TAXICAB AND FOR SUCH TAXICAB TO BE USED AS SUCH WITHIN SUCH MUNICIPALITY'S JURISDICTION; AND

(C) "TAXICAB DRIVER PERMIT" SHALL MEAN THE AUTHORITY GRANTED BY THE RELEVANT MUNICIPALITY FOR AN APPLICANT TO DRIVE A VEHICLE WITH A TAXICAB MEDALLION WITHIN SUCH MUNICIPALITY'S JURISDICTION.

2. (A) THE AUTHORITY IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH ANY CITY, TOWN OR VILLAGE LOCATED WITHIN THE TRANSPORTATION DISTRICT THAT HAS ADOPTED AN ORDINANCE REGULATING THE REGISTRATION AND LICENSING OF TAXICAB VEHICLES PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED EIGHTY-ONE OF THE GENERAL MUNICIPAL LAW AND REGULATING TAXICAB DRIVER PERMITS, FOR THE AUTHORITY TO ADMINISTER THE ISSUANCE OF TAXICAB DRIVER PERMITS AND TAXICAB VEHICLE REGISTRATIONS AND LICENSES ON BEHALF OF SUCH CITY, TOWN OR VILLAGE. ENTRY INTO SUCH AGREEMENT SHALL BE AUTHORIZED ONLY BY RESOLUTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY OF THE WHOLE NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE.

(B) NOTHING CONTAINED IN THIS ACT, OR IN ANY STATE OR LOCAL LAW, ORDER, ORDINANCE, RULE, REGULATION OR ADMINISTRATIVE CODE, SHALL BE DEEMED TO AUTHORIZE THE AUTHORITY TO APPROVE AND/OR DENY INITIAL OR RENEWAL OF TAXICAB VEHICLE REGISTRATION AND LICENSE APPLICATIONS, OR TO CANCEL, SUSPEND, REVOKE OR TAKE OTHER ACTION AGAINST A TAXICAB VEHICLE REGISTRATION AND LICENSE OR THE HOLDER THEREOF, OR TO IMPOSE ANY PENALTIES FOR VIOLATIONS.

(C) PURSUANT TO AN AGREEMENT AS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY IS AUTHORIZED TO PERFORM MEDICAL AND/OR DRUG AND ALCOHOL TESTING FOR APPLICANTS TO THE EXTENT THE AUTHORITY IS CURRENTLY PERFORMING FOR THE AUTHORITY'S BUS DRIVERS, PERFORM CRIMINAL BACKGROUND CHECKS AND DEPARTMENT OF MOTOR VEHICLE LICENSE CHECKS ON EACH APPLICANT FOR A TAXICAB DRIVER PERMIT TO THE EXTENT AUTHORIZED BY STATE AND FEDERAL LAW AND BY THE IDENTICAL ORDINANCES ADOPTED BY THE CITY, TOWN OR VILLAGE CONTRACTING WITH THE AUTHORITY.

3. (A) THE TOTAL COST TO THE AUTHORITY OF ADMINISTERING THE AGREEMENT AUTHORIZED PURSUANT TO THIS SECTION SHALL BE BORNE ENTIRELY BY THE CITY, TOWN OR VILLAGE WITHIN THE DISTRICT WHICH IS A PARTY TO SUCH AGREEMENT. ON OR BEFORE JUNE FIRST OF EACH YEAR, THE AUTHORITY SHALL DETERMINE AND CERTIFY TO EACH CITY, TOWN OR VILLAGE WITH WHICH IT HAS ENTERED INTO AN AGREEMENT PURSUANT TO THIS SECTION THE TOTAL COST TO THE AUTHORITY FOR THE TWELVE-MONTH PERIOD ENDING THE PRECEDING MARCH THIRTY-FIRST, OF ADMINISTERING SUCH AGREEMENT WITHIN EACH CITY, TOWN OR VILLAGE, RESPECTIVELY. ON OR BEFORE THE FOLLOWING SEPTEMBER FIRST OF EACH YEAR, EACH SUCH CITY, TOWN OR VILLAGE SHALL PAY TO THE AUTHORITY SUCH COST SO CERTIFIED TO IT ON OR BEFORE THE PRECEDING JUNE FIRST. NOT LATER THAN TWENTY DAYS AFTER EACH SUCH PAYMENT IS SUBMITTED OR IS DUE, WHICHEVER OCCURS FIRST, THE AUTHORITY SHALL SUBMIT TO THE DIRECTOR OF THE BUDGET AND THE CHAIRPERSONS OF THE FISCAL COMMITTEES OF THE LEGISLATURE A REPORT FOR EACH SUCH CITY, TOWN AND VILLAGE SHOWING THE AMOUNT

OF COSTS SO CERTIFIED AND THE AMOUNT OF PAYMENTS SO RECEIVED OR DUE. IF A CITY, TOWN OR VILLAGE FAILS TO MAKE THE PAYMENT REQUIRED TO THE AUTHORITY BY THE TWENTIETH DAY AFTER THE DATE SUCH PAYMENT WAS DUE, SUCH CITY, TOWN OR VILLAGE SHALL NO LONGER BE DEEMED A SIGNATORY TO THE AGREEMENT AUTHORIZED BY THIS SECTION ON SUCH TWENTIETH DAY AND THE AUTHORITY SHALL: (I) NOTIFY THE DIRECTOR OF BUDGET AND THE CHAIRPERSONS OF THE FISCAL COMMITTEES OF THE LEGISLATURE OF SUCH OCCURRENCE WITHIN TWENTY-FOUR HOURS OF SUCH DAY; AND (II) BE PROHIBITED FROM ADMINISTERING THE ISSUANCE OF TAXICAB DRIVER PERMITS AND TAXICAB REGISTRATIONS AND LICENSES ON BEHALF OF SUCH CITY, TOWN OR VILLAGE.

(B) IF THE AUTHORITY SHOULD FAIL TO SUBMIT ANY REPORT REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION, THE AGREEMENT BETWEEN THE AUTHORITY AND EACH CITY, TOWN OR VILLAGE SHALL BE DEEMED VOID ON THE NINETIETH DAY AFTER THE DATE SUCH REPORT WAS DUE, UNLESS THE AUTHORITY SHALL HAVE SUBMITTED SUCH REPORT PRIOR TO SUCH NINETIETH DAY; PROVIDED, HOWEVER, THAT ANY TAXICAB DRIVER PERMITS AND ANY TAXICAB VEHICLE REGISTRATION AND LICENSE ISSUED PURSUANT TO SUCH AGREEMENT SHALL NOT BE VOIDED AND SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL ITS DATE OF EXPIRATION AND SUBJECT TO THE APPLICABLE LOCAL ORDINANCE.

4. THE PERFORMANCE BY THE AUTHORITY OF THE PROVISIONS OF THIS SECTION SHALL, FOR THE PURPOSES OF THIS SECTION, BE DEEMED TO BE A FURTHER PURPOSE OF THE AUTHORITY; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL BE PROHIBITED FROM INCREASING OMNIBUS FARES, DECREASING OMNIBUS SERVICE, OR IN ANY WAY CHANGING, MODIFYING, OR ALTERING SERVICES RELATED TO ITS PRIMARY PURPOSE TO CONTINUE, DEVELOP AND IMPROVE TRANSPORTATION AND OTHER SERVICES RELATED THERETO WITHIN THE CAPITAL DISTRICT TRANSPORTATION DISTRICT BY RAILROAD, OMNIBUS, MARINE AND AIR AS SET FORTH IN SECTION THIRTEEN HUNDRED FOUR OF THIS TITLE.

S 2. Administration of registration and licensing of taxicab vehicles and taxicab driver permits within the Capital District transportation district. 1. The municipal officers and boards in the several cities, towns and villages located within the Capital District transportation district which have adopted identical ordinances regulating the registration and licensing of taxicab vehicles pursuant to section 181 of the general municipal law and regulating taxicab driver permits, with the exception of rates for taxicab service and application, permit, registration and license fees, are each hereby authorized to enter into an agreement with the Capital District transportation authority ("authority") for the authority to administer the issuance of taxicab driver permits and taxicab vehicle registrations and licenses on behalf of such cities, towns and villages pursuant to the provisions of this section and section 1307-a of the public authorities law.

2. Notwithstanding the provisions of subdivision one of section 181 of the general municipal law, no agreement with the Capital District transportation authority shall take effect until a minimum of two cities, towns and/or villages have adopted identical ordinances as required by subdivision 1 of this section. Subsequent cities, towns and villages may enter into the agreement with the authority provided that their ordinances are identical to the ordinances that are already part of the agreement with the authority, with the exception of rates for taxicab service or fees.

S 3. This act shall take effect immediately.