

10520

I N A S S E M B L Y

May 31, 2016

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Transportation

AN ACT to amend the insurance law and the transportation law, in relation to wheelchair and scooter accessibility for passengers using transportation network companies, ridesharing, taxi and livery services, in compliance with the Americans with Disabilities Act and applicable New York state human and civil rights laws

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

1 Section 1. The insurance law is amended by adding a new section 3441
2 to read as follows:

3 S 3441. TRANSPORTATION NETWORK COMPANIES. (A) NOTWITHSTANDING ANY
4 OTHER PROVISION OF THIS CHAPTER, THIS SECTION SHALL APPLY TO TRANSPORTA-
5 TION NETWORK COMPANIES.

6 (B) FOR PURPOSES OF THIS SECTION THE FOLLOWING DEFINITIONS SHALL
7 APPLY:

8 (1) "ACCESSIBLE TO PERSONS WITH DISABILITIES" SHALL MEAN ANY VEHICLE
9 THAT IS EQUIPPED WITH A LIFT, RAMP, OR ANY OTHER DEVICE, ARRANGEMENT OR
10 ALTERATION, SO THAT SUCH VEHICLE IS CAPABLE OF ALLOWING ENTRY AND EXIT
11 FROM THE SIDE OR REAR OF SUCH VEHICLE AND TRANSPORTING PERSONS WITH
12 PHYSICAL DISABILITIES, INCLUDING THOSE WHO USE WHEELCHAIRS, SCOOTERS AND
13 SIMILAR DEVICES WHILE SUCH PERSONS REMAIN SEATED IN THEIR WHEELCHAIRS,
14 SCOOTERS OR SIMILAR DEVICES IN ACCORDANCE WITH THE AMERICANS WITH DISA-
15 BILITIES ACT AND APPLICABLE NEW YORK STATE HUMAN AND CIVIL RIGHTS LAWS;

16 (2) "TRANSPORTATION NETWORK COMPANY" SHALL MEAN A CORPORATION, PART-
17 NERSHIP, SOLE PROPRIETORSHIP, OR OTHER ENTITY THAT IS OPERATING IN THIS
18 STATE THAT USES A DIGITAL NETWORK TO CONNECT TRANSPORTATION NETWORK
19 COMPANY RIDERS TO TRANSPORTATION NETWORK COMPANY DRIVERS WHO PROVIDE
20 PREARRANGED RIDES. A TRANSPORTATION NETWORK COMPANY SHALL NOT BE DEEMED
21 TO CONTROL, DIRECT OR MANAGE THE PERSONAL VEHICLES OR TRANSPORTATION
22 NETWORK COMPANY DRIVERS THAT CONNECT TO ITS DIGITAL NETWORK, EXCEPT
23 WHERE AGREED TO BY WRITTEN CONTRACT.

24 (C) UPON ENACTMENT OF ANY INSURANCE REQUIREMENTS THAT ALLOW FOR THE
25 SALE OF POLICIES TO ENSURE PASSENGER VEHICLES FOR "RIDE-SHARE" PROGRAMS,

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

LBD15599-02-6

1 NO SUCH VEHICLE CAN BE DEPLOYED BY ANY SMART PHONE BASED APPLICATION OR
2 OTHER COMPUTER OR ELECTRONIC DEVICE-GENERATED DISPATCH UNLESS NO FEWER
3 THAN FIVE PERCENT OF THE RIDES PROVIDED BY FOR-HIRE VEHICLES OPERATED BY
4 DRIVERS WHO ARE AFFILIATED WITH THE RIDE-SHARE PROGRAM IN A SPECIFIC
5 MUNICIPAL CATCHMENT AREA SERVED BY THE SMART PHONE BASE ARE IN VEHICLES
6 ACCESSIBLE TO PERSONS WITH DISABILITIES, WITH A MINIMUM OF AT LEAST ONE
7 WHEELCHAIR-ACCESSIBLE VEHICLE, IN THE LAST MONTH OF THE FIRST TWELVE
8 MONTH PERIOD FOLLOWING ENACTMENT OF THIS LEGISLATION, WHETHER OR NOT THE
9 PASSENGER REQUIRES A WHEELCHAIR-ACCESSIBLE VEHICLE; NO FEWER THAN
10 FIFTEEN PERCENT IN VEHICLES ACCESSIBLE TO PERSONS WITH DISABILITIES IN
11 THE LAST MONTH OF THE SECOND TWELVE MONTH PERIOD; AND TWENTY-FIVE
12 PERCENT OF THE FOURTH TWELVE MONTH PERIOD.

13 (D) THERE SHALL BE PARITY IN RESPONSE TIMES BETWEEN VEHICLES THAT ARE
14 NOT AND THOSE THAT ARE ACCESSIBLE TO PERSONS WITH DISABILITIES.

15 (E) A TRANSPORTATION NETWORK COMPANY SHALL NOT IMPOSE ANY ADDITIONAL
16 CHARGE FOR THE TRANSPORTATION OF A PERSON WITH A DISABILITY, FOR MOBILI-
17 TY EQUIPMENT REQUIRED BY A PERSON WITH A DISABILITY, FOR AN AIDE
18 REQUIRED BY A PERSON WITH A DISABILITY OR FOR A SERVICE ANIMAL REQUIRED
19 BY A PERSON WITH A DISABILITY.

20 (F) NO TRANSPORTATION NETWORK COMPANY AND NO DRIVER AFFILIATED WITH
21 SUCH TRANSPORTATION NETWORK COMPANY WHO IS OPERATING A VEHICLE ACCESSI-
22 BLE TO PERSONS WITH DISABILITIES SHALL REFUSE TRANSPORTATION TO A PERSON
23 WITH A DISABILITY OR TO A SERVICE ANIMAL REQUIRED BY A PASSENGER WITH A
24 DISABILITY.

25 (G) A TRANSPORTATION NETWORK COMPANY, DRIVERS AFFILIATED WITH A TRANS-
26 PORTATION NETWORK COMPANY OR ANY OTHER THIRD PARTY WHO IS OPERATING
27 RIDE-SHARE SERVICE ON BEHALF OF THE TRANSPORTATION NETWORK COMPANY OR
28 DRIVER SHALL NOT BE PERMITTED TO CONTRACT WITH, USE, OTHERWISE ASSIGN OR
29 IN ANY WAY FORMALLY OR INFORMALLY ARRANGE FOR THE TRANSPORTATION OF
30 WHEELCHAIR OR SCOOTER USERS BY ANY OUTSIDE SERVICE PROVIDER, WHETHER
31 PRIVATE OR PUBLIC, AND MUST PROVIDE SERVICE EXCLUSIVELY WITHIN THEIR OWN
32 NETWORK.

33 (H) TRANSPORTATION NETWORK COMPANIES MUST SUPPLY PERFORMANCE INFORMA-
34 TION TO THE DEPARTMENT OF TRANSPORTATION FOR ANY AND ALL CALENDAR
35 MONTHS, WITHIN THIRTY DAYS OF COMMENCING OPERATION IN THE STATE. SUCH
36 INFORMATION MUST BE POSTED PUBLICLY ONLINE BY THE DEPARTMENT OF TRANS-
37 PORTATION AND SHALL INCLUDE, BUT IS NOT LIMITED TO: (1) THE NUMBER AND
38 PERCENTAGE OF ACCESSIBLE AND NON-ACCESSIBLE VEHICLES THE TRANSPORTATION
39 NETWORK COMPANY HAS AFFILIATED WITH IN ALL AREAS OF THE STATE AND BY
40 GEOGRAPHIC CATCHMENT AREA; (2) THE NUMBER OF DRIVERS THE TRANSPORTATION
41 NETWORK COMPANY HAS AFFILIATED WITH AND THE NUMBER AND PERCENTAGE OF
42 DRIVERS WHO HAVE RECEIVED ACCESSIBILITY TRANSPORTATION TRAINING IN ALL
43 AREAS OF THE STATE AND BY GEOGRAPHIC CATCHMENT AREA; (3) THE NUMBER AND
44 PERCENTAGE OF RIDES IN ACCESSIBLE VEHICLES AND THE NUMBER AND PERCENTAGE
45 OF RIDES IN NON-ACCESSIBLE VEHICLES THE TRANSPORTATION NETWORK COMPANY
46 HAS PROVIDED IN ALL AREAS OF THE STATE AND BY GEOGRAPHIC CATCHMENT AREA;
47 AND (4) THE AVERAGE RESPONSE TIME FOR ACCESSIBLE AND NON-ACCESSIBLE
48 VEHICLES IN ALL AREAS OF THE STATE AND BY GEOGRAPHIC CATCHMENT AREA. THE
49 DEPARTMENT ALSO SHALL RELEASE AN ANNUAL REPORT SUMMARIZING THIS INFORMA-
50 TION BY COMPANY AND GEOGRAPHIC AREA, ANY ADDITIONAL COMMENTS OR
51 COMPLAINTS IT HAS RECEIVED ABOUT SERVICE, INCLUDING SERVICE REFUSALS,
52 AND MAY INCLUDE RECOMMENDATIONS FOR PERFORMANCE IMPROVEMENT OR ADDI-
53 TIONAL PERFORMANCE MEASUREMENTS IF NECESSARY AND IN CONSULTATION WITH
54 THE TASK FORCE FOR TAXI AND TRANSPORTATION NETWORK ACCESSIBILITY.

55 (I) ANY AND ALL TRANSPORTATION NETWORK COMPANIES WISHING TO OPERATE IN
56 THE STATE MUST FORMALLY DEMONSTRATE TO THE DEPARTMENT OF TRANSPORTATION

1 THAT IT HAS MET THE ACCESSIBILITY REQUIREMENTS DEFINED IN SUBDIVISION
2 (C) OF THIS SECTION IN ORDER TO OPERATE. FAILURE TO COMPLY WITH SUBDIVI-
3 SION (C) OF THIS SECTION WILL RESULT IN A FINE OF AT LEAST FIFTY DOLLARS
4 AND NO MORE THAN ONE HUNDRED FIFTY PER DAY FROM THE DATE OF VIOLATION
5 UNTIL COMPLIANCE IS MET. A VIOLATION CAN ALSO RESULT IN REVOCATION OR
6 DENIAL OF LICENSING OR REGISTRATION. THE DEPARTMENT OF TRANSPORTATION
7 SHALL HAVE THE POWER TO DENY OR SUSPEND PERMISSION TO OPERATE AT ANY
8 TIME IF IT DEEMS A TRANSPORTATION NETWORK COMPANY HAS NOT MET THE ACCE-
9 SIBILITY REQUIREMENTS OF THIS LAW; OR, THE MUNICIPAL OFFICERS AND BOARDS
10 IN THE CITIES, TOWNS AND VILLAGES OF THIS STATE NOW HAVING THE AUTHORITY
11 TO ENACT ORDINANCES, SHALL ADOPT ORDINANCES REGULATING THE REGISTRATION,
12 LICENSING, AND FEES FOR LACK OF COMPLIANCE WITH THIS SUBDIVISION OF
13 RIDESHARING, TAXICABS AND LIMOUSINES, AND MAY LIMIT THE NUMBER OF RIDES-
14 HARING, TAXICABS AND LIMOUSINES TO BE LICENSED.

15 (J) THE DEPARTMENT OF TRANSPORTATION SHALL CREATE A MECHANISM TO
16 COLLECT COMPLAINTS ABOUT SERVICE QUALITY, REFUSALS OR OTHER MATTERS
17 RELATED TO ACCESSIBLE TRANSPORTATION FROM CUSTOMERS AND POTENTIAL
18 CUSTOMERS OF TRANSPORTATION NETWORK COMPANIES, TAXIS AND LIVERY SERVICE
19 AND SHALL RELEASE THIS INFORMATION PUBLICLY ON OR BEFORE DECEMBER THIR-
20 TY-FIRST OF EACH CALENDAR YEAR, BEGINNING IN THE CALENDAR YEAR THIS
21 SECTION TAKES EFFECT.

22 (K) TRANSPORTATION NETWORK COMPANIES SHALL DEVELOP A DRIVER ACCESSI-
23 BILITY-TRAINING PLAN TO ENSURE THAT ALL OF ITS AFFILIATED DRIVERS OF
24 ACCESSIBLE VEHICLES ARE FAMILIAR WITH ACCESSIBLE TAXIS, HOW TO SECURE
25 PASSENGERS IN WHEELCHAIRS AND SCOOTERS AND HOW TO TREAT PERSONS USING
26 WHEELCHAIRS AND SCOOTERS APPROPRIATELY. THIS MAY BE DEVELOPED IN COOPER-
27 ATION WITH INDEPENDENT LIVING CENTERS OR OTHER DISABILITY ADVOCACY
28 ORGANIZATIONS IN THE STATE. TRANSPORTATION NETWORK COMPANIES MUST SUBMIT
29 A DESCRIPTION OF THE PLAN AND ANY ACCOMPANYING MATERIALS TO THE DEPART-
30 MENT OF TRANSPORTATION AND THESE MATERIALS MUST BE POSTED ONLINE PUBLIC-
31 LY.

32 S 2. Section 14 of the transportation law is amended by adding two new
33 subdivisions 36 and 37 to read as follows:

34 36. TO ESTABLISH A TASK FORCE, IN CONJUNCTION WITH THE DEPARTMENT OF
35 HEALTH FOR TAXI AND TRANSPORTATION NETWORK ACCESSIBILITY AND TO PROVIDE
36 STAFF MEMBERS TO ASSIST IN RESEARCH AND THE DEVELOPMENT OF PROPOSALS.
37 MEMBERS OF SUCH TASK FORCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REPRE-
38 SENTATIVES FROM STATEWIDE AND LOCAL DISABILITY ADVOCACY GROUPS, INDE-
39 PENDENT LIVING CENTERS, PERSONS FROM THOSE ORGANIZATIONS OR OTHERS WHO
40 USE WHEELCHAIRS AND SCOOTERS, TAXI OWNERS, TRANSPORTATION NETWORK COMPA-
41 NIES, DRIVER REPRESENTATIVES, AFFECTED MUNICIPAL OFFICIALS AND STATE
42 OFFICIALS. THE TASK FORCE SHALL:

43 (A) DEVELOP A TRANSITION PLAN FOR RIDESHARING, TAXI AND LIVERY ACCE-
44 SIBILITY FOR STATE RESIDENTS AT A LEVEL COMPARABLE TO OR EXCEEDING TWEN-
45 TY-FIVE PERCENT ACCESSIBILITY AND PROVIDED BY ALL NON-TRANSPORTATION
46 NETWORK COMPANIES WHO PROVIDE RIDESHARING, TAXI AND LIVERY SERVICE IN
47 ALL AREAS OF THE STATE OUTSIDE OF THE CITY OF NEW YORK. THIS PLAN MAY
48 INCLUDE AN EXAMINATION OF THE OPERATIONAL AND FINANCIAL CHANGES MUNICI-
49 PALITIES, THE STATE OR RIDESHARING, TAXI AND LIVERY PROVIDERS THEMSELVES
50 MAY NEED TO OFFER INCREASED ACCESSIBLE SERVICE AND ALSO MAY INCLUDE A
51 SCHEDULE FOR THE TRANSITION, WHICH MAY INCLUDE ADDITIONAL PLANS TO
52 INCREASE SERVICE TO FULL, ONE HUNDRED PERCENT ACCESSIBILITY. THIS PLAN
53 SHALL BE DELIVERED TO THE DEPARTMENT OF TRANSPORTATION, THE SPEAKER OF
54 THE STATE ASSEMBLY, THE ASSEMBLY MINORITY CONFERENCE LEADER, AND THE
55 MAJORITY AND MINORITY LEADERS OF THE STATE SENATE BY NO LATER THAN MAY
56 FIRST, TWO THOUSAND SEVENTEEN.

1 (B) REVIEW THE EXTENT OF ACCESSIBILITY AND QUALITY OF SERVICE PROVIDED
2 FOR PERSONS WHO REQUIRE ACCESSIBLE SERVICE BY TRANSPORTATION NETWORK
3 COMPANIES AND, IF APPROPRIATE, MAKE RECOMMENDATIONS FOR RULE-MAKING BY
4 THE DEPARTMENT OF TRANSPORTATION OR LEGISLATION TO INCREASE OR IMPROVE
5 SERVICE.

6 37. TO CREATE AND MAINTAIN A SYSTEM THAT IS ACCESSIBLE FOR PERSONS
7 WITH DISABILITIES TO SUBMIT COMPLAINTS, COMMENTS AND SUGGESTIONS ABOUT
8 THE LEVEL AND QUALITY OF SERVICE OFFERED BY TRANSPORTATION NETWORK
9 COMPANIES, INCLUDING SERVICE REFUSALS, AND SHALL CREATE SERVICE STAND-
10 ARDS WITH INPUT FROM A TASK FORCE FOR TAXI AND TRANSPORTATION NETWORK
11 ACCESSIBILITY INCLUDING REGULATIONS FOR SUSPENDING THE OPERATION OF
12 TRANSPORTATION NETWORK COMPANIES AND DRIVERS AFFILIATED WITH TRANSPORTA-
13 TION NETWORK COMPANIES.

14 S 3. This act shall be applicable to all counties in the state of New
15 York, excepting Bronx, Kings, New York, Queens and Richmond counties.
16 For the purposes of this section, a geographic catchment area refers to
17 any of the state of New York's fourteen municipal statistical areas,
18 excluding the city of New York, and its fourteen micropolitan statis-
19 tical areas, as defined by the United States census bureau.

20 S 4. Within two months of the enactment of this act, the department of
21 transportation, in conjunction with the department of health, shall
22 establish the task force for taxi and transportation network accessibil-
23 ity.

24 S 5. This act shall take effect immediately.