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I N   S E N A T E

March 30, 2016

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

AN ACT to amend the transportation law, the general municipal law, the general business law and the New York city charter, in relation to allowing dynamic pricing of taxicabs and limousines

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

1     Section 1. Section 157 of the transportation law is amended by adding  
2 a new subdivision 8 to read as follows:  
3     8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, JUST  
4 AND REASONABLE CHARGES MAY INCLUDE, AT THE OPTION OF THE COMMISSIONER IN  
5 CONSULTATION WITH A COUNTY, DYNAMIC PRICING BASED UPON CONSUMER DEMAND  
6 FOR SUCH COUNTY, PROVIDED, HOWEVER, DYNAMIC PRICING BASED ON CONSUMER  
7 DEMAND FOR SERVICE PROVIDED IN A CITY WITH A POPULATION OF ONE MILLION  
8 OR MORE SHALL BE ALLOWED.  
9     S 2. Section 181 of the general municipal law is amended by adding a  
10 new subdivision 3 to read as follows:  
11     3. DYNAMIC PRICING BASED UPON CONSUMER DEMAND. ANY SUCH REGULATION  
12 SHALL BE AT THE OPTION OF THE REGULATING ENTITY, PROVIDED HOWEVER, THE  
13 REGULATING ENTITY FOR A CITY WITH A POPULATION OF ONE MILLION OR MORE  
14 SHALL ALLOW DYNAMIC PRICING BASED ON CONSUMER DEMAND. FOR THE PURPOSES  
15 OF THIS SUBDIVISION, REGULATING ENTITIES SHALL ALSO INCLUDE THE COUNTIES  
16 AUTHORIZED TO REGULATE REGISTRATION AND LICENSING UNDER SUBDIVISION ONE  
17 OF THIS SECTION.  
18     S 3. Subdivision 2 of section 396-r of the general business law, as  
19 amended by chapter 510 of the laws of 1998, is amended to read as  
20 follows:  
21     2. During any abnormal disruption of the market for consumer goods and  
22 services vital and necessary for the health, safety and welfare of  
23 consumers, no party within the chain of distribution of such consumer  
24 goods or services or both shall sell or offer to sell any such goods or  
25 services or both for an amount which represents an unconscionably excessive  
26 price. For purposes of this section, the phrase "abnormal  
27 disruption of the market" shall mean any change in the market, whether

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

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1 actual or imminently threatened, resulting from stress of weather,  
2 convulsion of nature, failure or shortage of electric power or other  
3 source of energy, strike, civil disorder, war, military action, national  
4 or local emergency, or other cause of an abnormal disruption of the  
5 market which results in the declaration of a state of emergency by the  
6 governor. For the purposes of this section, the term consumer goods and  
7 services shall mean those used, bought or rendered primarily for  
8 personal, family or household purposes. This prohibition shall apply to  
9 all parties within the chain of distribution, including any manufactur-  
10 er, supplier, wholesaler, distributor or retail seller of consumer goods  
11 or services or both sold by one party to another when the product sold  
12 was located in the state prior to the sale. Consumer goods and services  
13 shall also include any repairs made by any party within the chain of  
14 distribution of consumer goods on an emergency basis as a result of such  
15 abnormal disruption of the market. NOTWITHSTANDING THE FOREGOING, THIS  
16 SECTION SHALL NOT PROHIBIT, IN A MUNICIPALITY THAT HAS ELECTED TO ALLOW  
17 DYNAMIC PRICING FOR TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE OR IN  
18 A CITY WITH A POPULATION OF ONE MILLION OR MORE, INCREASED FARES DUE TO  
19 INCREASED MARKET DEMAND FOR TRANSPORTATION OF PASSENGERS BY MOTOR VEHI-  
20 CLES IN THE ABSENCE OF AN ABNORMAL DISRUPTION OF THE MARKET.

21 S 4. Subdivision b of section 2304 of the New York city charter, as  
22 added by local law number 12 of the city of New York for the year 1971,  
23 is amended to read as follows:

24 b. Hereafter, and notwithstanding the rates set forth in paragraph a  
25 of this section, the commission shall prescribe, revise and otherwise  
26 regulate reasonable rates of fare which may be charged and collected for  
27 each type of service rendered, PROVIDED THAT THE COMMISSION SHALL ALLOW  
28 DYNAMIC PRICING DUE TO INCREASED MARKET DEMAND.

29 S 5. This act shall take effect on the thirtieth day after it shall  
30 have become a law.