STATE OF NEW YORK

5537

2017-2018 Regular Sessions

IN ASSEMBLY

February 10, 2017

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

AN ACT to amend the vehicle and traffic law, in relation to pre-arranged for-hire vehicle transportation services and the maximization of energy efficiency, universal design and accessibility by persons with disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "Energy Efficiency Accessible Livery Act".

§ 2. The vehicle and traffic law is amended by adding a new section 1220-d to read as follows:

§ 1220-d. Universal accessibility and energy efficiency in for-hire vehicles. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Pre-arranged for-hire vehicle" shall mean a motor vehicle, designed to carry no more than nine passengers (excluding the driver), that is used in the business of transporting passengers for compensation on a pre-arranged basis, and operated in such business under a license or permit issued by a licensing jurisdiction. The term "pre-arranged for-hire vehicle" shall apply to vehicles as defined in this paragraph regardless of any other provision of local law or rule defining or describing such vehicles by any other terms such as livery, taxi, black car, or luxury limousine.

(b) "Pre-arranged for-hire vehicle owner or operator" shall mean the registered owner of a pre-arranged for-hire vehicle, or a duly licensed driver designated by such registered owner or operator to operate the registered owner's or operator's pre-arranged for-hire vehicle as the registered owner's or operator's authorized designee.

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

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(c) "Universal design" or "universally designed" shall mean the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

(d) "Energy efficient vehicle" shall mean vehicles that are petroleum-alternative vehicles using petroleum-alternative fuels; hybrid electric vehicles; or conventional gasoline vehicles achieving an average fuel economy of at least thirty-five miles per gallon.

(e) "Accessible vehicle" shall mean a vehicle that:

(i) complies with the accessibility requirements of the Americans with Disabilities Act of 1990, as amended, and the regulations promulgated thereunder;

(ii) is equipped with a lift, ramp or any other device, arrangement or alteration, so it is capable of transporting individuals who use wheelchairs, scooters, or other mobility aids while they remain seated in their wheelchairs, scooters, or other mobility aids;

(iii) is equipped with an assistive listening system for persons with hearing impairments that is connected with any intercom, video or audio system, when such a system is installed;

(iv) is equipped with standardized signs printed in:(A) braille; and (B) large-print text so that such signs are visible to persons with low vision;

(v) provides sufficient floor space to accommodate a service animal; and

(vi) if powered by a hybrid-electric motor, is equipped with an appropriate device to enable persons who are blind to hear the approach of the vehicle as readily as they can hear a conventional gasoline-powered vehicle.

2. (a) Every pre-arranged for-hire vehicle owner or operator with not more than ten for-hire vehicles shall:

(i) purchase or lease at least one energy efficient, universally designed and accessible vehicle upon its next acquisition of a vehicle after the fifth year from the effective date of the chapter of the laws of 2017 that added this section; and

(ii) ensure that when advertising their services subsequent to such purchase, the availability of energy efficient, universally designed and accessible vehicles is also advertised.

(b) Every pre-arranged for-hire vehicle owner or operator with not less than eleven or more than one hundred for-hire vehicles shall:

(i) purchase or lease energy efficient, universally designed and accessible vehicles when acquiring vehicles until not less than twenty percent of the fleet is energy efficient, universally designed and accessible. In no event shall such fleet have less than twenty percent energy efficient, universally designed and accessible vehicles five years after the effective date of the chapter of the laws of 2017 that added this section; and

(ii) ensure that when advertising their services subsequent to such purchase that the availability of energy efficient, universally designed and accessible vehicles is also advertised.

(c) Every pre-arranged for-hire vehicle owner or operator provider with not less than one hundred for-hire vehicles shall:

(i) purchase or lease energy efficient, universally designed and accessible vehicles when acquiring vehicles until not less than twenty-five percent of the fleet is energy efficient, universally designed or accessible. In no event shall their fleet have less than twenty-five percent energy efficient, universally designed and accessible vehicles

three years after the effective date of the chapter of the laws of 2017 that added this section;

(ii) increase their percentage of energy efficient, universally designed and accessible vehicles to a minimum of fifty percent of the fleet within five years to the effective date of the chapter of the laws of 2017 that added this section; and

(iii) ensure that when advertising their services subsequent to such purchase that the availability of energy efficient, universally designed and accessible vehicles is also advertised.

(d) All pre-arranged for-hire vehicle owners and operators shall maintain the percentages of energy efficient, universally designed and accessible vehicles in their service which, according to their size at any given time, they would have been required to purchase by the specified deadlines under subparagraphs (a), (b) and (c) of this subdivision.

3. Failure to comply with the provisions of subdivision two of this section shall constitute a violation punishable by a fine of not less than fifty dollars and not more than one hundred fifty dollars per day 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 registration, or renewal thereof, under section four hundred one of this chapter. The local and state authorities charged with issuing permits, licenses and registration of pre-arranged for-hire vehicles and shuttle services shall require proof prior to issuance of such permit, license or registration, or renewal thereof, of compliance with the provisions of this section.

§ 3. This act shall take effect one year after it shall have become a law.