

S. 7359--A

A. 9878--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McDONALD, FAHY, STECK, McLAUGHLIN, SANTABARBARA, GOTTFRIED, SEPULVEDA, ROBINSON, BLAKE, JEAN-PIERRE, CRESPO -- Multi-Sponsored by -- M. of A. HOOPER, HYNDMAN -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; 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:

1 Section 1. The public authorities law is amended by adding a new
2 section 1307-a to read as follows:
3 S 1307-A. ADDITIONAL SPECIAL POWERS OF THE AUTHORITY. 1. FOR THE
4 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
5 MEANINGS:
6 (A) "ADMINISTER" SHALL MEAN AN ACTION CARRIED OUT IN A PRESCRIBED
7 MANNER NOT ALLOWING FOR SUBSTANTIAL PERSONAL DISCRETION FOR THE PURPOSE
8 OF PROCESSING TAXICAB DRIVER PERMITS AND TAXICAB REGISTRATIONS AND
9 LICENSES, CONSISTING OF: (I) MAKING CITY, TOWN OR VILLAGE TAXICAB DRIVER
10 PERMIT AND TAXICAB VEHICLE REGISTRATION AND LICENSE APPLICATIONS AVAIL-
11 ABLE TO APPLICANTS; (II) REFERRING TAXICAB DRIVER APPLICANTS TO MEDICAL
12 AND/OR DRUG AND ALCOHOL TESTING PERSONNEL FOR ANY EXAM OR TESTING AS MAY

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

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1 BE REQUIRED TO SUBMIT A TAXICAB DRIVER APPLICATION; (III) ACTING AS THE
2 DESIGNATED ENTITY FOR THE SUBMISSION OF SUCH APPLICATIONS INCLUDING
3 FORMS FOR ANY REQUIRED MEDICAL EXAMS AND/OR DRUG AND ALCOHOL TESTING;
4 (IV) PROCESSING CRIMINAL BACKGROUND AND/OR DEPARTMENT OF MOTOR VEHICLES
5 LICENSE CHECKS AS MAY BE REQUIRED BY LAW FOR A TAXICAB DRIVER APPLICA-
6 TION AND AS THE AUTHORITY IS OTHERWISE AUTHORIZED BY LAW TO PROCESS SUCH
7 CHECKS; (V) FORWARDING APPLICATIONS, ANY REQUIRED MEDICAL AND/OR DRUG
8 AND ALCOHOL TEST FORMS AND ANY REQUIRED CRIMINAL BACKGROUND OR DEPART-
9 MENT OF MOTOR VEHICLES LICENSE CHECKS TO THE APPLICABLE CITY, TOWN OR
10 VILLAGE; (VI) AND, PROVIDING TAXICAB DRIVER PERMITS AND TAXICAB VEHICLE
11 REGISTRATIONS AND LICENSES UPON RECEIVING NOTIFICATION FROM SUCH CITY,
12 TOWN OR VILLAGE THAT SUCH MUNICIPALITY HAS APPROVED SUCH APPLICATIONS
13 AND ISSUED SUCH PERMIT, REGISTRATION OR LICENSE. SUCH TERM SHALL ALSO
14 INCLUDE THE COLLECTION AND FORWARDING OF TAXICAB COMPLAINTS TO THE RELE-
15 VANT MUNICIPALITY;

16 (B) "TAXICAB VEHICLE REGISTRATION AND LICENSE" SHALL MEAN THE AUTHORI-
17 TY GRANTED BY THE RELEVANT MUNICIPALITY, IN THE FORM OF A TAXICAB MEDAL-
18 LION, FOR AN APPLICANT TO OWN A VEHICLE DESIGNATED AS A TAXICAB AND FOR
19 SUCH TAXICAB TO BE USED AS SUCH WITHIN SUCH MUNICIPALITY'S JURISDICTION;

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

23 (D) "IDENTICAL ORDINANCE" SHALL MEAN ORDINANCES OF THE SEVERAL CITIES,
24 TOWNS AND VILLAGES THAT ARE LOCATED IN THE CAPITAL DISTRICT TRANSPORTA-
25 TION DISTRICT THAT REGULATE THE REGISTRATION AND LICENSING OF TAXICAB
26 VEHICLES AND REGULATE TAXICAB DRIVER PERMITS PURSUANT TO SECTION ONE
27 HUNDRED EIGHTY-ONE OF THE GENERAL MUNICIPAL LAW AND ARE IDENTICAL WITH
28 THE EXCEPTION OF RATES FOR TAXICAB SERVICE AND APPLICATION, PERMIT,
29 REGISTRATION AND LICENSE FEES.

30 2. (A) THE AUTHORITY IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH ANY
31 CITY, TOWN OR VILLAGE LOCATED WITHIN THE TRANSPORTATION DISTRICT THAT
32 HAS ADOPTED AN IDENTICAL ORDINANCE REGULATING THE REGISTRATION AND
33 LICENSING OF TAXICAB VEHICLES, AND THE PERMITTING OF TAXICAB DRIVERS,
34 PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED EIGHTY-ONE OF THE
35 GENERAL MUNICIPAL LAW, TO ADMINISTER TAXICAB DRIVER PERMITS AND TAXICAB
36 VEHICLE REGISTRATIONS AND LICENSES ON BEHALF OF SUCH CITY, TOWN OR
37 VILLAGE. ENTRY INTO SUCH AGREEMENT SHALL BE AUTHORIZED ONLY BY RESOL-
38 UTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY OF THE WHOLE
39 NUMBER OF MEMBERS OF THE AUTHORITY THEN IN OFFICE.

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

48 (C) PURSUANT TO AN AGREEMENT AS DESCRIBED IN PARAGRAPH (A) OF THIS
49 SUBDIVISION, THE AUTHORITY IS AUTHORIZED TO PERFORM MEDICAL OR DRUG AND
50 ALCOHOL TESTING FOR APPLICANTS TO THE EXTENT THE AUTHORITY IS CURRENTLY
51 AUTHORIZED AND PERFORMING SUCH TESTING FOR THE AUTHORITY'S BUS DRIVERS,
52 AND PROCESS SUCH CRIMINAL BACKGROUND CHECKS AND DEPARTMENT OF MOTOR
53 VEHICLE LICENSE CHECKS ON EACH APPLICANT FOR A TAXICAB DRIVER PERMIT TO
54 THE EXTENT OTHERWISE AUTHORIZED BY STATE AND FEDERAL LAW.

55 (D) NOTHING IN THIS SECTION OR SECTION TWO OF THE CHAPTER OF THE LAWS
56 OF TWO THOUSAND SIXTEEN WHICH ADDED THIS SECTION SHALL BE CONSTRUED TO

1 PREVENT A CITY, TOWN OR VILLAGE AT ANY TIME TO WITHDRAW FROM OR TERMI-
2 NATE AN AGREEMENT TO HAVE THE AUTHORITY ADMINISTER THE ISSUANCE OF TAXI-
3 CAB DRIVER PERMITS AND TAXICAB VEHICLE REGISTRATIONS AND LICENSES ON
4 BEHALF OF SUCH CITY, TOWN OR VILLAGE.

5 3. (A) THE TOTAL COST TO THE AUTHORITY OF ADMINISTERING THE AGREEMENT
6 AUTHORIZED PURSUANT TO THIS SECTION SHALL BE BORNE ENTIRELY BY THE
7 CITY, TOWN OR VILLAGE WITHIN THE DISTRICT WHICH IS A PARTY TO SUCH
8 AGREEMENT. ON OR BEFORE JUNE FIRST OF EACH YEAR, THE AUTHORITY SHALL
9 DETERMINE AND CERTIFY TO EACH CITY, TOWN OR VILLAGE WITH WHICH IT HAS
10 ENTERED INTO AN AGREEMENT PURSUANT TO THIS SECTION THE TOTAL COST TO THE
11 AUTHORITY FOR THE TWELVE-MONTH PERIOD ENDING THE PRECEDING MARCH THIR-
12 TY-FIRST, OF ADMINISTERING SUCH AGREEMENT WITHIN EACH CITY, TOWN OR
13 VILLAGE, RESPECTIVELY. ON OR BEFORE THE FOLLOWING SEPTEMBER FIRST OF
14 EACH YEAR, EACH SUCH CITY, TOWN OR VILLAGE SHALL PAY TO THE AUTHORITY
15 SUCH COST SO CERTIFIED TO IT ON OR BEFORE THE PRECEDING JUNE FIRST. NOT
16 LATER THAN TWENTY DAYS AFTER EACH SUCH PAYMENT IS SUBMITTED OR IS DUE,
17 WHICHEVER OCCURS FIRST, THE AUTHORITY SHALL SUBMIT TO THE DIRECTOR OF
18 THE BUDGET AND THE CHAIRPERSONS OF THE FISCAL COMMITTEES OF THE LEGISLA-
19 TURE A REPORT FOR EACH SUCH CITY, TOWN AND VILLAGE SHOWING THE AMOUNT
20 OF COSTS SO CERTIFIED AND THE AMOUNT OF PAYMENTS SO RECEIVED OR DUE. IF
21 A CITY, TOWN OR VILLAGE FAILS TO MAKE THE PAYMENT REQUIRED TO THE
22 AUTHORITY BY THE TWENTIETH DAY AFTER THE DATE SUCH PAYMENT WAS DUE, SUCH
23 CITY, TOWN OR VILLAGE SHALL NO LONGER BE DEEMED A SIGNATORY TO THE
24 AGREEMENT AUTHORIZED BY THIS SECTION ON SUCH TWENTIETH DAY AND THE
25 AUTHORITY SHALL: (I) NOTIFY THE DIRECTOR OF THE BUDGET AND THE CHAIR-
26 PERSONS OF THE FISCAL COMMITTEES OF THE LEGISLATURE OF SUCH OCCURRENCE
27 WITHIN TWENTY-FOUR HOURS OF SUCH DAY; AND (II) BE PROHIBITED FROM ADMIN-
28 ISTERING THE ISSUANCE OF TAXICAB DRIVER PERMITS AND TAXICAB REGISTRA-
29 TIONS AND LICENSES ON BEHALF OF SUCH CITY, TOWN OR VILLAGE.

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

39 4. THE PERFORMANCE BY THE AUTHORITY OF THE PROVISIONS OF THIS SECTION
40 SHALL, FOR THE PURPOSES OF THIS SECTION, BE DEEMED TO BE A FURTHER
41 PURPOSE OF THE AUTHORITY; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL BE
42 PROHIBITED FROM INCREASING OMNIBUS FARES, DECREASING OMNIBUS SERVICE, OR
43 IN ANY WAY CHANGING, MODIFYING, OR ALTERING SERVICES RELATED TO ITS
44 PRIMARY PURPOSE TO CONTINUE, DEVELOP AND IMPROVE TRANSPORTATION AND
45 OTHER SERVICES RELATED THERETO WITHIN THE CAPITAL DISTRICT TRANSPORTA-
46 TION DISTRICT BY RAILROAD, OMNIBUS, MARINE AND AIR AS SET FORTH IN
47 SECTION THIRTEEN HUNDRED FOUR OF THIS TITLE DUE TO ITS PERFORMANCE OF
48 ANY ACT AUTHORIZED OR REQUIRED BY THE PROVISIONS OF THIS SECTION.

49 S 2. Administration of taxicab vehicle registrations and licenses and
50 taxicab driver permits within the Capital District transportation
51 district. 1. The municipal officers and boards in the several cities,
52 towns and villages located within the Capital District transportation
53 district which have adopted identical ordinances regulating the regis-
54 tration and licensing of taxicab vehicles and regulating taxicab driver
55 permits pursuant to section 181 of the general municipal law, with the
56 exception of rates for taxicab service and application, permit, regis-

1 tration and license fees, are each hereby authorized to enter into an
2 agreement with the Capital District transportation authority ("authori-
3 ty") for the authority to administer taxicab driver permits and taxicab
4 vehicle registrations and licenses on behalf of such cities, towns and
5 villages subject to the provisions of this section and section 1307-a of
6 the public authorities law.

7 2. Notwithstanding the provisions of subdivision one of section 181 of
8 the general municipal law, no agreement with the Capital District trans-
9 portation authority shall take effect until a minimum of two cities,
10 towns or villages have adopted identical ordinances as required by
11 subdivision 1 of this section. Subsequent cities, towns and villages may
12 enter into the agreement with the authority provided that their ordi-
13 nances are identical to the ordinances that are already part of the
14 agreement with the authority, with the exception of rates for taxicab
15 service or fees.

16 3. Nothing in this section or act shall be construed to prevent a
17 city, town or village at any time to withdraw from or terminate an
18 agreement to have the authority administer the issuance of taxicab driv-
19 er permits and taxicab vehicle registrations and licenses on behalf of
20 such city, town or village.

21 4. For purposes of this section, the following terms shall have the
22 following meanings:

23 a. "Capital District Transportation Authority" or "authority" shall
24 mean the corporation created by section 1303 of the public authorities
25 law; and

26 b. "Capital District transportation district" or "district" shall mean
27 the area of the state included in the district created and governed by
28 section 1302 of the public authorities law.

29 S 3. This act shall take effect immediately and shall expire and be
30 deemed repealed July 1, 2021.