

STATE OF NEW YORK

7344

2019-2020 Regular Sessions

IN ASSEMBLY

April 25, 2019

Introduced by M. of A. STECK -- 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 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:

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

3 § 2. The vehicle and traffic law is amended by adding a new section
4 1220-d to read as follows:

5 § 1220-d. Universal accessibility in for-hire vehicles. 1. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

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

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

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

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

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1 (d) "Accessible vehicle" shall mean a vehicle that:

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

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

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

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

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

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

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

23 (i) purchase or lease at least one universally designed and accessible
24 vehicle upon its next acquisition of a vehicle after the fifth year from
25 the effective date of the chapter of the laws of two thousand nineteen
26 that added this section; and

27 (ii) ensure that when advertising their services subsequent to such
28 purchase, the availability of universally designed and accessible vehi-
29 cles is also advertised.

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

32 (i) purchase or lease universally designed and accessible vehicles
33 when acquiring vehicles until not less than twenty percent of the fleet
34 is universally designed and accessible. In no event shall such fleet
35 have less than twenty percent universally designed and accessible vehi-
36 cles five years after the effective date of the chapter of the laws of
37 two thousand nineteen that added this section; and

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

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

43 (i) purchase or lease universally designed and accessible vehicles
44 when acquiring vehicles until not less than twenty-five percent of the
45 fleet is universally designed or accessible. In no event shall their
46 fleet have less than twenty-five percent universally designed and acces-
47 sible vehicles three years after the effective date of the chapter of
48 the laws of two thousand nineteen that added this section;

49 (ii) increase their percentage of universally designed and accessible
50 vehicles to a minimum of fifty percent of the fleet within five years of
51 the effective date of the chapter of the laws of two thousand nineteen
52 that added this section; and

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

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

6 3. Failure to comply with the provisions of subdivision two of this
7 section shall constitute a violation punishable by a fine of not less
8 than fifty dollars and not more than one hundred fifty dollars per day
9 from the date a violation occurred until the date such violation is
10 cured. A violation may also be grounds for revocation or denial of
11 licensing or registration, or renewal thereof, under section four
12 hundred one of this chapter. The local and state authorities charged
13 with issuing permits, licenses and registration of pre-arranged for-hire
14 vehicles and shuttle services shall require proof prior to issuance of
15 such permit, license or registration, or renewal thereof, of compliance
16 with the provisions of this section.

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