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

7117

I N S E N A T E

March 30, 2016

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:

Section 1. Section 157 of the transportation law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, JUST AND REASONABLE CHARGES MAY INCLUDE, AT THE OPTION OF THE COMMISSIONER IN CONSULTATION WITH A COUNTY, DYNAMIC PRICING BASED UPON CONSUMER DEMAND FOR SUCH COUNTY, PROVIDED, HOWEVER, DYNAMIC PRICING BASED ON CONSUMER DEMAND FOR SERVICE PROVIDED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL BE ALLOWED.

S 2. Section 181 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. DYNAMIC PRICING BASED UPON CONSUMER DEMAND. ANY SUCH REGULATION SHALL BE AT THE OPTION OF THE REGULATING ENTITY, PROVIDED HOWEVER, THE REGULATING ENTITY FOR A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL ALLOW DYNAMIC PRICING BASED ON CONSUMER DEMAND. FOR THE PURPOSES OF THIS SUBDIVISION, REGULATING ENTITIES SHALL ALSO INCLUDE THE COUNTIES AUTHORIZED TO REGULATE REGISTRATION AND LICENSING UNDER SUBDIVISION ONE OF THIS SECTION.

S 3. Subdivision 2 of section 396-r of the general business law, as amended by chapter 510 of the laws of 1998, is amended to read as follows:

2. During any abnormal disruption of the market for consumer goods and services vital and necessary for the health, safety and welfare of consumers, no party within the chain of distribution of such consumer goods or services or both shall sell or offer to sell any such goods or services or both for an amount which represents an unconscionably excessive price. For purposes of this section, the phrase "abnormal 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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actual or imminently threatened, resulting from stress of weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in the declaration of a state of emergency by the governor. For the purposes of this section, the term consumer goods and services shall mean those used, bought or rendered primarily for personal, family or household purposes. This prohibition shall apply to all parties within the chain of distribution, including any manufacturer, supplier, wholesaler, distributor or retail seller of consumer goods or services or both sold by one party to another when the product sold was located in the state prior to the sale. Consumer goods and services shall also include any repairs made by any party within the chain of distribution of consumer goods on an emergency basis as a result of such abnormal disruption of the market. NOTWITHSTANDING THE FOREGOING, THIS SECTION SHALL NOT PROHIBIT, IN A MUNICIPALITY THAT HAS ELECTED TO ALLOW DYNAMIC PRICING FOR TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE OR IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, INCREASED FARES DUE TO INCREASED MARKET DEMAND FOR TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLES IN THE ABSENCE OF AN ABNORMAL DISRUPTION OF THE MARKET.

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

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

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