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

4482--A

2015-2016 Regular Sessions

I N  S E N A T E

March 24, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to for-hire vehicles; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivisions u and v of section 19-502 of the administrative code of the city of New York, as added by local law number 51 of the city of New York for the year 1996, are amended to read as follows:

u. "Black car" means a for-hire vehicle dispatched from a central facility whose owner holds a franchise from the corporation or other business entity which operates such central facility, or who is a member of a cooperative that operates such central facility, where such central facility has certified to the satisfaction of the commission that more than ninety percent of the central facility's for-hire business is on a payment basis other than direct cash payment by a passenger AND/OR COVERED BY THE NEW YORK BLACK CAR OPERATORS' INJURY COMPENSATION FUND, INC. PURSUANT TO SECTION ONE HUNDRED SIXTY-DD OF THE EXECUTIVE LAW.

v. "Luxury limousine" means a for-hire vehicle which is dispatched from a central facility which has certified to the satisfaction of the commission that more than ninety percent of its for-hire business is on a payment basis other than direct cash payment by a passenger, for which there is maintained personal injury insurance coverage of no less than five hundred thousand dollars per accident where one person is injured and one million dollars per accident for all persons injured in that same accident, whose passengers are charged on the basis of garage to garage service and on a flat rate basis or per unit of time or mileage

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

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AND/OR COVERED BY THE NEW YORK BLACK CAR OPERATORS' INJURY COMPENSATION FUND, INC. PURSUANT TO SECTION ONE HUNDRED SIXTY-DD OF THE EXECUTIVE LAW.

S 2. Section 19-506 of the administrative code of the city of New York is amended by adding a new subdivision n to read as follows:

N. 1. FOR THE PURPOSES OF THIS SUBDIVISION:

(A) "ACCESSIBLE VEHICLE" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION 19-534 OF THIS CHAPTER.

(B) "FOR-HIRE VEHICLE BASE STATION" SHALL MEAN A COMMISSION LICENSED BASE WITH A LICENSE BASE NUMBER THAT MANAGES, ORGANIZES OR DISPATCHES ANY FOR-HIRE VEHICLE.

2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION:

(A) ANY VEHICLE TO BE NEWLY PLACED INTO SERVICE AS A FOR-HIRE VEHICLE AFFILIATED WITH A FOR-HIRE VEHICLE BASE STATION TO WHICH ONE THOUSAND TWO HUNDRED OR MORE FOR-HIRE VEHICLES ARE AFFILIATED, MUST BE AN ACCESSIBLE VEHICLE UNTIL SUCH TIME AS THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS PARAGRAPH ARE SATISFIED.

(B) EACH FOR-HIRE VEHICLE BASE STATION TO WHICH ONE THOUSAND TWO HUNDRED OR MORE FOR-HIRE VEHICLES ARE AFFILIATED, SHALL HAVE NO MORE THAN NINETY DAYS TO BEGIN TO CONVERT ITS AFFILIATED VEHICLES THAT IT REPLACES OR RETIRES TO ACCESSIBLE VEHICLES UNTIL FIVE PERCENT OF ITS AFFILIATED VEHICLES ARE ACCESSIBLE VEHICLES.

(C) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (B) OF THIS PARAGRAPH, BY JANUARY FIRST, TWO THOUSAND SEVENTEEN ALL FOR-HIRE VEHICLES BASE STATIONS TO WHICH ONE THOUSAND TWO HUNDRED OR MORE VEHICLES ARE AFFILIATED SHALL, BY JANUARY FIRST, TWO THOUSAND TWENTY-ONE, CONVERT ITS AFFILIATED VEHICLES TO ACCESSIBLE VEHICLES UNTIL AT LEAST FIFTY PERCENT OF ALL SUCH VEHICLES ARE ACCESSIBLE VEHICLES.

NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, FOR-HIRE VEHICLE BASE STATIONS TO WHICH ONE THOUSAND TWO HUNDRED OR MORE VEHICLES ARE AFFILIATED MUST SUBMIT A PLAN WHICH SHALL INCLUDE A SCHEDULE TO COMPLY WITH THIS SUBDIVISION, FOR THE APPROVAL OF THE COMMISSION.

(D) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBDIVISION, A MORATORIUM IS HEREBY PLACED ON THE LICENSING OF ANY NEW FOR-HIRE VEHICLE BASE STATION OR FOR-HIRE VEHICLE PROVIDED, HOWEVER, THAT A FOR-HIRE VEHICLE BASE STATION WITH FEWER THAN ONE THOUSAND TWO HUNDRED AFFILIATED VEHICLES MAY ADD AFFILIATED VEHICLES UNTIL SUCH BASE HAS AN ADDITIONAL TWENTY PERCENT OF THE NUMBER OF AFFILIATED VEHICLES IT HAD ON THE EFFECTIVE DATE OF THIS SUBDIVISION IF AN ENVIRONMENTAL IMPACT STATEMENT CONDUCTED BY THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION FINDS THAT ADDING SUCH NEW VEHICLES WILL NOT NEGATIVELY AFFECT THE ENVIRONMENT.

3. FAILURE TO COMPLY WITH THE PROVISIONS OF PARAGRAPH TWO OF THIS SUBDIVISION SHALL CONSTITUTE A VIOLATION PUNISHABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN ONE HUNDRED FIFTY DOLLARS PER DAY PER CAR FROM THE DATE A VIOLATION OCCURRED UNTIL THE DATE SUCH VIOLATION IS CURED. A VIOLATION MAY ALSO BE GROUNDS FOR REVOCATION OR DENIAL OF LICENSING, OR RENEWAL THEREOF, UNDER THIS CHAPTER.

S 3. This act shall take effect immediately and shall expire and be deemed repealed three years after it shall have become a law.